



Quod

Matter 6

Design and Amenity,
Tall Buildings, and the
Historic Environment

Ealing Local Plan

Statement prepared by
Quod on behalf of
Berkeley Homes

10TH JULY 2025

Matter 6: Design and Amenity, Tall Buildings and the Historic Environment

- 1.1 On behalf of Berkeley Homes, Quod submits a hearing statement in respect of Matter 6 (Design and Amenity, Tall Buildings and the Historic Environment).
- 1.2 Our hearing statement responds to EX16 Matters, Issues and Questions (MIQs) issued by the Inspectors on 8th April 2025. This submission is cognisant of the Council's Minor Modifications (S24), and the matters discussed during the Block 1 Hearing sessions held in June 2025.
- 1.3 Berkeley Homes is the applicant for The Green Quarter, one of the borough's largest regeneration mixed use housing schemes comprising c.8,100 homes and c.17,400 sqm of commercial and community floorspace and extensive areas open space and public realm across the whole site (Phase 1-9). Our client received a resolution to grant planning permission for a revised masterplan (Phase 4-9) in November 2024 and is working towards engrossment of the legal agreement.
- 1.4 The Green Quarter is subject to emerging site allocation reference '11 SO'. Our client submitted representations at Regulation 18 and 19 stage of the review and continues to be engaged at Regulation 22 stage (the 'Plan').

Issue [Policies DAA and D9] – Whether the Plan is justified, effective and consistent with national policy and in general conformity with the London Plan in relation to design, the historic environment, and tall buildings.

- 1.5 The design policies within the Local Plan do not align with the London Plan and therefore cannot be considered sound¹, as they are neither effective nor justified.

Q1(d) – In terms of the local variation to Policy DAA of the London Plan is it consistent with national policy and in general conformity with the London Plan

- 1.6 The policy's approach to achieving 'good' levels of daylight, sunlight, and privacy remains ambiguous, offering no indication of what specific performance standards are considered 'good' and is inconsistent with the Framework and London Plan.
- 1.7 The Framework recognises the need for flexibility in applying daylight and sunlight standards, particularly for housing schemes where optimising site capacity is critical. It encourages decision-makers to consider whether proposed developments deliver an 'acceptable' standard of amenity², and this is the language that should be incorporated in Policy DAA.

¹ Framework (2023), paragraph 35

² Framework (2023), paragraph 129(c)

- 1.8 London Plan Policy D6 requires developments to provide ‘*sufficient*’ daylight and sunlight taking full account of local context.
- 1.9 The expectation for a sequential approach; prioritising a high standard of amenity through design and then seeking to mitigate any adverse impacts conflicts with London Plan Policy D3, which promotes a comprehensive, design-led approach that should balance multiple factors from the outset including site capacity, high-quality design, outlook, privacy, and amenity. Revisions are required to Policy DAA to reflect this.

Q1 (e) – Are any modifications needed to the variation to Policy DAA for soundness?

- 1.10 Policy DAA should be revised to align with the London Plan and the Framework to use the word ‘*acceptable*’ levels of daylight, sunlight, and privacy. These standards should be applied with reference to the existing and emerging character of the local area, recognising that performance expectations will vary depending on site context and design.
- 1.11 The policy should also be amended to explicitly acknowledge that high-quality design must be balanced with the fundamental principle to make the most efficient use of available land in accordance with the Framework³ and London Plan⁴.
- 1.12 This approach is essential in meeting the Borough’s identified needs for housing and employment over the plan period and was recently endorsed by the Planning Inspectorate through recent appeal decision APP/A5270/W/24/3347877 (Appendix 1). The appeal relates to Waitrose, West Ealing (Development Site 15EA), which comprised a 20 storey development of 428 homes, which the Inspector confirmed that ‘*great weight*’ should be applied to LP Policy D3 ‘*site optimisation*’ balancing almost every consideration against the need to optimise development in London. Development Site 15EA is identified within the Local Plan for buildings up to 13 storeys.
- 1.13 He confirmed that the Framework and London Plan policies by promoting growth will inevitably result in environmental impact and change. Best use of sites “*does not come without significant change and the impacts of development in relation to local residents’ outlook and living conditions need to be considered against that background*”.⁵
- 1.14 The flexible approach endorsed by the Inspector with regard to design should be incorporated into the plan.

³ Framework (2023), paragraph 123

⁴ London Plan – Policy GG2

⁵ Appeal Decision APP/A5270/W/23/3347877 – Paragraph 59

Q2 (c) – In terms of the local variation to Policy D9 of the London Plan does the character led approach of the Plan to determining building heights strike an appropriate balance with the ‘Good Growth’ and appropriate densification principles of the London Plan?

- 1.15 The Council appear to have chosen to create an overly complex tall building policy, which is not effective, or consistent with the London Plan.
- 1.16 The Mayor of London has recommended that this policy requires revision because “*The proposed approach remains complex*” and therefore “*given this, the proposed approach does not currently meet the requirements of Policy D9 of the LP2021 and this should be addressed*”⁶.
- 1.17 We agree with this statement, albeit it appears that no meaningful change has been undertaken by the Council since.
- 1.18 Adding further complexity to development control requirements beyond the London Plan is unhelpful, particularly where delivery of homes has been challenging, and there is a limited land supply. A positively prepared policy would be more effective in supporting delivery.
- 1.19 The Mayor of London continues:-

*The Mayor notes paragraph 5.13 of the draft Plan which states that the London Plan sets the clear presumption that tall buildings should be confined to specified sites and maximum heights. **The presumption is not correct** – rather Policy D9B of the LP2021 specifically uses the terms ‘locations’ and ‘appropriate’ tall building heights. This implies some flexibility which could include a range of ‘appropriate building heights’ across an area. This is considered to be practical in terms of enabling boroughs to focus the tallest buildings in a particular more central part of a tall building zone and perhaps seeking lower building heights towards the edges of that zone (if that is for example what a borough wishes to do). In light of this, we advise LBE to use the term ‘appropriate’ instead of ‘maximum’ throughout the document. For practical reasons, the use of ‘locations’ rather than very specific sites tend to be preferable.*

- 1.20 Contrary to this advice, Local Plan Policy D9 continues to take a mechanistic approach in defining tall buildings heights across specific neighbourhood areas in a manner that is inconsistent with the London Plan, and is therefore not sound. Revisions are necessary to which the Mayor’s objection carries significant weight.
- 1.21 For West Ealing, Waitrose Appeal Decision (APP/A5270/W/24/3347877), the Inspector opines that in that case, draft Policy D9 and its supporting evidence base did not sufficiently optimise sites capacities despite its allocation as Development Site (15EA) appropriate for tall buildings.

26. In particular, I am not at all convinced that, in the emerging context of the appeal site, an upper limit of 13 storeys upon, as set out in the allocation in the new Local Plan, can realistically be said to optimise site capacity. I note that representations to this effect have been made on behalf of the appellants in this case, to the examination, on that basis.

⁶ Greater London Authority: Regulation 19 Representation to Ealing Local Plan (10th April 2024)

30. In particular, the changing context of the appeal site, and the approach the Council has taken to other tall buildings in the Borough, against the background of the London Plan, suggest very strongly to me that the approach to the appeal site, and indeed the approach to other sites expected to house tall buildings, in the new Local Plan, is very unlikely to remain intact in any event.

Q2 (d) - In terms of the local variation to Policy D9 of the London Plan is the differential between the definition of a ‘tall building’ contained in Policy D9 of the London Plan and the measurements which are referred to in criterion E and specified in Table DMP1 justified and in general conformity with that adopted strategic plan?

1.22 The Allies and Morrison's Tall Buildings Study (EB45) and its supporting appendices (EB45A and EB45B) are the principal documents that form the evidence base that has informed complex variations of tall building definitions across the Borough. The evidence base documents set the context to the appraisal as follows.

“high-level guidance for a selection of strategic ‘study’ sites across the Borough”, and “the development scenarios and capacities presented...are indicative only. They reflect a townscape and character-led approach to optimising the capacity of study sites that have not been subject to detailed design or viability testing”.

1.23 The supporting evidence base is therefore not cognisant of housing needs, viability and delivery expectations, and therefore cannot provide a limitation on building heights.

1.24 Instead, the policy should be clearly flexible and adaptable, particularly as members of the public read building heights as fixed. This principle appears to have been accommodated via the Council's Schedule of Suggested Modifications (S24) which has revised tall building heights from ‘maximum’ to ‘appropriate’. This aligns with the Mayor's recommendation.

Q2 (e) – In terms of the local variation to Policy D9 of the London Plan does criterion E, Table DMP1 and Figure DMP1 provide sufficient clarity on what is meant by a ‘tall building’ in an Ealing Context for each of Town Plan areas?

1.25 London Plan D9(A) defines a tall building as not less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey (e.g. 7 storeys).

1.26 Ealing Local Plan D9 Table DMP1 (for Area S2) defines tall building height as 6 storeys (or 21 metres). This is inconsistent with the London Plan and should be revised.

1.27 Table DMP1 (Figure 1-1) defines tall buildings across the Borough at 6 and 21 storeys (Ealing Town Centre), the implication being that buildings that sit beneath the definition would not need to be considered against Local Plan Policy D9 or London Plan Policy D9.

1.28 The Council's Minor Modification (S24) proposed to reduce the definition of tall building in Ealing Town Centre (Area E14) from 21 to 13 storeys with reductions also proposed to Areas A2 and A4 in West Acton which were previously defined at 14 storeys⁷.

1.29 The revised 13-storey threshold applied to Ealing Town Centre (Zone D) sits within the range of heights identified by EB45 at 9 and 21 storeys, however the height threshold in West Acton has been revised to the standardised Borough definition at 6-storeys despite EB45 recommending heights between 14-18 storeys.

1.30 It is therefore unclear why this approach has been taken, and more so, why the recommendation of EB45 (Zone L) (Figure 1.3) have not been considered in setting the tall building definition to The Green Quarter (Area S2) given its self-contained nature and extant planning consent for buildings up to 18 storeys.

Figure 1-1 Local Plan Policy D9 (Figure DMP1): Definition of Tall Buildings

Table DMP1:

Definition of Tall Buildings

Town	Area	Tall Building (m)	Storeys	Town	Area	Tall Building (m)	Storeys	Town	Area	Tall Building (m)	Storeys
Acton	A1	31.5	9	Greenford	G1	21	6	Southall	S1	21	6
	A2	49	14		G2	21	6		S2	21	6
	A3	24.5	7		G3	21	6		S3	21	6
	A4	49	14		G4	21	6		S4	21	6
	A5	24.5	7		G5	21	6		S5	21	6
	A6	28	8		G6	21	6		S6	24.5	7
	A7	28	8	Perivale	P1	21	6		S7	21	6
	A8	21	6		P2	21	6		S8	21	6
	A10	21	6		P3	21	6		S9	21	6
					P4	21	6	Hanwell	H1	21	6
Ealing	E1	24.5	7	Northolt	N1	21	6		H2	21	6
	E2	21	6		N2	21	6		H3	21	6
	E3	21	6		N3	21	6		H4	21	6
	E4	21	6		N4	21	6		H5	21	6
	E5	21	6		N5	21	6		H6	31.5	9
	E6	21	6		N6	21	6		H7	21	6
	E7	21	6		N7	21	6				
	E8	21	6		N8	21	6				
	E9	21	6		N9	21	6				
	E10	24.5	7								
	E11	21	6								
	E12	21	6								
	E13	21	6								
	E14	73.5	21								

⁷ S24 – SMM131

Q2 (f) – In terms of the local variation to Policy D9 of the London Plan is the local approach to defining parameters for tall buildings across the Borough consistent with the evidence base.

