

DP 7323

DATED 24<sup>th</sup> December 2018

THE COUNCIL OF THE LONDON BOROUGH OF EALING

and

ACTON GARDENS LLP

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Deed of Variation to a Section 106 Agreement  
relating to land adjacent to Bollo Bridge Road, All  
Saints Road, and Palmerston Road, South Acton  
London W3 8LT (known as the South Acton Estate)

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THIS DEED OF VARIATION is made the 26<sup>th</sup> day of December 2018

**BETWEEN**

- (1) **THE COUNCIL OF THE LONDON BOROUGH OF EALING** of Town Hall New Broadway London W5 2BY ("**Council**")

**AND**

- (2) **ACTON GARDENS LLP** (incorporated and registered in England and Wales under company registration number OC315063), the registered office of which is at Countryside House, The Drive, Brentwood, Essex, CM13 3AT (the "**Developer**")

**WHEREAS**

- (A) By a deed dated 13 August 2013 pursuant to section 106 of the Act between the Council and the Developer (the "**Principal Deed**") the parties entered into planning obligations in connection with the proposed development of land adjacent to Bollo Bridge Road, All Saints Road, and Palmerston Road, South Acton London W3 8LT (known as the South Acton Estate) (the "**Property**") pursuant to the First Planning Permission (as defined below).
- (B) The Principal Deed was subsequently varied by a deed (the "**First Deed of Variation**") dated 12 June 2014 pursuant to the Act between the Council and the Developer and the Second Permission (as defined below) was granted.
- (C) The Principal Deed was further varied by a deed (the "**Second Deed of Variation**") dated 31 March 2015 pursuant to the Act between the Council and the Developer and the Third Permission (as defined below) was granted.
- (D) The Principal Deed was further varied by a deed (the "**Third Deed of Variation**") dated 9 December 2016 pursuant to the Act between the Council and the Developer and the Fourth Permission and the Fifth Permission (as defined below) were granted.
- (E) The Principal Deed was further varied by a deed (the "**Fourth Deed of Variation**") dated 29 March 2018 pursuant to the Act between the Council and the Developer and the Sixth Permission (as defined below) was granted.
- (F) The Developer has submitted a hybrid planning application (reference 182579OUT) with details in relation to Phase 9.2 of the development of the Property and in outline in relation to the development of the remaining phases of the Property.
- (G) The Council is the local planning authority for the purposes of the Act for the area in which the Property is situated and is the local authority by whom obligations contained in the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation, the Fourth Deed of Variation and this Deed are enforceable.
- (H) The Council and the Developer enter into this Deed in order to alter the terms of the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation in the manner set out in this Deed.
- (I) This Deed is supplemental to and varies the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation and the parties to this Deed acknowledge that the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation will continue in full force and effect to the extent that it is not varied by this Deed.

**NOW IT IS HEREBY AGREED AS FOLLOWS**



## 1. DEFINITIONS AND INTERPRETATION

- 1.1 This Deed shall be read in conjunction with the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation and the words and expressions defined in the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation have the same meanings in this Deed except to the extent that they are expressly varied by this Deed and SAVE FOR the following definitions which should be read in the context of this Deed only:
- 1.1.1 **"Act"** means the Town and Country Planning Act 1990 (as amended)
- 1.1.2 **"First Permission"** means the planning permission issued by the Council in respect of the planning application P/2012/0708
- 1.1.3 **"Second Permission"** means the planning permission issued by the Council in respect of the planning application P/2013/4113
- 1.1.4 **"Third Permission"** means the planning permission issued by the Council in respect of the planning application P/2014/6303
- 1.1.5 **"Fourth Permission"** means the planning permission issued by the Council in respect of the planning application PP/2015/3558
- 1.1.6 **"Fifth Permission"** means the planning permission issued by the Council in respect of the planning application 160794VAR
- 1.1.7 **"Sixth Permission"** means the planning permission issued by the Council in respect of the planning application 174250RMS
- 1.1.8 **"Seventh Permission"** means the planning permission to be issued by the Council in respect of the planning application 182579OUT

## 2. STATUTORY POWERS

- 2.1 This Deed is made pursuant to Section 106A of the Act and all other relevant enabling provisions.
- 2.2 The covenants in this Deed are planning obligations for the purposes of the Act.
- 2.3 The Council is the local planning authority capable of enforcing the obligations in the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation and this Deed.

## 3. VARIATION

- 3.1 The parties to this Deed hereby agree and covenant with each other that from the date of this Deed the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation shall be varied in accordance with Schedules 1 to 7 of this Deed.
- 3.2 Save as hereby modified all other obligations and terms of the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation shall continue in full force and effect.

## 4. CONDITIONAL ENTRY INTO FORCE

This Deed is conditional upon and will not take effect until the Seventh Permission has been granted and Commencement of Development has occurred pursuant to the Seventh Permission.

5. **MISCELLANEOUS**

- 5.1 The parties to this Deed do not intend that any of the terms of this Deed will be enforceable by virtue of the Contracts (Rights of Third Parties) Act 1999 by any person not a party to it.
- 5.2 The Developer covenants to pay the reasonable legal and administrative costs of the Council in respect of the preparation, negotiation and completion of this Deed, payable on completion.
- 5.3 This Deed shall be registered as a Local Land Charge by the Council.
- 5.4 This Deed is to be governed by and interpreted in accordance with the laws of England.

**IN WITNESS** whereof the parties have executed as a Deed this Planning Obligation by Deed of Agreement the day and year first before written



## SCHEDULE 1

### DEFINITIONS

1. At Clause 1 of the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation the following definitions shall be deleted and replaced as follows:

<b>"Additional Phase 6 Central Plaza Commuted Sum"</b>	means the total sum of £144,801 Indexed which shall be used towards the maintenance of Central Plaza by the Council
<b>"Additional Phase 7.1 Education Contribution"</b>	means the total sum of £156,114 Indexed which shall to be used towards expansion of Acton High School
<b>"Additional Phase 7.1 Framework Travel Plan Review Contribution"</b>	means the total sum of £3000 Indexed which shall to be used towards the monitoring and review of the Framework Travel Plan for Phase 7.1
<b>"Additional Phase 7.1 Health Contribution"</b>	means the total sum of £ 109,995.36 Indexed which shall to be used towards for the East Ealing Out of Hospital Hub
<b>"Additional Phase 7.1 Street Trees Contribution"</b>	means the total sum of £5523 Indexed which shall to be used towards street tree planting and associated works within the South Acton ward by the Council in mitigation for the loss of trees as a result of Phase 7.1 of the Development
<b>"Affordable Housing Premises"</b>	means that part of the Development comprising the Intermediate Housing Units and the Social Rented Units and ancillary areas (if any)
<b>"Affordable Units"</b>	means Dwellings with 6,088 affordable habitable rooms of which 4,644 habitable rooms to be provided as Social Rented to include 174 habitable rooms for persons over 55 years of age and 1,444 habitable rooms to be provided as Intermediate Housing (or such other figures as shall be agreed with the Council) together with all (if any) individual car parking spaces and garages and individual ancillary areas constructed for the said residential elements which are to comprise the Affordable Housing Premises and which are to be constructed as part of the Development in accordance with current HCA scheme development standards (being the criteria applied by the HCA to the physical standards of developments by Registered Providers which are funded by the HCA) (essential items only as a minimum standard) as in force at the date hereof and for the avoidance of doubt the affordable habitable rooms specified in this definition shall include those affordable habitable rooms provided in Phases 1, 2.1 and 2.2 of the South Acton Estate
<b>"Application"</b>	means: <ul style="list-style-type: none"><li>(a) the planning application filed under the Council's reference P/2012/0708 and validated by the Council on 20 February 2012 for the redevelopment of the Property; and/or</li><li>(b) the planning application filed under the Council's reference P/2013/4113 and validated by the Council on 19 September 2013 for the redevelopment of Phase 3.2 of the Property; and/or</li><li>(c) the application under section 73 of the Town and Country Planning Act 1990 filed under the Council's reference PP/2014/6303 and validated by the Council on 10 December</li></ul>



2014 for the redevelopment of the Property; and/or

- (d) the planning application filed under the Council's reference PP/2015/3558 and validated by the Council on 17 July 2015 for the redevelopment of Phase 7.1 of the Property; and/or
- (e) the application under section 73 of the Town and Country Planning Act 1990 filed under the Council's reference 160794VAR and validated by the Council on 18 May 2016 for the redevelopment of Phase 6 of the Property; and/or
- (f) the application filed under the Council's reference 174250RMS for the redevelopment of Phase 9.1 of the Property; and/or
- (g) the application filed under the Council's reference 182579OUT relating to a hybrid application with details in relation to Phase 9.2 of the development of the Property and in outline in relation to the development of the remaining phases of the Property

**"Avenue Road Park"** means the Avenue Road Park on the Southwest side of Avenue Road Acton W4 as shown on Plan 3 and titled "Avenue Park"

**"Avenue Road Park Contribution"** means the sum of £410,000 (of which the final £40,000 is Indexed) towards the refurbishment of the reconfigured Avenue Road Park

**"CO2 Emissions Savings Contribution"** means the total sum of £7,182 Indexed which shall to be used towards the London Borough of Ealing Fuel Poverty Programme COSIE

**"Community Development Fund Contribution"** means £50,000 contribution per annum between 2013 and up to and including 2026 (as a minimum) for the provision of sporting sessions and physical activities, employment and skills development opportunities, community engagement, the provision of suitable space for community activities and enterprise employment, in accordance with the provisions specifically set out within the Development Agreement

**"Deed of Nomination Rights"** means a Deed in the form annexed hereto at Schedule 4 for the Social Rented Units and the Intermediate Units respectively (being a deed which provides rights to the Council to nominate a person as the tenant or leaseholder) with such amendments as the Council and Registered Provider shall agree and for the avoidance of doubt any proposed amendment may also include reference to any of the schemes set out below:-

- (a) Choice Based Lettings
- (b) Local Letting Plans

**"Development"** means:

- (c) the development of Phases 2—11 of the Property pursuant to the Planning Permission P/2012/0708; and/or
- (d) the development of Phase 3.2 pursuant to the Phase 3.2 Planning Permission P/2013/4113; and/or
- (e) the development of Phases 2—11 of the Property pursuant to

the Planning Permission PP/2014/6303; and/or

- (f) the development of Phase 7.1 of the Property pursuant to the Phase 7.1 Planning Permission PP/2015/3558; and/or
- (g) the development of Phase 6 of the Property pursuant to the Phase 6 Planning Permission 160794VAR; and/or
- (h) the development of Phase 9.1 of the Property pursuant to the Phase 9.1 Planning Permission 174250RMS; and/or
- (i) the development of Phases 9.2 and the remaining phases of the Property pursuant to the Planning Permission 182579OUT

**"Dwelling"**

means a unit of housing constructed and forming part of the Development and **"Dwellings"** shall be construed accordingly

**"Indexed"**

means increased in accordance with the formula whereby the payment is multiplied by the fraction A divided by B (except where A is less than B) A represents the value of the Retail Prices Index as at the date the relevant payment is made to the Council and B represents the value of the Retail Prices Index as at:

- (a) 13 August 2013 in relation to the Education Contribution and the Street Trees Contribution;
- (b) 9 December 2016 in relation to the Additional Phase 6 Central Plaza Commuted Sum, the Additional Phase 7.1 Education Contribution, the Additional Phase 7.1 Framework Travel Plan Review Contribution, the Additional Phase 7.1 Health Contribution, the Additional Phase 7.1 Street Trees Contribution, the final £40,000 of the Avenue Road Park Contribution, the CO2 Emissions Savings Contribution and the Post-construction Renewable Energy Monitoring Contribution;
- (c) 29 March 2018 in relation to the Additional Street Trees Contribution and the Carbon Off-Setting Contribution;
- (d) 201 in relation to the Acton Park Contribution, the Child Play Space Contribution, the Carbon Off-Setting Contribution (New), the Education Contribution (New), the Framework Travel Plan Review Contribution (New), the Pedestrian Cyclist and Road Safety Contribution (New), the Post-construction Renewable Energy Monitoring Contribution (New), the Public Open Space Contribution, the Southfields Recreation Ground Contribution, the South Acton Station Contribution and the Tree Loss Contribution Phase 9.2

**"Intermediate Housing Units"**

means Dwellings comprising a total of 1,444 habitable rooms (or such other number of habitable rooms as is approved by the Council) to be used for the purposes defined as Intermediate Housing and for the avoidance of doubt the affordable habitable rooms specified in this definition shall include those affordable habitable rooms provided in Phases 1, 2.1 and 2.2 of the South Acton Estate

**"Intermediate Housing"**

means:-



- (a) housing as defined in the London Plan (as further detailed in the London Plan Supplementary Planning Guidance) being sub-market housing where costs, including service charges, are above target rents for social housing, but where those costs are affordable by households on incomes of less than £64,300 for 1 and 2 bed properties and £74,200 for 3 and more bed properties or such other figure in force in the last-published London Plan Annual Monitoring Report at the time of rent and this can include shared ownership, sub-market intermediate rent provision and market provision, where this affordability criteria is met and where provision is appropriate to meeting identified requirements; or
- (b) housing made available (whether at a rent or by way of a shared equity arrangement) to an Existing Resident

"North Park" means North Park shown on Plan 3 and titled "Clandon Gardens"

"Open Market Dwellings" means those Dwellings to be constructed as part of the Development other than the Affordable Units

"Phases of the Development" means phases 2 to 11 inclusive of the Development (or any sub phase thereof) as shown on Plan 2 and "Phase" shall be interpreted accordingly

"Planning Permission" means:

- (a) the planning consent to be granted pursuant to the Application in the form of the attached draft (Council reference no. P/2012/0708) (the "**Original Planning Permission**"); and/or
- (b) the planning consent to be granted pursuant to the Application with Council reference no. P/2013/4113) (the "**Phase 3.2 Planning Permission**"); and/or
- (c) the planning consent to be granted pursuant to the Application with Council reference PP/2014/6303 (the "**S.73 Permission**"); and/or
- (d) the planning consent to be granted pursuant to the Application with Council reference PP/2015/3558 (the "**Phase 7.1 Planning Permission**"); and/or
- (e) the planning consent to be granted pursuant to the Application with Council reference 160794VAR (the "**Phase 6 Planning Permission**"); and/or
- (f) the planning consent to be granted pursuant to the Application Council reference 174250RMS (the "**Phase 9.1 Planning Permission**")
- (g) the planning consent to be granted pursuant to the Application Council reference 182579OUT (the "**Phase 9.2 and Masterplan Planning Permission**")

and for the avoidance of doubt the phrase "Planning Permission" shall for the purposes of this Deed include any varied or different planning permission granted on an application under Section 73 of the Planning

Act relating to the Planning Permission

**"Post-construction Renewable Energy Monitoring Contribution"**

means the total sum of £6,599 Indexed which shall to be used towards the monitoring of the installed photovoltaics by Energence Ltd

**"Public Access Areas"**

means all those areas within the Development which are publically accessible which shall include the Central Plaza, Public Open Space and the Unadopted Streets

**"Social Rented Units"**

means a total 4,644 habitable rooms (or such other number of habitable rooms as is approved by the Council) to be used for the purposes defined as Social Rented and to include 174 habitable rooms for persons over 55 years of age and for the avoidance of doubt the affordable habitable rooms specified in this definition shall include those affordable habitable rooms provided in Phases 1, 2.1 and 2.2 of the South Acton Estate

**"Social Rented"**

means properties to be let at an affordable rent either:-

- (a) as defined and set in accordance with the requirements of the TSA/HCA from time to time and /or
- (b) for properties to be let prior to 31 December 2018 only, subject to other rent controls which shall include the Ealing Tenancy Strategy 2012/2015 that require a rent of no more than 80% of the local market rent; and/or
- (c) as defined and set in accordance with London Affordable Rent levels or equivalent product made available by the Greater London Authority from time to time

2. At Clause 1 of the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation the following definitions shall be deleted:

**"Financial Viability Test"**

**"West Allotments"**

3. At Clause 1 of the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation the following new definitions shall be inserted as follows:

**"Acton Park Contribution"**

means the sum of £68,000 Indexed as a contribution towards either:

- (a) the resurfacing of courts and the installation of floodlighting at Acton Park; or
- (b) the provision of a new sports pavilion at Southfields Recreation Ground

**"Affordable Housing Scheme"**

means a written scheme to be submitted for each of Phases 7.2, 7.3, 7.4, 7.5, 8.1, 8.2, 8.3, 9.2, 9.3, 9.4, 9.5, 9.6, 10.1, 10.2, 11.1 and 11.2 to the Council for approval setting out the following in relation to the Affordable Units to be provided within the Phase to which the scheme relates:



- (a) details of the types (whether flats, houses, maisonettes or otherwise), size and number of Affordable Units;
- (b) details of the location of the Affordable Units;
- (c) details of the tenures of the Affordable Units and how that proposed mix of tenures contributes towards the total number of habitable rooms to be provided as Social Rented and the total number of habitable rooms to be provided as Intermediate Housing across the South Acton Estate and demonstrating how the remaining Phases of the Development yet to be delivered will ensure the required number of habitable rooms to be provided as Social Rented and the required number of habitable rooms to be provided as Intermediate Housing across the South Acton Estate will be achieved by the time the last Affordable Housing Scheme is submitted for approval; and
- (d) details as at the date of submission of the Affordable Housing Scheme of the number of completed Affordable Units versus completed Open Market Dwellings across the South Acton Estate,

