

## NOTICE OF PLANNING DECISION

Aimee Squires  
Savills UK  
33 Margaret Street  
London  
W1G 0JD

Ealing Council  
Perceval House  
14-16 Uxbridge Road  
London  
W5 2HL

Reference Number:  
**180366FUL**

Direct line: **020 8825 6600** Date: **29<sup>th</sup> January 2019**

Dear Sir/Madam

Your application has been considered in accordance with the provisions of the Town and Country Planning Act 1990 (as amended) and its Orders:

**Application Received:** 25.01.2018

### Drawings/Schedules References:

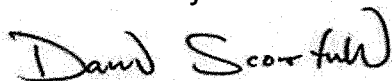
Proposed: P002\_Rev R; P003\_Rev G; P004\_Rev O; P005\_Rev A; P009\_Rev I; P010\_Rev J; P012\_Rev I; P030\_Rev H; P031\_Rev G; P032\_Rev G; P033\_Rev G; P034\_Rev I; P035\_Rev E; P036\_Rev E; P037\_Rev E; P038\_Rev E; P040\_Rev G; P041\_Rev G; and P043\_Rev H and Planning Statement dated January 2018; Design and Access Statement (Rev F) dated October 2018; Archaeological Desk-Based Assessment dated January 2017; Arboricultural Report and Impact Assessment dated February 2017; Heritage Statement dated February 2017; Transport Note, dated October 2018; Daylight and Sunlight Study (within Development and Neighbouring Properties) dated April 2017; and Fire Engineering Report (Rev 3), dated January 2018; and Legal Note, dated August 2018.

**Site:** Land To The Rear Of The Red Lion Public House And Rear Of 19-21 St Mary's Road Ealing W5 5RA

**Proposal:** Construction of two pairs of semi-detached residential houses (a total of four) comprising ground and basement levels with private and communal amenity space at basement and ground level, landscaping, refuse and cycle storage

The Council give notice that permission is **GRANTED** subject to the conditions and informatives presented on the attached pages.

Yours faithfully



Chief Planning Officer

**Decision Date:** -

**29<sup>th</sup> January 2019**

**Reference No. 180366FUL**

**CONDITIONS:**

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

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

2 The development hereby approved shall be carried out in accordance with drawing title number(s): Planning Statement dated January 2018; Design and Access Statement (Rev F) dated October 2018; Archaeological Desk-Based Assessment dated January 2017; Arboricultural Report and Impact Assessment dated February 2017; Heritage Statement dated February 2017; Transport Note, dated October 2018; Daylight and Sunlight Study (within Development and Neighbouring Properties) dated April 2017; and Fire Engineering Report (Rev 3), dated January 2018; and Legal Note, dated August 2018 and P002\_Rev R; P003\_Rev G; P004\_Rev O; P005\_Rev A; P009\_Rev I; P010\_Rev J; P012\_Rev I; P030\_Rev H; P031\_Rev G; P032\_Rev G; P033\_Rev G; P034\_Rev I; P035\_Rev E; P036\_Rev E; P037\_Rev E; P038\_Rev E; P040\_Rev G; P041\_Rev G; and P043\_Rev H.

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

3 Samples of the materials to be used for the external surfaces as shown on the approved plans of the development shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced, and this condition shall apply notwithstanding any indications as to these matters which have been given in this application. Development shall be carried out in accordance with these approved details.

Reason: To ensure that the materials harmonise with the surroundings, in accordance with policies Ealing Local Variation to London Plan Policy 7.4 and 7B of the Ealing Development Management Development Plan (2013), policies 1.1 (h) and 1.2 (f) of the adopted Local Development Framework (Core) Strategy (2012) and policies 7.4 and 7.6 of the London Plan (2016).

