

Planning Committee 19.07.2023**Schedule Item 03**

Ref :	225069FUL
Address:	239 Horn Lane, Acton, London, W3 9ED
Ward:	North Acton
Proposal:	Construction of a building ranging in height from 6 to 15 storeys, to provide builders merchants (Use Class Sui Generis) at ground floor level, and 185 self-contained residential units (Use Class C3) and associated amenity space at first floor level and above; hard and soft landscaping works; provision of car and cycle parking; works to provide means of access for both pedestrians and vehicles from Horn Lane and all other works incidental to the development. (Following demolition of existing builders merchants)
Drawing numbers:	<p>1217_GA-100 rev P7 (Proposed Plan – Ground Level); 1217_GA-101 rev P7 (Proposed Plan – Mezzanine); 1217_GA-102 rev P7 (Proposed Plan – Level 01 (Podium Level); 1217_GA-103 rev P7 (Proposed Plan – Level 02); 1217_GA-104 rev P7 (Proposed Plan – Level 03); 1217_GA-105 rev P7 (Proposed Plan – Level 04); 1217_GA-106 rev P7 (Proposed Plan – Level 05); 1217_GA-107 rev P7 (Proposed Plan – Level 06); 1217_GA-108 rev P7 (Proposed Plan – Level 07 and 08 (Podium Level); 1217_GA-109 rev P7 (Proposed Plan – Level 09 and 10 (Podium Level); 1217_GA-110 rev P7 (Proposed Plan Level 11-14 (Podium Level); 1217_GA-113 rev P7 (Proposed Plan – Roof);</p> <p>1217_GE-101 rev P6 (Proposed Elevation – South Elevation); 1217_GE-102 rev P6 (Proposed Elevation – East Elevation); 1217_GE-103 rev P6 (Proposed Elevation – North Elevation); 1217_GE-201 rev P6 (Proposed Elevation – Courtyard South); 1217_GE-202 rev P6 (Proposed Elevation – Courtyard West); 1217_GE-203 rev P6 (Proposed Elevation – Courtyard North); 1217_GE-301 rev P6 (Proposed Elevation – West Gables); 1217_GE-302 rev P6 (Proposed Elevation – East Gables); 1217_GE-401 rev P6 (Proposed Bay Elevation – South Elevation); 1217_GE-402 rev P6 (Proposed Bay Elevation – North Elevation); 1217_GE-403 rev P6 (Proposed Bay Elevation – Courtyard South Elevation)</p>
Supporting Documents:	Planning Statement (DP9, November 2022) with revisions; Affordable Housing Statement (DS2 LLP, November 2022) with Addendum (DS2 LLP, June 2023); Air Quality Assessment (Air Quality Consultants, November 2022); Design and Access Statement (Buckley Gray Yeoman, November 2022) with Addendum (dated June 2023); Biodiversity Net Gain Plan (BMD, November 2022); Circular Economy Statement rev 02 (IN2, 31 March 2023); Daylight and

Sunlight Report (Robinsons Surveyors, 21 October 2022); Ecological Assessment (BMD, November 2022); Ecology Technical Note (BMD, February 2023) Energy Strategy rev 03 (IN2, 6 April 2023); Fire Safety Statement rev 02 (Hoare Lea); Flood Risk Assessment and Surface Water Management Report (ICIS Design, October 2022); Pre-Demolition Audit (Stace, rev 03, dated 23 February 2023); Statement of Community Involvement (Kanda, October 2022); Outline Site Waste Management Plan (Velocity, November 2022); Operational Waste Management Strategy (Velocity, November 2022); Sustainability Statement rev 02 (IN2, 21 November 2022); Framework Travel Plan (Velocity, November 2022); Outline Construction Logistics Plan (Velocity, November 2022); Draft Delivery and Servicing Plan (Velocity, November 2022); Transport Assessment (Velocity, November 2022); Transport Technical Note (Velocity, May 2023); Townscape and Visual Impact Assessment (BMD, October 2022); Whole Life Carbon Assessment (IN2, 21 November 2022); Noise and Vibration Impact Assessment Report (KP Acoustics, ref: 23848.NVA.02, dated 5 June 2023); Technical Note (KP Acoustics, 8 June 2023); L21008-IN2-ZZ-ZZ-DR-M-0001 rev P01 (District Heat Network Plans)

Type of Application: Major

Application Received: 1 December 2022

Report by: Joel Holland Turner

Recommendation: Grant in principle, subject to conditions and a s.106 agreement and Stage II GLA referral and subject to a final decision to grant permission to be delegated to the Head of Development Management following consultation with the Chair of Planning Committee on the basis that any land use planning issues identified by the Health and Safety Executive (HSE) have been adequately addressed.

CONTENTS

Executive Summary:	4
Recommendation:	6
Heads of Terms	6
Site Description:	7
The Proposal:	9
Consultation:	10
Pre- application	10
Public Consultation – Summary	11
External Consultation	16
Relevant Planning Policies:	22

Reasoned Justification:	22
Main Issues	22
Principle of Development	22
Housing Land Supply	24
Mix of Residential Units	25
Affordable Housing	25
Design, Character and Scale	26
Tall Buildings and Impact on Heritage	29
Heritage	34
Impacts on Neighbouring Properties	35
Overshadowing	38
Quality of Residential Accommodation	39
Private Amenity Space	40
Communal Amenity Space, Landscaping and Children's Play Space	41
Transport & Highways	43
Deliveries, Servicing and Waste Management	45
Waste Management	46
Environmental Pollution (Noise, Air Quality and Contaminated Land)	48
Noise and Vibration	48
Air Quality	49
Contaminated Land Issues	49
Energy/Sustainability	49
Whole Life Carbon (WLC), Circular Economy and Water Consumption	50
Flood Risk and Sustainable Drainage	51
Crime Prevention	51
Fire Safety	51
Mayor's Community Infrastructure Levy (CIL)	52
Conclusion	52
Human Rights Act:	52
Public Sector Equality Duty	53
Fire Safety	53
ANNEXE 1	54
Conditions/Reasons:	54
COMPLIANCE CONDITIONS	54
PRE-COMMENCEMENT CONDITIONS	57
PRE-OCCUPATION CONDITIONS	64
Informatives	72

Executive Summary:

The proposed development involves the demolition of existing buildings and structures accommodating the existing Builders Merchant use (Sui Generis) and the construction of a mixed-use building up to 15 storeys in height. The ground floor of the building would have a larger than conventional floor-to-ceiling height, which would also accommodate a partial first floor area, containing administrative rooms for the Builders Merchant at ground floor. Above the Builders Merchant would be residential uses, that would be accessed from a large podium space, containing children's play space, hard/soft landscaping and amenity space areas.

The residential uses would be arranged around four separate cores, referred to on the submitted plans as Lynton Road, Courtyard, Station and Horn Lane Blocks. Collectively, the proposed development would provide for 185 residential units (8 x studio, 91 x 1 bedroom, 74 x 2 bedroom and 12 x 3 bedroom). Of these homes, the development would provide for 35% Affordable Housing by habitable room, and the tenure split, when calculated by habitable room would provide for a 60/40 split in favour of London Affordable Rent over Intermediate housing products. The calculations of affordable housing are similar when calculated on a number of units or floorspace basis, which is outlined within the below report.

The scale and massing of the building provides for a range of heights across the scheme, with the highest element at 15 storeys being located along the railway and close to the Acton Main Line Station. The site is a designated development site under the current Local Plan which envisages the redevelopment of the site for a mixed-use development providing for commercial and residential uses, with the potential for student accommodation also given. Whilst it does not specifically mention that the site is suitable for a tall building, it does make note that any development should "optimise the development potential of the site" and "emphasise the location of this key transportation node (Acton Main Line Station)". It should however be noted that policy LV7.7 of the Ealing Development Management DPD states that "Tall Buildings should be located on specified sites within Acton, Ealing and Southall Town Centres" and "specific locations identified as suitable through the Development Sites DPD".

In the context of the Draft Local Plan, the site continues to be allocated as a development site, as suitable for a residential-led, mixed use development, with indicative heights at the current stage of the local plan mentioned as being 6-18 storeys. The Draft Local Plan also mentions that the "site falls within an area potentially appropriate for tall buildings".

In order to assess the site's suitability for a tall building and to assess the overall bulk, scale and massing proposed, a Visual Impact Assessment has been carried out in accordance Policy D9(C) of the London Plan. In long-range views, particularly from the north, the site sits appropriately within the emerging context of the area, particularly the Friary Park development, with a clear transition on building heights established. When viewed on approaches to the site on Horn Lane, the orientation and siting of the highest element of the scheme emphasises its location adjacent to the Acton Main Line Station in accordance with the site allocation. In shorter range views, the height of the building along Horn Lane would match that of the adjacent Acton House residential building, providing consistency within the streetscape. It is not considered that the proposal would have any substantial harm on any designated heritage assets within the area.

The proposal would significantly improve the pedestrian experience within the area and create a better sense of place. Currently existing on the site is a row of vacant shopfronts that would be demolished. Currently, the building line of these shopfronts projects significantly further forward than the neighbouring Acton House, creating a narrowing of the footpath in this location. The removal of these

existing buildings would allow the building line of the proposed development to be further setback, to match that of the adjacent Acton House. This would widen the footpath in this particular location, with improved footpaths, street furniture and trees providing a better relationship with the established built form and significantly humanising the public realm.

The proposed development would be a car-free development for the residential aspect of the scheme with adequate cycle parking space provided and the proposal would be in close proximity to Acton Main Line Station (Elizabeth Line) and local bus services. Future residents would be restricted from obtaining a parking permit and as such, the proposal would encourage modal shifts to more sustainable forms of transportation. Due regard has been given to Active Travel requirements, with financial contributions sought for local pinch points to improve pedestrian connectivity. Whilst there is a small uplift in the number of spaces for the commercial part of the scheme, this is considered acceptable given the nature of the commercial use, which predominantly deals in bulky goods. Deliveries and Servicing arrangements are considered to be acceptable and swept path analyses have been provided showing that the proposed servicing arrangements for both the residential and commercial elements of the development would be adequate.

An important consideration in the assessment of this application is the impact that the proposed development may have on the railway and the industrial uses on the northern side of the railway. Significant concern was raised that the introduction of residential uses to this site may compromise the continued operations of these existing uses. It should be noted that the Development Site allocation seeks the protection of these industrial uses. In addition, Policy D13 (Agent of Change) of the London Plan places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. As such, a revised Noise Assessment has been submitted through the course of the application, which was also reviewed by the Acoustic Engineer for Quattro and DB Cargo. The revised assessment has been submitted and reviewed by Council's Pollution-Technical Officer, who has accepted the findings of the Noise Report and recommended conditions to ensure that appropriate mitigation measures would be achieved. The applicant will also need to submit Post Construction Noise Assessments to confirm that the relevant internal noise standards have been achieved.

The development would integrate a good amount of landscaping within the scheme, providing opportunities for amenity space to be proposed at both podium level, as well as through some rooftop areas. A compliant amount of children's play space would also be integrated into these amenity areas. Shortfalls in amenity space would be secured through financial contributions towards off-site provision at North Acton Playing Fields, along with contributions to the creation and improvement of allotment spaces within Acton.

The proposal would represent a sustainable form of development and Council's Energy Consultant is very supportive of the proposed Energy Strategy. Significant carbon reductions of 69.66% would be achieved through lean and green efficiency measures in line with the London Plan hierarchy and the shortfalls in the zero-carbon context would be offset through a financial contribution to Council's Carbon Offset fund. The performance of the Energy Strategy will be monitored to ensure that the predictions will be achieved, and monitoring will be undertaken by Emergence on behalf of LB Ealing.

Overall, the development is considered to fully optimise the opportunity that this underutilised site in a central location brings, delivering additional housing, including affordable housing and provide a more modern space for the Builders Merchant to occupy. The quality of the proposed residential accommodation is considered to be good and will provide good quality living conditions for future residents, subject to conditions. As such, the application is accordingly recommended for approval, subject to conditions, s106 agreement and Stage II referral to the GLA.

Recommendation

That the Planning Committee **GRANT** the principle of development, subject to the satisfactory completion of legal agreements under section 106 of the Town and Country Planning Act 1990 (as amended) in order to secure the items set out below.

The recommendation also includes that the final decision to be delegated to the Head of Development Management, following consultation with the Chair of Planning Committee, on the basis that any land use planning considerations identified by the Health and Safety Executive (HSE) have been adequately addressed.

Heads of Terms

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

Financial Contribution Heading	Proposed Contributions
Education Infrastructure	£250,000
Healthcare provision	£650,000
Transport and Public Realm	£141,000
Travel Plan Monitoring	£6,000
North Acton Underground Station - TfL	£56,888
Public Open Space – North Acton Playing Fields	£58,000
Allotment Garden Improvements	£18,000
Active Ealing (Sports Infrastructure)	£200,000
Apprentice and Local Labour Scheme	£60,000
Air Quality	£56,000
Subtotal	£1,495,888
Carbon Offsetting	£154,868
Post Construction Energy Monitoring	£9,524
Total Contributions	£1,660,280

Heads of Terms

- 35% of units by habitable rooms in the form of 35 units (96 HRs) as London Affordable Rent and 28 units (65 HRs) as Intermediate Housing Products
- Early-Stage Viability Mechanism
- Payment of the above contributions, which are to be index-linked
- Payment of car club membership for all residents for a period of 3 years
- Restoration of roads and footways damaged by construction and restoration of the kerb where necessary
- Agreement under s38 and s278 of the Highways Act in accordance with a specification to be agreed by the Council (for proposed pavement works, street furniture and trees). In addition, the possibility of the gained footpath space to become within Council's adopted road network
- Participation in the Apprentice and Placement Scheme – 15 apprenticeships with 25% Local Labour
- Restriction of Parking Permits – all the units and their occupants shall be precluded from obtaining a parking permit and visitor parking vouchers to park within existing or future CPZs in the area

- Payment of Council's reasonable legal and other professional costs incurred in preparing the s106 agreement
- Administration costs for monitoring the legal agreement

AND

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

Conditions/Reasons and Informatives: refer to Annexe 1

Site Description:

The application site is an irregular shaped plot with an area of approximately 6,380sqm and a frontage to Horn Lane of 33.5 metres. The rear boundary of the site has a boundary with the adjacent railway corridor of 145 metres. The application site to its frontage contains a row of five separate commercial units that are built up to the footpath and are all currently vacant. Set into the site is a large warehouse structure that is currently occupied by a builder's merchant, with access provided to Horn Lane by a wide crossover that provides separate ingress and egress. The current crossover is generally of poor quality and does not provide a clear, separate pedestrian access route.



Figure 1: Frontage of Site showing crossover, Acton House and shopfronts to be demolished.

The surrounding area has a mix of uses and characters, and although the site is not designated as a Town Centre, Horn Lane has a presence of a number of different commercial uses at ground floor level and is designated as a Primary Shopping Frontage. Typically, residential uses are provided at upper floor levels, including at Acton House, which lies to the east of the application site.

The application site adjoins the railway corridor to the north. On the opposite side of the railway there are a number of industrial uses including the Acton Yard, which is a DB Cargo Operational and Service facility. There is also a facility by Quattro, which offer Skip Hire and Waste Management, Aggregate Supply, Ready-mix concrete and Muck-Away. There is also a smaller Scrap Metal Facility.



Figure 2: Industrial activities on northern side of railway

The site is within the vicinity of the Friary Park Estate development, which lies to the east of the site, on the opposite side of Horn Lane (Friary Road). There are also a number of conventional residential areas surrounding the application site, consisting of traditional two-storey homes both to the southwest and southeast of the site.

In terms of restrictive planning designations, the site is located within an allocated Development Site, which is combined with the industrial uses on the northern side of the railway. Under the current Local Plan, the allocated site is referred to as ACT6 and under the Draft Local Plan it is a development site under the designation AC12. The site is also within an area of Local and District Park Deficiency. There are no significant designated heritage assets within the vicinity of the application site.

The site is well-connected to transport services that provide connectivity across the LB Ealing and across London. This includes the Acton Main Line Station, which is part of the Elizabeth Line, as well as high frequency bus services on Horn Lane (Bus Routes 266, 440 and N266) which provide services between Acton Town Hall-Brent Cross Shopping Centre and between Turnham Green-Wembley respectively.

The Proposal

The proposal involves the demolition of all buildings including the existing warehouse structure that is occupied by the Builder's Merchant, Jewson and the vacant commercial premises fronting Horn Lane. The proposal would involve the construction of a building ranging in height from 6 to 15 storeys. On the ground and part first floors (mezzanine), the builder's merchant would reoccupy the space, with a showroom area to the front and materials arranged in racking to the rear. The showroom would continue at the part first floor, as well as storage and back of house facilities such as meeting rooms and offices.

The residential portion of the development would begin at second floor and would be separated from the commercial uses below. Access would be provided to the second floor via an archway on Horn Lane, that would provide stepped access, as well as elevators, to a garden podium area. Each of the individual cores would have primary access from the garden podium, with secondary access, primarily for fire safety purposes to the rear internal road.

A total of 185 residential units would be provided within the scheme, within four separate cores. The plans refer to the cores as the Lynton Road Block, Courtyard Block, Station Block and Horn Lane Block. The heights of each of the cores (including the two levels of commercial space) is outlined below:

Lynton Road Block	8 storeys
Courtyard Block	12 storeys
Station Block	10 and 15 storeys
Horn Lane Block	6 and 7 storeys

The proposal would also include parking for residents holding a blue badge permit, as well as customers of the Builder's Merchant. These would be accessed from an internal access road from Horn Lane, that would wrap around the eastern and northern edges of the building. The internal access road proposed would also provide the necessary 7 metre width to provide access to a triangular Network Rail site to the west.