PROVIDED THAT each Affordable Housing Scheme may deliver varying numbers, sizes, types and tenures of Affordable Units provided that the overall requirement for Affordable Units, Social Rented Units and Intermediate Housing Units is achieved across the South Acton Estate

**"Allotments Delivery Strategy"**

means a strategy setting out:

- (a) the location and framework layout of the Jerome Towers Allotments (which for the avoidance of doubt shall be within the Property);
- (b) the timing for the provisions of the Jerome Towers Allotments;
- (c) the mechanism for agreeing the detailed layout and specification of the Jerome Towers Allotments (including as a minimum details for the provision of water, fences, composting toilets, soil standard and provision of any sheds); and
- (d) the mechanism for the delivery of the completed Jerome Towers Allotments to the Council

**"Carbon Dioxide Emission Target for Non-Residential"**

means the 35% reduction in carbon dioxide emissions above the minimum requirements of the Building Regulations Part L 2013 Edition as set out in policy 5.2 of the London Plan 2016

**"Carbon Dioxide Emission Target for Residential"**

means the 100% in regulated CO2 emissions reduction above the minimum requirements of the Building Regulations Part L 2013 Edition as set out in policy 5.2 of the London Plan 2016

**"Carbon Off-Setting Contribution (New)"**

means the carbon offsetting contribution payable in relation to a Phase of the Development to be provided towards the Council's carbon offset fund such contribution to be calculated at £60 Indexed per tonne for each tonnage difference between the overall regulated carbon dioxide savings and the target savings (as set out in Energy Planning –



Greater London Authority guidance on preparing energy assessments (March 2016)) over 30 years

<b>"Child Play Space Contribution"</b>	means the sum of £200,000 Indexed for use as a commuted sum towards the future maintenance of the child play spaces within the Development
<b>"Combined Heat and Power System"</b>	the combined production of electricity and usable heat and/or cooling
<b>"Community Contribution"</b>	<b>Equipment</b> means the sum of £5,000 as a contribution towards sports equipment for the Community Facilities or another indoor or outdoor space in the immediate area (including the youth centre or open space within Phase 6.1 of the Development)
<b>"Council Land Value"</b>	means in relation to a Phase the sum (if any) paid by the Developer to the Council (in its capacity as landowner) on or before the grant of a Lease of that Phase
<b>"Council's Surplus"</b>	means the Council's (in its capacity as landowner) share of any surplus arising out of the Late Review
<b>"Developer's Surplus"</b>	means the Developer's share of any surplus arising out of the Late Review
<b>"District Heating Network"</b>	means the primary generator (in the form of Combined Heat and Power System or any other low carbon source) and associated infrastructure (a set of flow and return pipes circulating hot water to the apartment blocks and non-domestic spaces on the Development) for the provision of primarily space heating and hot water from the wider network to the Development
<b>"District Heating Network Operator"</b>	means a person or organisation (which may also include the Council or its approved nominee) who is currently operating or is capable of operating the District Heating Network
<b>"Education Contribution (New)"</b>	means the sum of £500,000 Indexed as a contribution towards the improvement of infrastructure and educational services at both Ark Acton Academy and/or Twyford Church of England High School or as otherwise agreed in writing between the Council and the Developer
<b>"Energy Centre"</b>	a designated space within a building containing equipment for the purpose of generating heat for space heating and/or domestic hot water for the Development and potentially outside of the Development
<b>"Energy Strategy"</b>	means the energy proposals for Phase 9.2 contained within the approved Energy Strategy V2 (23 May 2018) and additional information (October 2018) prepared by Hodkinson Consultancy, approved by the Council as part of the Application
<b>"Energy Strategy Conditions"</b>	means condition 22 of the Phase 9.2 and Masterplan Planning Permission
<b>"Final Review"</b>	means the viability review to be undertaken pursuant to paragraph 7.1 of Schedule 1
<b>"Final Review Viability Sum"</b>	means the sum calculated in accordance with Part 2 of Schedule 5 of this Deed
<b>"Framework Travel Plan Review"</b>	means the sum of £3,660 Indexed for the monitoring and review of the



<b>Contribution (New)"</b>	Framework Travel Plan
<b>"Jerome Towers Allotments"</b>	means an area of approximately 4,553m <sup>2</sup> to be provided as allotment gardens comprising of approximately 2,262m <sup>2</sup> of the existing Jerome Tower allotments and an area of approximately 2,291m <sup>2</sup> of new allotments to the northern side of Enfield Road and shown for identification purposes shaded dark green on Plan 4
<b>"Land Parcel CG5"</b>	means the areas shaded grey and hatched red/shaded grey and labelled "CG5" on Plan 9
<b>"Late Review"</b>	means the viability review to be undertaken pursuant to paragraph 6.1 of Schedule 1
<b>"Late Review Viability Sum"</b>	means the sum calculated in accordance with Part 1 of Schedule 5 of this Deed
<b>"Lease"</b>	means the lease of a Phase granted by the Council (in its capacity as landowner) to the Developer to enable the Developer to develop that Phase pursuant to the Planning Permission
<b>"London Affordable Rent"</b>	means rented housing provided by a Registered Provider that is subject to rent controls that require it to be offered to eligible households in accordance with Part VI of the Housing Act 1996 at a rent that is:- <ul style="list-style-type: none"> <li>(a) including service charges, not more than 80 per cent of the market rent (where the market rent of a tenancy at any time is the rent which the tenancy might reasonably be expected to fetch at that time on the open market) and</li> <li>(b) excluding service charges, no higher than the relevant benchmark rents published by the Greater London Authority annually in accordance with the Mayor's Funding Guidance or, in the event that such benchmark rents are no longer published, such other rental caps as may be agreed between the Greater London Authority and the Registered Provider of the relevant Affordable Units</li> </ul>
<b>"Mayor's Funding Guidance"</b>	means "Homes for Londoners:- Affordable Homes Programme 2016-21 Funding Guidance" published by the Mayor of London in November 2016 or any update or replacement guidance
<b>"Michael Flanders Resource Centre"</b>	means the existing Michael Flanders Resource Centre which provides opportunities for individuals over the age of 65 who have been assessed by Ealing Council as having critical or substantial needs and a diagnosis of Dementia and which is located at Michael Flanders Resource Centre, Church Road, Acton, London, W3 8PP
<b>"Michael Flanders Delivery Strategy"</b>	means a strategy setting out: <ul style="list-style-type: none"> <li>(a) the location of the re-provided Michael Flanders Resource Centre (which for the avoidance of doubt shall be within the Property if required by the Council);</li> <li>(b) the timing for the re-provision of the Michael Flanders Resource Centre;</li> <li>(c) any proposals to provide temporary services in the event that the Michael Flanders Resource Centre ceases to operate</li> </ul>



prior to it being re-provided;

- (d) the detailed specification of the re-provided Michael Flanders Resource Centre which shall be informed by the Michael Flanders Informative Specification;
- (e) detailed written proposals and schematic drawings showing the re-provided Michael Flanders Resource Centre

**"Michael Flanders Informative Specification"**

means the document prepared by the Council and provided to the Developer for information purposes only appended to this Deed at Schedule 6 which for the avoidance of doubt is not an agreed or negotiated specification but will form part of the discussions between the Council and the Developer when preparing the Michael Flanders Delivery Strategy

**"Pedestrian Cyclist and Road Safety Contribution (New)"**

means the sum of £23,615 Indexed as a contribution towards the provision of pedestrian, cyclist and road safety improvements as identified within the Pedestrian Environment Review Systems audit as submitted by the Developer and which formed part of the Application

**"Plan 9"**

means Plan 9 attached

**"Post-construction Renewable Energy Monitoring Contribution (New)"**

means either:

- (a) the sum of £6,886 Indexed to be used by the Council as a contribution towards the cost of monitoring the performance of the renewable/low carbon technology, including Combined Heat and Power System and/or solar photovoltaic, monitoring service provided by the Council's Service Provider; or
- (b) where the Developer opts not to use the Council's Service Provider, the sum of £3,315 Indexed

**"Public Open Space Contribution"**

means the sum of £90,229 Indexed for use as a commuted sum towards the future maintenance of the public open space within the Development

**"Renewable Monitoring Cost Calculator"**

means the renewable & low carbon monitoring calculator provided by the Council to assist applicants and developers with calculating the cost for the provision of the automated energy and carbon dioxide monitoring platform

**"Service Level Agreement"**

means a contract between the District Heating Network Operator and the end user that defines the level of service expected from the District Heating Network Operator

**"Service Provider"**

means Emergence Ltd or such other service provider as the Council may notify to the Developer from time to time

**"South Acton Station Contribution"**

means the sum of £150,000 Indexed as a contribution towards the provision of works to provide step free access to South Acton Station but for the avoidance of doubt the sum of £150,000 shall not be subject to indexation after 31 December 2021

**"Southfields Recreation Ground Contribution"**

means the sum of £102,000 Indexed as a contribution towards either:

- (a) the resurfacing of courts and the installation of floodlighting at

Southfields Recreation Ground; or

- (a) the provision of a new sports pavilion at Southfields Recreation Ground

**"Tree Loss Contribution"**

means a contribution calculated in accordance with the following formula:

- (a) £10,000 per Category A tree removed over and above those permitted to be removed under the Original Planning Permission;
- (b) £5,000 per Category B tree removed over and above those permitted to be removed under the Original Planning Permission; and
- (c) £750 per Category C tree removed over and above those permitted to be removed under the Original Planning Permission,

towards additional tree planting within the Super Output Areas E01001356, E01001357 or E01001358 of the South Acton Ward

**"Tree Loss Contribution Phase 9.2"**

means the sum of £10,750 Indexed to be paid towards the re-provision of trees within Phase 9.2 of the Development pursuant to the Planning Permission

**"Unviable"**

means in relation to a Phase, where the Developer Income for that Phase is less than the sum of the Developer Costs for that Phase, the Developer's Return for that Phase and the Developer's Fee for that Phase (as such terms are defined in Schedule 5 of this Deed)



## SCHEDULE 2

### CONTRIBUTIONS

1. Paragraph 11 of Schedule 2 of the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation shall be deleted and replaced as follows:
  - 11 To pay:
    - 11.1 the Framework Travel Plan Review Contribution in eight instalments of £1,250 with each instalment being paid on the completion of each of Phases 3-10 of the Development; and
    - 11.2 the Framework Travel Plan Review Contribution (New) on completion of Phase 11 of the Development.
2. Paragraph 12 of Schedule 2 of the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation shall be deleted and replaced as follows:
  - 12 To pay:
    - 12.1 the Education Contribution in the following instalments:
      - 12.1.1 £81,040 to be paid to the Council prior to the Occupation of each of Phases 3 to 6 of the Development
      - 12.1.2 £27,013.00 prior to the Occupation of Phase 7.1;
      - 12.1.3 £27,013.00 prior to the Occupation of Phase 7.2;
      - 12.1.4 £27,014.00 prior to the Occupation of Phase 7.3;
      - 12.1.5 £81,040 to be paid to the Council prior to the Occupation of Phase 9 of the Development
      - 12.1.6 £34,731.43 to be paid to the Council prior to the Occupation of each of Phases 8.1, 8.2, 8.3, 10.1, 10.2, 11.1 and 11.2 of the Development
    - 12.2 the Education Contribution (New) in sixteen separate instalments of £31,250 with each instalment being paid to the Council prior to the Occupation of each of Phases 7.2, 7.3, 7.4, 7.5, 8.1, 8.2, 8.3, 9.2, 9.3, 9.4, 9.5, 9.6, 10.1, 10.2, 11.1 and 11.2 of the Development.
3. At paragraph 14 of Schedule 2 of the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation insert a new paragraph 14.3:
  - 14.3 each of Phases 8.1, 8.2, 8.3, 9.2, 9.3, 9.4, 9.5, 9.6, 10.1, 10.2, 11.1 and 11.2 of the Development unless and until £1,967.91 of the Pedestrian Cyclist and Road Safety Contribution (New) has been paid to the Council.
4. Paragraph 15 of Schedule 2 of the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation shall be deleted and replaced as follows:
  - 15 To pay:-



- 15.1 the Street Trees Contribution in nine equal instalments of £5,089 with each instalment being paid to the Council prior to the Occupation of each of Phases 3- 11 of the Development PROVIDED THAT the relevant instalment of the Street Trees Contribution for Phase 7 as a whole (£5,089.00) shall be paid in three instalments as follows:
  - 15.1.1 £1,696.00 prior to the Occupation of Phase 7.1;
  - 15.1.2 £1,696.00 prior to the Occupation of Phase 7.2; and
  - 15.1.3 £1,697.00 prior to the Occupation of Phase 7.3;
- 15.2 the Tree Loss Contribution Phase 9.2 prior to Commencement of Phase 9.2 of the Development,
- 15.3 any calculated Tree Loss Contribution to the Council prior to Commencement of each of Phases 7.2, 7.3, 7.4, 7.5, 8.1, 8.2, 8.3, 9.3, 9.4, 9.5, 9.6, 10.1, 10.2, 11.1 and 11.2 of the Development.

- 5. Insert a new paragraph 63 of Schedule 2 of the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation as follows:

**ADDITIONAL PROVISIONS FOR PHASE 9.2 AND THE MASTERPLAN**

- 63 To pay the Public Open Space Contribution in five equal instalments of £18,045.80 with each instalment being paid to the Council prior to the Occupation of each of Phase 9.5, 9.6, 10.1, 11.1 and 11.2 of the Development.

- 6. Insert a new paragraph 64 of Schedule 2 of the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation as follows:

- 64 To pay the Child Play Space Contribution in five equal instalments of £40,000 with each instalment being paid to the Council prior to the Occupation of each of Phase 9.5, 9.6, 10.1, 11.1 and 11.2 of the Development.

- 7. Insert a new paragraph 65 of Schedule 2 of the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation as follows:

- 65 To pay the South Acton Station Contribution to the Council on receipt of written notification from the Council that it has obtained funding in a sum equivalent to the South Acton Station Contribution for provision of works to provide step free access to South Acton Station PROVIDED THAT the Council shall secure such funding prior to 31 December 2023 and in the event that the Council has not secured such funding prior to 31 December 2023, the obligation to pay the South Acton Station Contribution shall cease to be of effect.

- 8. Insert a new paragraph 66 of Schedule 2 of the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation as follows:

- 66 To pay the Southfields Recreation Ground Contribution to the Council in the following instalments:

- 66.1 £51,000 payable on first Occupation of Phase 9.2 of the Development; and

- 66.2 £51,000 payable on Commencement of Phase 9.4 of the Development.

9. Insert a new paragraph 67 of Schedule 2 of the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation as follows:

67 To pay the Acton Park Contribution to the Council in the following instalments:

67.1 £34,000 payable on first Occupation of Phase 8.1 of the Development; and

67.2 £34,000 payable on Commencement of Phase 8.3 of the Development.

10. Insert a new paragraph 68 of Schedule 2 of the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation as follows:

68 To purchase equipment to the value of the Community Equipment Contribution prior to undertaking any above ground works in Phase 9.2 PROVIDED THAT such equipment shall not be purchased unless and until the Developer has consulted with the Council's Active Ealing team as to the equipment to be purchased AND FURTHER PROVIDED THAT the Developer shall provide evidence to the Council that the Community Equipment Contribution has been expended within one month of such expenditure occurring.



## SCHEDULE 3

### ENERGY

1. Insert new paragraphs 69 to 83 of Schedule 2 of the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation as follows:

#### **CARBON OFF-SETTING CONTRIBUTIONS**

- 69 Where prior to first Occupation of Phases 7.2, 7.3, 7.4, 7.5, 8.1, 8.2, 8.3, 9.2, 9.3, 9.4, 9.5, 9.6, 10.1, 10.2, 11.1 and 11.2 of the Development the assessment carried out as required by the Energy Strategy or the Energy Strategy Conditions (as applicable) shows that the Carbon Dioxide Emission Target for Residential and/or the Carbon Dioxide Emission Target for Non-Residential (as appropriate) cannot be fully met on-site for that Phase there shall be no Occupation of that Phase unless and until such time as the Carbon Off-Setting Contribution (New) for that Phase has been paid to the Council.

#### **POST-CONSTRUCTION RENEWABLE ENERGY MONITORING CONTRIBUTION (NEW)**

- 70 The Post-construction Renewable Energy Monitoring Contribution (New) shall be calculated using the Renewable Monitoring Cost Calculator for each reserved matters application and shall be paid by the Developer to the Council in the following instalments:
  - 70.1 50% of the Post-construction Renewable Energy Monitoring Contribution (New) within 30 days of the commencement of any above ground works pursuant to any reserved matters approval granted pursuant to the Phase 9.2 and Masterplan Planning Permission;
  - 70.2 50% of the Post-construction Renewable Energy Monitoring Contribution (New) within 6 months of the commencement of any above ground works pursuant to any reserved matters approval granted pursuant to the Phase 9.2 and Masterplan Planning Permission.
- 71 Where the Developer uses an independent monitoring system rather than the Council's Service Provider the following provisions shall apply:
  - 71.1 the Developer shall supply the relevant contact details to the Council's Service Provider at least 3 months prior to installing the independent monitoring system;
  - 71.2 the Developer shall procure that data is submitted daily to the Council's Service Provider; and
  - 71.3 the monitoring shall be undertaken for a three year period from first Occupation of each relevant Phase.