4 Prior to the commencement of development, a Demolition and Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following:

- Construction traffic management proposals including details of delivery routes and HGV movements and details of any temporary site access/parking;
- Details of construction hours;
- A restriction that the footpath and carriageway on The Park and the passageway leading to the site is not blocked during construction. No encroachment on clear space need to maintain the safe and uninterrupted flow of road users and pedestrians;

- Details showing the location of an onsite contractor parking area and its general management. All contractor parking must be onsite;
- Noise mitigation and monitoring measures;
- Details of enclosure of working areas and the location of compounds for the storage of plant and materials;
- Details of temporary lighting;
- Air Quality and Dust Management Plan (AQDMP) that includes an Air Quality (Dust) Risk Assessment shall be produced in accordance with current guidance The Control of Dust and Emissions during Construction and Demolition, SPG, GLA, July 2014, for the existing site and the proposed development. A scheme for air pollution mitigation measures must be implemented based on the findings of the report;
- Site security during construction;
- A drainage strategy to operate setting out controls of contamination, including controls to surface water run-off, water pumping, storage of fuels and hazardous materials, spill response plans and pollution control measures;
- Vibration from demolition, breaking of concrete and piling, etc. as measured in the vertical direction on any floor in surrounding noise sensitive buildings, shall not exceed an overall peak particle velocity level of 1mm/s; and
- Procedures for on-site contractors to deal with complaints from local residents.

Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

Reason: In the interests of the amenity of adjoining occupiers and to minimise highway and traffic impact during the course of the works, in accordance with policies 1.1 (e) (f) (j) of the Ealing Development (Core) Strategy (2012), policy 6.3 of the London Plan (2016) and policy 7A of the Ealing Development Management Development Plan (2013).

5 Prior to commencement of the development, a noise assessment shall be submitted to the Council for approval of external noise levels from transport and industrial/ commercial sources and details of the sound insulation of the building envelope including glazing specifications and of acoustically attenuated mechanical ventilation and cooling as necessary (with air intake from the cleanest aspect of the building) to achieve internal room- and (if provided) external amenity noise standards in accordance with the criteria of BS8233:2014. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In the interests of the internal environment of the development and living conditions of occupiers of nearby properties and future occupiers of the site, in accordance with Interim Supplementary Planning Guidance 10, policy 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), policy 7.15 of the London Plan (2016), and the National Planning Policy Framework (2018).

6 An Ecological Impact Assessment shall be submitted to and approved by the Local Planning Authority prior to the commencement of development (including site clearance and demolition). This shall provide full details of biodiversity enhancements and measures to ensure minimum ecological impacts during construction. The approved details shall be implemented on-site prior to the first occupation of the development and permanently retained thereafter.

Reason: To mitigate the potential harm to ecology within the green open space in accordance with policy 11 of the National Planning Policy Framework (2018), policy 7.19 of the London Plan (2016) and policy 5.4 of the Adopted Ealing Development (Core) Strategy (2012).

7 Refuse and recycling storage areas as indicated on drawing references P002\_Rev R; P003\_Rev G and P004\_Rev O; and the refuse collection and storage arrangements as outlined within the Transport Note (dated October 2018) shall be provided and brought into use prior to the first occupation of the development permitted and retained thereafter.

Reason: To protect the living conditions of occupiers of the area and in the interests of the future occupants of the development in accordance with policies with policies 3.5 and 7B of the Ealing Development Management Plan (2013), policies 1.1 (e) of the Adopted Ealing Development (Core) Strategy (2012) and The London Plan (2016) policy 5.16.

8 No development shall take place until full details of both hard and soft landscape provision for the proposed works, including details of tree species, and mitigation to prevent car parking from the site (for instance, retractable bollards to the side of outbuilding to 21 St Mary's Road within the applicant's site) have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that the development is landscaped in the interests of the visual character and appearance of the area, and to ensure that the development remains car-free, in accordance with policy 5.10 of Ealing Development Management Development Plan Document (2013).

9 Each hereby approved residential unit shall include the installation of Ultra-Low NOx boilers that are compliant with the NOx (g/m<sup>2</sup>) benchmarks set out at Appendix 5 of the Mayor's Sustainable Design and Construction SPG. The boilers shall be installed prior to the first occupation.