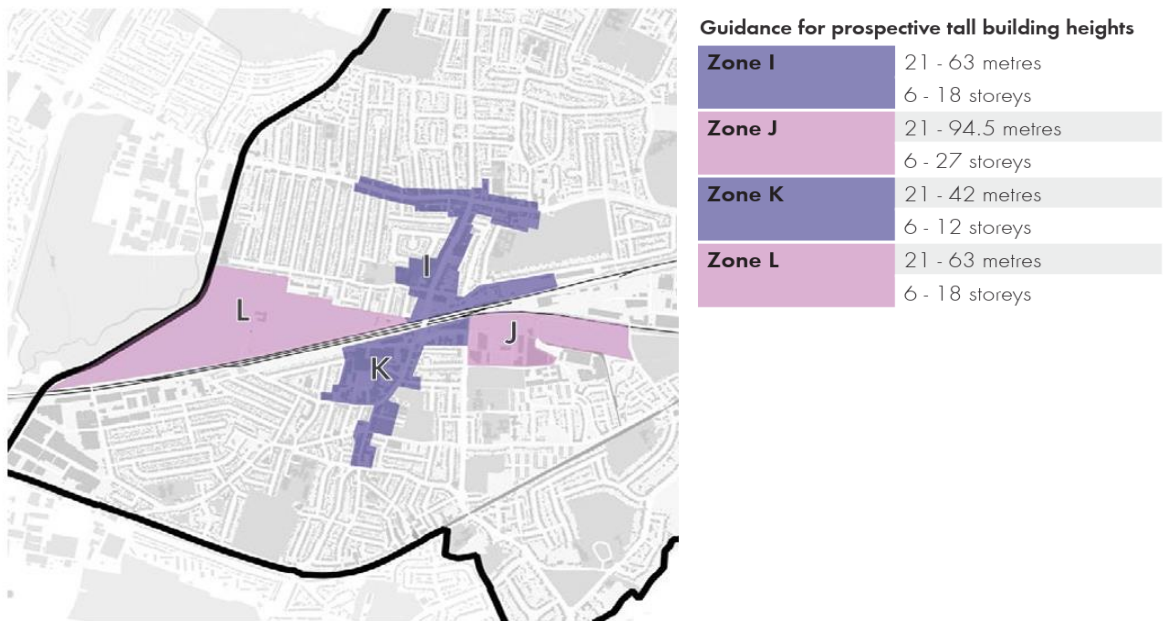
1.31 The character-and context-led methodology adopted by the Tall Buildings Study (EB45) aligns with Policy D9 of the London Plan, resulting in seven defined geographical zones being identified as ‘appropriate locations’ for tall buildings (Figure 1-2).

Figure 1-2 - EB45: Appropriate locations for tall buildings in Ealing



1.32 EB45 identifies four appropriate tall building zones in Southall (Zones I to L) recommending building heights up to 27 storeys (Figure 1-3), which aligns with a tall building cluster that has emerged around the Elizabeth Line Station in recent years.

Figure 1-3 - EB45 - Appropriate locations for tall buildings (Southall)



1.33 Specifically, for Development Site 11SO in Area L, the tall building text states that “Design analysis indicates an appropriate height of up to 18 storeys (63 metres)”.⁸

1.34 The evidence base does not robustly support a height parameter of 18 storeys across Area L, with the only design assessment undertaken by EB45 for Area L is as follows:-

Zone L is a large triangular parcel of previously industrial land which is currently being redeveloped as a mid to high rise residential development. Zones J and L are subject to numerous consented planning applications and both have significant character changing potential.

1.35 EB45B identifies 11SO⁹ as an appropriate tall building allocation of low sensitivity and high suitability, however, the recommended appropriate height is actually informed by the extant planning permission¹⁰ which is artificially restricted by the Civil Aviation Authority maximum building height limitations for Heathrow Airport, rather than urban design considerations such as heritage, townscape or impacts on amenity. The detailed assessment undertaken by the Applicant for the recent planning applications endorses the assessment of EB45B which is a largely unconstrained but suitable site for tall buildings.

1.36 This effect is partly recognised by the Council in their Minor Modification SMM118¹¹ (Figure 1-4), which is drafted in the context of a restriction rather than an opportunity to increase building heights should the CAA thresholds change.

Figure 1-4 - Minor Modification Text (SMM118)

“Ensure building height, massing and street layout proposals are developed in accordance with the Tall Building Strategy. ~~Appropriate heights are to range between 2 and a maximum of 18 storeys (63m). The upper building height shall not exceed the maximum Heathrow CAA Limitation.~~”

1.37 The modification to Development Site 11SO should go further to account for a scenario whereby the CAA limitations are revised (increased) to allow buildings of greater height to come forward upon the Green Quarter, which given its size and largely unconstrained character is able to create its own identity.

1.38 The Council’s Committee Report for the new Outline Masterplan (ref. 234110OUT) recognises the influence of the CAA Obstacle Limitation Areas for Heathrow Airport in inform the massing arrangement, as opposed to other urban design considerations, stating that:

The illustrative massing has been developed to deliver height towards the centre of the Site along Parkside Yard, with building massing stepping down in response to the prevailing character to the north and south, and the Civil Aviation Authority Obstacle Limitation Areas for

⁸ S24 - Schedule of Suggested Modifications, November 2024 – SMM118

⁹ Study Site SO14

¹⁰ 171562VAR

¹¹ S24 - Schedule of Suggested Modifications, November 2024

Heathrow Airport. The indicative building massing sits within the maximum parcel heights that are secured by the Parameter Plan.¹²

- 1.39 This should be explicitly acknowledged in Local Plan Policy D9 for The Green Quarter and other Southall site's that are subject to height restrictions in accordance with the CAA obstacle limitation area.

Q2 (i) – In terms of the local variation to Policy D9 of the London Plan are any modifications needed to the variation of Policy D9 for soundness?

- 1.40 The current approach to defining tall buildings across the Borough should be simplified. To do so, Table DMP1 and Figure DMP1 should be amended and only refer to Areas that are subject to non-London Plan definition (i.e. 7 storeys and above).
- 1.41 In addition, it remains unclear what happens in the scenario where a tall building is proposed not in tall building location i.e. where it comes forward under part C of London Plan Policy D9 rather than Part C.
- 1.42 The Inspector in the recent Ealing appeal decision addresses this issue, and the recommended approach should be reflected by Policy D9 of the Local Plan to ensure additional flexibility.

“22. STT suggests that London Plan Policy D9 expects tall buildings to come forward through the Boroughs and their Local Plans under B and that approval of the appeal scheme would take away the ability of local people to exert some control over what comes forward as part of the examination. However, the Hillingdon judgment¹³ which makes plain that tall buildings can come forward under B or C of London Plan Policy and I do not see any preference between the two routes expressed in the wording of the policy.”

¹² Planning Committee (06/11/2024) – Schedule Item 01 (234110OUT), Page 21

¹³ Case Name: London Borough of Hillingdon, R (On the Application Of) v Mayor of London [2021] EWHC 3387 (Admin) (15 December 2021)

**APPENDIX 1 – WAITROSE, WEST EALING APPEAL DECISION
(APP/A5270/W/24/3347877)**



Appeal Decision

Inquiry opened on 19 November 2024

Site visits made on 19 November and 28 November 2024

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State

Decision date: 27th May 2025

Appeal Ref: APP/A5270/W/24/3347877

Waitrose, 2 Alexandria Road, Ealing W13 0NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against the failure of the local planning authority to give notice of a decision within the appropriate period on an application for planning permission.
 - The appeal is made by John Lewis Partnership BtR Ltd against the Council of the London Borough of Ealing.
 - The application Ref.233076FUL, was dated 14 July 2023.
 - The development proposed is demolition of existing buildings and structures and the phased erection of buildings for a mixed use scheme, including new homes; a replacement food store; flexible commercial space; alterations to the existing access road; associated improvements to streets, open spaces, landscaping and public realm; and provision of car and bicycle parking spaces and servicing spaces and other works incidental to the proposed development.
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Preliminary Matters

1. The Inquiry opened on 19 November 2024 and I heard closing submissions on 3 December 2024. As was indicated at the Case Management Conference (CMC), the Council chose not to contest the appeal and took part in the Inquiry in relation to discussions about conditions and the various obligations only. However, a Rule 6(6) Party – Stop the Towers (STT) - appeared at the Inquiry, and took a full part in the proceedings, raising various grounds of objection.
2. While familiar with the area, having conducted the Inquiry and allowed the appeal relating to the tall building known as 55 West¹ nearby in 2021, I carried out a brief, unaccompanied visit to the site on the morning of 19 November 2024 for the purposes of refamiliarization.
3. I carried out an accompanied visit to the existing Waitrose store, its surroundings, and a number of individual properties, on the afternoon of 28 November, following an itinerary agreed by the parties, having earlier that day, visited Osterley Park, and some of the other longer-range viewpoints, on an unaccompanied basis.
4. The application was considered to exceed the threshold for screening (150 dwellings) in Schedule 2 of the EIA Regulations and taking into account its scale and nature, and the surrounding area, the applicant (now appellant) considered that there was the potential for likely significant effects to arise and so the proposal constituted EIA development. The applicant/appellant undertook EIA and did not request a screening opinion from the Council.