Consultation:

Pre- application

Design Review Panel	<p>The proposed development was presented to the Design Review Panel on 13 September 2022. A summary of the key points made is provided below:</p> <ul style="list-style-type: none"> - The Panel felt that the building heights and massing were appropriate given the site context. The relationship between the blocks worked well and the presentation of alternative massing options was welcomed; - The deck access assists in providing a good amount of dual aspect units, however noted the challenges in providing generous circulation spaces, defensible space and adequate light; - The co-location of residential uses and the Builders Depot appears to work well; - The overall energy strategy was sound; - The podium garden and its access to residential cores works well; - Archway could be an exciting design element, however details would be needed to ensure that that the space is legible, safe
---------------------	--

		<p>(potential for ASB) and accessible for all;</p> <ul style="list-style-type: none"> - Some rationalisations of the layout of residential units would be required; - Servicing and access strategy has been well considered for the depot use. However, further detail would be needed to determine how the residential servicing and deliveries would be managed. - Redistribution of cycle parking into smaller spaces should be considered; and - Materiality, character and architectural approach is sound - Further details on how the façade facing the railway would perform acoustically would be required.
Community Panel	Review	<p>The proposed development was presented to the Community Review Panel on 26 September 2022. A summary of the key points made is summarised below:</p> <ul style="list-style-type: none"> - The principle of mixed-use development of the site was supported, however some concern was raised regarding the massing and height, particularly of the Station Block, which may be too imposing for the residents of Acton House; - The massing could also be simplified to create a more coherent impression and greater character could be utilised to distinguish the development from similar residential developments in the area; - The number of proposed residents through this development, along with Friary Park, would likely have an impact on local services and infrastructure; - Assurance would be needed that the co-location of commercial space and residential space would not have an impact on safety - Some panel members noted that student accommodation would have been preferable as this would have less of an impact on local services due to its more transitory nature; - Car free development was supported for the residential uses; and - Quality of life for future residents would need to be assured given its proximity to the railway, Horn Lane and the Builders Merchant.

Public consultation was also carried out by the applicant prior to the submission of this application which is outlined within the submitted Statement of Community Involvement. It is, however, noted that two residents, during the statutory consultation carried out by Council, stated that the consultation process carried out was insufficient and one resident noted that their enquiry was not responded to.

Public Consultation – Summary

Neighbour Notification	<p>Public consultation was undertaken by way of site notice and publication within the Ealing Gazette. Consultation commenced on 18/01/2023 and concluded on 08/02/2023. An extensive amount of site notices were placed in a large area surrounding the application site.</p> <p>Twenty-one (21) representations were received, with twenty (20) comments objecting to the proposal and one (1) supporting the proposed development. The image below (Figure 3) shows the locations of those who made representations on the proposal. The representation of support</p>
------------------------	---

is not shown within the image below as this came from a resident within the North Hanwell Ward. It should be also noted that one objection has been discounted, as this objection was made in error on the wrong application, which was confirmed with the resident who made the objection.



Figure 3: Location of representations received.

A summary of the points of objection is provided below:

- Whilst the principle of regeneration in Horn Lane is supported, the proposal would place a strain on local facilities and infrastructure. There are no new schools, doctors being proposed
- Parking issues
- The Builders Merchant should not remain as it causes a lot of pollution from lorries and vehicles
- Question the compatibility with the builders merchant and residential uses
- Development is too high and out-of-character
- Poor air quality in the area
- All highrise buildings are coming to Acton, cant the rest of the Borough share the pain?
- Too many high rise buildings in Acton
- Building work will be noisy and disruptive
- There will be a massive amount of new residents when combined with Friary Park
- Proposal contradicts the climate emergency that was declared by LBE and GLA
- Inadequate consultation
- Inadequate affordable housing
- Not enough family homes
- Insufficient amenity space
- Acton Main Line is already overcongested
- Community is being ripped up by ugly highrises

The one comment in support of the application noted that:

- We are in a severe housing shortage and need more homes

across the Borough and this proposal would achieve that.

Officer Response:

Whilst the concern surrounding the height of the proposed development is acknowledged, the 15-storey element of the residential development has been sited in a way to have the least possible impact on both the townscape and the amenities of surrounding properties. The distribution of height within the development has also been considered through impacts on neighbouring residents, based on BRE Guidance. Whilst the development would rise to 15-storeys for a portion of one of the blocks, the more sensitive parts of the development would range in height from 6-8 storeys. This is in line with Acton House adjacent to the site, which has a height of 7 storeys. The site is also allocated within both the current and draft Local Plans as being a site that would be suitable for redevelopment.

The compatibility of providing residential uses alongside the Builders Merchant has been considered, and subject to conditions, the two uses could reasonably co-exist. Whilst current problems with the Builders Merchant are acknowledged, the proposal would improve the existing situation by providing a more formalised car parking arrangement and ingress/egress arrangements. A Road Safety Audit will also be required and pedestrian access in and around the site will be significantly improved.

In terms of the construction phase of the development, this will be heavily regulated, in terms of noise, vibration and dust emissions by a Demolition and Construction Management Plan, whereby these activities will need to adhere to relevant British Standards, with a Complaints Procedure established.

The sustainability of the site has been heavily considered and has given regard to Council's declaration of a Climate Emergency. The scheme has been assessed by Council's Energy Consultant who is supportive of the Energy Strategy presented.

The quality of the homes, housing mix and amenity space have been assessed and the proposal would provide good amounts of amenity space and high-quality homes. The proposal would deliver a significant amount of affordable housing in a well-located location. Whilst there would only be 12 x 3-bedroom homes within the scheme, it is noted that 4 of these would be within London Affordable Rent tenure, providing some contribution to accommodating families within the Borough. It should also be noted that the projected household size for the Borough is falling, with the GLA estimates showing an average household size of between 2.3 and 2.5 persons in 2026, as outlined within the Ealing Local Housing Needs Assessment Update (2022).

Acton Main Line currently has services operating every 15mins, and the Elizabeth Line now accounts for 1 in 6 journeys within the UK. Whilst existing congestion is the experience of one of the objectors, it is noted that congestion is not limited solely to Acton Main Line, but across the wider network. As an important transport node, it is important to focus

	<p>residential development around such an area for more people to be able to move across London. It is noted that further capacity increases were introduced to the Elizabeth Line in May 2023 and increased services at other stations along the route will likely create additional space on those trains stopping at Acton Main Line. The Elizabeth Line has also suffered through some rail strikes across the network, with 15 strike days between November 2022 and January 2023, which have affected the service.</p>
Network Rail (Interested Party)	<p>Network Rail have responded in two capacities.</p> <p>First, Network Rail have responded in their role as a Statutory Consultee, due to the site being within 10 metres of Network Rail land. This will be dealt with within the External Consultee section below.</p> <p>Second, Network Rail have responded as an interested party looking to temporarily occupy and secure rights over the site in connection with the carrying out of works to Old Oak Common Station. The Old Oak Common Station works include the development of a temporary road rail access point (RRAP) on to the Great Western Mainline (GWML) railway, as well as a permanent RRAP for future maintenance purposes. To facilitate use of the permanent RRAP, in addition to temporary rights over the site, Network Rail seeks a permanent easement across part of the site to allow access to third party land.</p> <p>In the absence of an agreement between Network Rail and the freehold owner of the site, on 17 April 2023 Network Rail made an application to the Secretary of State for an order under the Transport and Works Act 1992 (the TWAo) to facilitate proposed works at the site in connection with Old Oak Common Station. A TWAo is the usual way of authorising a new railway scheme in England and Wales and is determined by the relevant Secretary of State (not the LB Ealing).</p> <p>A TWAo does not in itself grant planning permission and Network Rail have also submitted a request for a direction from the Secretary of State under section 90(2A) of the Town and Country Planning Act 1990 that planning permission be deemed granted for the development to be authorised by the draft TWAo.</p> <p>It must be noted that a TWAo can give rise to objections from people whose property or business is affected. In this instance, the freehold owner (being also one of the applicants) has submitted an objection to Network Rail's proposed scheme. The freehold owner's objection is classed as a 'statutory objection', which the Secretary of State has announced will be considered at a public inquiry.</p> <p>In their response to the application, Network Rail (as an interested party) do not object to the principle of the development, but they do highlight that the timing of the delivery of the applicants' proposed scheme conflicts with Network Rail's own plans to temporarily occupy the site in connection with the Old Oak Common Station works. Network Rail have, however, advised that they welcome the fact that the planning application clearly shows that the proposed development has been designed to</p>

	<p>accommodate a vehicular access route along the rear boundary of the site adjacent to the GWML railway to facilitate Network Rail access to the permanent RRAP and hard standing.</p> <p>Officer Response: The Council acknowledges that Network Rail's proposals to temporarily occupy the site would appear to conflict with the timing of the applicants' proposals for the site. However, the Council's Legal Officers have been consulted and have advised that an active TWAO application would not prevent the Council from issuing a decision with regard to the proposed development, nor would the existence of a pending TWAO application be an adequate or just reason to refuse the application.</p> <p>Ultimately, the TWAO process is entirely separate to the determination of this planning application. It will be a matter for the Secretary of State for Transport to consider whether Network Rail's TWAO proposals should be granted and there will be a public inquiry. This can be a lengthy period.</p> <p>In order to be pragmatic within this unique situation, the Council proposes to extend the time limit for implementation of the permission to 5 years instead of the conventional 3 years. This presents no conflict with s91 (General condition limiting duration of planning permission) of the Town and Country Planning Act 1990, which states at sub-section(1) that every planning permission granted or deemed to be granted shall be granted etc. subject to the condition that the development to which it relates must be begun not later than the expiration of the applicable period (currently 3 years in England) or "such other period (whether longer or shorter) beginning with that date as the authority concerned with the terms of planning permission may direct".</p> <p>The longer time limit would allow for maximum flexibility in terms of implementation of the planning permission and delivery the development, should the Secretary of State approve the TWAO. In this regard, it must also be re-emphasised that, as an interested party, Network Rail do not object to the principle of development. Their concern relates only to the potential conflict in terms of the timing of the delivery of the proposed scheme with Network Rail's plans for the site.</p> <p>A condition has also been recommended should Network Rails TWAO succeed, which would relate to the applicant submitting a phasing plan, in order for certain works to be carried out relating to this permission, whilst Network Rail occupies the site temporarily.</p>
Quattro and DB Cargo	<p>Firstplan, acting on behalf of both Quattro and DB Cargo, submitted an objection to the scheme based on the acoustic assessment that was submitted with the application. It should be noted that the Council's Pollution-Technical Officer also raised concerns with the same acoustic assessment.</p> <p>Accordingly, the applicant's Acoustic Engineer met with the Acoustic Engineer acting on behalf of both entities on-site to work through the issues identified. A Revised Noise Assessment was produced and</p>

	<p>submitted to Council. This Noise Assessment was shared with Firstplan for review (along with Council's own Pollution-Technical Officer). Whilst Council's Pollution-Technical Officer considered the details acceptable, Firstplan advised that they believed there were still some deficiencies within the report.</p> <p>However, having given regard to the recommended conditions relating to noise, they deemed that these conditions would ensure that noise generating activities of the industrial-type uses would be effectively mitigated against. This is in line with the Agent of Change requirements as outlined within Policy D13 of the London Plan.</p>
External Consultation	
Network Rail (Statutory Consultee)	<p>Network Rail have no objections in principle the above proposals, however clarification is needed on a number of details relating to the Noise and Vibration Impact Assessment.</p> <ul style="list-style-type: none"> • The Noise and Vibration Assessment states that due to the acoustic conditions (from the trainline and the builders' merchants), mechanical cooling and ventilation will be used to provide indoor comfort. • Similarly, the Assessment states that Windows are openable to provide purge ventilation. <p>Network Rail sought confirmation that windows on the railway side of the building will not be openable in order to reduce the potential noise disturbance to future residents from the operational railway.</p> <p>We also require clarity that the mitigation proposed is sound in providing sufficient noise reduction especially in relation to the side of the building that faces the railway.</p> <p>Other measures have been outlined with respect to the property's relationship with Network Rail land and have been outlined within the recommended conditions.</p> <p>Officer Response: Whilst generally windows would remain closed, and this the basis to which noise assessments and sound insulation will be carried out, windows to habitable rooms need to be openable, in order to allow for purge ventilation.</p>
Thames Water	<p>The proposed development is located within 15 metres of a strategic sewer. Condition requested for a Piling Method Statement</p> <p>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.</p> <p>Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the</p>

	above planning application, based on the information provided.
Health and Safety Executive (HSE)	Awaiting final response.
Greater London Authority (GLA)	<p><u>Land use principles:</u> The co-location of uses on this non-designated industrial site is acceptable in strategic planning terms.</p> <p><u>Affordable housing:</u> The scheme proposes 36.4% affordable housing by habitable room comprising 60% low-cost rent (106 habitable rooms) to 40% intermediate (72 habitable rooms), with no loss of industrial floorspace capacity. The proposal is eligible for the Fast-Track Route (subject to receipt of confirmation from Network Rail) and this must be secured by s106 Agreement.</p> <p><u>Urban design:</u> The site layout has been designed to appropriately respond to the site context. The height and massing would be generally consistent with the emerging context and site allocation however, in relation to height, the proposals do not comply with Part B of Policy D9 and further assessment against the criteria in Part C of D9 will be carried out at Stage 2. Two staircases are required to all tall buildings (over 30m) in order to demonstrate the highest standards of fire safety in accordance with Policy D12.</p>
Transport for London (TfL)	<p>The public realm around the main entrance should be of high quality and inviting, providing a clear indication that this is the main route in and out for pedestrians and cyclists.</p> <p>Vehicular access is to remain from Horn Lane, with it proposed that this access widen. In line with TfL guidance, it is recommended that any amendments to the highway are supported by a Road Safety Audit (RSA). In line with the Healthy Streets approach, this access should clearly prioritise pedestrian movement over that of vehicles. Any amendments to the highway network should be delivered via a S278 agreement with the appropriate highway authority.</p> <p>A financial contribution of £189,625 should be secured for improvements to North Acton Underground Station</p> <p>336 long-stay cycle parking spaces are proposed, of which nine will be for the B2-B8 use. 11 short-stay cycle parking spaces are proposed for all uses. This quantum is in line with the minimum standards identified within Policy T5. Cycle parking should be designed in line with London Cycle Design Standards (LCDS)</p> <p>End-of-trip facilities should be provided for the commercial use.</p> <p>The residential element of the proposed development is to be car-free, with the exception of disabled person parking provision. This is welcomed subject to a permit-free agreement and appropriate contribution towards reviewing local parking controls being secured.</p>

	<p>A full Delivery and Servicing Plan and Travel Plan should be submitted</p> <p>19 car parking spaces are proposed to be provided for the re-provided builders' merchant, which comprises of the re-provision of 16 spaces for customers and three spaces for operational vehicles. Whilst it is appreciated that will be some operational parking required associated with the builders' merchants, in line with London Plan policy clear justification for the quantum is required.</p>
TfL Safeguarding Engineer (Infrastructure Protection)	<p>London Underground/DLR Infrastructure Protection has no comment to make on this planning application as submitted.</p>
Healthcare (NHS Property)	<p>NHS NW London ICB would request a capital contribution for local Primary and Community healthcare facilities. The ICB (Integrated Care Board) is currently undertaking a feasibility study to review the options for a health centre redevelopment in the Acton area.</p>
National Highways	<p>Given the scale of the development and car-free nature of the residential element, this level of anticipated traffic is not expected to have a material effect on the safety or operation of our network and we raise no objection to the proposal.</p>
British Transport Police Designing Out Crime Unit	<p>There is no objection in principle to the development but due to the likelihood of increased public activity in the vicinity of the railway, and the potential for trespass on the railway to increase, it is felt that the following comments should be brought to the council and developers attention should building works go ahead:</p> <ul style="list-style-type: none"> • Roof terraces and balconies located adjacent to the railway will require parapet at sufficient height to prevent objects being thrown on to the overhead electric lines and tracks. Any debris landing on the railway system has the potential to prevent trains from running. • Railway boundary fencing may need to be replaced with a Class 1 boundary measure, to prevent a fare evasion/trespass desire line between the platforms at Acton Central station and this development, Network rail will be able to provide confirmation. Trespass onto the railway is a criminal offence and serious injury and loss of life can occur should individuals gain access. It can also result in damage to the railway infrastructure and cause long delays to railway services which can not only impact local services but also services many miles away.
Metropolitan Police	<p>Request a condition noting that the development shall achieve Secure by Design Accreditation prior to occupation.</p> <p>A number of potential issues have been identified, including:</p> <ul style="list-style-type: none"> - Concerns regarding the rear car parking area, which would be used by disabled residents and the industrial use proposed at ground floor. Could lead to ASB after hours, due to limited natural surveillance. More segregation between the residential use should be secured and the security gates leading to the rear are should be

	<p>secured at 5pm to limit access to the public.</p> <ul style="list-style-type: none"> - The current postal strategy is not fit-for-purpose, however the Officer notes that the Met Police are having ongoing discussions regarding this matter and will be dealt with by discussions going forward.
Historic England	No objection to the proposed scheme
NATS Safeguarding	The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.
Heathrow Airport	<p>Heathrow Airport have assessed the application against safeguarding criteria and can confirm that they have no safeguarding objections to the proposed development.</p> <p><u>Obstacle Lighting</u> Although it isn't anticipated that the use of a crane at this site will impact Heathrow's Obstacle Limitation Surfaces, Instrument Flight Procedures or Radar. We would like to advise the developer that if a crane is required for construction purposes, then red static omnidirectional lights will need to be applied at the highest part of the crane and at the end of the jib if a tower crane, as per the requirements set out by CAP1096. https://publicapps.caa.co.uk/modalapplication.aspx?appid=11&mode=detail&id=5705</p> <p><u>CAA Crane Notification</u> Where a crane is 100m or higher, crane operators are advised to notify the CAA (arops@caa.co.uk) and Defence Geographic Centre (dvof@mod.gov.uk) .</p> <p>The following details should be provided before the crane is erected:</p> <ul style="list-style-type: none"> • the crane's precise location • an accurate maximum height • start and completion dates
Internal Consultation	
Pollution-Technical (Noise)	<p>Council's Pollution-Technical Officer had concerns as the acoustic assessment submitted with the application was deficient and incomplete. A revised noise assessment was accordingly requested. It is noted that the applicant also met on-site with the acoustic engineers engaged by DB Cargo and Quattro on the opposite side of the railway. A revised assessment was accordingly carried out in conjunction between the two parties.</p> <p>A revised assessment was submitted by the applicant and reviewed by Council's Pollution-Technical Officer.</p>

		<p>The revised assessment showed that there were high noise levels in the surrounding area. These revised noise levels can therefore be used to inform the requirement for sound insulation to mitigate these external noise levels. Council's Pollution-Technical Officer has accepted the conclusions of the revised assessment, subject to further conditions, particularly on the sound insulation of the building envelope and details on the glazing performance, particularly on the elevation facing the railway.</p> <p>The Officer notes that the windows facing the railway would not achieve acceptable internal noise levels when open. However, all windows to habitable rooms would be required to be openable. In this instance, the opening of windows on the railway side of the building would only be appropriate for purge ventilation of habitable rooms facing this direction.</p>
Pollution-Technical (Air Quality)		Requested conditions and contributions toward air quality monitoring and mitigation
Pollution-Technical (Contaminated Land)		<p>The site in question was previously a coal depot, possibly part of the railway network e.g. sidings etc. The underlying ground could be impacted and whilst no residential is proposed at ground level unknowns such as tanks, spills etc. could pose ground gas / vapour risk to future users.</p> <p>Conditions have been recommended</p>
Transport Services	Planning	<p>The following measures are to be introduced by using section 106 agreements.</p> <ol style="list-style-type: none"> (1) Contributions towards accident remedial schemes, review and introduce controlled parking zones, and improve pedestrian and cycle infrastructure near the vicinity of the development, (2) A detailed Demolition and construction method statement is also required. (3) To secure an approved travel plans by way of a S106 agreement and contribute £3,000 for each development to monitor the travel plan, The total cost of travel plan monitoring will be £6,000. (4) A section 106 agreement denying parking permits to the existing or any new controlled parking zone near or in the proposed development, (5) Explore the possibility of providing car club bays on the proposed application site or nearby roads. These car club bays should be accessible by the public. Provide free 3-year car club membership to all the residents of the development, (6) The applicant should provide cycle parking spaces for the proposed development in accordance with the GLA cycle parking standards. The applicant should provide a drawing showing all the cycle parking spaces. (7) The applicant should provide disabled car parking spaces for the proposed development in accordance with the GLA car parking standards. If they can't provide on the application site, the applicant should contribute £3,000 for each disabled car parking spaces. The applicant should provide a detailed drawing showing disabled parking spaces.

