

PLACE



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## Granted with a Legal Agreement

Jake Tubb  
DP9  
100 Pall Mall  
London  
SW1Y 5NQ

Our ref  
**225069FUL**

Portal ref  
**PP-11642438**

Date  
29 12 23

Dear Jake Tubb,

### Application for Planning Permission Town and Country Planning Act 1990 (as amended)

Ealing Council, the Local Planning Authority, have considered your application received on 1 December 2022 along with associated drawings and correspondence for **Site:** 239 Horn Lane, Acton, London, W3 9ED,

**Proposal:** Construction of a building ranging in height from 6 to 15 storeys, to provide builders merchants (Use Class Sui Generis) at ground and first floor level, and 185 self-contained residential units (Use Class C3) and associated amenity space 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)

Decision Issued: 29 December 2023

Decision: **Granted with a legal agreement.**

**It is important that you read and understand all the conditions / reasons / obligations/ informatives overleaf.**

Yours sincerely

Head of Development Management  
Email: [planning@ealing.gov.uk](mailto:planning@ealing.gov.uk)

### Drawings/Schedules References:

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)

Reference No: **225069FUL**

Site: **239 Horn Lane, Acton, London, W3 9ED**

The proposal has been considered against Application for Planning Permission Town and Country Planning Act 1990 (as amended) and is **Granted with a Legal Agreement**.

## **Schedule of Reasons / Conditions / Obligations**

### **1 COMPLIANCE CONDITIONS**

#### 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 on the commercial space 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 KgCO<sub>2</sub>e/m<sup>2</sup>, and B1-C4 (excluding B6/B7) 208 KgCO<sub>2</sub>e/m<sup>2</sup>, with a total carbon emissions baseline scenario (over 60 years) of 720 KgCO<sub>2</sub>e/m<sup>2</sup> (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 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 SPG10 and noise limits specified by BS8233:2014, in conjunction with the measured external noise levels in the Noise and Vibration Impact Assessment Report by KP Acoustics ref. 23848.NVA.02 dated 05/06/2023. In addition, the maximum noise levels at night must not exceed 45 dB LAmax,f more than 10 times at night as per the Noise and Vibration Impact Assessment Report by KP Acoustics ref. 23848.NVA.02 dated 05/06/2023.

The submitted details shall include calculations in octave bands from 63Hz to 4kHz to demonstrate that the external noise ingress via all elements of the building envelope meets the internal noise levels set out in BS 8233:2014 for living rooms, dining rooms and bedrooms during the day and in bedrooms at night, and the additional maximum noise levels requirement in bedrooms at night.

Details shall also include the sound reduction specifications of the glazing (including laboratory test results of the entire window system including frames, seals and any integral ventilators, approved in accordance with BS EN ISO 10140-2:2010), sound reduction specifications of the external walls (including laboratory test results) 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 and implemented, as necessary. Details shall confirm that noise limits specified in BS8233:2014 will not be exceeded. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In the interests of the living conditions of the future occupiers of the site and to safeguard the existing and future operation of the Goods Yard, in accordance with policy 7A of the Ealing Development Management DPD, Policy 2.4 of the Core Strategy DPD, Policy ACT6 of the Development Sites 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, substructure 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 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 construction.

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 residential units hereby approved, the following details, insofar as these relate to the residential development, 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

The developer shall not commence construction of the development (which excludes demolition, site clearance, site investigation, site remediation, and ground works) unless either:

(a) the developer has submitted 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 and its proposed construction and use of a temporary Road Rail Vehicle Access Point (RRAP) on the site are not impeded; For the avoidance of doubt, works phased on the footprint of the existing warehouse building will be assumed to provide no impediment to 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; or

(b) the Secretary of State has refused to make the proposed Network Rail (Old Oak Common Great Western Mainline Track Access) Order promoted by Network Rail and either Network Rail has confirmed in writing to the Council that it will not seek a statutory review of the refusal to make the Order, or the period of 6 weeks has expired from the Secretary of State's decision without a statutory review having been commenced against the Secretary of State's decision in which case the requirement in (a) shall no longer apply.

If a phasing plan is submitted to the Council for approval pursuant to (a) above, the developer will observe the phasing plan throughout the construction of the development. A phasing plan submitted pursuant to (a) above need not cover all phases of the development, and more than one phasing plan can be submitted for approval. Any phases that are planned to follow either the completion of Network Rail's Old Oak Common Station works or follow reinstatement of the land used for the temporary RRAP if earlier need not be the subject of a phasing plan.

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 make the Network Rail (Old Oak Common Great Western Mainline Track Access) Order.

## 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 where practicable
- 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 LAm<sub>ax,f</sub> 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 LAm<sub>ax,f</sub> 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 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 of each relevant part of the development 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:

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

In this condition, the meaning of "legal 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.

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 67% (equating to 112.2 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 Strategy prepared by IN2 Engineering Design Partnership, dated April 2023 (version 3). including:

i. Lean, passive design measures to achieve an annual reduction of at least 15% equating to at least 14.1tonnes in regulated carbon dioxide (CO2) emissions over Building Regulations Part L 2021 for the development.

- 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 52%, equating to 54.2 tonnes, in regulated carbon dioxide (CO<sub>2</sub>) 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 April 2023 (version 3). 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 NO<sub>x</sub> emissions standard of 150mg/Nm<sup>-3</sup> (at 5% O<sub>2</sub>) 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 NO<sub>x</sub> emissions testing of the diesel fuelled generator units by an accredited laboratory, emissions concentrations expressed at specific reference conditions for temperature, pressure, oxygen and moisture content under normal operating conditions.

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

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

#### 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

Ealing Development Management DPD (2013)

LV3.4 Optimising Housing Potential  
LV3.5 Quality and Design of Housing Developments  
3A Affordable Housing  
LV5.2 Minimising Carbon Dioxide Emissions  
LV5.10 Urban Greening  
LV5.11 Green Roofs and Development Site Environs  
LV5.12 Flood Risk Management  
LV5.21 Contaminated Land  
LV6.13 Parking  
7A Amenity  
LV7.3 Designing Out Crime  
LV7.4 Local Character  
7B Design Amenity  
LV7.7 Local and Design of Tall and Large Buildings  
7D Open Space

Ealing Development Sites DPD (2013)

ACT6 Acton Crossrail Station and 239/265/267/305/307 Horn Lane

Draft Local Plan (2022)

Policy A.1 Acton Spatial Strategy  
Policy A.4 Acton Main Line Station and Environs  
AC12 - Acton Crossrail Station and Sidings  
Policy DAA Design and Amenity  
LV D9 Tall Buildings  
HOU Affordable Housing  
LV G4 Open Space  
LV G5 Urban Greening  
CO Carbon Offsetting

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](mailto:arops@caa.co.uk)) and Defence Geographic Centre ([dvof@mod.gov.uk](mailto: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](mailto: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.

## Appeals

You have a right to appeal this decision. Full details are available at [www.planningportal.co.uk/planning/appeals](http://www.planningportal.co.uk/planning/appeals)