¹ APP/A5270/W/21/3268157

5. As a result, the originating application was accompanied by an Environmental Statement (ES) which covered various aspects of the proposal. I am content that this ES meets the requirements of the EIA Regulations, and I have, of course, taken it into account in arriving at my decision.
6. The Inquiry took place in the knowledge that shortly after closing submissions had been heard, a new version of the National Policy Framework (the Framework) would likely be published alongside new Housing Delivery Test (HDT) results. On top of that, submissions of a technical nature were made at the Inquiry by an interested person that made necessary further analysis, and a technical response from the appellant. On that basis, I kept the Inquiry open so that further submissions could be made in relation to these matters. The new Framework and the HDT results were duly published on 12 December 2024² and submissions were subsequently made by the parties upon them. I have of course proceeded on the basis of the latest version of the Framework, and the HDT results, and their implications for the appeal, having taken into account these submissions. Further exchanges also took place in relation to the interested person's issues. The Inquiry was eventually closed, in writing, on 12 February 2025.
7. A draft Agreement under s.106 was provided for discussion at the Inquiry. That discussion was helpfully informed by a CIL Compliance Statement prepared by the Council and a summary submitted by the appellant. I allowed time for the Agreement to be completed, and it was received in a finalised form, on 18 December 2024. I address its content further below.
8. The Inquiry was served by a series of Core Documents (CDs) and further Inquiry Documents (IDs) were submitted during proceedings, and, as set out above, until the Inquiry was closed in writing. These were all helpfully catalogued and stored by the appellant, and on the Council's website, so that access could be gained to them, during and after the Inquiry. Where I refer to these CDs and IDs in my decision, I do so by their reference number. For the sake of completeness, I have listed the IDs in Annex B to my decision.

Decision

9. The appeal is allowed and planning permission is granted for demolition of existing buildings and structures and the phased erection of buildings for a mixed use scheme, including new homes; a replacement food store; flexible commercial space; alterations to the existing access road; associated improvements to streets, open spaces, landscaping and public realm; and provision of car and bicycle parking spaces and servicing spaces and other works incidental to the proposed development in accordance with the terms of the application, 233076FUL, dated 14 July 2023, subject to the conditions set out in Annex C to this decision.

Main Issues

10. In opening the Inquiry, following what was discussed at the CMC, I set out the main issue in this case as the effect of the proposal on the character and appearance of the area, encompassing its design, and any effect on the setting and thereby the significance, of affected heritage assets.

² The new version of the Framework was amended again on 7 February 2025 but not in ways that affected the parties' submissions

11. I also made reference to the context for that analysis, - the development plan as well as national policy in the Framework – as well as matters such as prematurity, the supply of affordable housing and housing generally, and any impact on the living conditions of local residents.
12. Having regard to the way STT presented its case at the end of proceedings, I intend to deal with those matters in a different order, dealing with the issue of prematurity first, as a gateway to the other issues before the Inquiry. I approach the matter that way because a finding that the proposal is 'premature' could potentially at least, be fatal to its prospects.

Reasons

Prematurity

13. The Framework deals with the principle of prematurity in Part 4: Decision-Making under the heading: Determining Applications. Paragraph 49 refers to the way weight can be given to relevant policies in emerging plans.
14. Following on from that, paragraph 50 says: *However, in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both: a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*
15. The Council submitted their new Local Plan – titled Ealing's Local Plan³ – for examination on 18 November 2024. As one would expect, it contains a raft of policies aimed at various matters. Most specifically, it allocates the appeal site (Ealing – 15EA - Waitrose, West Ealing) for residential purposes alongside mixed-uses appropriate to the Town Centre (with reprovision of the supermarket on the ground floor). It goes on to say that the site is in principle suitable for a tall building and that design analysis indicates a maximum height of 13 storeys (45.5 metres).
16. This assessment of the site, and the design analysis can be found in the Council's Tall Building Strategy (TBS)⁴. This TBS, which is dated December 2023, is accompanied by a Site Guidance Appendix (TBS Appendix)⁵ of even date that analyses a range of different sites, including the appeal site, individually, but also as part of the overall strategy set out in the TBS. The appeal site (EA24) is considered in the TBS Appendix as part of Ealing Cluster C alongside the site called West Ealing Station Approach (EA25).
17. The maximum indicative height shown on the appeal site in the illustrative scheme for the appeal site is 11 storeys, with heights rising from the west to the east. On the nearby EA25 site, the maximum indicative height shown is 13 storeys, in the north-west corner of the site.

³ CD5.1

⁴ CD4.35

⁵ CD4.43

18. In the allocations in the new Local Plan, 11 storeys on the appeal site becomes 13 storeys, while the 13 storeys suggested on the EA25 site remains at 13 in allocation 16EA (Ealing – 16EA – West Ealing Station Approach).
19. There is a context for all this too. Policy D9 of the London Plan deals with tall buildings in the capital. These are defined under A. Under B: Locations, the policy says that Boroughs should determine if there are locations where tall buildings may be an appropriate form of development and that any such locations and appropriate building heights should be identified on maps in Development Plans. Moreover, tall buildings should only be developed in locations that are identified as suitable in Development Plans. Under C the various potential impacts of tall buildings that development proposals should address are set out. I deal with these further below.
20. The context provided by the London Plan is not limited to that, however. Following on from London Plan Policy GG2 that stresses the importance of making the best use of land, London Plan Policy D3 seeks to optimise site capacity through the design-led approach and makes the point that all development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations.
21. Against that background, the first point to make is that the Council, who have put forward their new Local Plan for examination, do not consider that the proposal at issue raises issues of prematurity. That is important, but not the end of the matter, obviously.
22. STT suggests that London Plan Policy D9 expects tall buildings to come forward through the Boroughs and their Local Plans under B and that approval of the appeal scheme would take away the ability of local people to exert some control over what comes forward as part of the examination. However, the *Hillingdon* judgment⁶ which makes plain that tall buildings can come forward under B or C of London Plan Policy and I do not see any preference between the two routes expressed in the wording of the policy.
23. Nevertheless, approval of the scheme would clearly bear on the way the development of the appeal site, and perhaps others, would be considered as part of the Local Plan examination. It would mean that those with an interest in this aspect of the new Local Plan would lose the opportunity to have an input into the way the terms of the allocation are expressed. That said, I take the point that the public has had the opportunity to make plain their views on the site, and a specific proposal for it, through the Inquiry. Experience tells me that the analysis of the scheme at the Inquiry was far more detailed than what might ordinarily be expected of the analysis of an allocation at an examination.
24. Moreover, it is important to appreciate that the examination would not only have to consider London Plan Policy D9, but also Policy D3. The question of whether the allocation for the appeal site put forward optimised site capacity would very likely be at issue. In that context, it is important to appreciate that the tall building permitted nearby known as 55 West is ground floor plus 19 storeys while the tall building permitted by the Council at 42 Hastings Road (EA25 referred to above) is up to 16 storeys in height. The latter permission has been granted despite the suggestion in the Council's new Local Plan that maximum heights on the site should be 13 storeys.

⁶ CD9.09

25. Analysis of the TBS and the TBS Appendix shows that the authors were aware of the 55 West permission⁷ but the Hastings Road permission post-dates the documents. In the light of these permissions, which in the case of the latter comfortably exceeds the suggested height limits for the EA25 site, it is difficult for me to see how the indicative heights suggested for the appeal site (15EA/EA24) would survive the examination.
26. In particular, I am not at all convinced that, in the emerging context of the appeal site, an upper limit of 13 storeys upon, as set out in the allocation in the new Local Plan, can realistically be said to optimise site capacity. I note that representations to this effect have been made on behalf of the appellants in this case, to the examination, on that basis.
27. The point was made too that finding the heights proposed on the appeal site acceptable despite the terms of the allocation would undermine the hierarchy of tall buildings in the TBS and TBS Appendix that has found its way into the new Local Plan. I appreciate the basis for that argument, but it seems to me that it is the permissions granted at 55 West, and at Hastings Road, amongst others, that have undermined that suggested hierarchy. If the intention is that the tallest buildings in Ealing should be in the vicinity of Ealing Broadway Station, then if the hierarchy is to be maintained, the maximum permissible heights around Ealing Broadway Station, will need to increase to reflect what has been permitted in West Ealing. It is not the proposal on the appeal site that has had that effect – its heights are a reaction to those same permissions.
28. Further, concerns were raised about whether allowing the proposal at issue to proceed on the appeal site would make it more likely that a tall building would come forward on the Ealing – 18EA site allocation (Ealing – 18EA – Access House & T Mohan, West Ealing). The new Local Plan suggests that this site is not in principle suitable for a tall building. I very much doubt whether permitting the scheme proposed on the appeal site would have that effect not least because the 18EA site is north of the railway, and further away from the crossing point of road and railway, and West Ealing Station. In any event, any proposal for a tall building on the 18EA site would need to be considered on its own particular merits.
29. Bringing those points together, in the context of what the Framework says about prematurity, it is fair to say that the new Local Plan is at a sufficiently advanced stage for prematurity to be an issue potentially at least. However, for the various reasons set out, I do not consider that the proposal at issue here is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the new Local Plan.
30. In particular, the changing context of the appeal site, and the approach the Council has taken to other tall buildings in the Borough, against the background of the London Plan, suggest very strongly to me that the approach to the appeal site, and indeed the approach to other sites expected to house tall buildings, in the new Local Plan, is very unlikely to remain intact in any event. In my view, a grant of planning permission for buildings of the heights proposed on the appeal site in this case would make very little difference to that situation.

⁷ It appears as a permitted scheme in some of the diagrams

31. That is not to say that a development of the height and scale proposed is necessarily acceptable on the appeal site. That conclusion relies on an analysis of its impact on the character and appearance of the area, amongst other things.

Character and Appearance

32. I have referred already to London Plan Policy D9 which deals with tall buildings. Impacts that might arise as a result of tall buildings are dealt with under C and those development proposals are expected to address are set out. These include visual impacts in long-range, mid-range and immediate views; the need whether as part of a group or stand-alone, to reinforce the spatial hierarchy of the local and wider context and aid legibility and wayfinding; the necessity for architectural quality and materials to be of an exemplary standard to ensure that the appearance and architectural integrity of the building is maintained through its lifespan; the need to take account of, and avoid harm to, the significance of London's heritage assets and their settings – tall buildings should positively contribute to the character of an area; there should be no adverse reflected glare; and light pollution should be minimised.
33. In terms of functional impacts, amongst other things, tall buildings must ensure the safety of occupiers and they should be serviced, maintained and managed in a way that preserves their safety and quality and not cause disturbance or inconvenience to the surrounding public realm. Entrances, access routes and ground floor uses should be designed and placed to allow for peak time use and to ensure there is no unacceptable overcrowding or isolation in the surrounding area. It must be demonstrated that the capacity of the area and its transport network is capable of accommodating the quantum of development and jobs, services and economic activity and the regeneration potential this might provide should inform the design so that it maximises these benefits and provide a catalyst for further change. Environmental impacts must be kept within reasonable bounds and account must be taken of cumulative impacts.
34. STT proceed on the basis that London Plan Policy D9 provides the principal policy for an analysis of the proposal against the 'character and appearance' issue. In general terms that is correct, but I would say that London Plan Policy D3, that I have rehearsed above, provides an important context for the various considerations against London Plan D9.
35. The overarching case put forward on behalf of STT is that the proposal is too high and bulky, and of excessive mass, that is out of keeping with the long-established scale and character of the area around it. This, it is said, would have a detrimental effect on both immediate, medium, and long-range views, adding to a harmful cumulative impact across West Ealing. On top of that, STT say that the scheme would have a negative effect on the setting and thereby the significance of non-designated heritage assets.
36. Conceptually, the proposal rises from the west, with two lower blocks of accommodation behind Glenpark Court before the main block which consists of a podium, housing the supermarket at first floor level, with its car parking below, with four towers rising adjacent to, and from it. These rise from the west, with Block A at FFL + 71.025m AOD, Block B at FFL + 87.525m AOD, Block C at FFL + 93.975 AOD, and Block D at FFL + 100.425 AOD, matching the height, approximately, of 55 West.