	<p>(8) The service and parking management plans need to be provided for the development,</p> <p>(9) The carriageway & footway on Horn Lane are required some changes due to this proposed development. Therefore, 'stopping up' order and a highways S38 agreement may be required with the condition that it will be constructed to LBE adoption standards. Any works on the existing adopted highway will require a Highways S278 agreement. Therefore, the applicant should sign section 38 and section 278 agreement to carry out the work outside of the development site.</p>
Waste and Street services	No comment received.
Economic Development Officer	Requested participation within the Local Labour Scheme and the Apprentice Placement Scheme with financial contributions.
Education Services	Requested a s106 financial contribution towards local education infrastructure.
Energy Consultant	<p>The Council is very supportive of the energy strategy produced by IN2 Engineering Design Partnership in November 2022 (version 2). The development is all electric and designed to a very high carbon efficiency standard.</p> <p>PV has been maximised with four biosolar arrays located above the green roofs on the main blocks with a combined capacity of (approx) 92.5 kWp.</p> <p>The Council confirms that there is no available "Clean" district heat network (DHN), and no further research is required on this issue.</p> <p>An <u>Overheating</u> Analysis report with proposed mitigation measures has been submitted. The analysis assumes full mechanical ventilation and heat recovery (MVHR). It is compliant with Part O (TM59), and all rooms pass the mandatory DSY1 weather scenario modelling for criteria (a) and (b), as well as the far more intense (but non-mandatory) DSY2 (2003) and DSY3 (1976) data files – which is a significant achievement. The commercial space (builders' merchant) will be expected to submit their own Overheating Assessment when applicable, and this requirement will be conditioned.</p> <p>At the current design stage the overall site-wide CO₂ emissions will be cut by at least 69.66%, with 15.42% carbon reduction through "Lean" efficiency measures, and 54.54% through "Green" renewable energy.</p> <p>There is a shortfall of 1,630 tonnes CO₂ (over 30 years) in the zero-carbon that will be mitigated through an "offset" S106 payment at £95 per tonne to the Council of £154,868.</p> <p><u>Whole Life Carbon</u> and <u>Circular Economy</u> strategies have been submitted in support of the Application.</p> <p>The WLC strategy produced by IN2 Engineering Design Partnership in November 2022 (v2) confirms that the development is compliant with the GLA Benchmarks and exceeds the Aspirational target.</p>

	<p>The <u>Circular Economy</u> statement produced by IN2 Engineering Design Partnership in November 2022 (v1) confirms that the development will be compliant with the London Plan targets of diverting 95% of demolition and construction waste from landfill, putting 95% of excavation materials to beneficial on-site use, diverting 65% of Operational Waste from landfill by 2030, and using a minimum of 20% of building materials from recycled sources.</p> <p>A <u>Water Consumption</u> compliance assessment has been submitted using BRE approved software that confirms the development will meet the regulation target of 105 litres/person/day.</p>
Landscape Architect (Leisure and Parks)	<p>A total of 2775 m2 private amenity space will be required. The Development will provide 2340 sqm of private amenity space in the form of</p> <ul style="list-style-type: none"> • 1,660m2 of open space within the podium garden; • 680m2 of open space on the roof terraces; • Total of 2,340m2 accessible communal garden space. <p>This means the development is short of amenity provision by 435m2. S106 contribution required</p> <p>A total of 614.1m2 of dedicated play space is required for a development of this size. This development provides a total of 755m2 of play provision and so exceeds the required amount.</p> <p>Ealing policy in the DPD document page 22 states that 1.7m2 of allotment space is required per person. This means a total of 622.97.7m2 is required within this development. As none has been provided a section 106 contribution will be required.</p>
Active Ealing	<p>A financial contribution has been requested to improve local access to sporting facilities.</p>

Relevant Planning Policies:

The policies relevant to this application are listed in the informative section of the recommendation toward the end of this report.

Reasoned Justification:

Main Issues

The main issues in assessing this proposal are the principle of residential redevelopment of an existing employment site, the quantum and density of development, the design and impact on the character and appearance of the area, the scale and height of the proposed buildings and their relationship with surrounding properties, the impact on amenity of adjacent uses, the quality of internal living environment for residents, the transport impact of the development, sustainability and energy aspects. Other issues to be considered include housing mix and affordable housing, crime prevention, accessibility, refuse and recycling storage, drainage, fire safety and the Community Infrastructure Levy.

Principle of Development

The application site forms part of Site Allocation ACT6 under the current Development Sites DPD. This development site includes the Acton Main Line Railway Station and is bisected by the railway that defines separate uses. The northern side of the railway seeks the retention and safeguarding of the aggregates and waste transfer facility on the northern side of the railway and on the southern side of the railway, inclusive of the application site, identifies the potential for the introduction of commercial and residential uses, with potential given for student accommodation.

The Draft Local Plan designates the site as within Allocation AC12 (Acton Crossrail Station and Sidings) and builds on and provides additional clarity on the potential redevelopment of the site. This allocation refers to the retention or relocation of the waste and aggregate capacity on the northern side of the railway, with the application site on the southern side of the railway allocated for a residential-led, mixed-use development with the possibility of community space and ground floor retail. Worthy of note is that the Draft Local Plan states that the site falls within a potential area appropriate for tall buildings, with an indicative height of 6-18 storeys given.

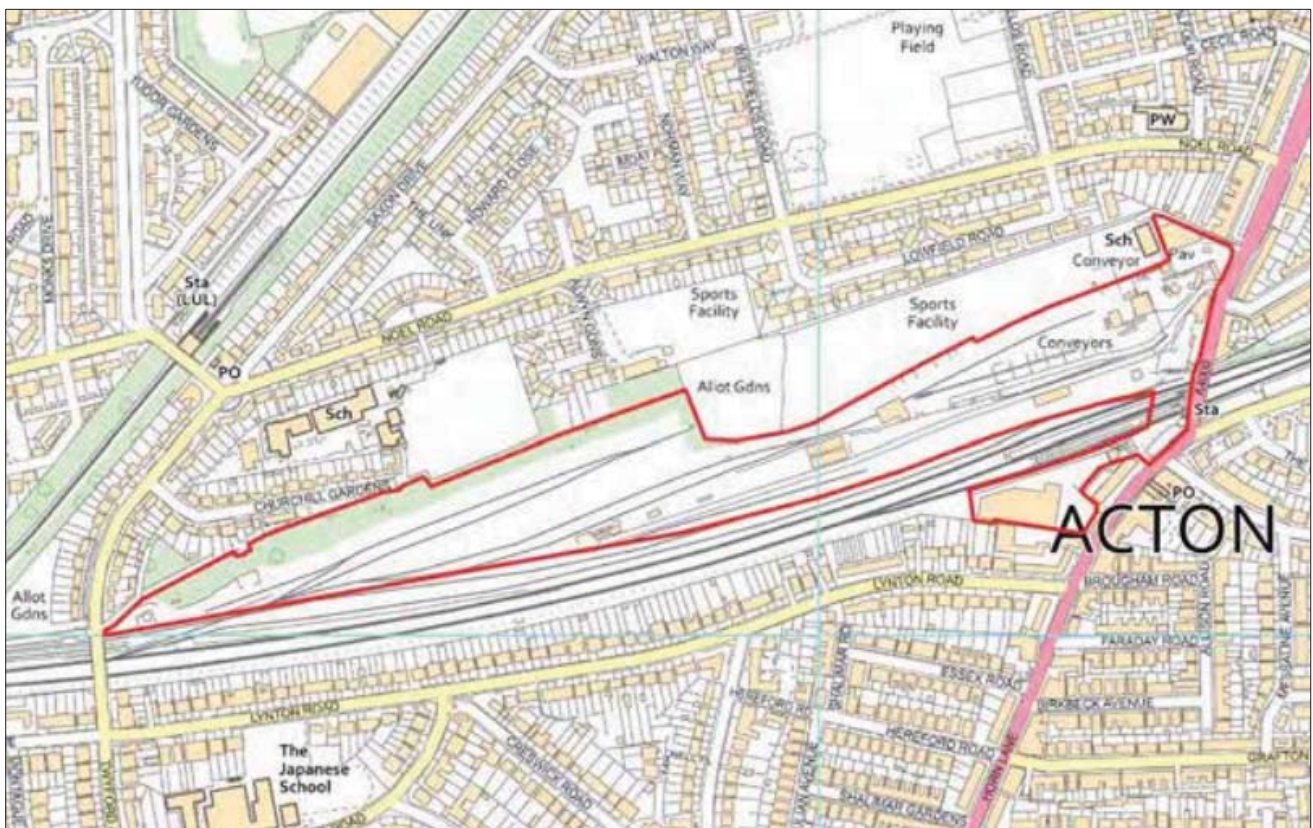


Figure 4: Extent of Development Site AC12 under the Draft Local Plan and ACT6 under the current Local Plan

The proposal would constitute a residential-led scheme that proposes a significant introduction of residential uses to the site, that exploits the site's proximity to the Acton Main Line Railway Station on the Elizabeth Line and its access to existing commercial uses on Horn Lane (which form part of a Primary Shopping Frontage). This comprehensive redevelopment would introduce elements of height, with the tallest element directed towards the railway station, reaching up to 15 storeys. The proposed heights would therefore be consistent with the indicative heights given within the Draft Local Plan.

The proposal would constitute a mixed-use development and would retain the existing builder's merchant on the site. The existing facility and occupant are well-utilised by the local community and businesses and wish to retain a presence within the site. As such, the ground floor and a part-first floor would accommodate the retention of the use within the development. A showroom would be orientated toward the front of the site to provide an active frontage to Horn Lane. This would ensure that the building positively engages with the street and contributes positively to the Primary Shopping Frontage, with particular improvement on the existing situation.

The existing builder's merchant is setback well into the site with a poor-quality vehicular access point to Horn Lane. There are five separate commercial units on the Horn Lane frontage that would be demolished as part of the proposal. However, these existing commercial units are long-term vacant, and their significant forward projection is at odds with the prevailing front building line within the street. The removal of these commercial units would have a more positive impact on the street scape, by providing a more consistent building line with Acton House and give way to a wider public realm that would improve access in and around the area.

In addition to the allocation of the site under the Development Sites DPD and the Draft Local Plan, the proposal presents a logical opportunity to optimise the site to increase housing opportunity within a highly accessible and desirable location. Its proximity to the high frequency services on the Elizabeth Line, as well as local bus services would encourage more sustainable forms of transportation for future residents. The principle of a tall building on the site is accepted, given the proximity to the site to the emerging development of North Acton and Friary Park, as well as the site's allocations under the current and draft Local Plans. Further consideration to tall buildings and the proposed development's visual impact is provided within the report below.

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:

- assets of particular importance, such as for example, heritage, environment, flood risk, ecology, protected countryside, provide a clear refusal reason or
- 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. This would include policy aims of the National Planning Policy Framework (NPPF).

Mix of Residential Units

As indicated in the table below, the proposed development would provide for a healthy mix of housing-types with a mix of 1, 2 and 3 bedroom units.

Housing Type	Quantum	Percentage
Studio	8	4.3%
1-bedroom	91	49.2%
2-bedroom	74	40%
3-bedroom	12	6.5%

Table 1 – No. of Units by Size

Affordable Housing

Policy H4 of the London Plan outlines a strategic target of 50% of all new homes delivered across London to be genuinely affordable, with all major developments required to provide affordable housing in line with the threshold approach, as outlined by Policy H5. As outlined by Policy H5, the policy requires a minimum of 35% affordable housing to be delivered within major schemes in order to follow the 'fast-track route'. This requirement under the threshold approach is calculated on the basis of habitable rooms (HR). As outlined within the table below, the proposal meets the 35% requirement on a HR basis.

Housing Type	No. of units	Percentage (%)	No. of HRs	Percentage (%)
Private	122	65.9%	299	65%
Affordable Housing	63	34.1%	161	35%
TOTAL	185	100%	460	100%

On a floorspace basis, the proposal also provides for 35%, as outlined by the table below:

Housing Type	NIA	Percentage (%)
Private	81,461sqm	64.6%
Affordable Housing	44,649sqm	35.4%
TOTAL	126,110sqm	100%

In terms of the type of affordable housing proposed, this is referred to as the 'tenure split'. As outlined by Policy H6 of the London Plan, this should be provided at a minimum of 30% low cost rented homes (London Affordable Rent, Social Rent), 30% intermediate (London Living Rent, Shared Ownership) and the remaining 40% be determined at the Borough level, based on identified need. Based off Policy 3A of the Ealing Development Management DPD, Affordable Housing should have a tenure split of 60/40 in favour of low-cost rent products over intermediate products. It is also noted that the Draft Local Plan is seeking an uplift in the amount of low cost rented products to provide a tenure split of 70/30.

The proposal would deliver a tenure split that is compliant with Policy 3A of the Ealing Development Management DPD. This is detailed within the table below:

Housing Type	No. of units	Percentage (%)	No. of HRs	Percentage (%)
London Affordable Rent	35	56%	96	60%
Intermediate	28	44%	65	40%
TOTAL	63	100%	161	100%

As per the applicant's Affordable Homes Statement, the 'low-cost rent homes' will be let at London Affordable Rent levels. On the basis of floorspace, the tenure split achieves a similar outcome, with a split of 60/40.

Housing Type	NIA	Percentage (%)
London Affordabel Rent	26,802sqm	60%
Intermediate	17,847sqm	40%
TOTAL	44,649sqm	100%

In terms of the mix of housing within affordable tenures proposed, the proposal would provide a good mix of affordable homes for Ealing residents, this is summarised within the table below:

Housing Type	London Affordable Rent	Intermediate
Studio	0	1
1 bedroom	13	17
2 bedroom	18	10
3 bedroom	4	0
TOTAL	35	28

Overall, the proposal represents a good quality affordable housing offer, that will contribute positively to Council's affordable housing stock and provide additional opportunity for local residents to secure a good quality, affordable home within the Borough.

Design, Character and Scale

Section 12 of the NPPF, London Plan Policies D1, D3 and D4 of the London Plan (2021) and Ealing Local Variation Policy 7.4 and Policy 7B of the Ealing Development Management DPD (2013) require new buildings to complement their street sequence, building pattern, scale, materials and detailing and to have high quality architecture. New buildings should also conform to the height, scale and proportions of existing forms of development within the immediate area, in order to define a sense of place.

The NPPF demands that development shall achieve well designed spaces and encourages early engagement with Council's to develop designs that respond positively to the local area to create "high quality, beautiful and sustainable buildings". Similarly, Policy D4 of the London Plan states that developments should be given scrutiny at an early stage through the use of Design Review Panels (DRPs), which has occurred in this instance. The applicant has also sought advice from the GLA through their pre-application process prior to submission.

The application site is currently in a poor condition, which includes a number of commercial/retail units that project further forward within the street than the prevailing urban form. The warehouse-style architecture of the existing builder's merchant on the site also does not possess any significant amount of architectural merit. The demolition of the existing buildings to accommodate the proposed development is accordingly supported in principle.

The redevelopment of the site also presents the opportunity to rationalise the building lines within the street, by establishing a consistent building line with the adjoining properties and provide for an enhanced pedestrian experience. This includes new paving of the footpath, with street trees, landscaped areas, seating and short-stay cycle parking integrated into the public realm along Horn Lane. The paving along the street would continue into the development, allowing the footpath to blend in with the proposed development.



Figure 5: Horn Lane Streetscape Improvements

An attractive and inviting archway feature would act as the primary access point for residents, that would lead to stairs (and elevators for those with limited mobility) which would reach a large and well-landscaped podium level. The front façade would also include a two large glazed areas along the frontage, providing a positive integration with the commercial uses of the building and the street. The front façade of the building, as seen from Horn Lane, would also provide a good degree of variation and articulation, with regular window patterns and inset balconies, including angled, corner inset balconies at its south-eastern edge. The front part of the building would also generally match the height of the adjacent Acton House to the north-east.



Figure 6: Artists Impression of Proposed Archway Entrance and Staircase/Lifts to Podium



Figure 7: Horn Lane frontage of the Proposed Development

The residential units would be distributed around four separate cores, with primary access being from the central podium square. The massing of the building would be broken through the intelligent arrangement of different heights and footprints, elevational patterns, colour tones and materiality. The massing of the building would be pushed as far as possible to the railway line to reduce the visual impact from Horn Lane, as well as neighbouring residential streets, including Lynton Road.



Figure 8: Aerial Image of Proposed Development

Tall Buildings and Impact on Heritage

Policy D9 of the London Plan, as advised above, addresses requirements for tall buildings, which in conjunction with Policy LV7.7 of the Ealing Development Management DPD defines a tall building as those that are “substantially higher than their neighbours and/or which significantly change the skyline”. Policy D9 also reiterates that a tall building is considered in accordance with its local context rather than a broad definition for the whole of London, however a tall building would generally not be considered as such when it is less than 6 storeys.