#### **CONNECTION TO THE DISTRICT HEATING NETWORK**

- 72 The Developer shall not Occupy Phase 9.2 of the Development unless and until they have connected all residential units within that Phase and designed the non-residential space with connection points to the temporary plant room in Phase 3.2 of the Development for the primary provision of heating and hot water for Phase 9.2 of the Development in accordance with the Planning Permission.
- 73 The Developer covenants with the Council that the Development in Phase 9.2 shall be connected to the District Heating Network, which will be served by a single Energy Centre located in Phase 7.2 of the Development to supply primarily the heating and hot water requirements of the Development and the Developer shall:
  - 73.1 submit a connection strategy and connection timeline for connecting Phase 9.2 to the District Heating Network to the Council for approval within 30 days of the single Energy



Centre in Phase 7.2 being completed and operational;

- 73.2 implement the approved connection strategy and connection timeline for connecting Phase 9.2 to the District Heating Network.

### **ENERGY CENTRE**

- 74 The Developer shall not occupy any phase of the Development unless and until they have provided an interim heat and hot water supply provision for each Phase of the Development until connection to the Energy Centre in Phase 7.2 in accordance with the Planning Permission and the approved Energy Strategy and Energy Centre as required by condition 22 of the Planning Permission and the Energy Centre is supplying all domestic (excluding stand-alone houses) and potentially non-domestic units within the Development with heating and hot water for the Development through a DHN.
- 75 Subject to paragraph 76 below, following completion of the single Energy Centre in Phase 7.2, all Phases of the Development (excluding stand-alone houses) shall connect to the District Heating Network, to be supplied with the primary heating and hot water requirements for the Development.
- 76 Prior to the commencement of construction of the single Energy Centre in Phase 7.2, the Developer shall prepare and submit to the Council for its written approval a comprehensive heat network feasibility and viability assessment setting out which buildings within the Phases (or any parts thereof) of the Development will connect to the District Heating Network.
- 77 The heat network feasibility and viability assessment shall include as a minimum:
- 77.1 The likely route of the distribution network to the connected Phases (or any parts thereof) of the Development and the technical standard to which the District Heating Network is to be designed and constructed to export heat to these buildings;
- 77.2 the technical standard to which identified buildings within the connected Phases (or any parts thereof) of the Development to be connected will be fitted;
- 77.3 unit consumption charges, standing charges, management fees and plant replacement funds
- 77.4 the proposed tariff structures;
- 77.5 the connection charges to the District Heating Network;
- 77.6 potential funding sources;
- 77.7 timescales for connection of the identified buildings to the District Heating Network; and
- 77.8 an example of the Service Level Agreement that will be signed between the identified buildings and the District Heating Network Operator.
- 78 If the approved heat network feasibility and viability assessment concludes that the connection of Phases (or any parts thereof) of the Development to the District Heating Network is feasible and financially viable the Developer shall procure a connection with the identified buildings within the connected Phases (or any parts thereof) of the Development to the District Heating Network within the timescales to be agreed pursuant to the contents of the heat network feasibility and viability assessment as per paragraph 77 above.
- 79 The connection the identified buildings within the connected Phases (or any parts thereof) of the Development to the District Heating Network should be subject to the following being complied with to the reasonable satisfaction of the Council, the building's owners



and the Developer:

- 79.1 the proposed tariff structures must protect the interests of the Developer and occupiers so that total costs for the delivery of the connection of the Development to the District Heating Network shall be no more than would have been the cost if an on-site communal heating system served by Combined Heat and Power or any other low carbon source had been provided and the tariffs of this delivery of connection are to include unit consumption charges, standing charges, management fees and plant replacement funds;
- 79.2 the connection charges to the District Heating Network are reasonable and economically viable;
- 79.3 a Service Level Agreement can be entered into to protect the interests of the Developer and occupiers which guarantees that the District Heating Network has enough capacity to serve the identified buildings within the connected Phases (or any parts thereof) of the Development.
- 80 If the heat network feasibility and viability assessment (approved pursuant to paragraph 76 above) concludes that connection of some or all of the buildings within the Phases (or any parts thereof) of the Development to the District Heating Network is not feasible or viable then:
  - 80.1 the Developer shall not be required to provide a connection to the District Heating Network for those buildings;
  - 80.2 the Developer shall safeguard the future connection of those buildings to an alternative District Heating Network by:
    - 80.2.1 providing an onsite standalone communal heating system(s) served by a low carbon source with sufficient capacity to serve the heating and hot water requirements of those buildings; and
    - 80.2.2 retain all approved infrastructure installed in the Energy Centre to enable connection to an alternative District Heating Network in the future; and
    - 80.2.3 safeguard and maintain such additional space as may be required for access and connection to an alternative District Heating Network in perpetuity from the date those buildings are first Occupied or the date those buildings are connected to an alternative District Heating Network (whichever is earlier).
- 81 From the date the Energy Centre is first occupied, the Developer shall retain or procure the retention of all approved infrastructure installed in the Energy Centre and maintain or procure the maintenance of the Energy Centre in accordance with the approved details in perpetuity.
- 82 Prior to the commencement of construction of the single Energy Centre in Phase 7.2, the Developer shall:
  - 82.1 prior to 31 January 2019:
    - 82.1.1 make an offer in writing to each of Berrymede Infant School, Berrymede Junior School and South Acton Children's Centre to connect to the District Heating Network;
    - 82.1.2 following making the offer referred to in paragraph 82.1.1 above, meet with the owners and/or the occupiers (as appropriate) of each of Berrymede Infant School, Berrymede Junior School and South Acton Children's Centre to explore how the respective buildings could connect to the District Heating Network;
  - 82.2 where the owners and/or the occupiers (as appropriate) of each of Berrymede Infant School, Berrymede Junior School and South Acton Children's Centre accept the offer to



connect the respective buildings to the District Heating Network use reasonable endeavours to facilitate a connection to the District Heating Network subject to the following provisions:

- 82.321 a written agreement between the Developer and the owners and/or the occupiers (as appropriate) of each of Berrymede Infant School, Berrymede Junior School and/or South Acton Children's Centre (as appropriate) for connection to the District Heating Network shall be entered into on or prior to 30 June 2019;
- 82.2.2 the owners and/or the occupiers (as appropriate) of each of Berrymede Infant School, Berrymede Junior School and/or South Acton Children's Centre (as appropriate) shall be responsible for undertaking their own viability assessment for connecting to the District Heating Network which shall include the following:
- (a) capital costs of making a connection;
  - (b) consideration of remaining life of existing heating plant and potential future expenditure on plant replacement;
  - (c) investigation of funding sources to reduce the capital cost of making a connection, including but not limited to the Council's carbon offset fund;
  - (d) calculation of the impact on heat bills, comparing the charges for the District Heating Network to the current fuel and maintenance costs; and
  - (e) carbon impact of connecting to the District Heating Network compared to the current plant;

PROVIDED THAT where the connection to the District Heating Network is shown to be viable there is no obligation on the owners and/or the occupiers (as appropriate) of each of Berrymede Infant School, Berrymede Junior School and/or South Acton Children's Centre (as appropriate) to connect to the District Heating Network

- 82.2.3 the Developer shall be responsible for:
- (a) setting the in-use heat charges; and
  - (b) the increase in the capacity of the Energy Centre to meet the needs of each of Berrymede Infant School, Berrymede Junior School and/or South Acton Children's Centre (as appropriate) if they are to be connected;
- 82.2.4 the owners and/or the occupiers (as appropriate) of each of Berrymede Infant School, Berrymede Junior School and/or South Acton Children's Centre (as appropriate) shall be responsible for the cost of pipework from the District Heating Network valve to the respective buildings and the heat exchanger within the respective buildings.
- 83 Where a written agreement between the Developer and the owners and/or the occupiers (as appropriate) of each of Berrymede Infant School, Berrymede Junior School and/or South Acton Children's Centre (as appropriate) for connection to the District Heating Network has not been entered into on or prior to 30 June 2019 the obligations in paragraph 82 of Schedule 2 shall cease to have effect.

## SCHEDULE 4

### MICHAEL FLANDERS RESOURCE CENTRE

1. Insert new paragraphs 84 to 87 of Schedule 2 of the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation as follows:

#### MICHAEL FLANDERS RESOURCE CENTRE

- 84 Prior to Commencement of Development of Phase 7.4 of the Development to submit to the Council a plan identifying the location where the Michael Flanders Resource Centre will be re-provided.
- 85 Not less than 60 Working Days prior to submission of the Michael Flanders Delivery Strategy the Developer shall:
  - 85.1 serve written notice on the Council notifying the Council that it intends to submit the Michael Flanders Delivery Strategy to the Council for approval and inviting the Council to provide information relating to the delivery of the Michael Flanders Resource Centre (whether the Council has undertaken consultation with stakeholders and/or the local community or not in relation to the re-provision of the Michael Flanders Resource Centre);
  - 85.2 the Developer shall not be permitted to submit the Michael Flanders Delivery Strategy to the Council until such time as 60 Working Days has elapsed from the date of receipt of the notice referred to in paragraph 85.1 above;
  - 85.3 in the event that the Council provides information relating to the re-provision of the Michael Flanders Resource Centre referred to in paragraph 85.1 above within 60 Working Days of receipt of the notice pursuant to paragraph 85.1 above, the Developer shall take such information into account when preparing the Michael Flanders Delivery Strategy; and
  - 85.4 in the event the Developers have not received from the Council any information relating to the re-provision of the Michael Flanders Resource Centre within the said 60 Working Days then the Developer shall be entitled to submit the Michael Flanders Delivery Strategy for approval.
- 86 Prior to Commencement of Land Parcel CG5 of the Development to submit to the Council the Michael Flanders Delivery Strategy for its approval in accordance with condition 20 of the Phase 9.2 and Masterplan Planning Permission.
- 87 To re-provide the Michael Flanders Resource Centre in accordance with the approved Michael Flanders Delivery Strategy and the Phase 9.2 and Masterplan Planning Permission.

2. Insert Appendix 4 to this Deed as a new Schedule 6 of the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation.



## SCHEDULE 5

### ALLOTMENTS

1. Insert new paragraphs 88 to 92 of Schedule 2 of the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation as follows:

#### ALLOTMENTS

- 88 In the event that consent is granted by the Secretary of State pursuant to s.8 of the Allotments Act 1950 in relation to the 120sqm of allotment land within Phase 9.2 which is required for the Development of Phase 9.2 (the "**Required Allotment Land**") then the Developer shall:
- 88.1 acquire the Required Allotment Land in accordance with the consent granted by the Secretary of State pursuant to s.8 of the Allotments Act 1950 in relation to the Required Allotment Land; and
- 88.2 re-provide an equivalent amount of land to the Required Allotment Land within Phase 9.3 of the Development, within 24 months of the consent granted by the Secretary of State pursuant to s.8 of the Allotments Act 1950 in relation to the Required Allotment Land.
- 89 Not less than 60 Working Days prior to submission of the Allotments Delivery Strategy the Developer shall:
- 89.1 serve written notice on the Council notifying the Council that it intends to submit the Allotments Delivery Strategy to the Council for approval and inviting the Council to provide information relating to the delivery of the Jerome Towers Allotments (whether the Council has undertaken consultation with the current allotment holders and/or the local community or not in relation to the delivery of the Jerome Towers Allotments);
- 89.2 the Developer shall not be permitted to submit the Allotments Delivery Strategy to the Council until such time as 60 Working Days has elapsed from the date of receipt of the notice referred to in paragraph 88.1 above;
- 89.3 in the event that the Council provides information relating to the delivery of the Jerome Towers Allotments referred to in paragraph 88.1 above within 60 Working Days of receipt of the notice pursuant to paragraph 88.1 above, the Developer shall take such information into account when preparing the Allotments Delivery Strategy; and
- 89.4 in the event the Developers have not received from the Council any information relating to the delivery of the Jerome Towers Allotments within the said 60 Working Days then the Developer shall be entitled to submit the Allotments Delivery Strategy for approval.
- 90 Prior to Commencement of Phases 9.3, 9.5 and 9.6 of the Development the Developer shall submit to the Council the Allotments Delivery Strategy for its approval in accordance with condition 21 of the Phase 9.2 and Masterplan Planning Permission.
- 91 Prior to Occupation of Phase 9.5 of the Development, the Developer shall lay out and complete the Jerome Towers Allotments in accordance with the approved Allotments Delivery Strategy and the Phase 9.2 and Masterplan Planning Permission.
- 92 Following completion of the Jerome Towers Allotments to transfer the Jerome Towers Allotments to the Council (to the extent that the Council do not already own the Jerome Towers Allotments).



## SCHEDULE 6

### AFFORDABLE HOUSING

1. Clause 27.2 of the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation shall be deleted and replaced as follows:
  - 27.2 The provisions of Schedule 1 of this Deed shall not be binding on a mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a "**Receiver**")) of the whole or any part of the Affordable Units or any persons or bodies deriving title through such mortgagee or chargee or Receiver PROVIDED THAT:
    - 27.2.1 such mortgagee or chargee or Receiver shall first give written notice to the Council of its intention to dispose of the Affordable Units and shall have used reasonable endeavours over a period of three months from the date of the written notice to complete a disposal of the Affordable Units to another registered provider or to the Council for a consideration not less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies, interest and costs and expenses; and
    - 27.2.2 if such disposal has not completed within the three month period, the mortgagee, chargee or Receiver shall be entitled to dispose of the Affordable Units free from the provisions of Schedule 1 of this Deed which provisions shall determine absolutely.
2. Paragraph 1 of Schedule 2 of the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation shall be deleted.
3. Schedule 1 of the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation shall be deleted and replaced as follows:
  1. **AFFORDABLE HOUSING SCHEMES**
    - 1.1 Prior to Commencement of each of Phases 7.2, 7.3, 7.4, 7.5, 8.1, 8.2, 8.3, 9.2, 9.3, 9.4, 9.5, 9.6, 10.1, 10.2, 11.1 and 11.2 of the Development submit an Affordable Housing Scheme to the Council for approval and not to Commence each of Phases 7.2, 7.3, 7.4, 7.5, 8.1, 8.2, 8.3, 9.2, 9.3, 9.4, 9.5, 9.6, 10.1, 10.2, 11.1 and 11.2 of the Development until such Affordable Housing Scheme has been approved by the Council
    - 1.2 To provide the Affordable Units in accordance with the approved Affordable Housing Scheme for each of Phases 7.2, 7.3, 7.4, 7.5, 8.1, 8.2, 8.3, 9.2, 9.3, 9.4, 9.5, 9.6, 10.1, 10.2, 11.1 and 11.2 of the Development
  2. **PROVISION OF AFFORDABLE HOUSING**
    - 2.1 Not to use or Occupy or permit or suffer to be used or Occupied more than 75% of the Open Market Dwellings within each Phase of the Development prior to the completion of the construction of all the Affordable Units on such Phase so that the Affordable Units are fully ready for Occupation, unless otherwise prior agreed with the Council
    - 2.2 Not to use or Occupy or permit or suffer to be used or Occupied more than 75% of the Open Market Dwellings in each Phase until the Developer has entered into an agreement for the transfer of either the freehold or a lease for a term of not less than 125 years of the Affordable Housing Premises on such Phase to a Registered Provider who has entered into the Deed of Nomination Rights in respect of the same with the Council unless



otherwise prior agreed with the local planning authority and that the Affordable Housing Premises are fully ready for Occupation, unless otherwise previously agreed with the Council.

### **3. USE OF AFFORDABLE HOUSING**

- 3.1 Subject to Clause 27 and paragraph 3.3 of Schedule 1 not to use or permit or suffer the use of the Social Rented Units for any purpose other than permanently as Affordable Housing to rent from a Registered Provider.
- 3.2 Subject to Clause 27 and paragraph 3.3 of Schedule 1 not to use or permit or suffer the use of the Intermediate Housing Units for any purpose other than as Intermediate Housing save where an occupant has exercised a statutory right to acquire the freehold or leasehold estate of the Intermediate Housing Unit under the Housing Act 1996 or otherwise.
- 3.3 The obligations contained in paragraphs 3.1 and 3.2 of Schedule 1 shall cease to have effect in relation to any Affordable Units in the circumstances specified in Clause 27.

### **4. REGISTERED PROVIDERS**

- 4.1 To ensure that any monies received by the Registered Provider in respect of any sale, long lease or other disposal of the Affordable Housing Premises or of Affordable Units (but net of the reasonable and proper costs of the disposal and net of any monies that the Registered Provider is required to pay to any mortgagee of the Affordable Housing Premises or of the relevant Affordable Units) and which relates to a social housing grant element of the scheme funding is applied exclusively for the provision of Affordable Housing in Ealing or (with the prior consent of the Council) in the west-London sub-region of local authorities and to provide the Council with written information demonstrating the same.
- 4.2 Not to Occupy or permit or suffer to be Occupied any of the Intermediate Housing Units or Social Rented Units on a Phase until the Registered Provider has entered into the Deed of Nomination Rights in respect of the same with the Council subject always to compliance by the Council with the obligation contained in paragraph 1 of Schedule 3.