37. To my mind, there is a clear logic to this arrangement, with the scheme rising up towards the important nodal point where Drayton Green Road crosses the railway; a nodal point marked by 55 West, and the proposal at 42 Hastings Road. I would observe that in conceptual terms, if not in terms of building heights, this is a similar approach to that set out in the TBS and the TBS Appendix that I have referred to above.
38. With the much lower, but nevertheless substantial, Luminosity Court in-between, the proposal would form a cluster of tall buildings around the crossing point, adjacent to West Ealing Station, an important transport hub. I appreciate that the buildings vary in terms of their detailed design, but nevertheless, I consider 'cluster' to be an apposite description. We talk of the 'city cluster' of tall buildings in the City of London for example, and they show great variation in terms of their heights, design, and I might add, their architectural quality.
39. On top of that, the building would add to the spine of taller development that is growing along the line of the railway. This description drew some comment too but again, it is a situation reflected in the TBS, and its approach to what it terms 'Appropriate Locations'. Unsurprisingly perhaps, this is because one of the key suitability criteria is ready access to public transport. I would add that there is historical precedent for this type of growth. Map regression analysis shows that this part of West Ealing originally grew along the line of the railway and Uxbridge Road. What is taking place now, is an echo of that, with the addition of another layer of taller buildings.
40. I appreciate, of course, that there are streets of attractive, traditional, two-storey terraced housing north and south of the railway. There would obviously be a stark contrast between these dwellings, and the proposal, in terms of scale, massing and height. However, for the reasons set out, the contrast is not arbitrary; there are good reasons why development should be more intensive along the railway, and near to the station. Moreover, contrast is not invariably negative. Indeed, there is already a contrast between the existing supermarket building and the housing on the opposite side of Alexandria Road.
41. Obviously, that contrast would be heightened by the appeal proposals. However, I consider that the podium would provide a useful controlling influence upon it. Pedestrians on Alexandria Road, and occupiers of the housing opposite the appeal site, would be conscious of the overall difference in scale on either side of the street, but the podium would be the more immediate focus. It would present an attractive frontage to Alexandria Road that is more active than what prevails at present, providing a transition to the taller towers set deeper into the site. The podium has the added benefit of dealing with car parking for the supermarket efficiently, in terms of the use of land, and allowing the roof to be used as outside space to serve the residential towers.
42. There would be a significant contrast too in views of the site from Manor Road, and from the houses that front it. However, there would be much more separation distance involved and the foreground of the views would include the railway, a major piece of infrastructure, and all the paraphernalia associated with it.
43. In conceptual terms then, I am content that the proposal would not have a harmful impact on the character and appearance of the area. It would be a positive addition to the townscape that would have a logical basis.

44. In terms of the more detailed aspects of design, a number of linked points were made. In the first instance, the proposal includes units that would not comply with the GLA's definition of dual aspect. That is not ideal. Indeed, Standard 29 of the Mayor of London's Housing SPG (2016) says that developments should minimise the number of single aspect dwellings; single aspect dwellings that are north facing or exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms, should be avoided.
45. I can appreciate the reasoning behind that guidance, but it does have to be considered in the round. The appeal site has an elongated west-east axis and is relatively narrow in a north-south direction and set against the railway. Optimising the use of a site like that, as required by London Plan Policy D3, will almost inevitably involve residential units facing north.
46. Moreover, since the Mayor's Housing SPG was published, there have been changes in fire safety requirements for residential buildings like that proposed, with the requirement for a second core. This second core does make it more challenging to design space-efficient layouts, that include more units that meet the Mayor's definition of dual aspect, especially on restricted sites.
47. As an adjunct to that, criticism was also made of the frontage the scheme would present to the railway. The suggestion was made that the 'link blocks' ought to be removed so that the towers appear free, to a greater extent, from the base of the building. The difficulty with that is that these 'link blocks' contain the larger, dual aspect units, designed for family size groups. In my view, these 'link blocks' would be sufficiently set back from the towers to appear recessive, and the use of materials proposed would assist with that too.
48. Taking those points together, I consider the residential units to be well-designed with the clear need to optimise the use of the site in mind. It is important too to consider the residential units in the context of the scheme overall; a scheme that includes much in the way of communal facilities and amenity space. To my mind, residents of the housing element of the scheme would enjoy admirable living conditions.
49. Penultimately, in relation to this issue, I turn to the non-designated heritage assets raised by STT and the impact that the scheme would have upon them. These are the West Ealing Delivery Office, No.46 Manor Road, and Ealing Magistrates Court. All are established parts of the fabric of West Ealing, and fine buildings that sit comfortably in their context. They derive some of their overall significance from these settings.
50. The proposal would bring change to the setting of these buildings, but as I have set out above, that change would not be arbitrary, and the proposal would sit comfortably in the changing context of the area. If the development proposed was built out, these buildings would remain happily wedded to their context. Their significance would not be undermined by the proposal. I reach a similar conclusion in relation to other non-designated heritage assets nearby.
51. It was not a matter advanced by STT but in their consultation responses, based on visualisations provided by the appellant, Historic England (HE) has suggested that the proposal would cause some (low level) less than substantial harm to the significance of Osterley House (a Grade I listed building) and Osterley Park (a Grade II* Registered Park and Garden).

52. As I set out above, I visited the house and its park armed with the appellant's visualisations in order to inform myself of this potential impact. The proposal would not be visible from a position directly in front of the house. However, there are places in the parkland where glimpses of the distant proposal would be possible, above the treeline.
53. I appreciate the design intent behind the illusion of countryside within an urban area (rus-in-urbe) and the importance of this design intent to an understanding of the setting and thereby the significance of the house, and its park. I would observe however, that this freedom from modern intrusions is not intact. The presence of the M4 motorway that cuts through the park is a prominent one, aurally even when the road is not in sight, and there are already buildings visible beyond the park. At the time of my visit, aeroplanes on the Heathrow flight path were an almost constant presence. Any visitor to the house and/or park could not fail to be aware of the fact that they are in London, rather than the countryside.
54. However, from what I saw this prevailing situation does not undermine an understanding of the design intent, and the contribution this makes to setting and thereby the significance of these very important designated heritage assets, to any significant degree. In that context, while the occasional glimpse of a building over 3 km away, through and above the treeline, would cause a change to the setting of the house and its park, I do not consider that this would be of a magnitude that would be harmful to the significance of the designated heritage assets affected. That is especially so when one appreciates that some views of the proposal from the park would occlude, or be in association with, views of 55 West, a building for which planning permission has already been granted⁸.
55. Bringing all those points together, I regard the proposal as one that is well designed. It manages an effective balance between the impacts of buildings of the height, scale and mass proposed, against the need to optimise the site. On that basis, the scheme is in ready accord with London Plan Policies, D9, GG2, and D3. It would cause no harm to the significance of heritage assets whether designated or non-designated.

Other Matters

56. A number of further points were made against the proposals. However, these have to be considered in the proper light. Change on the appeal site appears inevitable, whether it comes through the scheme at issue in this appeal, or through whichever form the Council's allocation in the new Local Plan takes. It seems to me that matters of principle are not really at issue.
57. For example, points were made about the environmental impact of development, and the carbon footprint of buildings like that proposed. Those aspects can be controlled to an extent by condition but there is a more fundamental point. Government policy in the Framework is supportive of growth generally, and housing growth in particular. That does not come without an environmental cost, but it is for Government to consider that alongside wider policy questions. It is not for me to question the approach of the Government.

⁸ And I do not recall the impact of that proposal on the setting and thereby the significance of Osterley House and/or Osterley Park being an issue in that case

58. Similarly, I accept that the scheme will have a significant visual impact that will change the outlook many local residents enjoy. Some dwellings around the appeal site will suffer the loss of some light.
59. The technical analysis carried out on behalf of the appellant shows that this would be well within reasonable bounds. However, there is a wider point. National policy in the Framework, the London Plan, and the new Local Plan, all encourage the development of sites like that before me. All expect best use to be made of such sites. That best use does not come without significant change and the impacts of the scheme in relation to local residents' outlook and living conditions needs to be considered against that background. In that context, I do not consider that the living conditions of local residents would be undermined to any significant degree by the proposal.
60. I would make a similar point about disturbance during the construction period. Conditions can manage these impacts to an extent but the fact that disturbance would occur is not a good reason to resist development that meets the aims of national and local policy.
61. Issues have been raised around parking. The amount of car parking serving the supermarket would reduce significantly as part of the scheme, though not to the extent suggested by the GLA⁹. I am content that with proper management, something that can be secured by condition, this reduction need not cause issues for those who live around the site. Indeed, it would not be in the commercial interests of the retailer to allow parking issues to undermine the experience of their customers. In any event, the area around the appeal site is subject to various Controlled Parking Zones (CPZs) and if the Council thinks it prudent to revisit the terms of those CPZs, as a reaction to the scheme, then there is facility within the Agreement under s106 for them to do so.
62. Linked to that, the residential element of the proposal is intended to be 'car free' with parking provision on-site only for those who really need it. There is nothing unusual about 'car free' developments especially on sites like the appeal site that are close to public transport hubs. I do not consider that the scheme need result in increased parking pressure on adjacent, or even more far flung, streets. The terms of the Agreement under s106 would mean that residents of the scheme would not be eligible for a parking permit and even if residents sought to circumvent that restriction by moving their vehicle about to accord with the restrictions of the CPZs, then if this became a problem, the Council would have the ability to revisit the CPZs, as set out above.
63. Points were made too about overcrowding on the Elizabeth Line generally, and in relation to West Ealing Station. However, as a transport corridor, the railway is going to be a focus for growth. It seems to me that it is up to the operators of the Elizabeth Line to address any overcrowding as a response to that, not for development to be stalled because there are not enough trains.
64. There was a specific, technical point raised by a local resident about the impact of the scheme on his dwelling and the solar panels that have been installed as a part of it. I visited the dwelling concerned as part of my site visit. The analysis carried out by the appellant in response to the resident's submissions shows that the impact would be nothing like as severe as feared and to my

⁹ The GLA suggests that being part of a town centre, the new supermarket should have no car parking but that in my view fails to account for the fact that what is proposed is a replacement supermarket

mind, what impact there would be is well within reasonable bounds. Notwithstanding that, as I have set out above, it is difficult to see how the sort of 'good growth' envisaged by the London Plan, alongside optimising the use of land, like that which makes up the appeal site, is going to happen without some consequences like that envisaged. Impacts of the sort feared by this particular resident need to be seen in that context.