The Draft Local Plan Policy D9 goes further in defining what constitutes a tall building in different zones/areas within the Borough. In the context of the Draft Local Plan, the site would fall within area A4, which sets a tall building at a height of 49 metres or 14 storeys. Emerging planning policy states that tall buildings should be located on allocated sites, however it must be noted that the Draft Local Plan states that Development Site AC12 has the potential for a tall building up to 18 storeys. The current Development Sites DPD does not define an appropriate height for this Development Site.

Policy D9(B) of the London Plan states that tall buildings should be located on allocated sites. Whilst under the current Local Plan it does not specifically state that Site ACT6 is designated for a tall building, within the site’s current designation, the allocation does acknowledge the potential of the delivery of a “high density, high quality mixed-use development” and that “designs should optimise the

development potential of the site". When referencing height, the current allocation emphasises that "care should be taken with the height and massing of buildings to ensure that the amenity of existing residential properties is preserved and that new buildings sit comfortably within the prevailing scale of the surrounding built form". It should be noted that since the publication of the current Development Sites DPD, the built form has significantly changed with the approval and construction of a number of schemes, including Friary Park and various schemes in North Acton.

Whilst the Draft Local Plan gives guidance on the emerging policy context and under this context, the proposal would comply with the objectives of Policy D9(B), it is important to undertake a Townscape and Visual Impact Assessment of the proposal, in accordance with Policy D9(C). In determining the most appropriate short-, medium- and long-range views, a Zone of Theoretical Visibility assessment has been carried out. This assessment, as shown below, demonstrates that the highest degree of visibility is from the north and within the immediate confines of the application site, with visibility generally not greater than 1km. Lower levels of visibility are experienced along the main Horn Lane road-corridor and along the railway in an easterly direction.



Figure 9: Zone of Theoretical Visibility

In the context of long-range views, the proposed development can be seen clearly within the same frame as Friary Park, where substantial redevelopment and regeneration is occurring to the east of the site. Whilst the below view, from North Acton Playing Fields, shows low level development in the foreground, the proposal is of a height that steps down from the higher level of buildings to the east (Friary Park). The proposal is considered, therefore, to be a coherent form of development that is appropriate to the emerging built form within the area.

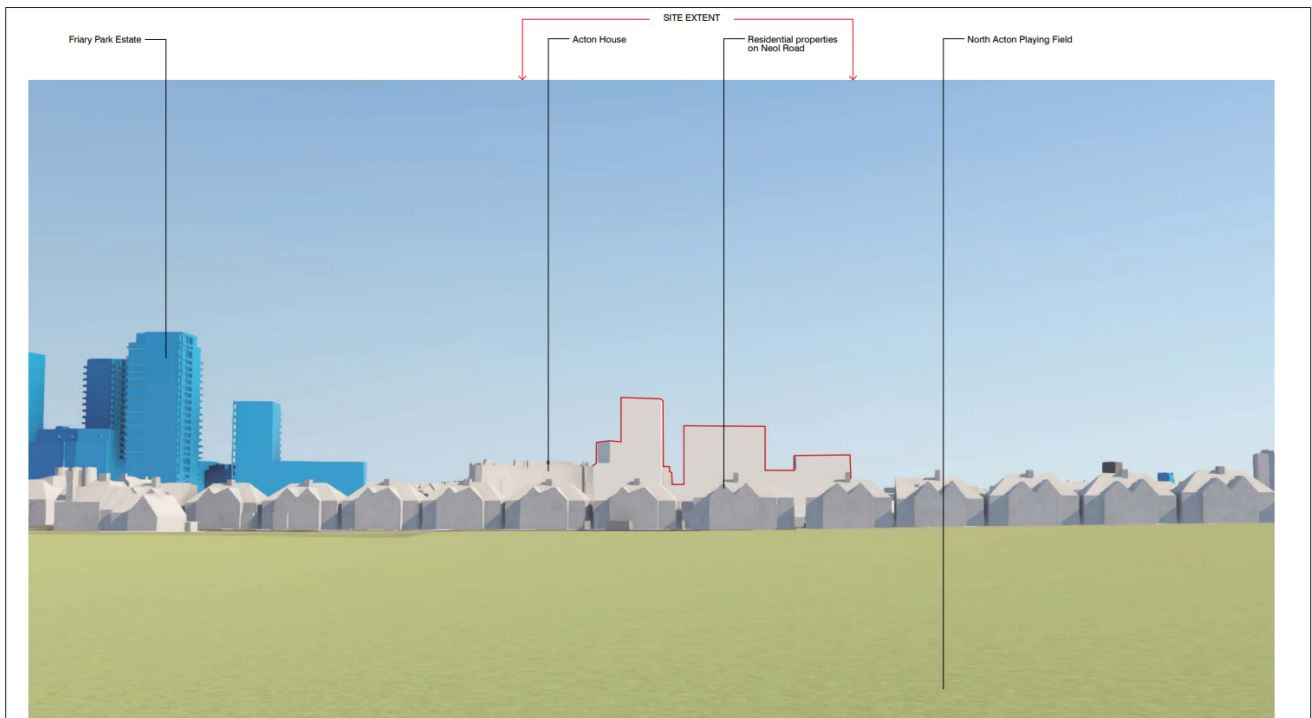


Figure 10: Long Range View from North Acton Playing Fields

On Horn Lane, between its junctions with Noel Road and Cecil Road, to the north of the site, the higher elements of the development can be seen. However, a good amount of the bulk of the building is clearly obscured from view with different elements of the built form. The transition in heights up from the existing Acton House at 7-storeys represents a coherent evolution of the massing in this location.



Figure 11: View from Horn Lane (Between Cecil Road and Noel Road)

Views along Lynton Road, to the south of the site are also taken into consideration and it is noted that the closer to the site along Lynton Road, the proposal does become more prominent, particularly in the context of the prevailing two-storey homes along this road. However, the greater heights of the proposed development are orientated the furthest from these properties, giving the proposal a greater sense of depth and reducing the visual impact that will be experienced within the streetscape. The closer views of the site on Lynton Road can also be seen within the existing context of Acton House and the emerging context of Friary Park. In longer range views on Lynton Road, a significant portion of the mass is obscured by significant amounts of established street vegetation.



Figure 12: Lynton Road Looking East (Viewpoint 1)



Figure 13: Lynton Road Looking East (Viewpoint 2)

On Emanuel Avenue, which runs along the southern end of Friary Park, the higher elements of the building can be seen above to ridge line of the predominantly two-storey dwellings within the street. Whilst the higher elements can be seen, the visual impact of the additional height will be reduced given that the main height of the building will be set deep into the application site behind the existing Acton House.



Figure 14: View from Emanuel Avenue

Various other viewpoints within the residential areas on both the eastern and western sides of Horn Lane were also tested and show the proposed development in complete obscurity or with only momentary glimpses of the proposal. This is in line with the Zone of Theoretical Visibility as shown in Figure 9.

The most prominent view of the proposal will be from the railway bridge over Acton Main Line Station. This view is most prominent due to the lower scale of surrounding buildings and the fact that the main mass and height of the proposal has been orientated towards the railway. Whilst there would be a notable visual impact in this location, it must be acknowledged that the Acton Main Line Station has become an important transport node with the introduction of the Elizabeth Line and the additional height and massing assists in reinforcing this location as an important hub for transport, as well as a commercial centre within Acton. The building heights also share a design relationship through the distribution of height and massing through the proposed development with the adjacent Acton House, which also appears within this view.



Figure 15: View from Acton Main Line Bridge

Heritage

Tall buildings can also have an impact on designated heritage assets within the vicinity of the site, which reinforces the importance of the Townscape and Visual Impact Assessment outlined within Policy D9 of the London Plan.

The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the statutory duties for managing designated heritage assets in planning decisions. In relation to conservation areas, a local planning authority must pay special attention to “the desirability of preserving or enhancing the character or appearance of that area”. Government guidance on how to carry out those duties is found in the National Planning Policy Framework (NPPF). At the heart of the framework is a presumption in favour of ‘sustainable development’ of which protecting and enhancing the historic environment in a manner appropriate to its significance is established as an environmental objective.

Section 16 of the NPPF sets out how the historic environment should be conserved and enhanced and makes it clear at Para 193 that when considering the impact of a proposed development on a heritage asset, local planning authorities should give ‘great weight’ to preserving the asset’s significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 states that where there is less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy HC1 of the London Plan (2021), states that development should conserve heritage assets and avoid harm, which also applies to non-designated heritage assets. Policy 7C of the Ealing Development Management DPD also states that development within of affecting the setting Conservation Areas should retain and enhance characteristic features and avoid undermining the significance of the Conservation Area. In addition, as stated within Policy LV7.7 of the DPD, tall buildings can have a greater impact on their surroundings and the Borough, including the heritage context and local heritage assets and must be held to higher standards.

In terms of the impacts on heritage, there are no significant heritage assets, designated or local, within the immediate vicinity of the application site. In a wider context, there are some heritage assets, such as 43 Lynton Road (local heritage asset), Peace Haven and Torkington House on Creswick Road (local heritage assets). The eastern edge of the Creffield Conservation Area is approximately 700m from the application site and the West Acton Underground Station (Grade II Statutory Listed Building) and the Hanger Hill Garden Estate Conservation Area lie approximately 850m from the application site to the north-west.

However, given the distance of the application site from these surrounding heritage assets, the proposed development is not materially visible and accordingly would constitute no harm to any designated heritage assets. This is evidenced by the Townscape and Visual Impact Assessment that has been carried out.

Impacts on Neighbouring Properties

Policy 7B of the Ealing Development Management DPD seeks to ensure that new residential development does not materially harm the living conditions of neighbouring properties. Policy D6 of the London Plan (2021) also requires that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space. The Draft Local Plan Policy DAA makes clear that the responsibility for mitigating any adverse impacts upon neighbouring properties lies with the new development and that development should “protect sensitive uses, within or outside the development, provide good levels of daylight and sunlight and privacy”.

The properties that are most likely to be impacted by the proposed development are those within Acton House, as well as properties on Lynton Road. However, as the application site is located in a generally northward direction of properties on Lynton Road, impacts relating to daylight, sunlight and overshadowing are expected to be minimal. Daylight and Sunlight Assessments in accordance with BRE Guidance have been carried out for the following properties.

- 186 & 188 Horn Lane
- Aspen Court
- Pegasus Court
- Acton House
- Fells Haugh
- Springfield Court
- 1-3, 4, 5, 6 and 7 Lynton Road

VSC (Vertical Sky Component) is a measurement used to calculate daylight to surrounding properties. This guidance suggests that where the VSC at the centre of a window is less than 27%, as well as 0.8 times its former value, daylight to such a room would have a noticeable impact. NSC (No Sky Contour) and DD (Daylight Distribution) are also useful tools in determining impacts on daylight to existing properties. NSC is a measurement of the point, where sky is no longer visible through a window and a 20% reduction is acceptable. An aspirational target for DD is 80%, with a more realistic target of 50%

within urban environments. It must be noted that BRE Guidance is only guidance, and non-compliance does not inherently mean that a proposed development would be unacceptable. A better yardstick is to determine the degree to which windows within the surrounding area would be impacted. The image below shows the proposed development in the context of the windows that have been tested against BRE Guidance.



Figure 16: Rear Elevation of Acton House

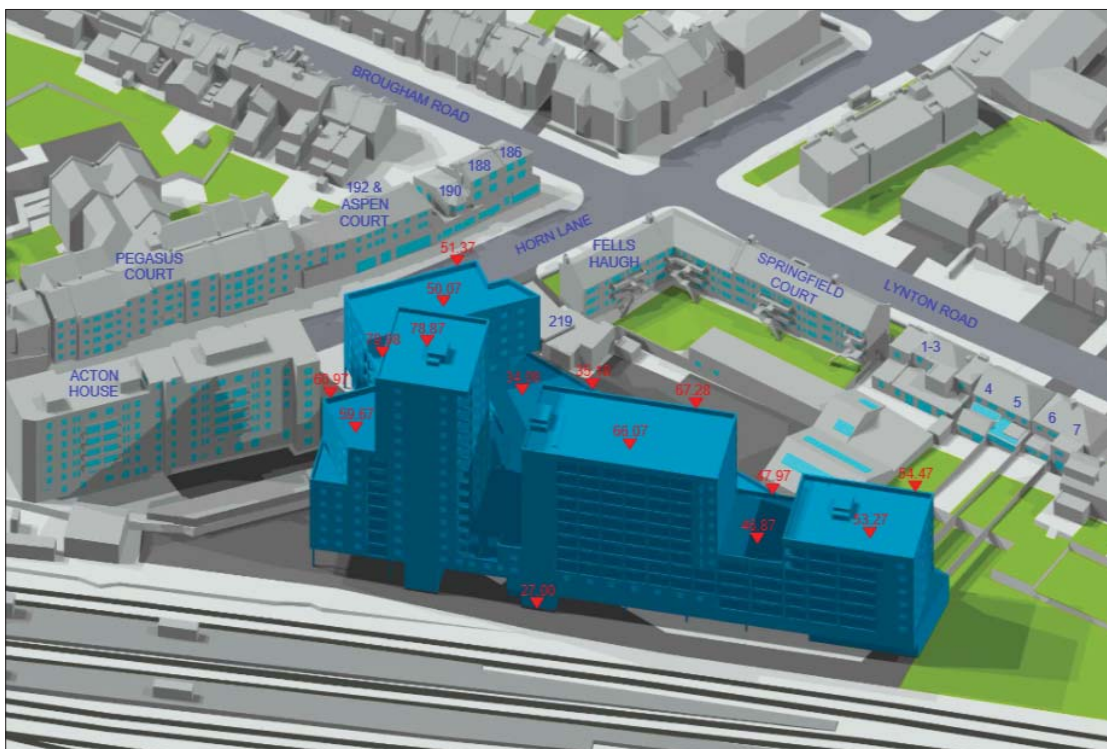


Figure 17: Proposed Development with windows tested against BRE Guidance

The table below presents a summary of the results.

186 and 188 Horn Lane	Of all relevant windows tested, all meet BRE Guidance
Aspen Court (192 Horn Lane)	<p>26 windows were tested. There would be shortfalls within 20 of these windows. However, 18 of these 20 windows would have VSCs between 20% and 27%.</p> <p>DD assessments show ranges from 48.67% to 77.31%, with the majority being above 70%. All rooms except for 2 would meet the realistic target of 50% for urban locations.</p>
Pegasus Court (194 to 210 Horn Lane)	<p>71 windows were tested. There would be shortfalls within 23 of the windows tested. The windows tested would achieve rates between 16.08% and 23.56%</p> <p>There would be shortfalls within 29 rooms under the DD assessment ranging from 16.76% to 65.54%.</p> <p>Whilst these figures show shortfalls, these rooms are particularly sensitive to light loss given that the Pegasus Court faces the application site in a westerly direction and the site is significantly underdeveloped. Any comprehensive redevelopment of this site would likely lead to higher changes in relative daylight.</p>
Acton House	<p>124 windows were tested and 116 rooms. VSC tests show that there would be shortfalls to 46 windows, however this constitutes 26 rooms when taking into account dual aspect rooms. VSC shortfalls range from 15.8% to 26.95%, with the majority above 20%</p> <p>Under the DD assessment, 11 rooms would fall short of overall requirements. However, in considering the realistic target of 50%, this would reduce to 4 rooms.</p> <p>Again, given the low level of development on the application site currently, these windows are susceptible to larger than usual swings in relative daylight.</p>
Fells Haugh	27 windows and 18 rooms were tested. There were shortfalls to 11 of these windows. The

	impact on these properties would however be compliant with the strict DD guidance.
Springfield Court	<p>60 windows and 42 rooms were tested. There would be shortfalls on 58 of these windows. Shortfalls would range from 0.91% to 26.48%. However, the most severely impacted windows are experienced from the presence of balconies on their respective elevations. BRE Guidance advises that in such instances, balconies may be removed, and in such instances, the relative VSCs increase to 15.94% to 26.91%, with the majority being 25% and above.</p> <p>Under DD criteria, only 1 room falls short of strict BRE Guidance. Removing the balconies from the elevation makes all flats comply with DD criteria.</p>
1-3 Lynton Road	<p>16 windows to 10 rooms are assessed. There are shortfalls to 3 windows, with the shortfalls ranging from 19.61% to 25.98%.</p> <p>DD assessments show that 1 room would fall below the strict criteria of 80%, however would provide 62.67%, which is comfortably in line with realistic targets for urban locations.</p>
4 Lynton Road	<p>6 windows and 2 rooms tested. VSC shortfalls in 4 windows ranging from 21.84% to 26.83%.</p> <p>All rooms compliant with DD criteria.</p>
5 Lynton Road	<p>10 windows and 2 rooms tested. 1 window would have a shortfall against VSC criteria of 19.71%.</p> <p>All rooms compliant with DD criteria.</p>
6 Lynton Road	<p>5 windows and 3 rooms tested. Shortfalls to 3 windows ranging from 24.46% to 25.73%.</p> <p>All rooms compliant with DD criteria.</p>
7 Lynton Road	<p>2 windows to 2 rooms tested. All compliant with VSC and DD criteria.</p>

Overshadowing

BRE Guidance requires that least half of a garden or open space should receive at least 2 hours of sunlight on March 21. An overshadowing assessment has been carried out, which shows that all residential gardens and amenity areas surrounding the site would achieve the minimum 2 hours of sun

on the ground. There would therefore be no material impact on overshadowing as a result of the proposed development.

The images below show the overshadowing that results between the existing building and proposed scheme between 8am and 3pm on 21 March. The direction of shadowing is predominantly to the north over the railway line.