### **5. FAMILY UNITS**

- 5.1 The bed-size mix of the rented tenure accommodation shall provide for a minimum of 31% (calculated on a unit basis) of family-sized accommodation, comprising 3-bedroom + units subject always to the decant requirements of each particular Phase and in agreement with the Council.

### **6. LATE REVIEW**

- 6.1 Prior to first Occupation of Phase 11.1 of the Development the Developer shall undertake a Late Review of the Development and confirm in writing to the Council the Late Review Viability Sum generated by the Development.
- 6.2 Within 40 Working Days of completion of the Late Review, the Developer shall pay the Late Review Viability Sum (less any Council Land Values and/or surplus already paid) to the Council (in its capacity as landowner).
- 6.3 In the event that the Late Review demonstrates that any of the remaining Phases of the Development to be developed are Unviable, the Developer and the Council covenant to use:
- 6.3.1 in the first instance, the Council Land Values received by the Council (in its capacity as landowner); and

6.3.2 in the second instant, the Council's Surplus and the Developer's Surplus (in equal proportions) generated from Phases Commenced following the date of the Phase 9.2 and Masterplan Planning Permission,

to support the viability of those remaining Phases.

## 7 **FINAL REVIEW**

7.1 On completion of construction of the Development the Developer shall undertake a Final Review of the Development and confirm in writing to the Council the Final Review Viability Sum generated by the Development.

7.2 Within 40 Working Days of completion of the Final Review, the Developer shall pay the Final Review Viability Sum (less any Council Land Values and/or surplus already paid) to the Council (in its capacity as landowner).

## 8 **OTHER REVIEWS**

8.1 Nothing in this Deed shall prevent the Council and the Developer carrying out viability reviews of the Development at any other time.

4. Insert Appendix 3 to this Deed as a new Schedule 5 of the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation.



## SCHEDULE 7

### MISCELLANEOUS AND CONSEQUENTIAL AMENDMENTS

1. In paragraph 4.2 of Schedule 2 the words "of the eight (8) Car Club spaces" to be deleted and replaced with "of the eleven (11) Car Club spaces (where demand for those Car Club spaces has been evidenced)".
2. In paragraph 16 of Schedule 2 the words "Street Trees" to be deleted and replaced with "street trees".
3. In paragraph 16 of Schedule 2 the words "five years" to be deleted and replaced with "ten years"
4. In paragraph 39 of Schedule 2 the word "Un-adopted" to be deleted and replaced with "Unadopted".
5. Insert a new paragraph 93 of Schedule 2 of the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation as follows:

#### DWELLINGS

- 93 The Developer hereby covenants with the Council that no more than 3,296 Dwellings shall be built in accordance with the Planning Permission.
6. The title of Schedule 4 be amended to read "**DEED OF NOMINATION RIGHTS FOR THE SOCIAL RENTED UNITS AND DEED OF NOMINATION RIGHTS FOR THE INTERMEDIATE HOUSING UNITS**".
  7. Plans 1 to 4 within the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation are deleted and replaced with the Plans 1 to 4 in Appendix 1 to this Deed.
  8. Plan 9 in Appendix 1 to this Deed is appended as Plan 9 to the Principal Deed as amended by the First Deed of Variation, the Second Deed of Variation, the Third Deed of Variation and the Fourth Deed of Variation.

Executed as a Deed (but not delivered until the date of this Deed) by **THE COUNCIL OF THE LONDON BOROUGH OF EALING** by causing its Common Seal to be affixed in the presence of

SE SEAL BOOK  
Vol 8 No 742/2018

.....  
*Justin Morley*  
Full Name (Authorised Officer)

.....  
*[Signature]*  
Signature of Authorised Officer

.....  
*Member of Legal Services (SCE)*  
Designations

Executed as a Deed (but not delivered until the date of this Deed) by **ACTON GARDENS LLP** acting by

.....  
*MICHAEL PHILIP WOALLISCROFT*  
Full Name (Director)

.....  
*[Signature]*  
Signature of Director

.....  
*STUART W. MILLER*  
Full Name (Director)

.....  
*[Signature]*  
Signature of Director

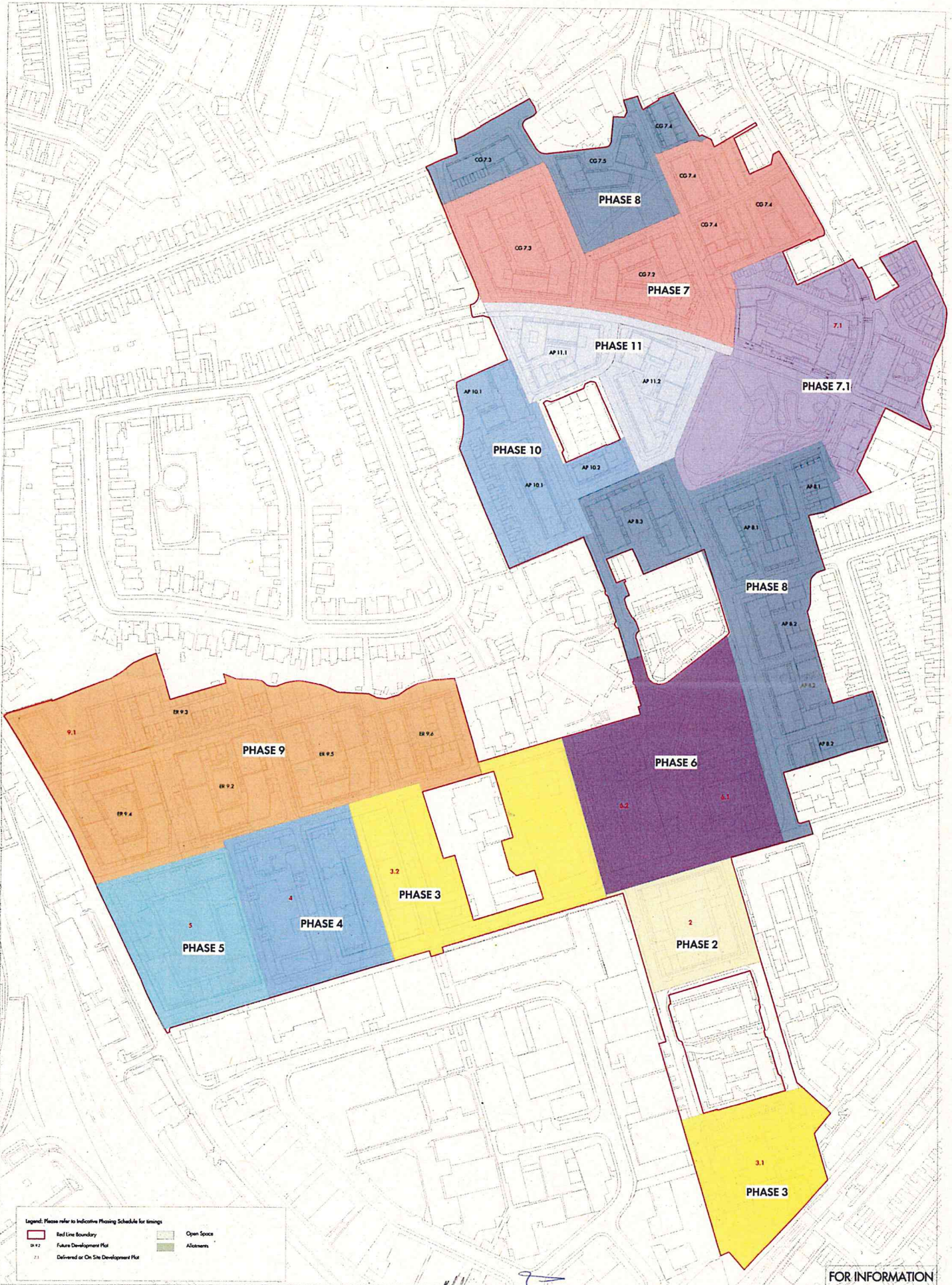
**APPENDIX 1**

**PLANS**









Legend: Please refer to Indicative Phasing Schedule for timings

- Red Line Boundary
- Future Development Plot
- Open Space
- Allotments
- Delivered or On Site Development Plot

FOR INFORMATION



The work has been done for the client. The client is responsible for the accuracy of the information provided. All work is to be done in accordance with the terms of the contract. The client is responsible for the accuracy of the information provided. The client is responsible for the accuracy of the information provided. The client is responsible for the accuracy of the information provided.

*[Handwritten signature]*

Alles and Morrison  
 85 Southwark Street  
 London SE1 0HR  
 020 7921 0100  
 020 7921 0101  
 studio@allesandmorrison.com  
 A&M JOB NO: 16250

Action Gardens Masterplan, :  
 Phasing Parcels  
 Future, Current and Complete Development  
 16250-00- SK-306  
 SCALE 1: 1250 @A1  
 SCALE 1: 2500 @A3

P1

RAN 2















## NOTICE OF PLANNING DECISION

Mr Andrew Lightstone  
Barton Willmore  
7 Soho Square  
London  
W1D 3QB

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

Your Ref:

Our Ref:  
**182579OUT**

Direct line:  
**020 8825 6600**

Date:  
**DRAFT**

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:** 30.05.2018

**Drawings/Schedules References:** Parameter Plans 001 'Application Boundaries' (Ref: 16250\_00\_07\_001\_P2); Character Areas (Ref: 16250-00-07-002\_P1); Parameter Plans 002 Land Parcels and Land Uses (Ref: 16250-00-07-003\_P1); Parameter Plans 003 Development Plots (Ref: 16250-00-07-004\_P1); Access and Circulation (Ref: 16250-00-07-005\_P1); Minimum and Maximum Building Heights (Ref: 16250-00-07-006\_P1); Public Open Space and Allotments (Ref: 16250-00-07-007\_P1); Demolition Plan (Ref: 16250-00-07-012\_P1) and Indicative Phasing Plan (Ref: 16250-00-07-13\_P2)

Phase 9.2: Existing Site Location Plan (Ref: 16250\_02\_07\_001\_P1); Proposed Site Location Plan (Ref: 16250\_02\_07\_002\_P2); Proposed Lower Ground Floor Plan (Ref: 16250\_02\_07\_099\_P3); Proposed Ground Floor Plan (Ref: 16250\_02\_07\_100\_P3); Proposed Podium / First Floor Plan (Ref: 16250\_02\_07\_101\_P4); Proposed Second Floor Plan (Ref: 16250\_02\_07\_102\_P3); Proposed Third / Fourth Floor Plan (Ref: 16250\_02\_07\_104\_P3); Proposed Fifth Floor Plan (Ref: 16250\_02\_07\_105\_P2); Proposed Sixth Floor Plan (Ref: 16250\_02\_07\_106\_P2); Proposed Seventh / Eighth Floor Plan (Ref: 16250\_02\_07\_108\_P2); Proposed Ninth / Fourteenth Floor Plan (Ref: 16250\_02\_07\_114\_P2); Proposed Roof Plan (Ref: 16250\_02\_07\_003\_P2); Tenure Plan - Lower Ground to First Floor Plan (Ref: 16250\_02\_07\_120\_P2); Tenure Plan - Second to Fifth Floor Plan (Ref: 16250\_02\_07\_121\_P2); Tenure Plan - Sixth to Fourteenth Floor Plan (Ref: 16250\_02\_07\_122\_P2); Courtyard Elevation - South (Ref: 16250\_02\_07\_254\_P1); Courtyard Elevation - West (Ref: 16250\_02\_07\_255\_P1); Courtyard Elevation - North (Ref: 16250\_02\_07\_256\_P2); Courtyard Elevation - East (Ref: 16250\_02\_07\_257\_P1); External Elevation - South (Ref: 16250\_02\_07\_260\_P1); External Elevation - East (Ref: 16250\_02\_07\_261\_P1); External Elevation - North (Ref: 16250\_02\_07\_262\_P1); External Elevation - West (Ref: 16250\_02\_07\_263\_P1); Section AA - North / South (Ref: 16250\_02\_07\_300\_P1); Section BB - East / West (Ref: 16250\_02\_07\_301\_P1); Detail Elevation & Section - Typical (Ref: 16250\_02\_07\_500\_P1); Detail Elevation & Section - Block B (Ref: 16250\_02\_07\_501\_P1); Detail Elevation & Section - Courtyard (Ref: 16250\_02\_07\_502\_P1); Phase 9.2 Accommodation Schedule (Ref: 16250\_02\_2QA-02\_Schedule of Areas); Podium Landscaping Section (Ref: 10144\_SEC\_600\_B) and Landscaping in Existing Context (Ref: 10144\_LD\_PLN\_100\_F);



**Supporting Documents:** Updated Covering Letter (BW), (August 2018); Updated Application Form (BW), (August 2018); Planning Statement (Ref: 27157/A5 Rev 03), (BW), (May 2018); Site Location Plan (Drawing Ref: 16250-00-07-100\_P1); Proposed Architectural Drawings: Design Guidelines (Allies and Morrison), (October 2018); Sustainable Design and Construction Statement (Ref: GRP-POL-18), (Countryside), (May 2018); Construction Method Statement (Ref: Rev A), (Countryside), (May 2018); Affordable Housing Statement (BW), (May 2018); Estate Management Strategy (L&Q), (May 2018); Utilities Report (Ref: J2376), (Mendick Waring Ltd.), (May 2018); Transport Assessment (Ref: VP/MD/ITL13449-004B R), (i-Transport), (May 2018); Transport Assessment Addendum (VP/MD/ITL13449-012 R), (i-Transport), (November 2018); Statement of Community Involvement (BW), (May 2018); Energy Statement (v2), (Hodkinson), (May 2018); Energy and Sustainability Strategy Comments Addendum (Hodkinson), (October 2018); Sustainability Statement (Ref: v3), (Hodkinson), (May 2018); Overheating Assessment Technical Note (Ref: V1), (Hodkinson), (November 2018); Flood Risk Assessment (Ref: A5121 Rev P1), (CTP), (May 2018); Flood Risk Assessment (Ref: A5121 Rev P3), (CTP), (October 2018); Flood Risk Addendum (Ref: A5121 Rev F1), (CTP), (October 2018); Air Quality Assessment (Ref: A106836), (WYG), (May 2018); Air Quality Addendum (Ref: A106836), (WYG), (November 2018); Ecology Appraisal, (LUC), (August 2018 Version 5.3); Allotments Sunlight and Daylight Study (GL Hearn), (July 2018); Allotments Wind Study (Ref: 1802996, Fig 6), (RWDI), (May 2018); Noise Assessment (Ref: A106836), (WYG), (May 2018); Arboricultural Impact Assessment and Tree Survey (Ref: 0518-2351 Rev1), (Ruskins), (May 2018); Financial Viability Assessment (BNP Paribas), (June 2018); Financial Viability Assessment Addendum (BNP Paribas), (November 2018); CIL Additional Information Form (BW), (May 2018); Environmental Statement Volumes 1, 2 and 3 (Ref: 27157/A5/ES Rev 02), (BW), (May 2018); Education Supplementary Note (Ref: 27157/E1/DM/), (BW), (October 2018); Heritage Supplementary Note to ES Chapter 7 (BW), (August 2018); Contamination Desk Study Report (Ref: GE16969-DSR-MAY18), (Geo-Environmental), (May 2018) and Fire Strategy Report (Ref: 02), (Mendick Waring Ltd.), (May 2018).

**Site:** Remaining Area Of Acton Gardens Master Plan (South Acton Estate) Acton W3 8TQ

**Proposal:** Hybrid planning application for the continued regeneration of the South Acton Estate encompassing an outline mixed use development comprising; up to 195,396sqm residential floorspace (Class C3) with any associated temporary show homes; up to 2,200sqm non-residential floorspace including 1,200sqm of community space (Class D1) and up to 1,000sqm of flexible commercial space (Class A1, A2, A3, B1, D1, D2); an energy centre up to 750sqm, access, open space and public realm. Detailed permission is sought for access, appearance, landscaping, layout and scale of Phase 9.2 comprising 20,612sqm (of the total 195,396sqm) of residential floorspace (Class C3) [203 dwellings] and 123sqm (of the total 1,000sqm) flexible commercial floorspace (Class A1, A2, A3, B1, D1, D2) with associated refuse/recycling and bicycle storage; plant rooms; car parking; works to the public highway, public realm improvements, following the demolition of Buchan House, Anstey Court, properties on Osborne Road and tree removal. (Amended Documents)

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

Yours faithfully

**DRAFT**

Chief Planning Officer

**Decision Date: - DRAFT**



## Reference No. 182579OUT

### CONDITIONS:

#### 1 Time Compliance

- a) Applications for approval of Reserved Matters must be made no later than the expiration of eight years beginning from 10/01/19; and
- b) The development to which the permission relates must be begun no later than the expiration of two years from the final approval of the Reserved Matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the provisions of Section 92 of the Town & Country Planning Act 1990 (as amended) and the timescale of the development to allow for the progressive implementation of the Development and the regeneration of the area in accordance with relevant planning policies within a realistic and reasonable timetable.