65. As a final point under this heading, as I have touched on above, the benefits of the scheme do need to be properly accounted for when considering the potential impacts of the scheme. Even though I have found those impacts to be acceptable, in the light of the development plan and national policy, it is instructive to consider the principal benefits of the scheme.
66. First of all, there can be no doubt that the need for new homes in London is, as the appellant puts it in closing, colossal. The lack of effective delivery results in house prices that are beyond the reach of very many; something that has wider repercussions for the economy and the social wellbeing of London. The Secretary of State wrote to the Mayor of London and stated: *'we both appreciate the need to urgently deliver more homes of all tenures if we are to tackle the housing crisis and boost economic growth'*.
67. Bearing in mind the position in London generally, and in the London Borough of Ealing specifically, in view of the recent HDT results, the significant amount of housing that forms part of the scheme is a massive benefit. That is especially so when one considers that the BtR model proposed is more much accessible to those, like key workers, that find securing suitable housing so difficult. Moreover, the affordable housing proposed as part of the scheme – at least 83 units – is a major contribution, especially when one considers that only 13 units of affordable housing were delivered in Ealing in 2023/24.

Conclusion

68. Bringing everything together, I conclude that the scheme would bring forward very significant benefits in a way that would not harm the character or appearance of the area or the significance of heritage assets. Neither would it have any undue impact on local residents. Importantly, it would not undermine the progress to eventual adoption of Ealing's Local Plan.
69. Overall, the scheme is in ready accord with London Plan Policies D9 and D3 and the development plan as a whole. There are no material considerations that might justify a departure from the development plan. In those circumstances, we are advised that planning permission should be granted without delay.

Conditions and Obligations

70. Paragraph 57 of the Framework tells us that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. A list of draft conditions, agreed between the appellant and the Council, was included in the Statement of Common Ground. I have considered those conditions in the light of advice in the Framework treating those that are pre-commencement in nature as having been accepted by the appellant. I have made some minor changes to the wording of some of the draft conditions in the interests of precision.

71. As usual, a condition is required to deal with commencement, along with another setting out the approved plans (conditions 1 and 2). Bearing in mind the various elements that make up the proposal, a condition outlining the approved quantum of development in relation to each element is necessary to ensure compliance with the precise terms of the application (condition 3).
72. At the time of the Inquiry, there was a parallel application before the Council allowing the provision of a temporary food-store while the existing food-store is in the process of redevelopment. A condition is essential to prevent both the temporary food-store and the new food-store that is part of this permission from operating at the same time, and for it to be subsequently removed (condition 4).
73. There is the possibility of archaeological remains on the site, so a condition is necessary to secure a Written Scheme of Investigation (condition 5).
74. In the interests of the living conditions of future residents of the development, conditions are needed to address the noise environment generally, and vibration. These need to address noise from mechanical plant (condition 6) insulation from external noise sources, through a revised noise assessment (condition 7), and protection from potential vibration from railway (condition 8). It is also reasonable to apply a condition to secure sound insulation between flats that accords with the Council's requirements (condition 9). In relation to the noise environment more generally, a condition is needed to control Non-Road Mobile Machinery (NRMM) (condition 10).
75. Cycle parking for the food-store and residential elements of the scheme need to be controlled by condition (condition 11) and the same goes for refuse storage (condition 12).
76. A condition is needed to secure the requisite number of dwellings suitable for wheelchair users (condition 13). Linked to that, a condition is necessary to ensure that lifts serving the food-store, and the residential units, are operational before they are brought into use (condition 14).
77. Any satellite dishes, masts and the like whether part of the residential element of the scheme, or the food-store, need to be covered by condition to ensure that their introduction has no unduly adverse impact on the appearance of the scheme (condition 15). In a similar way, control needs to be exerted over any extraction and/or odour control equipment (condition 16).
78. While the approved plans are sufficiently detailed to obviate the need for further details of important elements of the buildings to be sought, it is important to give the Council the opportunity to approve the materials to be used in external surfaces and finishes of the buildings (condition 19).
79. Evidently, implementation of a scheme of the scale proposed has the potential to cause a significant amount of noise, disturbance and disruption for existing residents in the area. It is essential then that external control is able to be exerted on the demolition and construction processes. To that end, conditions are needed to secure a Demolition Management Plan and Construction Method Statement, and a Demolition and Construction Logistics Plan. While a degree of noise, disturbance and disruption is inevitable, these conditions should allow existing residents' living conditions to be protected to a reasonable degree

- (conditions 17 and 18). In a broadly similar vein, conditions are needed to address the potential for contamination of the site (conditions 20, 21 and 22).
80. As an adjunct to that, the use of cranes on the construction site needs to be controlled for reasons of aircraft safety (condition 41) and to safeguard Thames Water assets. Similar forms of control are necessary in relation to piling (condition 42).
81. To ensure that residents of the development proposed are not affected by issues around air quality, the Council needs to be able to approve details of the artificial ventilation of the residential elements of the scheme (condition 23). The condition also needs to ensure that the approved system is maintained in accordance with manufacturers' requirements. A condition is also necessary to control the installation and use of emergency diesel generators on the site (condition 24).
82. Both hard and soft landscaping, and the various elements that make up the landscaping scheme overall, need to be made the subject of a condition (condition 25) to ensure that what comes forward is of the requisite standard, and to ensure that it is sustained in use.
83. The opening hours of the food-store must be controlled by condition (condition 26). Moreover, conditions are required to ensure that servicing of the food-store and residential elements of the proposal takes place in accordance with the Management Plans submitted as part of the application (conditions 27 and 28). Similarly, the food-store car park must be managed in a way that complies with the Retail Car Parking Management Plan (condition 29). Further, it is necessary to attach a condition to secure a Car Parking Management Strategy for what car parking there is, associated with the residential elements of the scheme (condition 30). It is reasonable to apply a further condition relating to the provision of electric vehicle charging points (condition 31).
84. A condition is needed to address Biodiversity Net Gain (condition 32). A series of conditions is required to cover the installation and operation of renewable energy generating equipment and to control emissions of Carbon Dioxide from the site in accordance with the requirements of local and London-wide policies (conditions 33, 34 and 35), to ensure that the food-store attains a BREEAM status of 'Very Good' (condition 36), to secure a Whole Life-Cycle Carbon Assessment (condition 37), a Circular Economy Statement (condition 38), and to ensure compliance in design and construction terms with the submitted Sustainability Statement (condition 39).
85. External lighting needs to be controlled by condition (condition 40). A condition is essential to ensure that the residential and retail elements of the scheme are developed in accordance with the submitted Fire Safety Reports (condition 43). Details of foul and surface water drainage have to be covered by condition too (condition 44). Related to that, a condition must be applied to exert control over water usage in residential units (condition 45). A further condition is required to secure proper fibre connectivity for the users of the building (condition 46).
86. To retain the mix of uses proposed in the scheme, it is necessary to apply a condition restricting changes of use of the various elements of the scheme that might be possible without the need for planning permission (condition 47).

87. In the interests of clarity, the CIL phasing profile of the development must be defined by condition (condition 48).
88. A suite of conditions is required to deal with the boundary of the site with the railway and the interests of Network Rail. These need to cover acoustic fencing (condition 49), any tree planting (condition 50), and vehicular barriers (condition 51).
89. It is necessary to apply a condition to ensure that the relevant aspects of the development are designed in a way that makes possible future connection to a district heating network (condition 52).
90. The potential dangers to aviation of large and/or flocking birds needs to be addressed through the submission and approval of a Bird Hazard Management Plan (condition 53). Finally, the principles of 'Secured by Design' must be applied through the vehicle of a condition (condition 54).
91. As set out above, a completed Agreement under s.106 was submitted before the Inquiry closed. This contains a significant number of obligations which I have considered in the context of paragraph 58 of the Framework. Mirroring the requirements of the CIL Regulations¹⁰, this says that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
92. The Council helpfully produced a CIL Compliance Schedule¹¹ which explains the basis for the various obligations sought by the Council. The Agreement under s106 itself includes a so called 'blue pencil' clause which says that if I find that any obligation, or part of an obligation, within the Agreement does not meet the tests set out above then it shall cease to have effect.
93. There are various obligations in the Agreement under s106. Many of these involve financial contributions to be made to the Council – there is a £10,000 Accessible EV Spaces Contribution; a £200,000 Active Ealing Contribution; a £50,376 Air Quality Monitoring Contribution; a £30,000 Allotment Contribution; a £110,000 Bus Enhancements Contribution; a £69,090 Children's Play Space Contribution; a £30,000 CPZ Monitoring Contribution; a £470,000 Education Contribution; a £814,000 Healthcare Contribution; a £300,000 Regeneration Employment and Skills Contribution; a £25,000 Renewable and Low Carbon Energy Monitoring Contribution; a £337,920 Residential Carbon Offsetting Contribution; a £625,000 Town Centre Improvements Contribution; a £70,000 Town Centre Management Programmes Contribution; and a £46,080 Store Carbon Offsetting Contribution.
94. The Council's CIL Compliance Schedule demonstrates that there is a relevant policy basis for all these financial contributions, and it is very clear that a development of the scale proposed will lead to additional pressures in these areas. There is a robust means of calculation in place for all of them. As such, I am satisfied that these obligations, and the financial contributions they include, are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

¹⁰ Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended)

¹¹ ID5

95. There are further obligations that deal with the submission and operation of a Residential Travel Plan and a Store Travel Plan (including financial contributions towards monitoring costs); definition as a Car Free Development – meaning that residents/workers at the site are not entitled to a parking permit allowing them to park in the CPZs around and about; and the operation of a Car Club.
96. Further obligations relate to the submission for approval of a Residential Management Plan, which will include arrangements to market the residential units locally for three months before marketing more widely; the provision of Affordable Housing, where 20% of the total habitable rooms in the development are to be Discount Market Rent Units (of which 30% are to be provided at London Affordable Rent Equivalent Discounts and the remaining 70% at Discount Market Rent) alongside further requirements relating to marketing and the relationship between occupation of the DMR units and occupation of the Market Rent Units; requirements around Viability Reviews including Early and Late Stage Reviews that may lead the provision of Additional Affordable Housing Units; provisions to deal with the potential for offsetting or reducing CIL payable (should a CIL Charging Schedule be adopted before the date of my decision); the carrying out and completion of the Highway Works; the operation of an Apprenticeship and Placement Scheme; and provisions relating to the proposed Community Spaces.
97. Again, there is a clear policy basis for, and planning purpose behind, these matters so I am of the view that all are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

Final Conclusion

98. For all the reasons given above, and having had regard to all other matters raised, it is my conclusion that the appeal should be allowed.