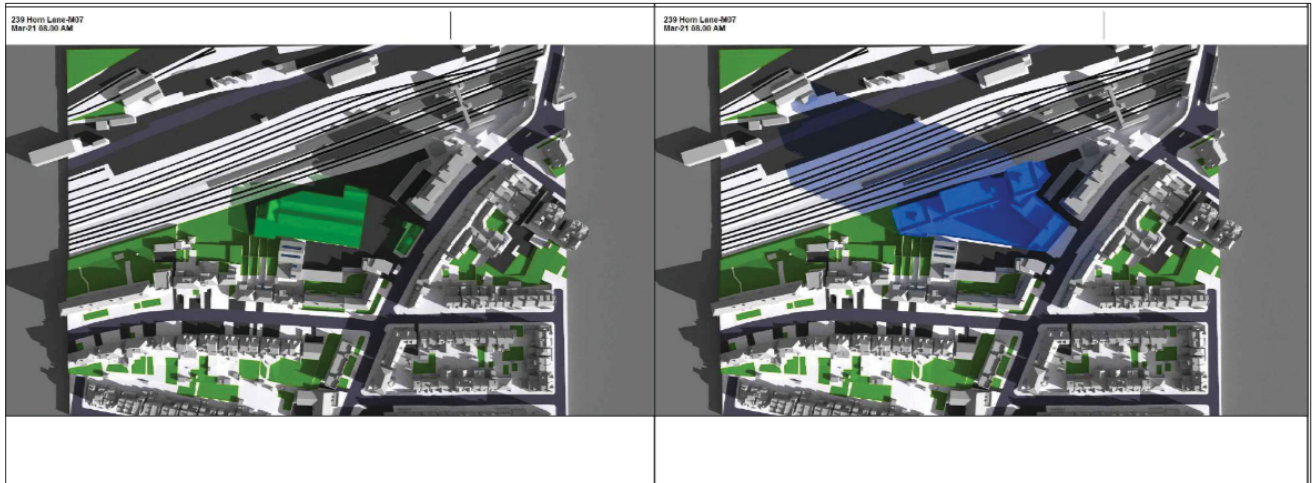


Figure 18: Existing and Proposed Overshadowing (8am, 21 March)

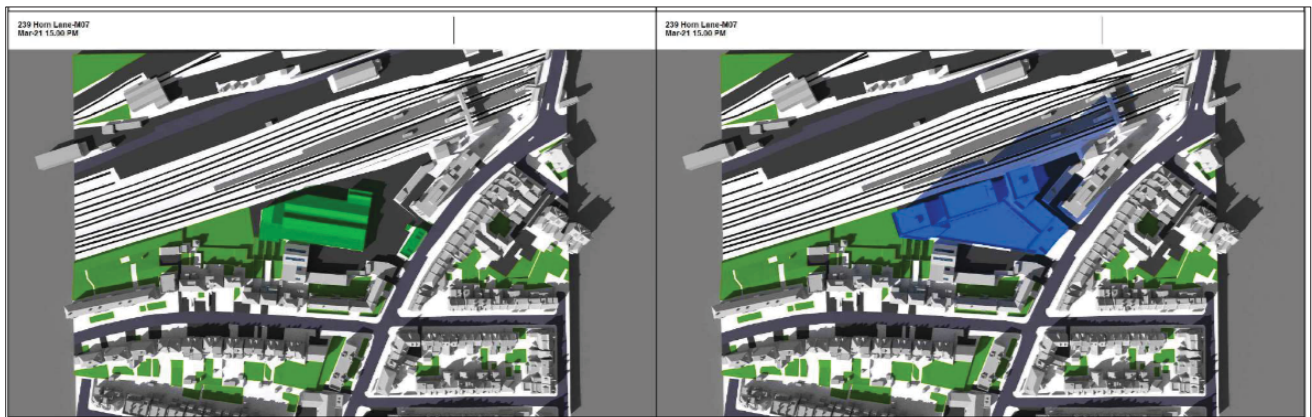


Figure 19: Existing and Proposed Overshadowing (3pm, 21 March)

Quality of Residential Accommodation

Policy D6 of the London Plan outlines minimum internal space standards for new residential development. These standards are based on the number of bedrooms within a proposed residential unit as well as its occupancy, which is based on whether a bedroom is classed as single or double based on the Technical Housing Standards. It should be noted that since the scheme was submitted, some minor changes were required to the floor plans of the building, to accommodate new fire safety regulations. This is in line with the Greater London Authorities (GLAs) announcement on 14 February 2023, that all planning applications for residential buildings over 30 metres must include at least 2 staircases.

All flats would comply with the minimum internal space standards, as defined by Policy D6. In order to maximise the number of dual aspect flats within the development, deck access is provided to a number

of flats. During pre-application discussions with Council Officers and the Design Review Panel, concern was initially raised with the amount of defensible space that rooms facing the deck access would receive. In order to mitigate the potential impacts, this was a focus of the applicant in their design considerations. The width of the deck access has been made more generous, providing for a 2 metre width. The thickness of the external walls have been exploited to provide to set-in windows and doors facing the deck access. This allows for a ledge to be created that can provide for a place to sit or provide planting to provide extra screening. An image of the design interventions made is shown within the image below:



Figure 20: Image showing typical deck access with recessed windows and doors.

The provision of deck access as a solution in some areas of the development assists in ensuring that a significant number of the proposed flats would be dual aspect.

Private Amenity Space

Policy 7D of the Ealing Development Management DPD seeks to ensure that new residential development provide for private amenity space. For developments such as the one proposed, the most common form of private amenity space is in the form of a balcony that should be provided at a minimum rate of 5sqm per 1-2 person flat, with 1sqm for each additional occupant.

All flats would be provided with a balcony space that would meet the requirements of Policy 7D of the Ealing Development Management DPD. For those flats facing onto the podium, containing the large communal amenity space area, a terrace would be provided that has in-built defensible space to ensure adequate levels of privacy are maintained.

Examples of the amenity spaces, facing the courtyard, in the Horn Lane and Courtyard Blocks, is shown in the image below, with screening of an adequate height provided between the individual balcony spaces.

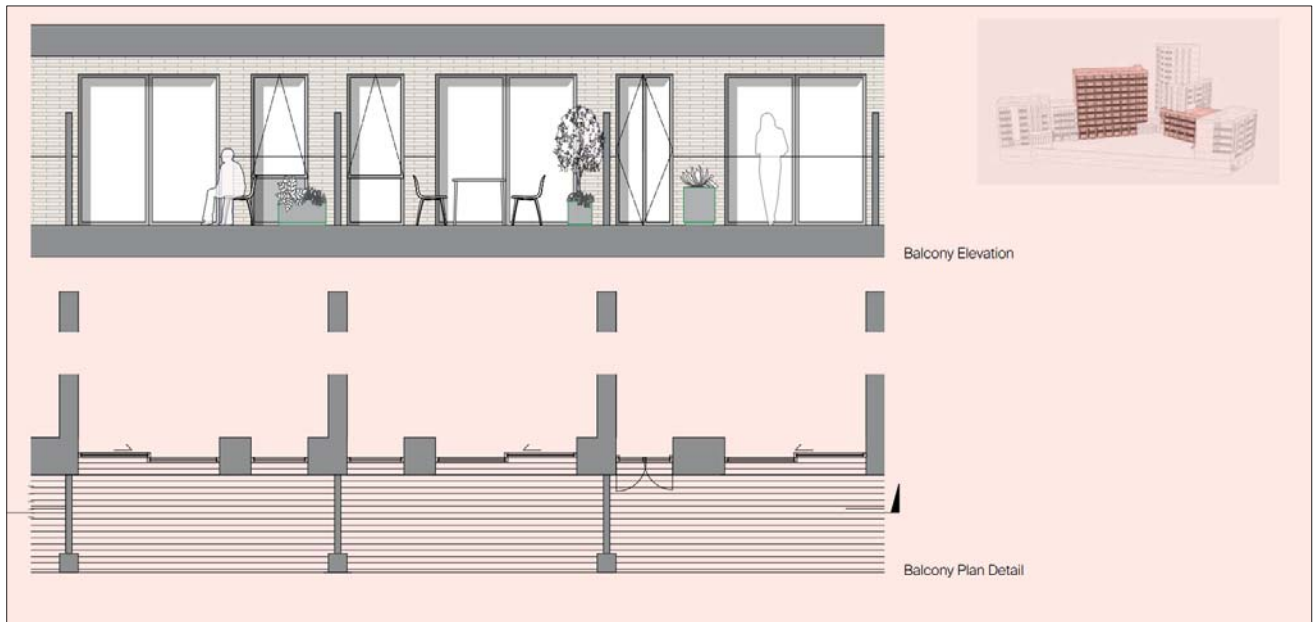


Figure 21: Balcony Spaces to Horn Lane and Courtyard Blocks

The defensible space proposed to terraces facing the communal courtyard is shown below. The defensible space is marked on the image by '9' and shows dense planting along the boundary between the private and communal spaces.



Figure 22: Defensible Space marked by '9' between communal and private amenity spaces

Communal Amenity Space, Landscaping and Children's Play Space

In accordance with Policy 7D of the Ealing Development Management DPD, the development of 150+ units should provide for communal open space, children's play space and allotments. Where the required amount of communal open space is not provided, a financial contribution to offsite provision can be provided. In most cases, allotment space is usually secured as a financial contribution towards off-site provision, for the improvement, expansion or creation of new allotment spaces.

The proposal provides for an expansive entry podium that is accessed through an arch and stairs from Horn Lane. This space provides for both access to the lobbies of each residential core, as well as providing spaces for recreation and relaxation for future residents. The main podium garden would have lawn spaces with integrated children's play space, pergola seating, moments of shelter, defensible planting to provide a barrier between communal and private amenity areas and trees placed along the southern boundary to prevent overlooking to properties to the south. The general layout of the proposed podium garden is shown in Figure 22 above.

An artistic impression on how the podium garden would appear is shown below:



Figure 23: Proposed Podium Garden

Rooftops of parts of the building would also be optimised to create additional space for residents to use for recreation and relaxation purposes. The layout of the roofs is shown in the image below, with extensive green roofs to improve biodiversity on the site.



Figure 24: Sitewide Recreation and Green Roof Spaces

Council's Landscape Architect has reviewed the proposal and is supportive of the landscape strategy for the proposed development. It was noted by the Officer that the proposal provides a good amount of communal amenity space within the development that has been well-designed. The total amenity space provided would be 1,660sqm within the podium garden and 680sqm on roof terraces, providing a total of 2,340sqm. As the total requirement is 2,775sqm, there is a shortfall of 435sqm. A s106 contribution to offset this has therefore been sought for the benefit of North Acton Playing Fields.

Based on the child yield calculator, a total of 614sqm of dedicated play space would be required for a development of this size and occupancy. The proposal provides for 775sqm of integrated and dedicated play space within the communal space areas and the proposal therefore exceeds the minimum requirements. The projected child yield calculator estimates that the ages of children likely to occupy the development are 50% ages 0-4 and 35% ages 5-11. The remaining 15% would be ages 12-17. Further details on the communal space areas as well as children's play areas will be secured by condition.

Contributions toward improving allotment space have also been secured through the s106 recommendations, in line with the requirements of Policy 7D of the Ealing Development Management DPD.

Transport & Highways

Policy T5 of the London Plan outlines minimum standards for cycle parking provision in new developments. The residential provision should provide 1 space per 1 person flat, 1.5 spaces for 1b2p flats and 2 spaces for all other flats.

Accordingly, the proposal would incorporate two cycle parking areas accessed from the front of the site, one at ground floor level and one at first floor level. Based off the revised plans, which take into

account the revised housing mix as a result of changes to implement a second staircase, the minimum cycle parking requirements are shown within the table below, in accordance with Policy T5 of the London Plan:

Land Use	Quantum	Long Stay Requirement	Short Stay Requirement
Commercial use	4,278sqm	9 spaces	5 spaces
Studio/1b1p	8 units	8 spaces	6 spaces
1b2p	91 units	137 spaces	
2b+	86 units	172 spaces	
Residential Total	185 units	317 spaces	6 spaces

For the residential use, cycle parking would be located over two levels (ground floor and mezzanine) with both levels accessed by lifts that can accommodate bicycles. Both spaces would be secure and accessed by a fob and would be appropriately located close to the Horn Lane frontage of the site. For the residential element, collectively 327 spaces would be provided across the two areas. The cycle storage area would also be located adjacent to the proposed concierge/residential delivery office, providing an extra layer of security. The total provision would exceed the minimum requirement by 10 spaces.

The spaces would be arranged as following:

- 80% of spaces would be arranged in the form of two-tier cycle parking racks
- 15% of spaces would be in the form of Sheffield stands
- 5% of spaces would be within Sheffield Stands that accommodate increased space for non-standard bicycles, such as cargo bikes, tandem bikes and tricycles

The TfL Officer had raised some concerns with regard to the cycle provision and their potential to comply with London Cycle Design Standards. The TfL Officer notes that:

- The 5% of stands proposed to accommodate larger bicycles should have a minimum spacing of 1.8 metres,
- To accommodate all bicycles, lifts should have a minimum dimension of 1.2m x 2.3m, with a minimum door opening of 1m,
- Any door to a cycle parking area should be automated – push button or pressure pad operated

It should be noted that the TfL Officer has only reviewed the plans as they were initially submitted and not the most revised plans. However, these dimensions have been checked to show that the Sheffield Stands to accommodate larger bicycles have a space between them of approximately 2 metres, which would comply with this requirement. The lift dimensions also appear to comply with the minimum dimension requirements. Nevertheless, the applicant will need to submit further details through conditions confirming how the cycle parking area would comply with London Cycle Design Standards (LCDS). It is also noted that the proposal is providing cycle parking with a 10-space surplus and therefore any minor changes would still be able to be accommodated within the area, in order to comply with LCDS.

11 short stay spaces would be integrated into the public realm on Horn Lane, which accommodates the short stay spaces for the commercial and residential functions of the development.

The area is surrounded by a number of CPZs, and future residents would be restricted from obtaining parking permits within these areas. The residential function of the development would accordingly be car-free, in accordance with Policy T6.1 of the London Plan (with the exception of the requirement for disabled parking spaces). All residents would also benefit from 3 years of car club membership. The

provision of cycle parking spaces, lack of residential parking spaces (with the exception of disabled parking spaces), car club membership and the sites proximity to the Acton Main Line Station (Elizabeth Line) would all collectively encourage a modal shift to more sustainable forms of transportation.

Policy T6.1 of the London Plan requires for disabled parking spaces for residential units, parking at a rate of 3% of units must be provided from the outset, with it also being able to be demonstrated how an additional 7% of dwellings could be provided with a disabled parking space should demand arise. From the outset, 3% of the dwellings (5.5) would have access to a disabled parking space, with 6 spaces to be provided. This will need to be appropriately sign posted and will be secured through condition. No details have been provided on how the additional 7% could be provided should demand arise, however it is envisaged that some of the car parking spaces associated with the commercial use could be reasonably adapted to suit disabled parking users of the residential function. Details of this have been secured within the recommended conditions.

It is noted that the proposed development also includes 19 car parking spaces for the builder's merchant use. It is noted that the existing premises has 16 spaces for general use and the proposal would re-provide these, in addition to a further 3 spaces for operational vehicles. TFL have raised some concern on the level of parking proposed for the Builders Merchant and that further justification would be required.

It is considered that, given the nature of the use which would predominantly deal with the sale of bulky goods, public transport for customers would be a limited option. Accordingly, the need for parking, to serve the needs of a well-established business would be essential to ensure its continued viability. Despite TFL's concerns with respect to the car parking for the commercial use, it is considered that the proposed level of car parking for the Builder's Merchant would be satisfactory. Whilst the London Plan does not specify a particular rate of car parking for a Builder's Merchant, the maximum office parking standard for Outer London is 1 space per 100sqm and the maximum retail parking standard of 1 space per 50sqm. This would produce maximum parking rates of 42 and 85 spaces respectively. The proposal would accordingly be significantly below this amount.

On balance, given the bulky goods nature of the business, as well as the existing provision on the site, the level of parking proposed for the commercial use is well-justified. The Travel Plan condition that has been recommended however, should detail how the amount of car parking spaces and resultant demand could be reduced over time and/or how some of these spaces may be adapted to residential disabled bays, should demand arise.

An Active Travel Zone (ATZ) assessment has been carried out which has detailed a number of improvements that could be made on particular routes to and from the site. This has been reviewed by TFL and Council's Transport Officer who have requested a number of contributions towards local projects to reduce parking stress, link and junction improvements, cycle infrastructure improvements, traffic calming measures, footway improvements and the improvement to bus stops. The total financial contribution agreed is within the Heads of Terms outlined above.

Deliveries, Servicing and Waste Management

The majority of servicing and Waste Management would occur within the proposed internal road. Given the width of the Horn Lane carriageway, there is limited opportunity for on-street servicing to take place. For the commercial element of the scheme, a large loading bay for the commercial aspect of the development would be placed within the north-eastern corner of the site, as demonstrated in the image below:

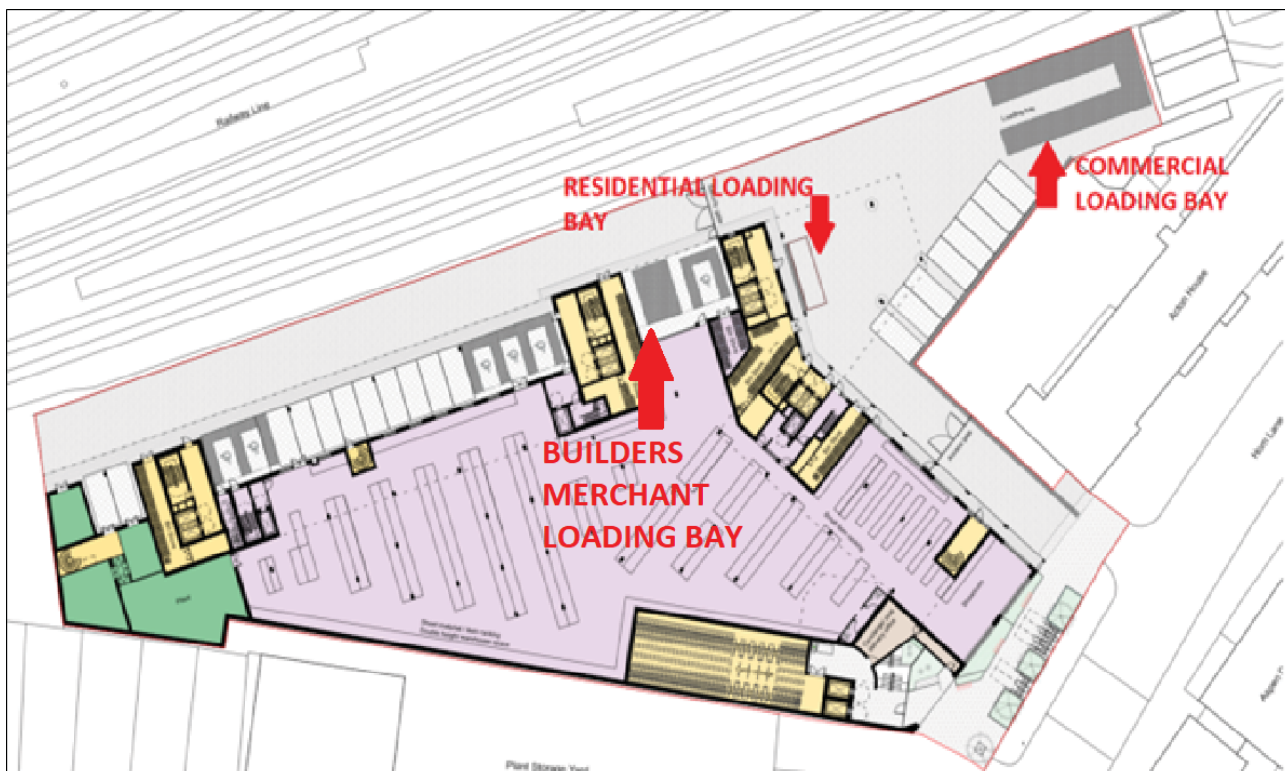


Figure 25: Location of Loading Bays for Deliveries and Servicing

Swept path analyses have also been provided, which show that large vehicles can effectively manoeuvre within the site, to ensure that vehicles enter and exit the site in a forward gear. The applicant has provided a Draft Deliveries and Servicing Management Plan, with final details to be secured through condition. However, the manoeuvrability of vehicles when all spaces are occupied may be a bit more constrained and further details of how this will be managed have been recommended by condition.