#### 2 Maximum Floorspace per Use

The maximum gross external floor areas in each respective use granted by this permission shall be up to:

- o Residential (a maximum of 1,950 units) and a maximum of 195,396sqm GEA, distributed, as follows:
  - o Clandon Gardens - 56,889sqm GEA
  - o Avenue Park - 82,284sqm GEA
  - o Central Plaza - No GEA
  - o Enfield Road - 56,223sqm GEA
- o Non-Residential
  - o a maximum of 1,000sqm GEA flexible commercial space (Class A1, A2, A3, B1, D1 and D2)
  - o a maximum of 1,200sqm GEA of community space (Class D1)

The total quantum of built floorspace for the development across the Character Areas shall not exceed the gross floorspace for individual Character Areas set out in the Parameter Plan 002, unless otherwise varied under Condition 57.

Non-residential uses shall only be located in the ground and first floor frontages of the Land Parcels identified in Parameter Plan 003; and where non-residential units are unviable at these locations, residential dwellings shall be located there instead.

For buildings of 4-storeys in height or greater and with frontages to Principal and Secondary Streets, a maximum of 15% of the ground floor frontage may be assigned to any of the other permitted uses in the masterplan provided that the total non-residential areas remain within the maximum allowed areas and it is approved by the local planning authority.



Reason: To ensure that the development is carried out in accordance with the approved plans and other submitted details and to ensure that the quantum of floorspace keeps within the parameters assessed pursuant to the Environmental Statement in relation to the development.

### 3 Minimum Open Space Provision

The areas of open space granted by this permission shall be delivered so as they are of the minimum sizes set out below:

- o Clandon Gardens - 2,750sq.m
- o Avenue Park - 7,600sq.m
- o Central Plaza - 8,100sq.m
- o Jerome Allotments - 3,803sq.m

Reason: To ensure that the development is carried out in accordance with the approved plans and other submitted details and to ensure that the quantum of amenity keeps within the parameters assessed pursuant to the Environmental Statement in relation to the development.

### 4 Height Limitation on Buildings and Structures

No building or structure of the development hereby permitted shall exceed 167.95 m AOD.

Reason: Development exceeding this height would penetrate the Obstacle Limitation Surface (OLS) surrounding Heathrow Airport and endanger aircraft movements and the safe operation of the aerodrome.

### 5 Car Parking Restrictions

The maximum amount of car parking to be accommodated within the development shall not exceed a car parking ratio of 0.3 parking spaces per residential unit. Any change from the approved maximum parking provision shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of superstructure works on the relevant phase of development. For clarity, parking provision shall not be increased from the maximum levels set out above.

Reason: To ensure that the parking strategy within the Development is implemented in accordance with the principles described in the Transport Assessment by sustainable transport methods in the interests of avoiding unnecessary transport emissions and congestion.

### 6 Phasing Sequence

The Phases of the Development shall be those Phases which are defined on the Indicative Phasing Parameter Schedule (Parameter Plan 013) unless and to the extent that the Phases may be varied in accordance with Condition 59.

Reason: To ensure the orderly and satisfactory development of the site, in the interests of highway safety and to assist in achieving the planning benefits of the comprehensive development authorised by this Permission.



## 7 Reserved Matters Submission

No part of the development as illustrated on approved Parameter Plan 004 shall commence until all of the following reserved matters for that Phase have been approved by the Local Planning Authority (LPA): a) Appearance; b) Means of Access; c) Landscaping; d) Layout; e) Scale.

All Reserved Matters Applications required by this Permission shall be in accordance with the Parameter Plans and the Design Guidelines.

Reason: For the avoidance of doubt and in the interest of proper planning and to comply with the EIA Directive and to ensure that high standards of urban design, landscaping and environmental mitigation are achieved and that a proper record is kept.

## 8 Reserved Matters Details

Development shall not commence on any Phase or Sub-Phase, save for Phase 9.2, until details of the following matters have been submitted to and approved in writing by the LPA relative to that phase / reserved matters area:

- a) Design and Access Statement, which shall provide details of how the design principles and commitments established by the approved Design Guidelines are achieved;
- b) Floor, elevation and section plans;
- c) Details of ground floor level shopfronts (where proposed);
- d) Details of the internal space standards, unit-size mix, Wheelchair Standards of residential units;
- e) BREEAM Pre-Assessment for Non-residential elements on a Green Lease
- f) Daylight and Sunlight Report including shadow plot diagrams;
- g) Details of play space, amenity space and landscaping strategy, including detailed Urban Green Factor (UGF) calculations for each RMA application in line with draft London Plan Policy G5, alongside details to show the applicant's approach to achieving the target UGF
- h) Details of parking and servicing, both off-street and on-street and including details of Electric Vehicle Charging Points, wheelchair accessible parking, and car club spaces;
- i) Details of bicycle storage for residential accommodation, bicycle storage for staff, and bicycle storage for visitors to the non-residential floorspace;
- j) Details of the works to the public realm and highways, including any traffic calming measures;
- k) Planning Statement;
- l) Statement of Community Involvement;
- m) Affordable Housing Statement;
- n) Updated Phasing Strategy (if relevant);
- o) Block Management Plan;
- p) Refuse and Recycling strategy and enclosure details;
- q) Site-wide and specific security measures;
- r) Fire Strategy;
- s) a public art statement, setting out if any public art is to be installed, the procurement process and timeframe for installation for approval.

Prior to or concurrent with the submission of any Reserved Matters Application for any Phase or Sub-Phase of the Development, submit details of the following matters in respect of the masterplan to ensure the comprehensive delivery of the regeneration project:



#### Masterplan reconciliation details

- a) Land Uses - a statement setting out the amount of development delivered to date within each land use and that remaining in relation to the areas set out in Condition 2;
- b) Site Layout - Updated illustrative masterplan to demonstrate that the proposals do not prejudice the delivery of adjacent phases within the context of the approved Parameter Plans and Design Guidelines.
- c) Car Parking - a statement setting out the total amount of all types of vehicle parking spaces delivered to date within each phase and within the context of the proposed parking ratios in the approved Transport Assessment;
- d) Affordable Housing - a statement setting out the amount and type of affordable housing delivered to date within each phase and that remaining to meet the requirements of the S106 Agreement.
- e) An Illustrative Reconciliation Masterplan showing how the scale of the Reserved Matters Application accords with relevant principles and parameters described in the Design Guidelines Document and how the proposed layout of the Primary, Secondary and Tertiary Connections (as defined on Parameter Plan 005), and the detailed layout of Public Open Spaces and other Enhanced Public Real within the Phase or Sub-Phase, are consistent with the parameters and principles for the layout of the wider Character Area.

Reason: To comply with the EIA Directive and to ensure that high standards of urban design, landscaping and environmental mitigation are achieved and that a proper record is kept.

#### 9 Daylight & Sunlight

Any Reserved Matters Application that includes a building of more than 4 storeys in height shall be accompanied by a daylight and sunlight assessment undertaken in accordance with BS8206, or any subsequently adopted standard.

Reason: In the interests of providing satisfactory residential environments in accordance with the mitigation measures proposed and described in the Environmental Statement.

#### 10 Microclimate

Any Reserved Matters Application that includes a Building of more than 4 storeys in height, which abuts any Principal Open Space or Public Realm or any pedestrian route which is likely to be subject to use by pedestrians as a thoroughfare or to be used for recreation or relaxation, shall be accompanied by an assessment which demonstrates that appropriate levels of amenity, as set out in the Lawson Criteria for Distress and Comfort, or any subsequently adopted standard, can be met.

Reason: In the interests of providing satisfactory residential environments in accordance with the mitigation measures proposed and described in the Environmental Statement.

#### 11 Wind

Prior to or concurrent with the submission of any Reserved Matters Application for any Phase or Sub-Phase of the Development, details of the following matters (as relevant) to be included within that Phase or Sub-Phase shall be submitted for approval:



- o Balcony screens;
- o Canopies above entrances;
- o Localised planting;
- o Localised shelter to create pockets of areas suitable for long periods of outdoor sitting or general recreational activities as required.

Reason: In the interests of providing satisfactory residential environments in accordance with the mitigation measures proposed and described in the Environmental Statement.

## 12 Flood Risk Assessment

Prior to or concurrent with the submission of the first Reserved Matters Application for any Phase or Sub-Phase of the Development, submit for approval a Flood Risk Assessment relating to the surface water drainage of the relevant Phase or-Sub-Phase.

Reason: To reduce the risk of flooding to the proposed development and future occupants and in order to avoid adverse environmental impact upon the local area, in accordance with Section 11 of the NPPF; policies 5.3, 5.12, 5.13 and 5.14 of the London Plan (2016); policy 1.2(m) of Ealing's Development (or Core) Strategy (2012), and policy LV5.12 of Ealing's Development Management DPD (2013).

## 13 Swept Paths

Prior to or concurrent with the submission of any Reserved Matters Application for any Phase or Sub-Phase of the Development, submit details of Swept Paths of a 10-metre rigid lorry serving that Phase or Sub-Phase for the LPA's approval and thereafter ensure that access to all roads within the masterplan are fully integrated within the highway network.

Reason: To ensure adequate highway and site safety and to establish whether a 7.5t weight limit would need to be introduced on certain proposed new or modified roads and in the interests of the conditions of general highway safety and the free flow of traffic on the neighbouring highway in accordance with policy 6.9 of the London Plan 2015, policies 1.1(k) and (g) of Ealing's Development (or Core) Strategy (2012), and Ealing's adopted Sustainable Transport for New Development SPG.

## 14 Walking and Cycling Study

Prior to or concurrent with the submission of any Reserved Matters Application for any Phase or Sub-Phase of the Development, save for Phase 9.2, submit details of a Walking and Cycling Study relating to that Phase or Sub-Phase for the LPA's approval and thereafter ensure that the walking and cycling routes and facilities are provided and integrated within the walking and cycling network relevant to that Phase or Sub-Phase in accordance with the approved Walking and Cycling Study.

Reason: To ensure that the Development (and each and every Phase or Sub-Phase of it) is fully accessible by walkers and cyclists and that it is fully integrated with the surrounding pedestrian and cycle network in the interests of encouraging sustainable non-car modes of transport, in accordance with policy 6.9 of the London Plan 2015, policies 1.1(k) and (g) of Ealing's Development (or Core) Strategy (2012), and Ealing's adopted Sustainable Transport for New Development SPG.



## 15 Cycle Parking

Prior to or concurrent with the submission of any Reserved Matters Application for any Phase or Sub-Phase of the Development, provide details of cycle parking provision in accordance with the London Cycle Design Standards (LCDS) including the provision of widened cycle parking spaces shall be submitted for approval.

Cycle parking provision within Phase 9.2 shall include 5% of spaces to meet the needs of larger cycles.

Reason: To ensure adequate cycle parking is provided within the development in pursuance of the objectives of sustainability and encouraging the use of modes of transport other than private motor vehicles in accordance with policies 6.9 of the London Plan (2016), and policies 1.1(k) and 1.1(g) of Ealing's Development (or Core) Strategy (2026) 2012.

## 16 Fire Statement

Prior to or concurrent with the submission of the first Reserved Matters Application for any Phase or Sub-Phase of the Development, submit for approval a Fire Statement for the relevant Phase or Sub-Phase, which shall include details of:

- i. appropriate features which reduce the risk to life in the event of a fire;
- ii. appropriate way to minimise the risk of fire spread;
- iii. provide suitable and convenient means of escape for all building users;
- iv. a robust strategy for evacuation;
- v. suitable access and equipment for firefighting which is appropriate for the size; and use of the development.

In addition, the statement shall provide details of how the development proposal will function in terms of:

- i. the building's construction: methods, products and materials used, the means of escape for all building users: stair cores, escape for building users who are disabled or require level access, and the associated management plan approach
- ii. access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these
- iii. how provision will be made within the site to enable fire appliances to gain access to the building.

Reason: In the interests of fire safety and to ensure the safety of all building users, development proposals must achieve the highest standards of fire safety, in accordance with policy D11 of the draft London Plan (2017).

## 17 Open Space Surveys

Prior to or concurrent with the submission of the first Reserved Matters Application in relation to any Phase or Sub-Phase of the Development, a detailed and precise site measurement survey shall be conducted and submitted to the LPA for approval in respect of all existing open spaces within the Site.



This accurate measurement data so obtained shall be incorporated as appropriate into the plans and documents submitted as part of the relevant Reserved Matters Applications and Other Matters Applications.

Reason: To ensure that a proper record is kept and to ensure the ongoing and accurate measurement of both existing and open spaces so as to demonstrate that the approved parameters and principles as to the provision of new additional open space are fulfilled as the Development proceeds.

## 18 Open Spaces Design

Prior to or concurrent with the submission of any Reserved Matters application in relation to any Phase or Sub Phase, save for Phase 9.2, submit the details on the construction of any of the Open Spaces (excluding Avenue park) included within that Phase or Sub-Phase for approval by the LPA in accordance with the principles and parameters described or referred to in the Design Guidelines:

- a) A statement demonstrating conformity with relevant parameters and principles described in the Design Guidelines (including all Parameter Plans)
- b) The layout, design and purpose of the space;
- c) The location of internal pedestrian and/or cycle routes;
- d) Soft landscaping: including grass and turf areas, shrub and herbaceous areas and details of seed mixes, trees or shrubs to be planted;
- e) Hard landscaping: including ground surfaces, kerbs, edges, ridge and flexible paving, seating or other public realm furniture, steps and any synthetic surfaces, signage lighting and other structures;
- f) Details of bird and bat boxes or any other artificial habitats to be installed;
- g) Assessment of pedestrian comfort;
- h) Enclosures and boundary treatments including types, dimensions and finishes of walls, fences, screen walls, barriers, bollards, rails, retaining walls and hedges;
- i) Play areas and equipment including safety surfacing;
- j) A statement detailing how the landscaping proposals contribute to the mitigation measures for nesting birds and ecological enhancements detailed within the approved Ecology Appraisal;
- k) Sustainable urban drainage systems to be implemented on site;
- l) Work phasing plan.

Reason: To ensure high standards of design and implementation of landscaping and the public realm in accordance with the mitigation measures proposed and described in the Environmental Statement, in order to ensure that the site landscaping is provided in a timely fashion; and in order to provide a good level of privacy for future occupants, in accordance with policies LV2.18, LV7.3, LV7.4, 7B and 7D of Ealing's Development Management DPD (2013); policies 2.18, 7.4, 7.13, 7.19 and 7.21 of the London Plan (2016); policies 1.1(h) and (i), 2.10, 5.3, 5.4 and 6.3 of Ealing's Development (or Core) Strategy (2012).

## 19 Triggers and Thresholds

### Phase 7.5 Trigger

No more than 75% of the residential units within Phase 7.5 (or any amended illustrative phasing plan under condition 59) as approved under shall be occupied prior to the practical completion and provision of Clandon Gardens in accordance with the relevant Necessary Consents.



Reason: To ensure the appropriate and timely completion and provision of Clandon Gardens in accordance with the Design Guidelines and Indicative Phasing Schedule and to ensure the existing community is able to use and enjoy the new areas of landscaping, particularly the environmental improvements; in accordance with policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.8 of the London Plan (2016).

## 20 Michael Flanders Centre Replacement Facility

No part of the Development in Land Parcel CG5 (identified on Parameter Plan 003), shall begin unless and until the Developer has submitted and obtained written approval from the Council (as Local Planning Authority) of a Michael Flanders Delivery Strategy, which shall set out appropriate arrangements (following detailed consultations with the Services themselves and with the Council's social services and housing teams) for the satisfactory relocation of the Michael Flanders Centre Replacement Facility in accordance with the parameters and principles contained in the Design Guidelines document, Parameter Plans and the relevant planning obligations and principles contained in Schedule 4 to the s106 Agreement.

Reason: to ensure the satisfactory relocation of the service and that the Development is carried out in accordance with the relevant parameters and principles of the Indicative Phasing Schedule and to ensure that the details accord with the assessment and conclusions of the Environmental Statement and the EIA Process.

## 21 Jerome Towers Allotment (Reconfiguration Safeguards)

No part of the Development on Land Parcels ER2 and ER4 (identified on Parameter Plan 003), shall begin unless and until the Developer has submitted and obtained written approval from the Council (as Local Planning Authority) of a Jerome Towers Allotments Delivery Strategy, which shall set out appropriate arrangements (following detailed consultations with the users themselves and with the Council's Parks Services) for the satisfactory Reconfiguration of the Jerome Towers Allotments in accordance with the parameters and principles contained in the Design Guidelines document, Parameter Plans and the relevant planning obligations and principles contained in Schedule 5 to the s106 Agreement.

Reason: to ensure the satisfactory re-configuration of the allotments and that the Development is carried out in accordance with the relevant parameters and principles of the Indicative Phasing Schedule and Parameter Plans and to ensure that the details accord with the assessment and conclusions of the Environmental Statement and the EIA Process.

## 22 Design of Energy Centre

Within six months of completion of the casting of the ground floor/podium slab on Phase 7.2 of the approved development including residential and non-residential components, the following details should be submitted to the Local Planning Authority for written approval:

- a) Evidence of investigation of ways of heat exported to neighbouring sites and briefings of discussions with sites in close proximity in line with the approved Climate Change Mitigation Strategy (Aecom) and Climate Change Adaptation Strategy (Aecom) (including the additional clarifying information) of consented masterplan and Energy Strategy V2 and additional information (Hodkinson) of new masterplan.