Paul Griffiths

INSPECTOR

Annex A

APPEARANCES

For the Local Planning Authority

Alexander Booth KC¹²

Instructed by LB Ealing

For the Rule 6(6) Party

Piers Riley-Smith, Counsel

Instructed by Patrick Lyons of
Richard Buxton Solicitors

He called:

Paul Velluet

Simon Greaves

Castellum Consulting

For the Appellant

Rupert Warren KC

Instructed by Town Legal LLP

He called:¹³

Alex Lifschutz

Director, Lifschutz Davidson
Sandilands

Dr Chris Miele

Partner, Montagu Evans

Stephen Eyton

Director, SLR Consulting Ltd

Claire Dickinson

Senior Director, Quod

Julian Carter

Director, Savills

Interested Persons

Kay Garmeson

Ealing Matters

Andrew Colvin¹⁴

Local Resident

Susan New

Local Resident

Eric Leach

Vice Chair West Ealing
Neighbours

Deborah Carthy

Local Resident

Libby Kemp

Ealing Matters

Dr Haydn Jones

Local Resident

¹² Ms Alex Jackson and Mr Patrick Kelly took part in the discussion about conditions and obligations

¹³ Mr Spencer Lewis-Allen, Partner, Town Legal LLP took part in the discussion about conditions and obligations

¹⁴ Also spoke on behalf of Dr Gerald Power

Paul Fish	Local Resident
Ian Potts	Local Resident and Former Chair of Planning Committee
Caroline Evans ¹⁵	
Simon Shenton-Tan	Local Resident
Arthur Breens	Local Resident
Geoff Payne	Housing and Urban Development Consultant
Rehab Bashir-Ali	Local Resident

¹⁵ Spoke on behalf of Donald Power, Co-ordinator of Ealing Friends of the Earth

Annex B

DOCUMENTS

Inquiry Documents

ID1	List of Appearances and Opening Statement for the appellant
ID2	List of Appearances and Opening Statement for STT
ID3	Third Party Submissions
ID4	Details of Affordable Housing starts
ID5	Council's CIL Compliance Statement
ID6	Summary of and Draft Agreement under s106
ID7	Closing Statement for STT
ID8	Closing Statement for the appellant
ID9	Completed Agreement under s106
ID10	Post Inquiry Correspondence on the Framework and HDT
ID11	Post Inquiry Correspondence relating to technical matters raised by an Interested Person

Annex C

SCHEDULE OF CONDITIONS

- 1) The development permitted shall be begun before the expiration of three years from the date of this permission
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - X0099: Site Location Plan;
 - X0102: Existing Site Plan with Ground Floor Store Layout;
 - X0103: Existing Site Plan with First Floor Store Layout;
 - X0160: Existing Elevations;
 - D0100: Demolition Plan;
 - P0100 A October 2024: Masterplan – Ground Floor Plan;
 - P0601 A Oct 2024: Proposed Elevations – Site Wide South Elevation;
 - P0602 A Oct 2024: Proposed Elevations – Site Wide North Elevation;
 - P0603 A Oct 2024: Proposed Elevations – Site Wide East Elevation;
 - P0604 A Oct 2024: Proposed Elevations – Site Wide West Elevation;
 - P1000 A Oct 2024: Proposed Ground Floor Plan;
 - P1001 A Oct 2024: Proposed Level 01 Floor Plan;
 - P1002 A Oct 2024: Proposed Level 01 Mezzanine Floor Plan;
 - P1003 A Oct 2024: Proposed Level 02 Floor Plan;
 - P1004 A Oct 2024: Proposed Level 03 Floor Plan (Podium);
 - P1005 A Oct 2024: Proposed Level 04-06 Floor Plan;
 - P1008 A Oct 2024: Proposed Level 07 Floor Plan;
 - P1009 A Oct 2024: Proposed Level 08-09 Floor Plan;
 - P1011 A Oct 2024: Proposed Level 10-12 Floor Plan;
 - P1014 A Oct 2024: Proposed Level 13 Floor Plan;
 - P1015 A Oct 2024: Proposed Level 14 Floor Plan;
 - P1016 A Oct 2024: Proposed Level 15-16 Floor Plan;
 - P1018 A Oct 2024: Proposed Level 17-18 Floor Plan;
 - P1020 A Oct 2024: Proposed Roof Plan;
 - P1030 A Oct 2024: Western Apartments – Proposed Floor Plans;
 - P1501 A Oct 2024: Proposed Sections – Podium East/West Section;
 - P1502 A Oct 2024: Proposed Sections – Podium Store Section North/South 01;
 - P1505 A Oct 2024: Proposed Sections – Podium Service Yard Section North/South 04;
 - P1601 A Oct 2024: Proposed Elevations – Podium South Elevation;
 - P1602 A Oct 2024: Proposed Elevations – Podium North Elevation;

P1603 A Oct 2024: Block A - Proposed East and West Elevations;
P1604 A Oct 2024: Block B - Proposed East and West Elevations;
P1605 A Oct 2024: Block C - Proposed East and West Elevations;
P1606 A Oct 2024: Block D - Proposed East and West Elevations;
P1607 A Oct 2024: Block A - Proposed North and South Elevations;
P1608 A Oct 2024: Block B – Proposed North and South Elevations;
P1609 A Oct 2024: Block C – Proposed North and South Elevations;
P1610 A Oct 2024: Block D – Proposed North and South Elevations;
P1631 A Oct 2024: Western Apartments 1 & 2 - Proposed South Elevations;
P1632 A Oct 2024: Western Apartments 1 & 2 – Proposed North Elevations;
P1633 A Oct 2024: Western Apartments 1 & 2 – Proposed East and West Elevations;
P2510 A Oct 2024: 1b1p Apartment Layouts;
P2520 A Oct 2024: 1b2p Apartment Layouts – Sheet 1 of 3;
P2521 A Oct 2024: 1b2p Apartment Layouts – Sheet 2 of 3;
P2522 A Oct 2024: 1b2p Apartment Layouts – Sheet 3 of 3;
P2530 A Oct 2024: 2b3p Apartment Layouts;
P2540 A Oct 2024: 2b4p Apartment Layouts – Sheet 1 of 2;
P2541 A Oct 2024: 2b4p Apartment Layouts – Sheet 2 of 2;
P2560 A Oct 2024: 3b5p and 3b6p Apartment Layouts;
P6001: Bay Study Alexandria Road Façade – Sheet 1 – Plan, Section & Elevation
P6006 A Oct 2024: Bay Study – Block C West – Plan, Section and Elevation;
P6007: Bay Study – Block C South – Plan, Section and Elevation;
P6008: Bay Study Block A South – Plan, Section and Elevation;
P6009 A Oct 2024: Bay Study – Block D East – Plan, Section & Elevation;
08277-MUW-PD-ZZ-DR-L-003 Rev E: Typical Podium Garden Landscape Vignette;
08277-MUW-XX-00-DR-L-004 Rev F: Piazza Landscape Vignette;
08277-MUW-MP-XX-DR-L-001 Rev G: Landscape Masterplan;
08277-MUW-XX-00-DR-L-005 Rev G: Alexandria Road Study;
08277-MUW-MW-00-DR-L-002 Rev F: The Western Apartments Landscape Vignette;
08277-MUW-ZZ-ZZ-DR-L-006 Rev F: Urban Greening Factor; and
216394/PD22: Proposed Public Realm Improvements Alexandria Road.

- 3) The quantum of development hereby permitted shall not exceed the following: (1) 48,845 sqm (GEA) C3 residential; (2) 8000 sqm (GEA) of Class E retail space relating to the supermarket; (3) 507 sqm (GEA) of Flexible Class E space relating to the units fronting Alexandria Road; (4) 93 sqm (GEA) of flexible Class E/F2 space relating to the Ground Floor Western Apartments Building; (5) 133 supermarket car parking spaces; (6) 1,250 sqm of publicly accessible open space; and (7) 5,570 sqm dedicated to communal amenity spaces for residents.
- 4) Prior to the trading of any part of the new food-store permitted herein, the temporary food-store (the subject of the permission 233527FUL) shall cease to trade. The temporary store shall be demolished within 4 months of the retail food-store opening trade.
- 5) Prior to commencement, a stage 1 written scheme of investigation (WSI) shall be submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include: (a) the statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; (b) where appropriate, details of a programme for delivering related positive public benefits; and (c) the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.
- 6) Prior to the installation of any plant/machinery, details shall be submitted to the local planning authority for approval in writing, of plant/ machinery/ equipment/ducting/air inlets and outlets/mechanical installations and their external rating noise level (L_{Ar},Tr), together with noise mitigation measures as appropriate. The measures shall ensure that the emitted external rating noise level will be lower than the lowest existing background sound level 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 the introduction of that part that plant/ machinery/ equipment and retained as such thereafter. Prior to use of machinery, plant or equipment/ extraction/ ventilation system and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and retained as such.

- 7) Prior to commencement of the development, excluding demolition and enabling works, a noise assessment shall be submitted to the local planning authority for approval in writing, of external noise sources such as transport and commercial/industrial/cultural uses/activities and their noise levels at proposed residential facades, having regard to the assessment standards of the Council's SPG10 including aircraft noise, including reflected and re-radiated noise as appropriate. Details shall include the sound insulation of the building envelope including glazing specifications (laboratory tested including frames, seals and any integral ventilators, approved in accordance with BS EN ISO 10140-2:2010) and of acoustically attenuated mechanical ventilation and cooling as necessary (with air intake from the cleanest aspect of the building and details of self-noise) to achieve internal noise limits specified in SPG10. Mitigation measures shall also be implemented, as necessary, in external amenity spaces to achieve criteria of BS8233:2014. The approved details shall be implemented prior to occupation of the relevant part of the residential units hereby approved and permanently retained thereafter.
- 8) Prior to commencement of the development, details shall be submitted to the Council for approval in writing, of airborne or ground borne building vibration levels generated by the adjacent railway and of effective mitigation measures as necessary. The criteria to be met and the assessment method shall be as specified in BS 6472:2008 and ANC "Measurement and Assessment of Ground borne Noise & Vibration", 2020. Details shall demonstrate that building vibration will meet a level that has low or no probability of adverse comment. No residential part of the development shall be occupied until approved mitigation details have been implemented in accordance with the proposed anti-vibration strategies on appropriate floor of Block A and the Western Apartments. Approved details shall thereafter be permanently retained thereafter.
- 9) Prior to commencement of the development, details shall be submitted to the Council for approval in writing, of an enhanced sound insulation value of at least 5dB above the requirements of Building Regulations approved document E. The assessment and mitigation measures shall have regard to standards of the Council's SPG10 and noise limits specified in BS8233:2014. Approved details shall be implemented prior to occupation of the residential units hereby approved and permanently retained thereafter.
- 10) 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.
- 11) Prior to the trading of the food-store, a plan shall be submitted showing details of the cycle parking facilities associated with this element and shall be hereby approved in writing by the local planning authority; and

prior to the occupation of any residential unit hereby approved, a plan shall be submitted showing details of the cycle parking facilities associated with the residential element, including setting out (with reference to a plan) which cycle parking facilities serve each part of the residential development, and shall be hereby approved in writing by the local planning authority. Details shall include how the cycle parking as shown on the respective approved plans will be implemented for each respective element, according to the specifications and adopted standards of the London Plan, the London Cycle Design Standards, and the local planning authority. The cycle parking facilities shall be provided in accordance with the relevant approved details: (a) In respect of the cycle parking identified in the approved details as serving the food-store, prior to trade of the food-store; and (b) In respect of the cycle parking identified in the approved details as serving a respective component part of the residential element, those such cycle parking facilities serving that respective component part shall be provided prior to occupation of any residential unit in that relevant component part. The approved details shall be brought into first use prior to the occupation of each approved allocated cycle parking area and permanently retained thereafter.