Further details that are necessary have been outlined within the recommended condition. The applicant will also need to demonstrate measures to avoid conflict between delivery vehicles, vehicles, pedestrians, cyclists and disabled persons to provide a safe environment for all users, in line with the Mayor's Vision Zero Action Plan, which aims to eliminate all deaths and serious injuries on London's transport system.

Waste Management

Each residential core, as well as the commercial space, would be provided with a refuse storage area, with these residential storage areas having been designed in accordance with Council's Waste Management Guidelines. Separate spaces within each of the waste storage areas will also be provided for residents to store bulky waste that may be collected by LBE on request. The capacity requirements of each individual space have been duly considered and are compliant. The location of each of the stores is shown in the image below:



Figure 26: Location of Residential Waste Stores (Shaded in green)

As is shown in the image below, three of the stores (Courtyard, Station and Horn Lane Blocks) can be accessed directly by a refuse vehicle, with collections being able to be made directly from these residential stores. However, this cannot reasonably occur for the Lynton Road Block, which is on the left hand side of the image above. This is due to the fact that a large refuse vehicle would not be able to access this store as there would not be adequate space to manoeuvre. The arrangements for this block will be that on collection day, the Facilities Management Team will move the bins from the Lynton Road Block to a holding area along the red line boundary, adjacent to the railway. They will then be collected by the LBE refuse collection team and the bins will be returned to the Lynton Road block following collection by the Facilities Management Team.



Figure 27: Waste Management Strategy

The arrangements proposed are considered to be acceptable and further details, particularly the location of bins from the Lynton Road Block on collection day (along the red line boundary), will be secured through the Delivery and Servicing Plan that has been recommended by condition.

Environmental Pollution (Noise, Air Quality and Contaminated Land)

London Plan policies D14 and SI 1, Ealing Development (or Core) Strategy policies 1.1 (e) and (j); Ealing Development Management policies LV5.21 and 7A are relevant with regard to noise, air quality and contaminated land issues.

Noise and Vibration

A number of London Plan policies deal with matters relating to noise and the need to mitigate the negative impacts of noise on quality of life. Policy D3 of the London Plan outlines that development proposals should help prevent or mitigate the impacts of noise and Policy D14 states that development proposals should mitigate and minimise the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses.

In addition to this, Policy D13 refers to the agent of change, whereby the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses are placed on the proposed new noise-sensitive development. Significant concern has been raised during the course of
Page 47 of 74

the application from Firstplan, who were representing both DB Cargo and Quattro, which exist on the opposite side of the railway to the north. The concern related to the introduction of residential uses in close proximity to the site, and the impact that this may have on their continued operations.

Nevertheless, Council's Pollution-Technical Officer has accepted the results of the revised Noise Assessment, which outlines higher noise levels than the results of the initially submitted Noise Assessment. Appropriate conditions have been secured to ensure that the internal living environments provided would have enhanced noise insulation to mitigate the poor external acoustic environment. Post-installation tests will add an extra layer of security, with the applicant required to demonstrate that the enhanced sound insulation has met the relevant internal noise levels to mitigate external noise, both providing good quality living conditions for future residents and providing protection to the continued operations of the industrial uses on the northern side of the railway.

Air Quality

Policy SI 1 of the London Plan outlines that development proposals should not lead to deterioration of existing poor air quality, create any new areas that exceed air quality limits or create unacceptable risk of high levels of exposure to poor air quality. Critically, the policy states that "development proposals in Air Quality Focus Areas or that are likely to be used by large numbers of people particularly vulnerable to poor air quality, such as children or older people, should demonstrate that design measures have been used to minimise exposure.

In addition, the site is exposed to the industrial activities occurring on the northern side of the railway. It should be noted that the development largely 'turns-its-back' on the railway, with amenity spaces and openings largely focussed inwards, toward the central podium space. Council's Air Quality Officer had queried some points on their initial Air Quality Assessment, with a response to these enquiries given. Accordingly, the Officer has recommended a number of conditions, including a ventilation strategy (providing fresh air ventilation with the supply being located away from sources of local pollution), Air Quality and Dust Management Plan (AQDMP), details on NRMM and diesel generators. A financial contribution has also been requested to mitigate any detriment to local air quality.

Contaminated Land Issues

The submitted details have been reviewed by Council's Contaminated Land Officer who has acknowledged that the site in question was historically used as a coal depot, which was possibly part of the railway network/sidings. As such, the underlying ground could be impacted. Whilst no residential uses are proposed at ground floor level, unknown elements such as tanks or spills could potentially pose a risk around gas or vapour to future users.

As such, a number of conditions have been recommended, including a desktop study, site investigation, remediation scheme and verification report.

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. Ealing Council declared a climate emergency on April 2019 and adopted the Climate and Ecological Emergency Strategy in January 2021, which states that "the council will also use its planning powers to shape the quality of the development of new buildings and infrastructure in a way that minimises its impact on climate change and increases its resilience to it".

Policy SI 2 of the London Plan, which relates to minimising greenhouse gas emissions, states that major development proposals should include a detailed Energy Strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy, which is be lean, be clean, be green and be seen. Council's Energy Consultant has reviewed the proposed strategy and is very supportive. The hierarchy has been followed with measures identified within the categories of lean, clean and green.

Based on the current design, the proposed development would overall site-wide CO2 emissions reductions by at least 69.66%, which exceeds the minimum requirement of Policy SI2(c) of the London Plan, which requires a minimum on-site reduction of at least 35% beyond Building Regulations. In line with the established hierarchy of Policy SI2, the proposal would achieve carbon reductions of 15.42% through "lean" efficiency measures and 54.54% through "green" efficiency measures. "Clean" efficiency measures are not possible as there is no 'clean' District Heat Network (DHN) available.

In a zero-carbon context, the proposal results in a shortfall of 1,630 tonnes of CO2 emissions over a 30-year period. Based on the offset payment of £95 per tonne, in line with Policy SI2 of the London Plan and Policy CO of the Draft Local Plan, a s106 contribution towards Council's carbon offset fund of £154,868 would be applied. A contribution towards Energy Monitoring and Equipment will also be secured. Monitoring will take place over a period of 4 years to measure the performance of Photovoltaic Panels, Heat pumps, Combined Heat and Power Units and other energy generation/use systems that have been identified within the Energy Strategy. It must be noted that the total carbon offset contribution may be payable at a rate of £95 per tonne for each tonnage of shortfall in the predicted CO2 emission reductions.

In terms of overheating, Council's Energy Consultant has reviewed the submitted Overheating Analysis Report with proposed mitigation measures. The assumption is based on full mechanical ventilation and heat recovery (MVHR). This is compliant with all relevant standards and requirements, with the Energy Consultant notes is a significant achievement. However, this is based on the residential use and the Builders Merchant would be required to submit their own Overheating Assessment, which will be conditioned.

Whole Life Carbon (WLC), Circular Economy and Water Consumption

In line with Policy SI2 of the London Plan, WLC emission assessments are required for all applications that are referable to the GLA. This outlines actions to reduce life-cycle carbon emissions and capture a development's unregulated emissions (such as those associated with cooking and small appliances), embodied emissions (those associated with raw material extraction, manufacture and transport of building materials and emissions associated with maintenance, repair and replacement and eventual material disposal. The report has been assessed by Council's Energy Consultant who has confirmed that the development is compliant with GLA Benchmarks and exceeds the aspirational target.

A Circular Economy Statement was also produced in line with Policy SI7 of the London Plan, which seeks to improve resource efficiency, encourage waste minimisation and prevention and the use of fewer resources in production and distribution of products. The proposal shows that the proposal would be compliant with the requirements of the London Plan, which include:

- diverting 95% of demolition and construction waste from landfill;
- putting 95% of excavation materials to beneficial on-site use;
- diverting 65% of Operational Waste from landfill by 2030; and
- using a minimum of 20% of building materials from recycled sources.

Finally, A Water Consumption Compliance Assessment has been submitted using BRE approved software that confirms the development will meet the regulation target of 105 litres, per person, per day.

Flood Risk and Sustainable Drainage

The application site is located in Flood Zone 1, based off the information provided by the Environment Agency Map. This means that the area has a low probability of flooding from rivers and the sea. Latest Environment Agency also shows the area as at risk of reservoir flooding, and accordingly emergency measures need to be put in place. Accordingly, a Flood Warning and Evacuation Plan needs to be prepared and provided to the Council. This has been secured by planning condition.

The proposal includes a drainage strategy, which has been assessed by GLA Officers, who note that the proposals for green roofs and permeable paving are welcomed. However, overall, the drainage strategy is not considered to be acceptable, and somewhat contradictory, in its current form. The Drainage Strategy notes that rainwater harvesting has been discounted, whereas the Sustainability Statement states that rainwater harvesting is proposed for irrigation purposes. The Flood Risk Assessment also notes that flood water will be discharged onto Horn Lane, which is deemed to be unacceptable. According, a revised Drainage Strategy will be required and the GLA have noted that securing this by condition is appropriate and acceptable. Future details would be accessed by Council's Drainage and Flooding Officer.

Crime Prevention

It is essential that any form of development provides a safe, secure and appropriately accessible environment that aims to reduce criminal behaviour. Routes of access and communal spaces should be legible and well maintained and there should be a clear distinction between private, semi-public and public spaces, with natural surveillance of public spaces and their access.

The Metropolitan Police and British Transport Police Designing Out Crime (DOC) Officers have been consulted and whilst a number of potential issues have been identified, both Officers have noted that on-going discussions are occurring and the small design changes, that would not affect the overall appearance of the development, may be required to address these. The development will need to achieve Secure by Design accreditation, which has been recommended as a condition.

Fire Safety

Design amendments have been secured through the course of the application to introduce a second staircase to parts of the building that exceed 30 metres in height. This is as the application was submitted prior to these new regulations being published by the GLA. This has resulted in minor changes to the housing mix, which are reflected within this report. It is noted that the second staircase has been accommodated through an enclosed spiral staircase, in order to have the most minimal impact on the overall design of the buildings and the housing mix.

Whilst the spiral staircase is an unconventional approach, assurance has been given from the applicant's consultants that this arrangement would meet current and proposed Building Regulations. This has been communicated with the GLA, who have agreed to this in principle.

It is noted that the Council is still awaiting a consultee response from the Health and Safety Executive (HSE) and this is reflected within the recommendation. Council Officers would update the chair of Planning Committee on the final response of the HSE prior to determining the application and outline any changes to the internal layouts of the building that may be required. However, Council Officers are

reasonably satisfied that any changes that may be recommended would not be substantial. For completeness, the Fire Safety Engineer of the applicant has made the following comments with respect to fire safety and the development's compliance with Building Regulations.

- Proposed fire safety provisions for 239 Horn Lane are considered to satisfy the functional requirements of Part B (Fire Safety) of Schedule 1 to the Building Regulations 2010 (as amended).
- Occupants have at least two means of escape leading all the way to ground and out.
- The non-residential areas on mezzanine level have separate means of escape (escape stairs) to those serving the residential floors above.
- There is no basement level. Persons out on the podium (Level 01) have a number of directions of escape back into the building where various escape stairs are available (some of these stairs being firefighting shafts).
- Doors from the podium will be openable from the outside without the use of a key (if electromagnetic, will fail safe open on alarm).
- The podium will be fire rated in accordance with BS 9991 guidance with exit signage and emergency lighting provided, as well as alarm sounders and beacons, as necessary.
- The podium is open to external air. The residential areas will adopt a stay put evacuation strategy. Hose distances will not exceed guidance (BS 9991 and BS 9999).

Mayor's Community Infrastructure Levy (CIL)

In accordance with the Community Infrastructure Levy (CIL) regulations the commercial and market housing elements of the development would be liable to pay CIL at £60 per square metre (rate as of 2020 and subject to indexation).

The final calculation will be provided by Council's CIL Collections Officer.

Conclusion

The proposed development would constitute a mix of uses, that would provide a substantial uplift in housing, in a highly desirable and sustainable location, close to public transport nodes. The commercial element of the development would provide more modern space for the existing user and the siting of a showroom on Horn Lane would create an active frontage to the street and contribute to the improvement of the primary shopping frontage. The space created at the front by demolishing the existing buildings would also provide for a wider footpath, better public realm and an enhanced engagement with the street.

The scheme would deliver a high degree of affordable housing, with tenure splits in favour of London Affordable Rent over Intermediate that is compliant with Council's Local Plan. The standard of the residential accommodation would be high, and residents would have access to extensive amenity spaces and children's play areas. The principles of the Agent of Change have been fully considered and conditions relating to acoustics and air quality would ensure that the proposed development would not impede the continued operations of the industrial uses on the northern side of the railway.

Full assessments have been carried out with respect to daylight, sunlight and overlooking, with these results showing that the proposal would not result in any substantial harm to neighbouring residents. The design of the proposal is well-considered, with the placement of height being situated away from more sensitive uses, and the variation in materials, colours and heights through the development would ensure that the proposal would have a positive impact on the streetscape. A Visual Impact Assessment has been carried out, which shows that the proposal would be consistent with the emerging built form

in the area and would not have a detrimental impact when considered from short-, medium and long-range views.

Overall, the proposal represents a sustainable form of development and it is accordingly recommended that the application be approved, subject to conditions, s106 legal agreement and Stage II referral to the GLA.

Human Rights Act:

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

Public Sector Equality Duty

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

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

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

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

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

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

Fire Safety

Large schemes may require several different consents before they can be built. For example, Building Control approval needs to be obtained to certify that developments and alterations meet building regulations. Highways consent will be required for alterations to roads and footpaths; and various licenses

may be required for public houses, restaurants and elements of the scheme that constitute 'house in multi-occupation'.

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

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

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

ANNEXE 1

Conditions/Reasons:

COMPLIANCE CONDITIONS

1. Time Limit

The development permitted shall be begun before the expiration of five (5) years from the date of this permission.

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

2. Approved Plans

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

1217_GA-100 rev P7 (Proposed Plan – Ground Level); 1217_GA-101 rev P7 (Proposed Plan Mezzanine); 1217_GA-102 rev P7 (Proposed Plan – Level 01 (Podium Level); 1217_GA-103 rev P7 (Proposed Plan – Level 02); 1217_GA-104 rev P7 (Proposed Plan – Level 03); 1217_GA-105 rev P7 (Proposed Plan – Level 04); 1217_GA-106 rev P7 (Proposed Plan – Level 05); 1217_GA-107 rev P7 (Proposed Plan – Level 06); 1217_GA-108 rev P7 (Proposed Plan – Level 07 and 08 (Podium Level); 1217_GA-109 rev P7 (Proposed Plan – Level 09 and 10 (Podium Level); 1217_GA-110 rev P7 (Proposed Plan Level 11-14 (Podium Level); 1217_GA-113 rev P7 (Proposed

Plan – Roof);

1217_GE-101 rev P6 (Proposed Elevation – South Elevation); 1217_GE-102 rev P6 (Proposed Elevation – East Elevation); 1217_GE-103 rev P6 (Proposed Elevation – North Elevation); 1217_GE-201 rev P6 (Proposed Elevation – Courtyard South); 1217_GE-202 rev P6 (Proposed Elevation – Courtyard West); 1217_GE-203 rev P6 (Proposed Elevation – Courtyard North); 1217_GE-301 rev P6 (Proposed Elevation – West Gables); 1217_GE-302 rev P6 (Proposed Elevation – East Gables); 1217_GE-401 rev P6 (Proposed Bay Elevation – South Elevation); 1217_GE-402 rev P6 (Proposed Bay Elevation – North Elevation); 1217_GE-403 rev P6 (Proposed Bay Elevation – Courtyard South Elevation)

Planning Statement (DP9, November 2022) with revisions; Affordable Housing Statement (DS2 LLP, November 2022) with Addendum (DS2 LLP, June 2023); Air Quality Assessment (Air Quality Consultants, November 2022); Design and Access Statement (Buckley Gray Yeoman, November 2022) with Addendum (dated June 2023); Biodiversity Net Gain Plan (BMD, November 2022); Circular Economy Statement rev 02 (IN2, 31 March 2023); Daylight and Sunlight Report (Robinsons Surveyors, 21 October 2022); Ecological Assessment (BMD, November 2022); Ecology Technical Note (BMD, February 2023) Energy Strategy rev 03 (IN2, 6 April 2023); Fire Safety Statement rev 02 (Hoare Lea); Flood Risk Assessment and Surface Water Management Report (ICIS Design, October 2022); Pre-Demolition Audit (Stace, rev 03, dated 23 February 2023); Statement of Community Involvement (Kanda, October 2022); Outline Site Waste Management Plan (Velocity, November 2022); Operational Waste Management Strategy (Velocity, November 2022); Sustainability Statement rev 02 (IN2, 21 November 2022); Framework Travel Plan (Velocity, November 2022); Outline Construction Logistics Plan (Velocity, November 2022); Draft Delivery and Servicing Plan (Velocity, November 2022); Transport Assessment (Velocity, November 2022); Transport Technical Note (Velocity, May 2023); Townscape and Visual Impact Assessment (BMD, October 2022); Whole Life Carbon Assessment (IN2, 21 November 2022); Noise and Vibration Impact Assessment Report (KP Acoustics, ref: 23848.NVA.02, dated 5 June 2023); Technical Note (KP Acoustics, 8 June 2023); L21008-IN2-ZZ-ZZ-DR-M-0001 rev P01 (District Heat Network Plans)

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

3. Restriction on Commercial Use

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) the area shown on the approved plans for a builders merchant (sui generis) shall only be used as such, and not for any other use. The commercial space shall not be subdivided in any way without prior consent from the local planning authority.