- b) details of the plant room(s), including size, layout and location, size of boilers and thermal stores (if available);
- c) Details of the combined heating and power (CHP) system, if available, including technical information such as operational data and operational performance, costs and QI rating, monthly demand profiles for heating and hot water demand, analysis used to determine size of CHP, specification and operation/management strategy; flue location, height and design;
- d) details of the pipe network (including the size and route, flow and return temperatures, total length of the heat network in metres (flow and return) distribution and transmission, diagram route, total plant heating capacity, total heat generated, total heat supplied to premises) for the connection of all domestic and non-domestic elements into the onsite district heating network.
- e) details of schematic of the site wide heat network showing all apartments connected into it and non-residential units designed with connection points.
- f) details of the floor plan showing the layout of the plant in the energy centre and how it is designed to facilitate connection to neighbouring sites
- g) details of the HIU including specifications, type and efficiency
- h) The CHP units (if available) accommodated in the on-site energy centre, to serve the energy requirements of the development should be of low-NOx with maximum NOx Emissions that are compliant with the NOx (g/m<sup>2</sup>) benchmarks as set out at Appendix 7 of the Mayor's Sustainable Design and Construction SPG.
- i) details to demonstrate that the district heating network shall be designed in accordance with Heat Networks: Code of Practice for the UK. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development contributes to reducing the use of fossil fuel or other primary energy generation capacity, and to reduce emissions of greenhouse gases in accordance with policies 5.3, 5.5 and 5.6 of the London Plan 2015, policies 1.1(k) and 1.2(f) of Ealing's adopted Development (or Core) Strategy 2012, policy LV5.2 of Ealing's Development Management DPD, and the Mayor's Sustainable Design and Construction SPG.

## 23 Active Design

An Active Design Framework for the whole Acton Gardens masterplan demonstrating how the scheme intends to incorporate the principles and strategies set out in the 'Active Design' 'Planning for health and wellbeing through sport and physical activity' (October 2015), which shall be prepared and reviewed in consultation with Sports England and submitted to the LPA for approval and approved every three years or such longer intervals as may be approved by the Council on the application of the Developers in consultation with Sports England - On completion of phase 9.2 or prior to the first reserved matters application

No Reserved Matters Application or Other Matters Application to be submitted in relation to any Phase or Sub-Phase or Plot of the Development unless it is accompanied by an 'Active Design' statement demonstrating how each phase incorporates the principles and strategies set out in the 'Active Design' Planning for Health and Wellbeing through Sport and Physical Activity (October 2015) and approved Active Design Framework for Acton Gardens

Reason: To promote health and wellbeing; in order to ensure there is sufficient supply of good quality sports and recreation facilities and to ensure that more active travel becomes part of every journey; in accordance with policy 3.19 of the London Plan (2016) and policy S5 of the Draft London Pan (2017).



## 24 Pre-commencement Conditions

### Demolition, Construction, Logistics & Environmental Management Plan

Prior to the commencement of development on each Phase or Sub-Phase, a site construction method statement shall be submitted to and approved in writing by the LPA. The submission shall include the following:

- a) The number of on-site construction workers and details of their transport options and parking facilities.
- b) Anticipated route, anticipated number, frequency and size of construction vehicles entering / exiting the site per day.
- c) Delivery times and booking system (which is to be staggered to avoid morning and afternoon school-run peak periods).
- d) Route and location of site access for construction traffic and associated signage.
- e) Management of consolidated or re-timed trips.
- f) limiting hours of noise nuisance
- g) keeping nearby accesses free from obstruction and segregating construction and general traffic
- h) no burning of waste on site
- i) construction of staff accommodation
- j) any temporary road measures
- k) proposed on-site construction worker parking
- l) anticipated route, number, frequency and size of construction vehicles entering/exiting the site
- m) wheel washing provisions
- n) construction vehicle manoeuvring and turning, including sweep path diagrams to demonstrate how vehicles will access the site and be able to turn into and emerge from the site in forward gear.
- o) details of any temporary vehicular access
- p) Details of the noise / vibration and dust mitigation measures to accord with the Mayor's "Best Practice Guidance: The control of dust and emissions from construction and demolition (2006)" and BS 5228-1:2009 - Code of practice for noise and vibration control on construction and open sites - Part 1: Noise.
- q) Details of site security and the erection of maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate.
- r) Secure off-street loading and drop-off facilities.
- s) 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.
- t) Details as to the locations for storage of building materials and construction debris and contractors' offices.
- u) Procedures for on-site contractors to deal with complaints from members of the public.
- v) Measures to consult the local schools (in particular Berrymede Middle School and Berrymede Infant / Nursery School) with regard to delivery times and necessary diversions.
- w) Details of all pedestrian and cyclist diversions.
- x) A commitment to be part of the Considerate Constructors Scheme.
- y) Confirmation of use of TfL's Freight Operator Recognition Scheme or similar.
- z) An Air Quality and Dust Management Plan (AQDMP) that includes an Air Quality (Dust) Risk Assessment produced in accordance with current guidance 'The Control of Dust and Emissions during Construction and Demolition SPG', GLA, July 2014.



aa) Details of any cranes and other tall construction equipment (including crane locations and operating heights and details of obstacle lighting).

Prior to the commencement of any site work, all sensitive properties surrounding the site shall be notified in writing of the nature and duration of the works to be undertaken, and the name and address of a responsible person to whom enquiries / complaints should be directed.

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), T4 of the draft London Plan (2017) and policy 7A of the Ealing Development Management Development Plan.

## 25 Bat Survey

Prior to the demolition of buildings or the felling of trees identified as having a medium and high potential to support bats as noted in Appendices 4 and 5 of the approved Ecological Appraisal undertaken by LUC, the following information shall be submitted to and approved in writing by the LPA:

- a) The results of a detailed internal and external inspection of all relevant buildings within the site with medium and high potential to support bats, as identified within the Ecological Appraisal;
- b) The results of a detailed inspection for the trees identified as having potential to support bats, as identified within the Ecological Appraisal.
- c) If necessary, as evidenced through the findings of sub-points (a) and (b), the results of evening emergence and dawn re-entry survey for all buildings assessed as having medium to high potential to support roosting bats.

Details of measures that have or will be incorporated into the scheme to avoid contravention of The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 Proposed measures shall be implemented and operational thereafter.

Reason: In the interests of protecting the ecological value of the site, in accordance with policies 3.5, 6.9, 6.10, 7.2, 7.3, 7.5, 7.19, 7.27 and 7.28 of the London Plan (2016); policies 1.1(e), (f), (g), (h), 1.2 (d), 2.9 (b) and 5.5(b) of Ealing's Development Strategy 2026 DPD (2012); and policies LV 2.18 and LV 7.3 of Ealing's Development Management DPD.

## 26 Biodiversity

Prior to the commencement of any above ground work within each Phase or Sub-Phase, full details of biodiversity roofs which shall be compliant with GRO Green Roof Code 2014 shall be submitted to, and approved in writing by, the Local Planning Authority prior to the implementation of the relevant part of the development hereby approved. Submitted information should include a report from a suitably qualified ecologist specifying how the biodiversity roof has been developed for biodiversity with details of landscape features and a roof cross-section.

Where a green roof is proposed, this should be comprised of, but not necessarily limited to:

- a) Be biodiversity based with extensive substrate base (depth 80-150mm).



- b) Have sufficient depth of soil or growing medium for the relevant planting, including the re-use of any demolition material where feasible.
- c) Be planted / seeded with a green mix of species within the first planting season following the practical completion of the building works. The seed mix shall be focused on wildflower planting and shall contain no more than 25% sedum.
- d) Have relevant efficient and effective drainage and irrigation to sustain the vegetation.

The biodiversity roofs shall not be used as an amenity or sitting out area and shall be only accessed in the case of essential maintenance or repair.

Reason: In the interests of supporting and enhancing local biodiversity on site in accordance with policies 3.5, 6.9, 6.10, 7.2, 7.3, 7.5, 7.19, 7.27 and 7.28 of the London Plan (2016); policies 1.1(e), (f), (g), (h), 1.2 (d), 2.9 (b) and 5.5(b) of Ealing's Development Strategy 2026 DPD (2012); and policies LV 2.18 and LV 7.3 of Ealing's Development Management DPD.

## 27 Details of Cranes

No Development on any Phase or Sub-Phase can commence before all details of cranes and other tall construction equipment (including crane locations and operating heights and details of obstacle lighting) have been submitted to and approved in writing by the LPA. These details may inform part of the Construction Management Plan if this agreement is reached in advance with the LPA in consultation with Heathrow Airport Ltd. Scheme shall comply with Advice Note 4 'Cranes and Other Construction issues' (available at [www.aoa.org.uk/operations & safety/safeguarding. asp](http://www.aoa.org.uk/operations&safety/safeguarding.asp)).

The development shall be carried out strictly in accordance with the details so approved.

Reason: In the interest of Aircraft safety and ensure the safe movement of aircraft and the operation of Heathrow Airport.

## 28 Site Waste Management Plan

Prior to the commencement of development on each Phase or Sub-Phase, details of a Site Waste Management Plan including a Green Procurement Plan shall be submitted to and approved in writing by the LPA. The Site Waste Management Plan and Green Procurement Plan shall demonstrate how the procurement of materials for the development would promote sustainability, including by use of low impact, sustainably sourced, reused and recycled materials, including reuse of demolition waste, use of local suppliers and by reference to the BRE's Green Guide Specification.

Reason: To meet with the requirements of BS5906. Ealing Council Draft waste management guidelines for architects and developers

## 29 Sustainable Design and Construction Standards

Notwithstanding the Sustainability Statement V3 (24 May 2018) prepared by Hodkinson Consultancy, prior to the commencement of each phase of the development, save for Phase 9.2, a sustainability statement, which includes full details of the sustainability measures that are to be incorporated into each phase of the masterplan to achieve the requirements of the local, regional and national



planning policies shall be submitted to, and approved in writing by the local planning authority. In demonstrating compliance, reference to the Mayor's Sustainable Design and Construction SPG and their criteria is essential.

Reason: In the interest of addressing climate change and to secure sustainable development in accordance with policies 5.1, 5.2, 5.3, 5.6, 5.7 and 5.9 of the London Plan 2016, policies LV5.2 and 7A of Ealing's Development Management DPD 2013, and policies 1.1(k) and 1.2(f) of Ealing's Development (Core) Strategy 2012.

### 30 Piling

Prior to the commencement of development on each Phase or Sub-Phase, a piling impact assessment and method statement shall be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water.

The piling impact assessment shall demonstrate that the chosen method would not increase the risk of near-surface pollutants migrating into deeper geological formation and aquifers. The Piling Method Statement shall provide details of 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 and sewage infrastructure. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To ensure that any piling does not have adverse impacts on the local underground water utility infrastructure. Some of the proposed works will be in close proximity to underground water utility infrastructure, as identified by Thames Water.

### 31 Archaeology

No development shall commence on any Phase or Sub-Phase until the applicant has secured the implementation of a programme of archaeological mitigation in accordance with a Written Scheme of Investigation for that phase / development zone, which shall be submitted to and approved in writing by the Local Planning Authority.

No development or demolition shall take place other than in accordance with the approved Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation, and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To ensure that any heritage assets of archaeological interest that may survive on the site are secured and that an archaeological investigation and the subsequent recording of the remains prior to development is secured, in accordance with Section 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework; policy 7.8 of the London Plan 2016 and policy 1.1(h) of Ealing's adopted Development (or Core) Strategy 2012.

### 32 Contaminated Land Investigation, Remediation Scheme and Verification

Prior to commencement of the development (excluding demolition and site clearance) the following shall be submitted to and subject to the approval in writing of the Local Planning Authority:



a) A desktop study on the history of the site and a soil and water contamination survey and risk assessment shall be carried out in accordance with the guidelines set out in the Department of the Environment CLR report and in the CIRIA reports on remedial treatment for contaminated land volumes 1-12, and any subsequent updates of the reports. Details of the desktop study, soil and water contamination surveys and risk assessment shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development. A Desktop Study covering the requirements of part a) in relation to Phase 9.2 forms part of this permission and no further desktop study is required for that phase.

b) In the event of the findings of contamination to soil or water as a result of the surveys carried out under Condition (A) above, an intrusive contaminated land investigation and risk assessment of the site shall be carried out in accordance with BS1075:2011+A1:2013 and CR11 guidance to assess the nature and extent of any contamination on the site. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site.

c) In the event of the findings of contamination to soil or water as a result of the surveys carried out under Condition (A) and/or intrusive contaminated land investigation and risk assessment under Condition (B), a remediation (de-contamination) scheme to bring the site to a condition suitable for the intended end use. It shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. 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

Following completion of measures identified in the approved remediation (de-contamination) scheme part (b)

d) A verification report that demonstrates the completion of measures identified in the approved contamination remediation scheme shall be produced and submitted for approval within 3 months of occupation. The report shall be compiled in accordance with the Environment Agency guidance 'Verification of Remediation of Land Contamination', Report: 30114/R1'.

Reason: To protect the health and living conditions of residents of the new development in accordance policy 1.1(e) of Ealing's adopted Development (or Core) Strategy (2012); policy 5.21 of the London Plan (2016); policy LV5.21 of Ealing's adopted Development Management DPD (2013); the National Planning Policy Framework (2012), and DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

### 33 Integrated Water Management Strategy

Prior to the commencement of development on each Phase or Sub-Phase, an integrated water management strategy shall be submitted, detailing infrastructure requirements, location of the infrastructure, phasing for implementation and how it will be delivered, and approved by the local planning authority in consultation with the water undertaker. The development shall be occupied in line with the recommendations of the strategy.



Reason: The development may lead to no water and or significant environment impacts an Integrated water management strategy is required to ensure that sufficient capacity is made available to cater for the new development; and in order to avoid adverse environmental impact upon the community. Note: In relation to this water condition, Thames Water would be open to a definition of 'the commencement of development' not including certain items such as site clearance, site set up/compound. Alternatively, it may be appropriate to link the implementation to a clearly defined phase of the development.

#### 34 Sustainable Urban Drainage (SUDS)

Prior to the commencement of development on each Phase or Sub-Phase, a surface water drainage scheme based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year plus climate change storm will not exceed 5 litres per second as shown in the submitted Flood Risk Assessment. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include attenuation through permeable paving and attenuation tanks. The development shall thereafter be provided in accordance with the approved details.

Reason: To minimise the risk of flooding, to improve and protect water quality, improve habitat and amenity and in the interests of the drainage network in accordance with policies 5.12, 5.13 and 5.14 of the London Plan (2016), policy 1.2(m) of Ealing's Development (or Core) Strategy 2012; and policy LV5.12 of Ealing's Development Management DPD (2013).

#### 35 Radar Mitigation Scheme

No construction shall commence on site, unless there has been submitted to and approved in writing by the Local Planning Authority and by the Radar Operator - NATS (En-route) plc, either:

- detailed plans for the proposed buildings in that individual phase, demonstrating that there would be no detrimental impact upon the operation of the Heathrow H10 SSR Radar; or,
- details of a 'Radar Mitigation Scheme' (including a timetable for its implementation during construction) to mitigate any detrimental impact upon the Heathrow H10 SSR Radar.

Where a 'Radar Mitigation Scheme' has been required, no construction above 20m above ground level shall take place on site, unless the 'Radar Mitigation Scheme' has been implemented. Development shall not take place other than in complete accordance with such a scheme as so approved unless the planning authority and NATS (En-route) plc have given written consent for a variation.

Reason: In the interests of Air Traffic Safety and of the operations of NATS En-route PLC.

#### 36 Layout of access roads, ramps and footpaths

Prior to the commencement of each relevant Phase or Sub-Phase, save for Phase 9.2, and notwithstanding any approved plans and documents, details of the layout



and construction of all car parking spaces, access roads, footpaths (including ramps for pedestrians and cyclists) shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highways Management Department).

The details and drawings shall incorporate the pedestrian and vehicle visibility splays, traffic calming measures, vehicle tracking diagrams and evidence of any Stage I Road Safety Audit undertaken in relation to the design of all new vehicle access points and / or alterations to the adopted highway. All new footpaths are required to be DDA compliant.

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

### 37 Carbon Savings

Prior to the commencement of development on any relevant Phase or Sub-Phase, submit evidence verifying the carbon savings being made on that Phase or Sub-Phase are required to be formally submitted for approval by the LPA. Any remaining regulated CO2 emissions must be met through a contribution to the borough's offset fund.

Reason: To ensure that the development is energy efficient and reduces the need for new fossil fuel and other primary energy generation capacity, to reduce greenhouse gas emissions, and to minimise the impact of building emissions on local air quality in the interests of health, in accordance with policies 3.2, 5.3, 5.5, 5.6 and 7.14 of the London Plan (2016), policies 1.1(e), 1.1(j), 1.1(k) and 1.2(f) of Ealing's adopted Development (or Core) Strategy (2012), policies LV5.2 and 7A of Ealing's adopted Development Management DPD (2013), and the Mayor's Sustainable Design and Construction SPG (2014).