- 12) Prior to the trading of the food-store, a plan shall be submitted showing details of the refuse storage facilities associated with this element and shall be hereby approved in writing by the local planning authority; and prior to the occupation of any residential unit hereby approved, a plan shall be submitted showing details of the refuse storage facilities associated with the residential element, including setting out (with reference to a plan) which facilities serve each part of the residential development, and shall be hereby approved in writing by the local planning authority. Details shall include how the refuse storage as shown on the respective approved plans will be implemented for each respective element, according to the specifications and adopted standards of the London Plan, and the local planning authority. The refuse storage facilities shall be provided in accordance with the relevant approved details: In respect of the refuse storage identified in the approved details as serving the food-store, prior to trade of the food-store; and in respect of the refuse storage identified in the approved details as serving a respective component part of the residential element, those such facilities serving that respective component part shall be provided prior to occupation of any residential unit in that relevant component part.
- 13) No less than 10% of the Class C3 dwellings hereby approved shall meet Building Regulation requirement M4(3) - wheelchair user dwellings of Building Regulations 2015, or other such other equivalent relevant technical standards in use at the time of the construction of the development.
- 14) Prior to the trading of the food-store, confirmation shall be submitted to the local planning authority that any lifts serving the store have been commissioned and are ready for use; and prior to the occupation of any residential unit hereby approved, confirmation shall be submitted to the local planning authority that the lifts have been commissioned and are ready for use.
- 15) No microwave masts, antennae or satellite dishes or any other plant or equipment, other than those shown on the approved drawings, shall be

installed on any residential element of the building hereby permitted, without the prior written permission of the local planning authority. Details of any such equipment required for the food-store or commercial units, not shown on the approved drawings, shall first be submitted to and approved in writing by the local planning authority and then installed in accordance with the approved details.

- 16) Prior to commencement of the superstructure, details shall be submitted to the local planning authority for approval in writing, of an odour risk assessment (according to 2018 EMAQ Guidance) and of odour abatement equipment and extract system, including operational details and maintenance schedule, the height of the extract duct, with vertical discharge outlet, without cowl, at least 1m above the eaves of the relevant building. Details shall be provided of a reasonable distance of the extract outlet approximately 20.0 metres from any openable window. Approved details shall be implemented prior to use and permanently retained thereafter.
- 17) Prior to commencement of the development a Demolition Management Plan and a Construction Management Plan shall be submitted to the Local Planning Authority for approval in writing. Details shall include control measures for the demolition and construction periods of the development respectively for: noise and vibration (according to Approved CoP BS 5228-1 and -2:2009+A1:2014); dust management plan (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; neighbour liaison, notifications to interested parties and considerate complaints procedure; and the public display of contact details including accessible phone numbers for persons responsible for the site works for the duration of the works, in case of emergencies, enquiries or complaints. Development shall be carried out in accordance with the approved details.
- 18) Prior to the commencement of development, a site Demolition and Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The submission shall take into account other major infrastructure and development projects in the area and shall include the following: (a) The number of on-site construction workers and details of the transport options; (b) Details of construction hours; (c) Anticipated route, number, frequency and size of construction vehicles entering/exiting the site per day; (d) Delivery times and booking system (which is to be staggered to avoid morning and afternoon school-run peak periods); (e) Route and location of site access for construction traffic and associated signage; (f) Management of consolidated or re-timed trips; (g) Details of site security, temporary lighting and the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (h) Secure, off-street loading and drop-off facilities; (i) Wheel washing provisions; (j) Vehicle manoeuvring and turning, including swept path diagrams to demonstrate how construction vehicles will access the site and be able to

turn into and emerge from the site in forward gear and including details of any temporary vehicle access points; (k) Details as to the location(s) for storage of building materials, plant and construction debris and contractor's welfare facilities and offices; (l) Procedures for on-site contractors to deal with complaints from members of the public; (m) Measures to consult cyclists, disabled people and the local schools about delivery times and necessary diversions; (n) Details of all pedestrian and cyclist diversions; (o) A commitment to be part of Considerate Constructors Scheme; (p) The submission of evidence of the condition of the highway prior to-construction and a commitment to make good any damages caused during construction; and (q) Details of parking restrictions which may need to be implemented during construction work. Development shall be carried out in accordance with the approved details.

- 19) Prior to the commencement of the superstructure, details of the materials and finishes to be used for all external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be implemented only in accordance with these approved details.
- 20) Prior to the commencement of any works on site (other than demolition and site clearance) a detailed remediation scheme based on the Watermans Preliminary Risk Assessment June 2023, 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 scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms accordingly prior to the commencement of development on the site, other than those elements of development required to carry out remediation works.
- 21) The developer shall draw to the attention of the local planning authority the presence of any unsuspected contamination encountered during the development. In the event of contamination to land and/or water being encountered, no development shall continue in the affected area until a programme of investigation and/or remedial work to include methods of monitoring and certification of such work undertaken has been submitted and approved in writing by the local planning authority. None of the development in the affected area shall be occupied until the approved remedial works, monitoring and certification of the works have been carried out and a full validation report has been submitted to and approved in writing by the local planning authority. If no contamination is encountered, the developer shall provide written/ photographic evidence to the local planning authority confirming that this was the case, and only after written approval by the local planning authority shall the development be occupied. The evidence shall include waste disposal transfer notes proving correct disposal of soil.
- 22) Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval

in writing of the local planning authority before occupation of the development. The verification report submitted shall be in accordance with the latest Environment Agency guidance and industry best practice.

- 23) Prior to the commencement of the development (excluding site clearance, demolition and site setup), a Ventilation Strategy Report to mitigate the impact of existing poor air quality for residents shall be submitted to and approved by the local planning authority. The report will contain details for the installation of a filtered fresh air ventilation system capable of mitigating elevated concentrations of nitrogen oxides and particulate matter in the external air for all residential dwellings. The report shall also include the following information: (a) Details and locations of the ventilation intake locations on all floors; and (b) Details and locations of ventilation extract locations on 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 residential element of the development and thereafter permanently retained and maintained.
- 24) No emergency diesel generators, other than those shown on the approved plans, shall be installed onsite without prior approval from the local planning authority. Any new proposed diesel generators should demonstrate compliance with a minimum NO_x emissions standard of 150mg/Nm³ (at 5% O₂) and must be submitted and approved in writing by the local planning authority. The details must include the results of NO_x 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_x abatement equipment or technology. Evidence of installation shall be required where secondary abatement is required to meet the NO_x Emission standard 150mg/Nm³ (at 5% O₂).
- 25) Prior to first occupation or use of the residential units composed in the development hereby approved, the following details shall be submitted to and approved in writing by the local planning authority: (a) details of children's play area including safety surfacing and equipment; (b) details of hard landscaping; (c) details of soft landscaping including a plan outlining how the proposed landscaping will contribute to an Urban Greening Factor score of 0.4, details of the 'grower' allotment space, including dimensions and location, and details of planting, including the location, species and densities within the 2,930sqm area of podium garden space, 427 sqm area within the Western Apartments and 1,250 sqm of public realm; (d) details of proposed trees, including their location, species and maturity; including comprehensive details of ground/tree pit preparation to include but not restricted to plans showing adequate soil volume provision to allow the tree to grow to maturity, engineering solutions to show how the tree will not interfere with structures in the future, and staking/tying methods; (e) details of boundary treatments; (f) details of a Landscape Management Plan, for a minimum period of 5 years from the implementation of final planting; (g) details of disabled access; (h) details of drinking water facilities within

the residential amenity space, including its location and proposed materiality; (i) details of the green roof/sedum mat construction and specification, together with a maintenance schedule; and (j) details of sustainable urban drainage systems to be implemented on site. The development shall be implemented only as approved and retained thereafter.

- 26) The food-store shall not be open to the public outside of the hours of 7:00am-10:00pm on Mondays to Saturdays and 8:00am-5:00pm on Sundays. Deliveries to the food-store shall not take place outside the hours of 6:00am to 11:00 pm on Mondays to Saturdays and 7:00am to 8:00pm on Sundays. No deliveries to the store are to take place on Christmas Day.
- 27) The food-store shall be serviced in compliance with the Store Delivery and Servicing Management Plan (June 2023), completed by Vectos with such amendments as the local planning authority may approve.
- 28) The residential element of the scheme shall be serviced in compliance with the Residential Delivery and Servicing Management Plan (June 2023), completed by Vectos with such amendments as the local planning authority may approve.
- 29) The food-store carpark shall be managed in compliance with the Retail Car Parking Management Plan (October 2024), completed by SLR with such amendments as the local planning authority may approve.
- 30) Prior to the occupation of the residential aspect of the development, a Car Parking Management Strategy for the car parking associated with that relevant part, shall be submitted to and approved in writing by the local planning authority. The strategy shall govern the allocation of car parking spaces which are relevant to that part of the development, including the provision of wheelchair accessible spaces for the lifetime, which shall be needs based. Car parking spaces shall not be leased or sold other than to occupiers of the relevant development. The strategy will outline how 3% of the total residential units can access a DDA space from initial occupation. It will also contain detail on the monitoring systems to be put in place and how a further 7% of spaces could be provided should demand warrant. The development shall be implemented only in accordance with the details so approved, for the lifetime of the development. At no time shall any other external areas of the development save for those explicitly identified on the approved drawings be made available for parking of motor vehicles other than to facilitate essential maintenance works, unless otherwise agreed in writing by the local planning authority.
- 31) Prior to opening of the food-store hereby approved, 8 car parking spaces serving the retail food-store approved under the drawing number P1000 shall be equipped with active electric vehicle charging provision. This number of spaces shall be retained thereafter. Prior the occupation of the residential units hereby approved, the 6 car parking spaces serving the residential aspect, identified in approved drawing number P1000, shall be equipped with active electric vehicle charging provision. Seven further spaces shall be equipped with passive provision. This number of spaces shall be retained thereafter.