Reason: To ensure that the Council retains control over the quality and provision of any change of use, and to protect the character of the area and the amenity of neighbouring occupiers, in accordance with policies D3, D6 and D14 of the London Plan (2021), policies 7A, 7.4 and 7B of the Ealing Development Management DPD (2013), SPG 10, and the National Planning Policy Framework (2021).

4. Sustainable Design and Construction

The sustainability measures detailed in the final Sustainability Statement approved by IN2 Engineering Design Partnership in November 2022 (v2) shall be implemented and maintained. The measures shall meet the requirements of local and regional planning policies in force at the date of this permission and be in line with the Mayor's Sustainable Design and Construction SPG in force at the date of this permission. The development shall be constructed in line with the approved energy and sustainability measures.

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

5. Air Quality – All Non-Road Mobile Machinery

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

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

6. Environmental Health (Noise) – Ground and Airborne Building Vibration from External Sources

Building vibration levels and re-radiated vibration noise generated by the adjacent railway and effective mitigation measures, as necessary, shall ensure that a level of low or no probability of adverse comment is met, in accordance with the criteria and the assessment method specified in BS 6472:2008. No part of the development shall be occupied unless the acceptable vibration levels are achieved.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by ground- or airborne vibration, in accordance with Policy 7A of the Ealing Development Management DPD and Policy D14 of the London Plan.

7. Environmental Health (Noise) – Anti-Vibration Mounts

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

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

8. Environmental Health (Noise) – Metal Shutters

Shutters shall be installed with proprietary anti-vibration isolators and soft closing mechanisms including resilient pads to reduce impact noise when used, to adequately silence the operation of the shutters and prevent structural or airborne noise being emitted.

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

9. Environmental Health (External Lighting)

External artificial lighting for the commercial aspect of the development shall not exceed the vertical illumination lux levels at neighbouring premises that are recommended for Environmental Zone 3 by the Institution of Lighting Professionals in the 'Guidance Note 01/20 For The Reduction Of Obtrusive Light'. Lighting should be minimized by limiting the hours of use. Glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting, in accordance with Policy 7A of the Ealing Development Management DPD.

PRE-COMMENCEMENT CONDITIONS

10. Demolition Method Statement and Construction Management Plan

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

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

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

11. Details of Materials

Details of the materials and finishes to be used for all external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the local planning authority 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), policies D1 and D4 of the London Plan (2021) and the National Planning Policy Framework (2021).

12. Thames Water – Piling Method Statement

No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. 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.

13. Contaminated Land – Desktop Study/Approved Site Investigation

- (1) No development approved by this planning permission (except demolition and site clearance) shall be commenced until a desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses, and other relevant information (the **Desktop Study**). Using the Desktop Study, a Conceptual Site Model for the site identifying potential contaminant sources, pathways and receptors shall be produced and assessment of risk to identified receptors undertaken (the **CSM**). The Desktop Study and CSM shall be submitted for approval in writing by the Local Planning Authority; and
- (2) No investigations shall be carried out on the site until a site investigation has been designed following completion of the Desktop Study using the information obtained from the Desktop Study and the CSM (the **Site Investigation**). The Site Investigation must be comprehensive enough to enable:
 - i) a risk assessment to be undertaken relating to future occupants of the site and to groundwater and surface waters associated on and off the site that may be affected; and
 - ii) refinement of the CSM; and
 - iii) the development of a method statement detailing the remediation requirements.

The Site Investigation should be submitted to and approved in writing by the Local Planning Authority prior to it being carried out on the site.

Reason: In the interests of public and environmental health and the policies contained in the National Planning Policy Framework 2021; the London Plan 2021; Ealing Core Strategy 2012 and Ealing Development Management Development Plan 2013.

14. Contaminated Land – Site Investigation

Following approval of the Site Investigation and prior to the commencement of any works on site (other than demolition and site clearance), the Site Investigation shall be undertaken in accordance with

BS1075:2011+A1:2013 and LCRM and the CSM shall be amended based on the findings of the Site Investigation. The Site Investigation must be undertaken by a competent person and shall assess any contamination on the site. The findings of the Site Investigation shall be submitted to the Local Planning Authority for approval in writing prior to any remedial works commencing and any development works commencing.

Reason: To ensure the land contamination issues are addressed in accordance with National Planning Policy Framework 2021; the London Plan 2021; Ealing Core Strategy 2012 and Ealing Development Management Development Plan 2013.

15. Contaminated Land – Remediation Scheme

Following the approval of the findings of the Site Investigation by the Local Planning Authority, a detailed remediation scheme (based on the Method Statement and Site Investigation) to bring the site to a condition suitable for the intended use shall be submitted to and subject to the approval in writing of the Local Planning Authority (the **Remediation Scheme**). The Remediation Scheme must include all remediation works to be undertaken, proposed remediation objectives and remediation criteria. Once approved, the Remediation Scheme must be carried out in accordance with its terms prior to the commencement of development (other than demolition, site clearance, and site investigation), and other than that required to carry out remediation works.

Reason: To ensure the land contamination issues are addressed in accordance with National Planning Policy Framework 2021; the London Plan 2021; Ealing Core Strategy 2012 and Ealing Development Management Development Plan 2013.

16. Energy and Sustainability – Overheating and Cooling (Non-Residential Commercial Space)

Prior to commencement of construction (which excludes demolition, site clearance, site investigation and site remediation) an Overheating and Cooling analysis shall be submitted to the Council for approval for the non-residential commercial space. The dynamic analysis shall be compliant with the relevant CIBSE guidance TM52.

Reason: To ensure that the risk of overheating has been sufficiently addressed in accordance with policy SI4 of the London Plan; Ealing's Development (Core) Strategy, and Development Management DPD.

17. Energy and Sustainability – Whole Life-Cycle Carbon Assessment

- A. Prior to the Commencement of Construction (which excludes demolition, site clearance, site investigation and site remediation), a Whole Life Carbon Assessment shall be submitted to the Council for approval. The Assessment shall be compliant with policy SI2(F) of the London Plan and in line with the GLA (March 2022) guidance. The Development shall meet the GLA benchmark targets and seek to achieve the aspirational target.
- B. Upon completion of the development, (upon commencement of RIBA Stage 6) and prior to the building(s) being occupied (or handed over to new owner(s), if applicable), the site owner(s), or their agent, of the development should submit the post-construction Whole Life-Cycle Carbon (WLC) Assessment to the GLA at: ZeroCarbonPlanning@london.gov.uk. The site owner(s)/agent should use the post construction tab of the GLA's WLC assessment template and this should be completed accurately and in its entirety, in line with the criteria set out in the GLA's WLC Assessment Guidance. The post-construction assessment should provide an

update of the information submitted at planning submission stage (RIBA Stage 2/3), including the WLC carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. The assessment should be submitted along with any supporting evidence as per the guidance and should be received three months post as-built design completion, unless otherwise agreed.

- C. The development shall implement the measures identified in the WLC Assessment prepared by IN2 Engineering Design Partnership in November 2022 (v2). Modules A1-A5 should achieve 516 KgCO₂e/m², and B1-C4 (excluding B6/B7) 208 KgCO₂e/m², with a total carbon emissions baseline scenario (over 60 years) of 720 KgCO₂e/m² (including sequestration and module D benefits).

In this condition, the meaning of “site owner” shall exclude lessees and occupiers of the individual residential units, or the commercial unit, but shall include the freehold owner(s) of the site, or a management company with a legal interest in the site. The responsibility for discharging the requirements of Par B above may therefore fall upon more than one legal entity with an ownership interest in the site and is capable of being discharge separately in the respect of the commercial and residential uses.

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

18. Environmental Health (Noise) – Sound Insulation of the Building Envelope

Prior to commencement of the superstructure (excluding demolition, initial site clearance, substructure, site investigation, site remediation and ground works), details of the sound insulation for the non-glazed and glazed building envelope at various floors and facades shall be submitted for approval by the Council in writing, having regard to the Council’s assessment standard in the current adopted version of SPG10 and noise limits specified by BS8233:2014, in conjunction with the recommendations in the Noise and Vibration Impact Assessment Report by KP Acoustics ref. 23848.NVA.02 dated 05/06/2023.

Details shall include the 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 for external amenity spaces shall also be provided. Details shall confirm that noise limits specified in BS8233:2014 will not be exceeded. Approved details for the residential units and the residential amenity spaces shall be implemented prior to occupation of any residential unit. Approved details for the commercial space shall be implemented prior to the occupation of the commercial space. In both cases, the approved details shall thereafter be permanently retained.

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

19. Environmental Health (Noise) – External Noise from Mechanical Installations

Prior to the commencement of the superstructure (excluding initial site clearance, demolition, site investigation, site remediation and ground works), details shall be submitted to the Local Planning Authority for approval in writing, of plant/ machinery/ equipment/ducting/air in- and outlets/ mechanical installations and their external rating noise level, together with mitigation measures as appropriate. The measures shall ensure that the external rating noise level LAeq emitted will be lower than the lowest existing background sound level LA90 by 10dBA at the most noise sensitive receiver locations at the

development site and at surrounding premises. The assessment shall be made in accordance with BS4142:2014 +A1 2019, with all plant/equipment operating together at maximum capacity.

Approved details shall be implemented prior to occupation/ use of plant/ machinery/ equipment and thereafter be permanently retained, save that this shall not prevent plant/machinery/equipment being upgraded for alternative plant/machinery/equipment at a later date provided that the approved noise criteria continue to be met.

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 7A of the Ealing Development Management DPD and Policy D14 of the London Plan.

20. Environmental Health (Noise) – Enhanced Sound Insulation of Noise Sensitive Rooms in Neighbouring Dwellings

Prior to commencement of the superstructure (excluding demolition, initial site clearance, site investigation, site remediation, substructure or 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 in force at the date of this permission, for the floor/ceiling/wall structures separating different types of rooms/uses in adjoining dwellings/areas, namely, bedroom above/below/adjoining kitchen/living/dining/bathroom of separate dwellings. The assessment and mitigation measures shall have regard to standards of the Council's current adopted version of SPG10 and noise limits specified in BS8233:2014. Approved details shall be implemented prior to occupation of the adjoining dwellings to which the approved details relate, and thereafter be permanently retained.

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

21. Environmental Health (Noise) – Enhanced Sound Insulation between Commercial and Residential Uses

Prior to commencement of the superstructure, (excluding demolition, initial site clearance, site investigation, site remediation, substructure 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 in force at the date of this permission for residential use, of the floor/ ceiling/ walls separating the commercial premises, plant, and communal areas including staircase, lift lobbies, cycle/bin storage, etc. from dwellings. Where noise emissions include characteristic features, the Noise Rating level should not exceed NR20 Leq 5mins (octaves) 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 to achieve the internal sound level specified above. The assessment and mitigation measures shall be based on standards and noise limits of the current adopted version of Council's SPG10 and BS8233:2014. Approved details shall be implemented prior to occupation of the residential units within the development to which this condition relates, and thereafter be permanently retained.

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

22. Environmental Health (Noise) – Enhanced Sound Insulation of Lifts

Prior to commencement of the superstructure (excluding demolition, initial site clearance, site investigation, site remediation, substructure or ground works), 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 habitable rooms. Details shall include mitigation measures and the resulting sound insulation value and internal sound/rating level. Approved details shall be implemented prior to first use of a lift to serve the development (other than as part of lift construction, testing and commissioning) and thereafter be permanently retained.

This condition shall be capable of being discharged separately in respect of the commercial and residential uses.

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

23. Air Quality – Ventilation Strategy Report

Prior to the commencement of the superstructure (excluding demolition, initial site clearance, site investigation, site remediation, substructure or ground works), a Ventilation Strategy Report shall be submitted to and approved by the Local Planning Authority. The report will contain details for providing fresh air ventilation, the supply should be located away from sources of local pollution.

The report shall also include the following information:

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

The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications and shall be the responsibility of the primary owner of the property. Approved details shall be fully implemented prior to the occupation/use of the relevant floor of the development, to which the approved details relating to that floor relate and thereafter permanently retained and maintained. This condition shall be capable of being discharged separately in respect of the commercial and residential uses.

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

24. Air Quality – Air Quality and Dust Management Plan

Prior to commencement of any works onsite, an Air Quality and Dust Management Plan (AQDMP) shall be submitted for the approval of the Local Planning Authority. The AQDMP will be based on the findings of Air Quality (Dust) Risk Assessment provided in the Air Quality Assessment report titled “239 Horn Lane, Ealing” dated November 2022. The AQDMP will provide a scheme for air pollution mitigation measures based on the findings of the Air quality report.

The plan shall include:

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

The applicant shall contact the council's Pollution-Technical team about the installation of air quality monitors on site and always provide direct access to monitoring data for the duration of the project.

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

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

25. Environmental Health (Odour) – Extract and Arrestment Plan for Commercial Odours

Prior to commencement of the superstructure (excluding demolition, initial site clearance, site investigation, site remediation, substructure and ground works), details shall be submitted to the Council for approval in writing, of the installation, operation, and maintenance of a suitable arrestment plant and extract system for fumes/smell, dust, solvents etc. relating to the commercial space. Approved details shall be implemented prior to occupation of the commercial space within the development and thereafter be permanently maintained and retained.

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

26. Transport – Layout of Access Road and Footpaths

Prior to the commencement of the superstructure (excluding demolition, initial site clearance, site investigation, site remediation, substructure and ground works) and notwithstanding any approved plans and documents, details of the layout and construction of all car parking spaces, access roads, footpaths (including ramps for pedestrians and cyclists) shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highways Management Department and Transport for London). The details and drawings shall incorporate the pedestrian and vehicle visibility splays, traffic calming measures, vehicle tracking diagrams and evidence of any Stage I Road Safety Audit undertaken in relation to the design of all new vehicle access points and / or alterations to the adopted highway. All new footpaths are required to be Equality Act 2010 compliant.

Reason: In the interest of the environment and improving air quality, to ensure the safe manoeuvring of cars, free flow of traffic and conditions of pedestrians, wheelchair users and general highway safety on the neighbouring highways is provided for, in accordance with policies 6.3, 6.10 and 6.13 of the London Plan (2016); and policies 1.1(e), 1.1(f), 1.1(g) and 1.2(k) of Ealing's Development (or Core) Strategy 2026 (2012).

27. Landscaping and Children's Play Space

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

- a) Details of children's play area including safety surfacing and equipment. The childspace provision shall take account of the projected age splits of children as outlined by the GLA Population Yield Calculator;

- b) Details of hard and soft landscaping scheme, including landscape design for all communal amenity areas;
- c) Details of boundary treatments;
- d) Details of a Landscape Management Plan for a minimum period of 5 years from the implementation of final planting (specify only for applications with significant public aspect, important habitat qualities & opportunities or communal spaces in larger residential developments)
- e) Details of the green roof construction and specification, together with a maintenance schedule

Reason: To ensure that there is suitable provision for landscaping, play facilities and drainage within the site in accordance with policies 1.1 (e), 2.1 (c) of the Ealing Core Strategy (2012), policies LV 3.5 and 7D of the Ealing Development Management Development Plan Document (2013), policies S4, D6 and D8 of the London Plan (2021), the London Plan SPG on Children's Play and Recreation, and the National Planning Policy Framework (2021).

28. Network Rail – Phasing Plan

In the instance that the TWAO by Network Rail is approved by the Secretary of State only, prior to commencement of construction (which excludes demolition, site clearance, site investigation and site remediation), the developer shall submit to the Council for approval a phasing plan which demonstrates the phases of the development, and how the phases can be constructed to ensure that Network Rail's Old Oak Common Station works are not impeded. For the avoidance of doubt, works phased on the area shown hatched yellow on drawing number 0313888 will be assumed to provide no impediment on Network Rail's works. The phasing plan will demonstrate, in particular, how Network Rail's access to the site and turning of vehicles, storage requirements, parking requirements for RRVs and track plant, and access to the temporary RRAP will be accommodated and not impeded. Construction management measures may be included in the phasing plan to demonstrate lack of impediment to Network Rail's works. The phasing plan may include an early works phase, that may include setting out, and substructure works.

Reason: To ensure that both the intentions of the developer and network rail for the application site can be delivered should the Secretary of State grant approval for Network Rail works.

29. Drainage and Flooding – Revised Drainage Strategy

Prior to the commencement of the superstructure (excluding demolition, initial site clearance, site investigation, site remediation, substructure and ground works) a revised drainage strategy shall be submitted to the Local Planning Authority outlining the following:

- A reduction in the proposed surface water discharge rate to achieve the Qbar Greenfield rate, where practicable
- The implementation of rainwater harvesting within the proposed development in line with London Plan drainage hierarchy
- Avoid the discharge of flood water onto Horn Lane and how exceedance flood flows shall be safely stored on-site
- Completion of Ealing's version of the London Sustainable Drainage Proforma

Reason: To ensure that flood risk is minimised and mitigated, and that residual risk is addressed in accordance with Policy SI 12 of the London Plan.

PRE-OCCUPATION CONDITIONS**30. Post Construction Noise Assessment for Residential Use**

Before the residential part of the development hereby permitted is first occupied or brought into use, the applicant shall demonstrate compliance with the standards and noise limits outlined within Condition 18 through post-completion noise tests that should be carried out by accredited/approved organisations and test reports shall be submitted to and approved in writing by the Local Planning Authority. The extent and type of noise tests required would depend on a number of factors, including but not limited to size of development, environment factors, and therefore any such tests would need to be agreed with the Local Planning Authority in advance. As a guide it is recommended that 10% of the number of flats are tested. Any noise measurements shall be carried out taking account of worst case environmental conditions, such as easterly/westerly operations at Heathrow, peak times of industrial activity on the opposite side of the railway, peak time traffic flows wind speed, direction and presence of temperature inversion. All continuous logged/measured data shall be submitted. The noise testing should be undertaken over a minimum period of 24 hours and include periods of typical train movements and representative activities on the industrial sites north of the railway, including train unloading. The results presented must include the LAeq,16hours in living rooms, dining rooms and bedrooms during the day, and the LAeq,8hours and LMax,f in bedrooms at night.