Reason: To minimise the impact of building emissions on local air quality in the interests of health, in accordance with policies 3.2 and 7.14 of the London Plan (2016); the Mayor's Sustainable Design and Construction SPG; policies 1.1(e) and (j) of Ealing's Development (or Core) Strategy 2012, and policy 7A of Ealing's Development Management (2013).

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

Reason: To ensure that the development incorporates crime prevention measures to help prevent crime and disorder and to improve pedestrian accessibility in accordance with policies 1.1 (e) of the Ealing Core Strategy (2012), policy LV 7.3 of the Ealing Development Management Development Plan Document (2013), and policy 7.3 of the London Plan (2016).

11 All residential units hereby approved shall be constructed to Part M of the Building Regulations.

Reason: To ensure that the development is accessible by all future occupiers/users, in accordance with policies 3.8 and 7.2 of The London Plan (2016), and the National Planning Policy Framework (2018).

12 8no. cycle parking spaces, as indicated on drawing reference drawing references P002\_Rev R; P003\_Rev G; P004\_Rev O; P010\_Rev J ; P030\_Rev H ; P032\_Rev G ; P033\_Rev G ; P034\_Rev I ; P035\_Rev E ; P037\_Rev E ; and P040\_Rev G shall be provided and brought into use prior to the first occupation of the development permitted and retained permanently thereafter.

Reason: To provide adequate facilities for cyclists, in accordance with policy 6.9 of the London Plan (2016).

13 All external lighting shall comply with the recommendations of the Institution of Lighting Engineers 'Guidance Notes for the Reduction of Light Pollution' and the provisions of BS 5489 Part 9. The lighting shall be installed prior to first use of the buildings and be maintained in accordance with these standards thereafter.

Reason: To protect the living conditions of occupiers in the area, in accordance with policy 7A of the Ealing Development Management Plan Document (2013).

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The following items are also brought to the applicant's attention:

**INFORMATIVES:**

- 1 The decision to grant planning permission has been taken having regard to the policies and proposals in the Adopted Ealing Development Plan, the Adopted Development (Core) Strategy, the London Plan and to all relevant material considerations including Supplementary Planning Guidance:

National Planning Policy Framework (2018)

5. Delivering a sufficient supply of homes.
6. Building a strong, competitive economy.
9. Promoting sustainable transport.
12. Achieving well-designed places.
14. Meeting the challenge of climate change, flooding and coastal change
16. Conserving and enhancing the historic environment.

London Plan (2016)

- 2.6 Outer London: Vision and Strategy
- 2.7 Outer London: Economy
- 2.8 Outer London: Transport
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and Balanced Communities
- 5.10 Urban Greening
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.17 Waste Capacity
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and Other Strategically Important Transport Infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing Traffic Flow and Tackling Congestion
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.13 Safety, Security and Resilience to Emergency

7.15 Reducing and Managing Noise, Improving and Enhancing The Acoustic Environment and Promoting Appropriate Soundscapes

8.2 Planning Obligations

8.3 Community Infrastructure Levy

Adopted Development (Core) Strategy (2012)

1.1 (a), (b), (e), (f), (g), (h), (i), (j), (k) Spatial Vision for Ealing

1.2 (f), (g), (h), (m) Delivery of the Vision for Ealing 2026

2.1 (a), (c) Realising the potential of the Uxbridge Road/Crossrail Corridor

2.10 Residential Neighbourhoods

6.4 Planning Obligations and Legal Agreements

Ealing Development Management Development Plan Document (2013)

Ealing local variation to London Plan policy 3.4: Optimising housing potential

Ealing local variation to London Plan policy 3.5: Quality and design of housing development

Ealing local variation to London Plan policy 5.10: Urban Greening

Ealing local variation to London Plan policy 6.13: Parking

Ealing local variation to London Plan policy 7.3: Designing out crime

Ealing local variation to London Plan policy 7.4: Local Character

Policy 7A - Amenity

Policy 7B - Design amenity

Policy 7D - Open Space

Policy EA - Presumption in Favour of Sustainable Development

Other Material Considerations:

Accessible London: achieving an inclusive environment

The Mayor's Transport Strategy

London Housing Supplementary Planning Guidance November 2012

Sustainable Design & Construction

The London Housing Strategy

Interim SPD 4 Residential Extensions

Interim SPG 4 Refuse and Recycling Facilities

Interim SPG 8: Safer Ealing

Interim SPG 10 Noise and Vibration

Sustainable Transport SPD

Ealing Green Conservation Area Management Plan (2008)

Ealing Green Conservation Area Character Appraisal (2008)

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

2. To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, and offers and encourages a comprehensive pre-application advice service, all of which is available on the

Council's website and outlined in a 24 hours automated telephone system.

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

### 3. Permitted Hours for Building Work

In association with Condition No. 6, construction and demolition works and associated activities at the development including deliveries, collections and staff arrivals audible beyond the boundary of the site should not be carried out other than between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer.

### 4. Notification to Neighbours of Demolition/ Building Works

In association with Condition No. 6, at least 21 days prior to the commencement of any site works, all occupiers surrounding the site should be notified in writing of the nature and duration of works to be undertaken. The name and contact details of persons responsible for the site works should be signposted at the site and made available for enquiries and complaints for the entire duration of the works and updates of work should be provided regularly. Any complaints should be properly addressed as quickly as possible.

### 5. Dust

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

### 6. Dark Smoke and Nuisance

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

### 7. In relation to Condition No. 6, Noise and Vibration from demolition, construction, piling, concrete crushing, drilling, excavating, etc.

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

8. Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's



ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)

9. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water expect the developer to demonstrate what measures will be undertaken to minimise the discharge of groundwater into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).

10. Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

11. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

12. In relation to Condition No. 4 (Demolition and Construction Management Plan), construction and demolition works, audible beyond the boundary of the site shall only be carried on between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Bank Holidays.

13. In relation to Condition No 4 (Demolition and Construction Management Plan), where construction works reveal the presence of asbestos, or asbestos is suspected, details of mitigation measures to control the release of asbestos fibres shall be submitted for approval.

14. The London Borough of Ealing Highways Section should be consulted with regard to the provision of wheel washing equipment for vehicles leaving the site during the demolition and construction phases. Contact 020-8825 6017.

15. You are advised that the cross-over is to be constructed by the Council at the applicant's expense. For further details please contact Highways, telephone No. 020 8825 6000 or email [highwayservices@ealing.gov.uk](mailto:highwayservices@ealing.gov.uk).

16. The developer/applicant is hereby advised to remove all site notices on or near the site that were displayed in pursuant to the application.

## Reference No. 180366FUL

### Notes

If you are not the applicant, please make sure that these notes are drawn to his/her attention.

Please note that this decision DOES NOT imply any consent, which may be required under the **Building Regulations** or under any enactment or provision other than Section 57 of the **Town and Country Planning Act 1990**. Nor does it override any private rights which any person may have relating to the land affected by this decision, including the provisions of the **Party Wall etc. Act 1996**.

### Rights of Applicants Aggrieved by Decisions of the Local Planning Authority

#### 1. Appeals to the Secretary of State

If you are aggrieved by the decision of the local planning authority to refuse permission for the proposed development, or to grant permission subject to conditions, you may appeal to the Secretary of State for the Environment, Transport and the Regions, under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision, then you must do so within **six months of the date of this notice**.

Appeals must be made using a form which you can get from the Planning Inspectorate using a form which can be downloaded from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/appeal-planning-inspectorate>.

The Secretary of State can allow a longer period for the giving of a notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order, and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

#### 2. Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and the Regions refuse permission to develop land, or grants it subject to conditions, whether by the local planning authority or the Secretary of State, the owner may claim that he can neither put the land to reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the London Borough of Ealing. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

#### 3. Compensation

In certain circumstances, compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Section 114 of the Town and Country Planning Act 1990.