- 32) The development shall be completed in reasonable accordance with the recommendations in the Biodiversity Net Gain Assessment, prepared by Assystem, and Ecological Review, prepared by Trium. All the recommendations shall be implemented in full within the timescales laid out in the recommendations, unless otherwise updated by way of a Biodiversity Gain Plan to be agreed in writing by the local planning authority, and thereafter maintained for a minimum of 30 years for the stated purposes of biodiversity conservation.
- 33) Upon final construction of the development, the Development shall implement and maintain, and in the case of energy generation equipment, confirm as operational, the approved measures to achieve an overall sitewide reduction in regulated CO₂ emissions of at least 70% (equating to 329 tonnes of CO₂ per year) beyond Building Regulations Part L 2021 and using SAP10.2 emission factors. These CO₂ savings shall be achieved through the Lean, Clean, Green Energy Hierarchy as detailed in the approved Energy Statement prepared by Cundall June 2023 or in any later final approved energy strategy including (i) Lean, energy efficiency design measures to achieve an annual reduction of at least 20% equating to at least 95.4 tonnes in regulated carbon dioxide (CO₂) emissions over BR Part L 2021 (using SAP10.2 emission factors); (ii) Green, renewable energy equipment including the incorporation of photovoltaic panels with a combined total capacity of at least 95.94 kWp, and Air Source Heat Pumps to achieve an annual reduction of at least 50%, equating to 233.6 tonnes, in regulated carbon dioxide (CO₂) emissions over Part L 2021 (using SAP10.2 emission factors); and (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 local planning authority'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 local planning authority for approval. The details shall include the communal heat distribution network schematics, the exact number of heat pumps, the heat pump thermal kilowatt output, heat output pipe diameter(s), parasitic load supply schematics, monthly energy demand profile, 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 local planning authority prior to installation. 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 local planning authority. The development shall incorporate the overheating mitigation measures detailed in the dynamic Overheating Analysis by Cundall in June 2023. Any later stage version shall be compliant with CIBSE guidance Part O (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). Within three months of practical completion and the occupation of the residential aspect of the scheme, 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 local planning authority for approval.

- 34) 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 of all the residential units, 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 local planning authority 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 local planning authority’s approved specifications as indicated in the Automated Energy Monitoring Platform (AEMP) information document. The developer must contact the local planning authority’s chosen AEMP supplier (Energence Ltd) on commencement of construction to facilitate the monitoring process; and (b) upon final construction of the development and prior to occupation of all the residential units, the developer must submit to the local planning authority 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 where practicable be carried out within one month of a performance problem being identified.
- 35) 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 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. Prior to commencement, the owner is required to submit to the GLA accurate and verified estimates of the ‘be seen’ energy performance indicators, as outlined in Chapter 3 ‘Planning stage’ of the GLA ‘Be seen’ energy monitoring guidance document, for the consented development. This should be submitted to the GLA’s monitoring portal in accordance with the ‘Be seen’ energy monitoring guidance. Once the as-built design has been completed (upon commencement of RIBA Stage 6) and within 2 months of the building first 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 local planning authority’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. Upon completion of the first year of occupation following the end of the defects liability period (DLP) and for the following 3 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 3 years. 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.

- 36) The food-store hereby approved shall achieve compliance with at least the 'Very Good' BREEAM standard. Within 6 months of opening trade, the applicant shall submit the final BREEAM certificates to demonstrate the unit has achieved a BREEAM 'Very Good' rating which shall be certified by the awarding body.
- 37) Following the later of the as-built design having been completed (upon commencement of RIBA Stage 6) and within 3 months of the residential units first being occupied, the legal owner(s) of the development should submit the post-construction Whole Life-Cycle Carbon Assessment to the GLA at: ZeroCarbonPlanning@london.gov.uk. The owner should use the post construction tab of the GLA's WLC assessment template and this should be completed accurately and in its entirety in line with the criteria set out in the GLA's WLC Assessment Guidance. The post-construction assessment should provide an update of the information submitted at planning submission stage (RIBA Stage 2/3), including the WLC carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. The assessment should be submitted along with any supporting evidence as per the guidance and should be received three months post as-built design completion.
- 38) Within 3 months of the later of practical completion of the whole development and the first occupation of the residential aspect of the 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 the local planning authority.

Specific commitments detailed in the Circular Economy statement produced by Currie and Brown in 2023 or any later approved version, and accompanying Logistic Plans, should be implemented including diverting 95% of construction waste from landfill, or off-site use, and supporting the London Plan target of diverting 65% of food-store operational waste from landfill by 2030.

- 39) Prior to the occupation of the residential units comprised in the development, the sustainability measures relating to that use detailed in the final approved Sustainability Statement submitted by Currie and Brown in June 2023, and any other relevant supporting documents, shall be implemented and maintained. Prior to the trading of the new store comprised in the development, the sustainability measures relating to that use detailed in the final approved Sustainability Statement submitted by Currie and Brown in June 2023, and any other relevant supporting documents, shall be implemented and maintained. The measures shall meet the requirements of local and regional planning policies and be in line with the Mayor's Sustainable Design and Construction SPG. The development shall be constructed in line with the approved energy and sustainability measures.
- 40) (A) Prior to the occupation of the residential units comprised in the development and installation of any external lights and CCTV on any part of the residential development, details of: (a) external security lighting; (b) a bat sensitive lighting strategy; and (c) security lighting/CCTV strategy as are relevant to the residential development and (B) Prior to the trading of the new store comprised in the development and installation of any external lights and CCTV on any part of the new store, details of: (a) external artificial lighting; (b) a bat sensitive lighting strategy; and (c) security lighting/CCTV lighting strategy as are relevant to the new store; (in both cases) shall be submitted to the local planning authority for approval in writing. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations for Environmental Zone 3 of the Institution of Lighting Professionals in the 'Guidance Note 01/20 For The Reduction Of Obtrusive Light'. Details shall also be submitted for approval of measures to minimise the use/hours of external lighting and prevent glare and sky glow by locating, aiming and shielding luminaires. The approved details shall be implemented in relation to the relevant use prior to first occupation/use of the residential parts of the development or opening to trade of the retail and commercial parts of the development (as applicable) and thereafter be permanently retained.
- 41) Prior to the erection of cranes and other tall construction equipment (including details of obstacle lighting). Such schemes shall comply with Advice Note 4 'Cranes' (available at <http://www.aoa.org.uk/wp-content/uploads/2016/09/Advice-Note-4-Cranes-2016.pdf>).
- 42) 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 water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority for the relevant phase. Any

- piling must be undertaken in accordance with the terms of the approved piling method statement.
- 43) Prior to the first occupation of the residential aspect hereby approved, the development shall be carried out and completed in accordance with the details set out in the Tenos Stage 3 - Fire Strategy Report Number: TS210660-R04-Issue04 Revision dated 30.06.2023 and the two firefighting lifts per core within the residential blocks (for the avoidance of doubt, not within the Western Apartments or the food-store/commercial areas) shall be designated as either a Fire Fighting Lift or Evacuation Lift in accordance with the Planning Fire Statement. Prior to the trading of the retail food-store hereby approved, the store shall be carried out and completed in accordance with the details set out in the Tenos Stage 3 - Fire Strategy Report -Number: TS210660-R04-Issue04 Revision dated 30.06.2023. The development shall be retained permanently as such thereafter.
- 44) Prior to the commencement of development (aside from demolition and site clearance) detailed drainage designs for the development confirming the disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. The details must include: any on and/or off-site drainage works necessary; proposals to promote benefits including biodiversity (installation of green roof/blue roofs/sedum mat), amenity, water quality and attenuation; surface water attenuation systems designed to accommodate the 1 in 100 years plus 40% climate change storm event and run-off restricted to 6.1 litres/second; and a detailed maintenance plan of the proposed drainage system for the lifetime of the development confirming owners/adopters of the drainage system. The approved details must be implemented, retained and maintained for the life of the development.
- 45) Prior to occupation of each residential unit within the development, the approved dwellings shall incorporate and maintain water saving measures that will meet water efficiency standards with a maximum water use target of 105 litres of water per person per day.
- 46) Unless an alternative 1GB capable connection is made available to all end users, the development shall be designed to ensure sufficient ducting space is provided for full fibre connectivity infrastructure to all end users within new development.
- 47) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), or the provisions of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, the development hereby approved shall only be used as C3 residential, Class E (retail), Community F2 space, as identified in the approved drawings listed in condition 2, together with ancillary uses, and for no other purpose.
- 48) The planning permission qualifies as a 'phased planning permission' for the purposes of CIL Regulations 2010 (as amended) (the 'CIL Regulations') which, by virtue of this condition, expressly provides for the development to comprise separate CIL phases; being the demolition CIL phase; the construction of the new retail store CIL phase; and the

construction of the residential development CIL phase; the detailed extents of each of those CIL phases to be submitted to and approved in writing by the local planning authority prior to commencement of any development. Each of those approved detailed extents will be treated as a CIL phase for the purposes of this condition and as a separate chargeable development for the purpose of the CIL Regulations. The CIL phases which are defined, by approval of the local planning authority pursuant to this condition, do not affect or relate to the planning or construction phasing of the development.

- 49) Prior to the commencement, full details of the proposed acoustic fencing are to be submitted to and approved in writing by the local planning authority. These details shall include, but are not limited to the type, design, and materials of the acoustic fence; the precise height and location of the fence; and the extent and coverage of the fence in relation to the railway. The acoustic fence shall be installed in accordance with the agreed details. The fence shall be retained and maintained in good condition thereafter.
- 50) Prior to the commencement of any tree planting associated with the development, the applicant is to obtain written approval from Network Rail regarding the proposed tree species. The species to be planted must be from those under the approved Tree Planting Species document held by Network Rail, or any alternatives approved by Network Rail. Full details of the tree species, including their location and proximity to railway infrastructure, must be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 51) Prior to the installation of any vehicular barriers adjacent to the Network Rail boundary, the applicant must submit full details of the proposed barriers, including their type, design, and extent, for the written approval of the local planning authority. Any vehicular barriers shall be installed in accordance with the approved details.
- 52) The heat and hot water supply system for the development shall be designed and constructed to enable future connection of the supply system to a district heating network.
- 53) The development shall not commence (excluding ground works) until a Bird Hazard Management Plan (BHMP) has been submitted to and approved in writing by the local planning authority. The BHMP shall include details of the management of any flat/shallow pitched/green roofs on buildings within the site that may be attractive to hazardous birds (that is those of a flocking nature or large size). The BHMP shall comply with Advice Note 3 'Wildlife Hazards around an Aerodrome' and each BHMP shall be implemented as approved and shall remain in force for the life of the relevant phase. No subsequent alterations to the BHMP are to take place unless first submitted to and approved in writing by the local planning authority.
- 54) Prior to first occupation of any residential units, the building they occupy shall obtain a 'Secured by Design' Accreditation. The development shall only be carried out in accordance with the approved details and retained as such thereafter.