### 38 Tree Protection Strategy

Prior to the commencement of each Phase or relevant Sub-Phase, details to be submitted to and approved in writing by the Local Planning Authority (retention / protection shall be in accordance with BS 5837:2012 "Trees in Relation to Design, Demolition and Construction"). The details shall include the protection of existing trees/hedgerows and planting locations (demolition & construction)

No operations (including initial site clearance) shall commence on site in connection with development hereby approved until a suitable scheme (Arboricultural Method Statement) for the protection of existing trees and hedgerows has been submitted and its installation on site has been approved in writing by the Local Planning Authority.

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

- o Full survey of all trees on site and those within influencing distance on adjacent sites in accordance with BS5837\*, with tree works proposals. All



- o trees must be plotted on a site plan\*\*, clearly and accurately depicting trunk locations, root protection areas and canopy spreads.
- o A plan\*\* detailing all trees and hedgerows planned for retention and removal.
- o A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS 3998.
- o Soil assessments/survey
- o Timing and phasing of works
- o Site specific demolition and hard surface removal specifications
- o Site specific construction specifications (e.g. in connection with foundations, bridging, water features, surfacing)
- o Access arrangements and car parking
- o Level changes
- o Landscaping proposals
- o A Tree protection plan\*\* in accordance with BS5837\* detailing all methods of protection, including but not restricted to: locations of construction exclusion zones, root protection areas, fit for purpose fencing and ground protection, service routes, works access space, material/machinery/waste storage and permanent & temporary hard surfaces.
- o Soil remediation plans, where unauthorised access has damaged root protection areas in the construction exclusion zones.
- o Details of the arboricultural supervision schedule.

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

\*Using the most recent revision the of the Standard

\*\* Plans must be of a minimum scale of 1:200 (unless otherwise agreed by the Local Planning Authority)

Reason: To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of London's environment, air quality and adapting to and mitigating climate change in accordance with policies 5.10 and 7.21 of the London Plan, policy 5.10 of Ealing's Development Management DPD and Ealing's SPG 9 - Trees and Development Guidelines.

### 39 Tree Monitoring Plan

Prior to the commencement of each relevant Phase or Sub-Phase, save for Phase 9.2, the following shall be submitted to and approved by the Local Planning Authority:

(a) A tree monitoring program to include:

- o Confirmation of who shall be the lead arboriculturalist for the development.
- o Confirmation of the Site Manager, key personnel, their key responsibilities and contact details.
- o Details of induction procedures for all personnel in relation to Arboricultural matters.



- o A detailed timetable of events for arboricultural supervision concerning all tree protection measures within the approved Tree Protection Plan, including:
- o Prestart meeting with an Ealing Council Tree Officer (unless agreed Otherwise with the Local Planning Authority)
- o Initial implementation/installation of the tree protection measures
- o Approved incursions in to construction exclusion zones
- o Final removal of the tree protection measures
- o Procedures for dealing with non-approved incursions into the construction exclusion zones as detailed in the approved Arboricultural Method Statement.

(b) Within three months of first use of the development hereby approved, a report containing the following details shall be submitted to and approved by the Local Planning Authority:

- o Results of each site visit by the lead arboriculturist with photos attached.

Assessment of the retained and planted trees including any necessary remedial action as a result of damage incurred during construction.

Reason: To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of London's environment, air quality and adapting to and mitigating climate change in accordance with policies 5.10 and 7.21 of the London Plan, policy 5.10 of Ealing's Development Management DPD and Ealing's SPG 9 - Trees and Development Guidelines.

#### 40 Tree planting and soil rooting volume

Prior to the commencement of each relevant Phase or Sub-Phase, submit details of proposed tree planting and tree pits to the Local Planning Authority for approval. The scheme shall include the following comprehensive details of all trees to be planted

- o Full planting specification - tree size, species, the numbers of trees and any changes from the original application proposals.
- o Locations of all proposed species.
- o Comprehensive details of ground/tree pit preparation to include:
- o Plans detailing adequate soil volume provision to allow the tree to grow to maturity, using products such as Greenblue Urban's Rootspace or Stratacel
- o Engineering solutions to demonstrate the tree will not interfere with structures (e.g. root barriers/deflectors) in the future
- o Staking/tying method(s).
- o Five-year post planting maintenance and inspection schedule.

All tree planting must be carried out in full accordance with the approved scheme in the nearest planting season. The quality of all approved tree planting should be carried out to the levels detailed in British Standard 8545, Trees: from nursery to independence in the landscape - Recommendations.

Any trees which die, are removed, uprooted, significantly damaged, become diseased or malformed within five years from the completion of planting, must be replaced during the nearest planting season with a tree/s of the same size, species and quality as previously approved.

Reason: To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of London's environment, air quality and adapting to and mitigating climate change in accordance



with policies 5.10 and 7.21 of the London Plan, policy 5.10 of Ealing's Development Management DPD and Ealing's SPG 9 - Trees and Development Guidelines.

#### 41 Other Controls

##### Approved Drawings

The development hereby approved shall be carried out in accordance with the following approved plans and documents insofar as they will be amended subject to the approved plans and documents necessary to support the reserved matters application(s) required by the various conditions of this permission:

Parameter Plans 001 'Application Boundaries' (Ref: 16250\_00\_07\_001\_P2); Character Areas (Ref: 16250-00-07-002\_P1); Parameter Plans 002 Land Parcels and Land Uses (Ref: 16250-00-07-003\_P1); Parameter Plans 003 Development Plots (Ref: 16250-00-07-004\_P1); Access and Circulation (Ref: 16250-00-07-005\_P1); Minimum and Maximum Building Heights (Ref: 16250-00-07-006\_P1); Public Open Space and Allotments (Ref: 16250-00-07-007\_P1); Demolition Plan (Ref: 16250-00-07-012\_P1) and Indicative Phasing Plan (Ref: 16250-00-07-13\_P2)

Phase 9.2: Existing Site Location Plan (Ref: 16250\_02\_07\_001\_P1); Proposed Site Location Plan (Ref: 16250\_02\_07\_002\_P2); Proposed Lower Ground Floor Plan (Ref: 16250\_02\_07\_099\_P3); Proposed Ground Floor Plan (Ref: 16250\_02\_07\_100\_P3); Proposed Podium / First Floor Plan (Ref: 16250\_02\_07\_101\_P4); Proposed Second Floor Plan (Ref: 16250\_02\_07\_102\_P3); Proposed Third / Fourth Floor Plan (Ref: 16250\_02\_07\_104\_P3); Proposed Fifth Floor Plan (Ref: 16250\_02\_07\_105\_P2); Proposed Sixth Floor Plan (Ref: 16250\_02\_07\_106\_P2); Proposed Seventh / Eighth Floor Plan (Ref: 16250\_02\_07\_108\_P2); Proposed Ninth / Fourteenth Floor Plan (Ref: 16250\_02\_07\_114\_P2); Proposed Roof Plan (Ref: 16250\_02\_07\_003\_P2); Tenure Plan - Lower Ground to First Floor Plan (Ref: 16250\_02\_07\_120\_P2); Tenure Plan - Second to Fifth Floor Plan (Ref: 16250\_02\_07\_121\_P2); Tenure Plan - Sixth to Fourteenth Floor Plan (Ref: 16250\_02\_07\_122\_P2); Courtyard Elevation - South (Ref: 16250\_02\_07\_254\_P1); Courtyard Elevation - West (Ref: 16250\_02\_07\_255\_P1); Courtyard Elevation - North (Ref: 16250\_02\_07\_256\_P2); Courtyard Elevation - East (Ref: 16250\_02\_07\_257\_P1); External Elevation - South (Ref: 16250\_02\_07\_260\_P1); External Elevation - East (Ref: 16250\_02\_07\_261\_P1); External Elevation - North (Ref: 16250\_02\_07\_262\_P1); External Elevation - West (Ref: 16250\_02\_07\_263\_P1); Section AA - North / South (Ref: 16250\_02\_07\_300\_P1); Section BB - East / West (Ref: 16250\_02\_07\_301\_P1); Detail Elevation & Section - Typical (Ref: 16250\_02\_07\_500\_P1); Detail Elevation & Section - Block B (Ref: 16250\_02\_07\_501\_P1); Detail Elevation & Section - Courtyard (Ref: 16250\_02\_07\_502\_P1); Phase 9.2 Accommodation Schedule (Ref: 16250\_02\_2QA-02\_Schedule of Areas); Podium Landscaping Section (Ref: 10144\_SEC\_600\_B) and Landscaping in Existing Context (Ref: 10144\_LD\_PLN\_100\_F);

Updated Covering Letter (BW), (August 2018); Updated Application Form (BW), (August 2018); Planning Statement (Ref: 27157/A5 Rev 03), (BW), (May 2018); Site Location Plan (Drawing Ref: 16250-00-07-100\_P1); Proposed Architectural Drawings: Design Guidelines (Allies and Morrison), (October 2018); Sustainable Design and Construction Statement (Ref: GRP-POL-18), (Countryside), (May 2018); Construction Method Statement (Ref: Rev A), (Countryside), (May 2018); Affordable Housing Statement (BW), (May 2018); Estate Management Strategy (L&Q), (May 2018); Utilities Report (Ref: J2376), (Mendick Waring Ltd.), (May 2018); Transport Assessment (Ref: VP/MD/ITL13449-004B R), (i-Transport),



(May 2018); Transport Assessment Addendum (VP/MD/ITL13449-012 R), (i-Transport), (November 2018); Statement of Community Involvement (BW), (May 2018); Energy Statement (v2), (Hodkinson), (May 2018); Energy and Sustainability Strategy Comments Addendum (Hodkinson), (October 2018); Sustainability Statement (Ref: v3), (Hodkinson), (May 2018); Overheating Assessment Technical Note (Ref: V1), (Hodkinson), (November 2018); Flood Risk Assessment (Ref: A5121 Rev P1), (CTP), (May 2018); Flood Risk Assessment (Ref: A5121 Rev P3), (CTP), (October 2018); Flood Risk Addendum (Ref: A5121 Rev F1), (CTP), (October 2018); Air Quality Assessment (Ref: A106836), (WYG), (May 2018); Air Quality Addendum (Ref: A106836), (WYG), (November 2018); Ecology Appraisal, (LUC), (August 2018 Version 5.3); Allotments Sunlight and Daylight Study (GL Hearn), (July 2018); Allotments Wind Study (Ref: 1802996, Fig 6), (RWDI), (May 2018); Noise Assessment (Ref: A106836), (WYG), (May 2018); Arboricultural Impact Assessment and Tree Survey (Ref: 0518-2351 Rev1), (Ruskins), (May 2018); Financial Viability Assessment (BNP Paribas), (June 2018); Financial Viability Assessment Addendum (BNP Paribas), (November 2018); CIL Additional Information Form (BW), (May 2018); Environmental Statement Volumes 1, 2 and 3 (Ref: 27157/A5/ES Rev 02), (BW), (May 2018); Education Supplementary Note (Ref: 27157/E1/DM/), (BW), (October 2018); Heritage Supplementary Note to ES Chapter 7 (BW), (August 2018); Contamination Desk Study Report (Ref: GE16969-DSR-MAY18), (Geo-Environmental), (May 2018) and Fire Strategy Report (Ref: 02), (Mendick Waring Ltd.), (May 2018).

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

#### 42 Permitted Development Rights - Dwelling houses

Removal of Permitted Development Rights - Dwelling houses Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development to any dwellinghouse hereby approved under Classes A-H (inclusive) of Part 1, Schedule 2 to the said Order shall be carried out or constructed without express planning permission by the LPA.

Reason: To enable the Local Planning Authority to maintain control over extensions and other alterations to dwellinghouses in the interests of the design and character of the properties, the visual amenities of the locality and amenities of occupiers of neighbouring properties and in view of the limited area of the private gardens associated with the houses, in accordance with policies 1.1(h) and 1.2(f) of the Ealing's Development (or Core) Strategy (2012), and policies LV7.4, 7B and 7D of Ealing's Development Management DPD (2013).

#### 43 Permitted Development Rights - D1 Uses

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1995 (or any revoking and re-enacting that Order with or without modification), the D1 (non-residential institutions) floorspace shall be strictly limited to uses within Use Class D1 (a-g) only. No planning permission is hereby granted for purposes within the Use Class D1 (h) - Place of Worship, of the Schedule to the Town and Country Planning (Use Class) Order 1995, as amended (or the equivalent use within any amended / updated or subsequent Order.

Reason: To prevent the use of the D1 floorspace as a place of worship in the interest of protecting existing and future residential amenity; to ensure that the future occupation and use of the premises shall be in accordance with the policies on



protecting amenity; and in accordance with policies 3.1, 3.2 and 3.16 of the London Plan 2011; 6.2 of Ealing's Development (or Core) Strategy 2012; and 4.1, 4.2, 4.11, 8.1, 8.6, 8.7 and 8.8 of the adopted Ealing Unitary Development Plan 'Plan for the Environment' (2004).

#### 44 Permitted Development Rights - D2 Uses

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1995 (or any revoking and re-enacting that Order with or without modification), the D2 (Assembly and leisure) floorspace shall be strictly limited to uses within Use Class D2 including gymnasiums or area for indoor or outdoor sports and recreations (except for motor sports, or where firearms are used) only. No planning permission is hereby granted for any other purposes within the Use Class D2 of the Schedule to the Town and Country Planning (Use Class) Order 1995, as amended (or the equivalent use within any amended / updated or subsequent Order).

Reason: To prevent the use of the D2 floorspace for uses other than as a place of gymnasiums or area for indoor or outdoor sports and recreations in the interest of protecting existing and future residential amenity; to ensure that the future occupation and use of the premises shall be in accordance with the policies on protecting amenity; and in accordance with policies 3.1, 3.2 and 3.16 of the London Plan 2011; 6.2 of Ealing's Development (or Core) Strategy 2012; and 4.1, 4.2, 4.11, 8.1, 8.6, 8.7 and 8.8 of the adopted Ealing Unitary Development Plan 'Plan for the Environment' (2004).

#### 45 Materials

Notwithstanding the approved plans and documents, details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant works within each relevant Phase or Sub-Phase.

Where relevant, the samples and details shall include:

- a) brickwork (including brick panels and mortar courses);
- b) cladding materials, including roof finishes;
- c) all window treatments (including sections, reveals and kitchen windows within an area opening into a shared access deck shall be non-opening and fire rated for at least 30 minutes under the Building Regulations);
- d) building entrance details and material samples;
- e) balcony structures and balustrading treatment (including sections);
- f) privacy screen treatment;
- g) residential and bin store entrance doors / ventilation louvres;
- h) shopfront design in relation to the A1 / D1 use class premises;
- i) Entrance gates to on-site car parking areas;
- j) Energy centre, substation, refuse and bicycle store entrance doors and ventilation louvres;
- k) Boundary treatment walls, fencing, gates and footings;
- l) any other materials to be used.

The details so approved shall be installed/erected/operational prior to first occupation of the development.

Reason: In the interest of securing sustainable development and to ensure that the resulting appearance of the development is of a high standard in accordance



with policies: 3.5, 7.1, 7.4 and 7.6 of the London Plan (2016); 1.1(h), 1.1(k), 1.2(f), 1.2(h) and 2.10 of Ealing's Development (or Core) Strategy 2026 (2012); and policies LV3.5, LV7.4 and 7B of Ealing's Development Management DPD (2013).

#### 46 External Lighting

Prior to the installation of any external lighting within each Phase or Sub-Phase, details to demonstrate that the proposed external lighting scheme will comply with the 'Guidance Notes for The Reduction of Light Pollution 2011' shall be submitted to and approved in writing by the LPA. External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011'. Lighting should be minimised and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

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

#### 47 Street Tree Pits

Prior to the relevant works within each relevant Phase or Sub-Phase of development, full details of all street tree pits shall be submitted to and approved in writing by the Local Planning Authority. The details shall include tree pit dimensions and depths in relation to ground levels, underground services and hard landscaping and the location of street trees in relation to the layout of car-parking bays, location of refuse stores (if relevant), vehicle visibility splays and any re-located bus stops. The planting strategy for new street trees should accord with the indicative planting details set out in the Landscape Masterplan, whilst also taking account of any consultation advice provided by the Council's Tree Officer where relevant.

The development shall thereafter be carried out strictly in accordance with the details so approved and any trees that die within five years of the anniversary of planting shall be replaced with the same species or an approved alternative in the next planting season.

Reason: To secure the appropriate location of street trees that do not prevent convenient servicing of the development and also do not to restrict driver or pedestrian visibility; to secure appropriate provision and development of the proposed street-trees and to ensure that the life of the trees would not be unduly constrained in accordance with policies 5.10, 7.5 and 7.21 of the London Plan (2016); policy 1.1(i) of Ealing's Development (or Core) Strategy 2026 (2012); policy LV5.10 of Ealing's Development Management DPD (2013) and interim SPG 4: Refuse and recycling facilities; and interim SPG 9: Trees and Development Guidelines.

#### 48 Layout of car parking spaces

Prior to the commencement of the relevant works within each Phase or relevant Sub-Phase, details relating to the layout of vehicle parking should include details of the location of the wheelchair accessible parking spaces in relation to the wheelchair adaptable / wheelchair accessible units. A minimum of 20% of the parking spaces



within the new car parking that are located clear of the public highway shall be equipped with active charging points for electric vehicles with an additional 20% of spaces equipped with passive charging provision prior to the first occupation of the development. The measures to monitor the uptake of the electric vehicle charging points and need to bring into use the passive charging provision shall be undertaken as part of the Travel Plan review, the details of which are required by a separate condition. The development shall thereafter be carried out in accordance with the approved details and the car parking spaces, access roads and footpaths provided prior to the first occupation of the relevant part of the development that it serves.