In the event that the measured noise levels demonstrate that the required noise levels in terms of daytime LAeq,16hour, night-time LAeq,8hour and night-time LMax,f are exceeded, proposals for mitigation treatments must be provided and installed, with repeat compliance tests undertaken prior to occupation.

Reason: To ensure adequate noise mitigation has been achieved, to provide good quality living conditions and to protect the operations of the activities on the northern side of the railway, in accordance with Policy D6, D13 and D14 of the London Plan and Policy 7A of the Ealing Development Management DPD.

31. Transport – Car Parking and Management Plan

Prior to the first occupation of the development, a Site Wide Car Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Site Wide Car Parking Management Strategy shall include the following details:

- a) The proposed layout, distribution, accumulation of and arrangements for the management of:
 - i) Residential car parking
 - ii) Commercial car parking
 - ii) Wheelchair users parking, including demonstrating how an additional 7% disabled parking could be accommodated within the site.
- b) Measures for preventing parking in undesignated places throughout the site
- c) Measures to show how the access gate will be administered to secure the space after 5pm and how residential users (aside from disabled parking) will be prevented from parking within the internal road network
- c) The provision of active Electric Vehicle Charging Points (EVCP) for a minimum of 20% of the car parking spaces and an additional 80% passive provision of the car parking spaces within the development as set out in the London Plan (2021)
- d) Exploration of the possibility of providing a car club bay within the site

The car parking shall be provided and managed in accordance with the approved strategy for the lifetime of the development.

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

32. Transport - Cycle Parking Details

Notwithstanding the submitted documents, details shall be submitted prior to the first occupation of each relevant part the development to demonstrate how the cycle parking as shown on the approved plans will be implemented according to the specifications and adopted standards of the London Plan, the London Cycle Design Standards, and the Local Planning Authority. The plans shall demonstrate how 9 bicycles can be accommodated for the commercial space.

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

This condition shall be capable of being discharged separately in respect of the commercial and residential uses.

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

33. Transport - Deliveries and Servicing Management Plan

Prior to first occupation of any part of the development hereby approved a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Delivery and Servicing Plan should be in general accordance with the Draft Delivery and Servicing Management Plan, Outline Site Waste Management Plan and Operational Waste Management Strategy. The final plan shall cover the following:

- Vehicle tracking - Swept paths drawings for a refuse lorry vehicle, 10-metre rigid vehicle and a fire appliance vehicle;
- Deliveries and collections (both community use and residential); including how deliveries will be scheduled to avoid several lorries arriving at the site simultaneously;
- Servicing trips (including maintenance); and measures to reduce the number of freight trips to the site (freight consolidation);
- Details for the management and receipt of deliveries for the residential units.
- Cleaning and waste removal; including arrangements for refuse collection;

- Measures to be implemented on site to prevent conflicts between vehicles, disabled persons, cyclists and pedestrians on the internal road, in line with the Mayor's Vision Zero Action Plan
- Monitoring and review of operations.

The Delivery and Servicing Plan shall be implemented on first occupation of any part of the development hereby approved and the site shall be managed in accordance with the approved plan for the life of the development, or as otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development can be adequately serviced in the interests of the amenity of occupiers of the development and neighbouring properties, local/regional strategies adopted to increase the use of sustainable modes of transport, and pedestrian and highway safety and movement, in accordance with policies D4, D6, D8, SI7, T1, T2, T4, T5, T6 and T6.1 of the London Plan (2021).

34. Transport - Travel Plan

A separate Travel Plan for both the residential and commercial functions of the proposed development, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the use. The detailed Travel Plan shall be prepared in accordance with Ealing's Sustainable Transport for New Development SPD and the Mayor's Strategic Mode Shift Target in use at the time of its preparation. The development shall be carried out in accordance with the approved Travel Plan.

The Travel Plan for the commercial function shall also show where end-of-trip facilities (shower, lockers, change room etc.) will be provided on the ground floor to further encourage sustainable forms of transportation for the commercial element of the development. This shall be located as close as practical to the proposed cycle parking spaces for the commercial area.

Reason: To promote sustainable modes of transport, and to ensure that the development does not exacerbate congestion on the local road network, in accordance with policies 1.1 (f) (g) of the Ealing Development Strategy 2026 (2012); policies T1, T3, T4, T5 and T6 of the London Plan (2021) and Ealing's Sustainable Transport for New Development SPG.

35. Contaminated Land – Verification Report

Following completion of the Remediation Scheme, a verification report that demonstrates the remediation criteria and objectives of the Remediation Scheme have been met must be produced and approved in writing by the Local Planning Authority before occupation of the development (the **Verification Report**). The Verification Report submitted shall be in accordance with the latest Environment Agency guidance.

Reason: To ensure the land contamination issues are addressed in accordance with National Planning Policy Framework 2021; the London Plan 2021; Ealing Core Strategy 2012 and Ealing Development Management Development Plan 2013.

36. Energy and Sustainability – Post-Construction Renewable Energy Equipment Monitoring

In order to implement Ealing Council DPD policy E5.2.3 (post-construction energy equipment monitoring), and key parts of London Plan policy SI2 ("Be Seen"), the developer shall:

- a. 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 four years from occupation and full operation of the energy equipment. The installation of the monitoring devices and the submission and format of the data shall be carried out in accordance with the Council's approved specifications as indicated in the Automated Energy Monitoring Platform (AEMP) information document. The developer must contact the Council's chosen AEMP supplier (Energence Ltd) within three months of commencement of construction to facilitate the monitoring process.

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

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

37. Energy and Sustainability – Post-Construction Energy Use Monitoring ("Be Seen")

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

- A. Within four weeks of the commencement of development by the Local Planning Authority, the site 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.

38. Energy and Sustainability - Energy and CO₂

Prior to construction completion and occupation, the Development shall implement and maintain, and in the case of energy generation equipment confirm as operational, the approved measures, as laid out within the Energy Strategy, to achieve an overall sitewide reduction in regulated CO₂ emissions against SAP10 (or any later version) of at least 69.66% (equating to 124.76 tonnes of CO₂ per year) beyond Building Regulations Part L 2021 (or any later version). These CO₂ savings shall be achieved through the Lean, Clean, Green Energy Hierarchy as detailed in the approved Energy Statement prepared by IN2 Engineering Design Partnership in November 2022 (version 2). including:

- i. Lean, passive design measures to achieve an annual reduction of at least 14.42% equating to at least 22 tonnes in regulated carbon dioxide (CO₂) emissions over BR Part L 2021 for the residential development, and at least 22.88%, equating to at least 5.57 tonnes, over Part L 2021 for the non-residential space.
- ii. Green, renewable energy equipment including the incorporation of photovoltaic panels with a combined total capacity of at least 92.5 kWp, and Air Source Heat Pumps to achieve an annual reduction of at least 54.24%, equating to 97.15 tonnes, in regulated carbon dioxide (CO₂) emissions over Part L 2021.
- iii. Seen, heat and electric meters installed to monitor the performance of the PV and the carbon efficiency (SCOP) of the heat pump system(s) (including the heat generation and the electrical parasitic loads of the heat pumps), in line with the Council's monitoring requirements.

Prior to Installation, details of the proposed 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 loop schematics, the exact number of heat pumps, the heat pump thermal kilowatt output, heat output pipe diameter(s), parasitic load supply schematics, monthly energy demand profile, and the exact number of PV arrays, the kWp capacity of each array, the orientation, pitch and mounting of the panels, and the make and model of the panels. The name and contact details of the renewable energy installation contractor(s), and if different, the commissioning electrical or plumbing contractor, should be submitted to the Council prior to installation.

- A. 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.
- B. The development shall incorporate the overheating mitigation measures detailed in the dynamic Overheating Analysis by IN2 Engineering Design Partnership in November 2022 (version 2). Any later stage version shall be compliant with TM59/Guide A 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).

- C. Within three months of the occupation/first-use of the development a two-page summary report prepared by a professionally accredited person comparing the “as built stage” TER to BER/DER figures against those in the final energy strategy along with the relevant Energy Performance Certificate(s) (EPC) and/or the Display Energy Certificate(s) (DEC's) shall be submitted to the Council for approval.

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

39. Energy and Sustainability - Circular Economy

Prior to completion of construction of the permitted development a Circular Economy Statement Post Completion Report should be completed accurately and in its entirety in line with the GLA's Circular Economy Statement Guidance (or equivalent alternative Guidance as may be adopted). This should be submitted to the GLA at: CircularEconomyLPG@london.gov.uk, along with any supporting evidence as per the guidance. The Post Completion Report shall provide updated versions of Tables 1 and 2 of the Circular Economy Statement, the Recycling and Waste Reporting form and Bill of Materials.

Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation.

Specific commitments detailed in the Circular Economy statement produced by IN2 Engineering Design Partnership in November 2022 (v1), or any later approved version, and accompanying Logistic Plans, should be implemented including; diverting 95% of demolition and construction waste from landfill, putting 95% of excavation materials to beneficial on-site use, using 20% of building materials from recycled sources, and diverting the London Plan target of 65% of Operational Waste from landfill by 2030.

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

40. Air Quality – Diesel Generators

Prior to their operation, details on all new installed diesel generators demonstrating compliance with a minimum NOx emissions standard of 150mg/Nm-3 (at 5% O2) must be submitted and approved in writing by the Local Planning Authority. This condition shall be capable of being discharged separately in respect of the commercial and residential uses.

The details must include the results of NOx emissions testing of the diesel fuelled generator units by an accredited laboratory, emissions concentrations expressed at specific reference conditions for temperature, pressure, oxygen and moisture content under normal operating conditions.

Where any combustion plant does not meet the relevant standard, it should not be operated without the fitting of suitable NOx abatement equipment or technology. Evidence of installation shall be required where secondary abatement is required to meet the NOx Emission standard 150mg/Nm-3 (at 5% O2). The emergency plant and generators hereby permitted may be operated only for essential testing, commissioning and maintenance, except when required in an emergency situation.

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

41. Secure By Design

The development hereby approved shall achieve Secure by Design Accreditation, in consultation with the Metropolitan Police Crime Prevention Design Advisor and the British Transport Police Designing Out Crime Unit. Measures to be discussed further with both these relevant stakeholders need to be addressed, including:

- The postal strategy for the development to ensure that these are appropriately designed to mitigate against theft; and
- Adequate height for roof terraces, balconies and decks facing the railway to prevent objects being thrown on to the overhead electric lines and tracks; and
- The proposed security gate to the internal access road will need to be secured at 5pm each day to prevent Anti-Social Behaviour.

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

42. Environmental Health (Noise) – Commercial Site and Operations Management Plan

Prior to occupation of the commercial space, a commercial Site and Operations Management Plan shall be submitted to the Council for approval in writing. Details shall include the following:

- hours of use,
- details of operations,
- times and frequency of activities, deliveries and collections, vehicle movements incl.forklift,
- details of external and internal storage arrangement for building materials,
- keeping external doors and windows shut at all times where noise, smell, smoke or fumes may be emitted,
- details of a quiet delivery/collection strategy,
- a clear policy of careful handling, avoiding banging, dropping heavy items,
- quiet reversing methods and vehicle engines off when stationary,
- absorbent surfaces,
- shielded position of lorry engines starting up, breaking, etc.

The assessment shall be based on standards of the Council's SPG10 (in force at the date of this permission) and BS8233:2014 for noise sensitive receivers. Quiet Deliveries Good Practice Guidance by the DfT (Department for Transport) and the FTA (Freight Transport Association) shall be observed. Approved details shall be implemented prior to occupation of the commercial space 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, smell, fumes, etc. in accordance with Policy 7A of the Ealing Development Management DPD and Policy D14 of the London Plan.

43. Flood Warning and Evacuation Plan

Prior to occupation of the development, a Flood Warning and Evacuation Plan (FWEP) shall be submitted to the Council for approval, including consideration of the identified risk of reservoir flooding of the site.

Reason: To ensure the safety of future residents and occupiers and build resilience including the safe evacuation of all site users, in accordance with Policy SI 12 of the London Plan.

44. Thames Water – Infrastructure Phasing Plan

No development shall be occupied until confirmation has been provided that either:

- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or
- a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

Informatives

1. The decision to grant planning permission has been taken in accordance with the statutory duty under section 38(6) Planning and Compulsory Purchase Act 2004 that the application must be determined in accordance with the development plan unless material considerations indicate otherwise; and in accordance with the statutory duty under section 70(2) Town and Country Planning Act 1990 (as amended) to have regard to the provisions of the development plan, so far as material, any local finance considerations so far as material, and to all other material considerations. The decision to grant planning permission has been taken having regard to the formal comments received by the Greater London Authority and other representations received; and after considering the National Planning Policy Framework (2021), the policies and proposals in the London Plan (2021) and all relevant material considerations including Supplementary Planning Documents/Guidance, and the following:

National Planning Policy Framework (2021)

London Plan (2021)

Policy GG1	Building Strong and Inclusive Communities
Policy GG2	Making the Best Use of Land
Policy GG3	Creating a Healthy City
Policy GG4	Delivering the Homes Londoners Need
Policy GG5	Growing a Good Economy
Policy GG6	Increasing Efficiency and Resilience
Policy SD10	Strategic and Local Regeneration
Policy D1	London's Form, Character and Capacity for Growth
Policy D2	Infrastructure Requirements for Sustainable Densities
Policy D3	Optimising Site Capacity Through the Design-Led Approach
Policy D4	Delivering Good Design
Policy D5	Inclusive Design
Policy D6	Housing Quality and Standards
Policy D7	Accessible Housing
Policy D8	Public Realm
Policy D11	Safety, Security and Resilience to Emergency
Policy D12	Fire Safety
Policy D14	Noise
Policy H1	Increasing Housing Supply
Policy H4	Delivering Affordable Housing
Policy H5	Threshold Approach to Applications

Policy H6	Affordable Housing Tenure
Policy H7	Monitoring of Affordable Housing
Policy H10	Housing Size Mix
Policy H16	Large-Scale Purpose-Built Shared Living
Policy S3	Education and Childcare Facilities
Policy S5	Sports and Recreation Facilities
Policy E11	Skills and Opportunities for All
Policy HC1	Heritage Conservation and Growth
Policy HC6	Supporting the night-time economy
Policy HC7	Protecting public houses
Policy G1	Green Infrastructure
Policy G4	Open Space
Policy G5	Urban Greening
Policy G6	Biodiversity and Access to Nature
Policy SI1	Improving Air Quality
Policy SI2	Minimising Greenhouse Gas Emissions
Policy SI3	Energy Infrastructure
Policy SI4	Managing Heat Risk
Policy SI5	Water Infrastructure
Policy SI7	Reducing Waste and Supporting the Circular Economy
Policy SI12	Flood Risk Management
Policy SI13	Sustainable Drainage
Policy T1	Strategic Approach to Transport
Policy T2	Healthy Streets
Policy T3	Transport Capacity, Connectivity and Safeguarding
Policy T4	Assessing and Mitigating Transport Impacts
Policy T5	Cycling
Policy T6	Car Parking
Policy T6.1	Residential Parking
Policy T7	Deliveries, Servicing and Construction
Policy T9	Funding Transport Infrastructure Through Planning
Policy DF1	Delivery of the Plan and Planning Obligations

In reaching this decision, specific consideration was given to the information contained in the applicant's submission including detailed plans, supporting statements and technical reports submitted with the application. The principle of the proposed land uses has been considered against relevant policies, the public benefits generated by the proposed development and the needs of the local area. Consideration was also given to the impact of the proposed development on the amenities of neighbouring residential properties and the character and appearance of the area. The principle of tall buildings on this site and its appropriateness in terms of its form, scale, layout and appearance and contribution that it makes to place making and the quality of the proposed residential environment and the amenity of future residents. The level of affordable housing is supported. Access, traffic, parking and servicing implications have all been assessed and found to be acceptable as has the provision of quality hard and soft landscaping and public and private amenity spaces.

It was considered that subject to appropriate safeguarding conditions, given the nature of the proposed development and having considered all objections and comments received from stakeholders and interested parties to date, that on balance the proposals would accord with the relevant planning policies and guidance. It is therefore considered that planning permission should be granted in this case. It is not considered that there are any other material considerations, which would warrant a refusal of the application.

2. This development is the subject of an Agreement under Section 106 of the Town and Country Planning Act (as amended).
3. The Mayor's Community Infrastructure Levy (CIL) was adopted on 01/04/2012 and later revised on 01/04/2019 (MCIL 2) This has introduced a charging system within Ealing of £60 per sqm of gross internal area to be paid to the GLA. On the basis of the information submitted with the application, the proposed development would be liable to pay CIL due to the development comprising of new residential uses and development of over 100sq.m which is not exempt from the Mayors CIL.
4. 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.
5. At least 21 days prior to the commencement of any site works, all occupiers surrounding the site should be notified in writing of the nature and duration of works to be undertaken. The name and contact details of persons responsible for the site works should be signposted at the site and made available for enquiries and complaints for the entire duration of the works. Updates of work should be provided regularly to affected neighbours. Any complaints should be properly addressed as quickly as possible.
6. 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.
7. No waste materials should be burnt on site of the development hereby approved.
8. Best Practicable Means (BPM) should be used during construction and demolition works, including low vibration methods and silenced equipment and machinery, control and monitoring measures of noise, vibration, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary, in accordance with the Approved Codes of Practice of BS 5228-1 and -2:2009+A1:2014 Codes of practice for noise and vibration control on construction and open sites.
9. Although it isn't anticipated that the use of a crane at this site will impact Heathrow's Obstacle Limitation Surfaces, Instrument Flight Procedures or Radar. We would like to advise the developer that if a crane is required for construction purposes, then red static omnidirectional lights will need to be applied at the highest part of the crane and at the end of the jib if a tower crane, as per the requirements set out by CAP1096.
<https://publicapps.caa.co.uk/modalapplication.aspx?appid=11&mode=detail&id=5705>
10. Where a crane is 100m or higher, crane operators are advised to notify the CAA (arops@caa.co.uk) and Defence Geographic Centre (dvof@mod.gov.uk) .

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

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

11. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk
12. 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.
13. Railway boundary fencing may need to be replaced with a Class 1 boundary measure, to prevent a fare evasion/trespass desire line between the platforms at Acton Main Line station and this development, Network rail will be able to provide confirmation. Trespass onto the railway is a criminal offence and serious injury and loss of life can occur should individuals gain access. It can also result in damage to the railway infrastructure and cause long delays to railway services which can not only impact local services but also services many miles away.