Reason: In the interest of the environment and improving air quality in accordance with policies 6.13 and 7.14 of the London Plan (2016); policies 1.1(e), 1.1(j), 1.1(k) and 1.2(k) of Ealing's adopted Development (or Core) Strategy (2012); and policy 7A of Ealing's Development Management Development Plan Document (2013).

#### 49 Detailed design of shop fronts

Full details of the design and treatment of ground floor elevations of the non-residential units within a Block shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the installation of the elevations of the non-residential units in that Block. The details shall include: doors, sections, elevational and threshold treatments, all to be shown in context.

The development of each Block shall be carried out strictly in accordance with the details so approved for that Block and shall be maintained as such thereafter. The approved design / treatments shall be provided prior to the first occupation of the relevant non-residential unit in that Block.

Reason: To ensure that the Council may be satisfied with the access arrangements and the street level external appearance / interface of the buildings in accordance with policies: 7.4, 7.6 and 7.7 of the London Plan (2016) and policy LV7.4 of Ealing's adopted Development Management DPD (2013).

#### 50 Design Out Crime

All buildings, blocks and dwellinghouses hereby approved must comply with 'Secured by Design' standards. Prior to the commencement of any above ground works within each Phase or Sub-Phase, the applicant must provide evidence of compliance with the standards of 'Secured by Design' to the Local Planning Authority for written approval in consultation with the Metropolitan Police Crime Prevention Design Advisor.

Reason: To ensure that opportunities to commit crime are reduced, particularly in relation to the approved apartment buildings that contain shared core entrances that serve more than eight dwellings; and in order that the new buildings incorporate appropriately designed security features, in accordance with policies 7.3 and 7.13 of the London Plan (2016), policies 4.1, 4.4 and 5.5 of the of the adopted Unitary Development Plan 'Plan for the Environment' (2004) and the Council's Supplementary Guidance 08 'Safer Ealing'.

#### 51 Overheating and Cooling for the residential units

Prior to the commencement of any above ground works within each Phase or Sub-Phase, the details of the dynamic thermal modelling, using the guidance provided in



CIBSE TM59 & TM49 (DSY1, DSY2 and DSY3) and Cooling Hierarchy and demonstrating how the development performs against and even exceed the overheating criteria, shall be submitted to the Local Planning Authority for written approval. The details of any additional measures to be incorporated into the development to minimise the risk of overheating (without active cooling) shall also be submitted if the dynamic thermal modelling demonstrates that overheating would occur. Compliance with Building Regulations Criterion 3 should be also demonstrated.

Reason: To ensure that the development hereby approved is energy efficient and to reduce the risk of overheating in line with policy 5.9 of the London Plan 2016 or subsequent version, adopted Ealing's Development (Core) Strategy 2026 (3rd April 2012) and Development Management DPD (December 2013)

#### 52 No masts/satellite dishes or external equipment

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

Reason: To safeguard the appearance of the buildings and the locality in the interests of visual amenity policies 1.1 (h) (g), 1.2(h), 2.1(c) and 2.10 of the Ealing Core Strategy (2012), policies ELV 7.4, 7B and 7C of the Ealing Development Management Development Plan Document (2013), policies 7.4, 7.6 and 7.8 of the London Plan (2011), section 7 and 12 of the National Planning Policy Framework (2012).

#### 53 BREEAM Construction Standards

The new non-residential components within each phase of the development should be registered with Building Research Establishment (BRE), achieve at least BREEAM Rating Very Good and make reasonable endeavours to achieve Excellent (based on the latest version of 2014 BREEAM NC Technical guidance or subsequent BREEAM scheme) in line with BREEAM UK New Construction Non-Domestic Buildings 2014 Retail Pre-Assessment V1 (12 March 2018) and Sustainability Statement V3 (24 May 2018) prepared by Hodkinson Consultancy.

i. Interim BREEAM NC 2014 (or subsequent scheme) Assessment and related Design Certificates all verified by the BRE shall be submitted to and approved in writing by the Local Planning Authority within three months of the completion of the new non-residential buildings of the development on each phase or development zone.

ii. Post Construction BREEAM NC 2014 (or subsequent scheme) Stage Assessment and related Certification all verified by the BRE shall be submitted to the Local Planning Authority for written approval confirming the BREEAM standard and measures have been implemented within three months from the date of first use of the new non-residential buildings of the development on each phase or development zone

The development shall be carried out strictly in accordance with the details so approved, shall achieve the agreed rating(s) and shall be maintained as such thereafter.



Reason: In the interest of addressing climate change and securing sustainable development in accordance with policies: 5.1; 5.2; 5.3; and 5.9 of the London Plan (2016); 1.1 (k) and 1.2(f) of Ealing's adopted Development (or Core) Strategy 2012; and policies 5.2 and 7A of the adopted Ealing Development Management DPD (2013).

#### 54 Passenger Lifts

With the exception of buildings up to 4 storeys in height, passenger lifts located within the communal cores serving the approved Blocks shall be installed and operational prior to the first occupation of the relevant part of the Block to which the lift serves.

Reason: To ensure that adequate access is provided to all floors of the development for all occupiers and visitors including those with disabilities, in accordance with policies 3.5, 3.8, and 7.2 of the London Plan (2016); policy 1.1(h) of the adopted Ealing Development Strategy (2012), policy 7B of the adopted Ealing Development Management DPD (2013) and interim Ealing SPG 'Accessible Ealing' (2012).

#### 55 Non-residential external seating area

The use of external seating areas associated with the approved non-residential units shall only be permitted between the hours of 07:00 and 21:00 weekdays and weekends including public holidays.

Reason: To ensure a satisfactory standard of residential amenity is provided for future occupiers of the residential units located above the approved non-residential units, in accordance with policies 3.2 and 7.15 of the London Plan (2016); policy 1.1(j) of Ealing's Development (or Core) Strategy (2012); policy 7A of Ealing's Development Management DPD (2013), and Ealing's interim SPG10: Noise and Vibration.

#### 56 Deliveries

Deliveries to and collections from the approved non-residential units shall only be permitted between the hours of 07:00 and 20:00 on weekdays and Saturdays and between the hours of 10:00 and 18:00 on Sundays and public holidays.

Reason: To ensure a satisfactory standard of residential amenity is provided for future occupiers of the residential units located above the approved non-residential units, in accordance with policies 3.2 and 7.15 of the London Plan (2016); policy 1.1(j) of Ealing's Development (or Core) Strategy (2012); policy 7A of Ealing's Development Management DPD (2013), and Ealing's interim SPG10: Noise and Vibration.

#### 57 Guidelines and Parameters

##### Dwelling Units

The indicative maximum number of 1,950 units may be amended from time to time to reflect changes to the development on written application, subject to obtaining the prior written approval of the LPA that any such proposed amendments or changes shall have been demonstrated to be unlikely to have significant adverse environmental effects compared to the assessments contained in the approved EIA unless and to the extent that such changes are approved by the LPA after they have been assessed by a subsequent new or revised Environmental Statement and an



appropriate EIA process; and/or significantly undermine comprehensive delivery of the regeneration scheme.

Reason: To ensure the orderly and satisfactory development of the Site in accordance with the assumptions which underpinned the EIA Process, in the interests of highway safety and to assist in achieving the planning benefits of the comprehensive Regeneration Scheme, whilst allowing sufficient flexibility to enable the development to be delivered in a manner which accords with the EIA process.

#### 58 Reconciliation Design Guidelines

The Parameter Plans and Design Guidelines shall be revised by the Developer (subject to obtaining approval in accordance with this Condition) from time to time in order to incorporate approved revisions via the Reconciliation Mechanism (Condition 8) reflecting any changes brought about through:

- o Reserved Matters Approvals
- o Discharge of Condition
- o Permission via s.73 of the TCPA (1990) (As Amended)
- o Permission via s.96a of the TCPA (1990) (As Amended)
- o Approval of any details via any other mechanism

The development of each Phase or Sub-Phase approved thereafter shall be designed and carried out in accordance with such approved revised Design Guidelines and Parameter Plans subject to obtaining the prior written approval of the LPA that any such proposed amendments or changes shall have been demonstrated to be unlikely to have significant adverse environmental effects compared to the assessments contained in the approved EIA unless and to the extent that such changes are approved by the LPA after they have been assessed by a subsequent new or revised Environmental Statement and an appropriate EIA process; and/or significantly undermine comprehensive delivery of the regeneration scheme.

Reason: To ensure the ongoing implementation of comprehensive, high quality urban design within the overall scheme in accordance with the parameters and principles which are approved in this permission.

#### 59 Amendments to Phasing Sequence

The Indicative Phasing Parameter Plan 013 may be amended from time to time to reflect changes to the phasing of the development on written application and subject to obtaining the prior written approval of the LPA in respect of:

- (a) any amendment to the Phases shown on Parameter Plan 013 or any subsequently approved Phasing Parameter Plan; or
- (b) any part of a Phase as an approved Sub-Phase, but provided always that such approval to an amended Phase or Sub-Phase shall not be given unless and until any such proposed amendments or changes or the definition of any Sub-Phases shall have been demonstrated to be unlikely to have significant adverse environmental effects compared to the assessments contained in the Approved EIA unless and to the extent that such changes are approved by the LPA after they have been assessed by a subsequent new or revised Environmental Statement or an appropriate EIA process; and/or significantly undermine comprehensive delivery of the regeneration scheme.



Reason: To ensure the orderly and satisfactory development of the Site in accordance with the assumptions which underpinned the EIA Process, in the interests of highway safety and to assist in achieving the planning benefits of the comprehensive Regeneration Scheme, whilst allowing sufficient flexibility to enable the development to be delivered in a manner which accords with the EIA process.

#### 60 Prior to Occupation

##### Accessibility - Wheelchair User Dwellings

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

Reason: To ensure the provision of wheelchair housing in a timely fashion that would address the current unmet housing need; produce a sustainable mix of accommodation; and provide an appropriate choice and housing opportunity for wheelchair users and their families, in accordance with the objectives of policies: 3.5, 3.8 and 3.9 of the London Plan 2015; and policy 1.1(h) of Ealing's Development (or Core) Strategy 2012.

#### 61 Accessibility - Wheelchair User Dwellings

90% of all future new residential units shall be constructed to Building Regulations 2015 Part M4(2), or other such relevant technical standards in use at the time of the construction of the development.

Reason: To ensure that adequate access is provided to all floors of the development for all occupiers and visitors including those with disabilities, in accordance with policies 3.5, 3.8, and 7.2 of the London Plan (2016); policy 1.1(h) of the Ealing Development Strategy 2026 (2012); policy 7B of the Ealing Development Management DPD (2013); and interim Ealing SPG 'Accessible Ealing' (2012).

#### 62 Travel Plan

Notwithstanding the submitted draft travel plan included in the approved Transport Assessment, a Travel Plan proposing additional measures designed to manage the transport needs of residents of the development, to minimise car usage and promote alternative modes of transport, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the new development.

The approved Travel Plan shall be implemented at the first use of the development hereby permitted and shall be retained in operation thereafter. An annual monitoring report shall be submitted to the Local Planning Authority for a minimum period of five years. The measures to monitor the uptake of the electric vehicle charging points and need to bring into use the passive charging provision shall be undertaken as part of the Travel Plan review.

Reason: To promote sustainable patterns of transport and in the interests of highway and pedestrian safety, in accordance with policy 1.1(f) of Ealing's Development (or Core) Strategy 2026 (2012), policy LV 6.13 of Ealing's Development Management DPD (2013), policies 6.3, 6.9, 6.10 and 6.13 of the London Plan (2016), and the National Planning Policy Framework (2012).



## 63 Parking Management Plan

Prior to the occupation of each relevant Phase or relevant Sub-Phase, details of a Car Parking Management Strategy, including details of Blue Badge parking permits, relating to that Phase or Sub-Phase shall be submitted for approval in accordance with the parameters and principles and the scope set out in the Transport Assessment to the LPA.

Reason: To ensure the effective management of car parking across the scheme so as to assist in encouraging modal share away from private transport and to minimise adverse environmental impacts.

## 64 Estate Management Strategy

Prior to the occupation of any residential units within each Phase or Sub-Phase, submit an Estate Management Framework for that Phase or Sub Phase including details of areas for adoption by the local authority and future management, cleaning, maintaining, repairing and/or renewing of such areas of public realm within that Phase or Sub-Phase for approval.

Reason: To ensure that the development enhances community inclusion and cohesion; that there is enhanced appreciation of the new open spaces by members of the public from within the application site; to ensure the existing community is able to use and enjoy the new areas of landscaping; in accordance with policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.8 of the London Plan (2016).

## 65 Overheating and Cooling for the non- residential units

Prior to the occupation of any commercial units within each Phase or Sub-Phase of the development, the details of the dynamic thermal modelling, being applied to each non-residential unit proposed using the guidance and criteria provided in CIBSE TM52 & TM49 and demonstrating how these units perform against and even exceed the overheating criteria, shall be submitted to the Local Planning Authority for written approval. The details of any additional measures to be incorporated into each non-residential unit to minimise the risk of overheating (without active cooling first) shall also be submitted and evidence that these measures can and will be incorporated into the development if the dynamic thermal modelling demonstrates that overheating would occur. Compliance with Criterion 3 of the Building Regulations should also be demonstrated. Each non-residential unit shall thereafter be provided in accordance with the approved details.

Reason: To ensure that each non-residential unit within the development hereby approved is energy efficient and to reduce the risk of overheating in line with policy 5.9 of the London Plan 2016, the adopted Ealing Development (Core) Strategy 2026 (3rd April 2012) and the Ealing Development Management DPD (December 2013).

## 66 Energy Performance Certificates

Within three-months of the first occupation of each non-residential unit, Energy Performance Certificates [EPC's] and detailed modelling output reports showing clearly the DER and TER from the "as built stage" following completion of the development to confirm compliance in terms of savings achieved through energy efficiency measures should be also submitted for written approval by the Local Authority.



Within three-months of the practical completion of each Phase of the Masterplan including residential and non-residential spaces, technical information and evidence that the renewable/low carbon technologies are certified under the Microgeneration Certification Scheme (MSC) and, if appropriate, complies with the Enhanced Capital Allowances (ECA) product criteria should be submitted.

Reason: To ensure that the development is energy efficient and reduces the need for new fossil fuel and other primary energy generation capacity, to reduce greenhouse gas emissions, and to minimise the impact of building emissions on local air quality in the interests of health, in accordance with policies 3.2, 5.3, 5.5, 5.6 and 7.14 of the London Plan (2016), policies 1.1(e), 1.1(j), 1.1(k) and 1.2(f) of Ealing's adopted Development (or Core) Strategy (2012), policies LV5.2 and 7A of Ealing's adopted Development Management DPD (2013), and the Mayor's Sustainable Design and Construction SPG (2014).

#### 67 Water Efficiency

Prior to occupation of any residential units within each phase of 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 or Mayor's water use targets at the time of the submission of the relevant Reserved Matters application.

Reason: To ensure the sustainable use of water, in accordance with the approved sustainability statement and policy 5.15 of the London Plan 2016.

#### 68 Landscaping Maintenance

Prior to the occupation of any residential units within each Phase or Sub-Phase, submit details of a Landscape Management Plan covering a minimum period of 5 years, save for trees which shall be covered for a minimum period of 10 years from the implementation of final planting for approval.

Reason: In the interests of the proper maintenance of the site and to ensure that the quality of the public realm and the setting of the site is appropriately safeguarded and that that access is maintained for disabled people and people with pushchairs, in accordance with policies 3.1, 3.16, 7.2, 7.3, 7.5, 7.8, 7.21, 7.24, 7.27, 7.28 of the London Plan (2016), policies 1.1(e), (g) (h), 1.2 (d) (f), and 2.10 of Ealing's adopted Development (Core) Strategy (2012), Table 7D.2 of Ealing's adopted Development Management DPD.

#### 69 Air Quality Mitigation

Prior to the occupation of any units within a relevant Phase or Sub-Phase, details of the measures for air pollution mitigation for external Western facing habitable rooms within Phase 9.4 shall be submitted to the Local Planning Authority for written approval prior to the commencement of development of the relevant Phase or Sub-Phase.

The approved air pollution mitigation measures shall be incorporated into the development prior to first occupation.

Reason: The Air Quality Stage 4 Review and Assessment for the London Borough of Ealing has highlighted that this area currently experiences or is likely to



experience exceedances of Government set air quality standards and air quality mitigation for the units fronting Bollo Lane and in the vicinity to the communal heating and CHP plant is required. It is necessary that future occupiers are not exposed to poor air quality that could have a negative impact on health and as such, mitigation would be necessary in accordance with policies: 3.2 and 7.14 of the London Plan 2016; 1.1(e) and 1.1(j) of Ealing's Development (or Core) Strategy 2012 and the Mayor's Sustainable Design and Construction SPG.

#### 70 Water Network Upgrades

No properties shall be occupied within a relevant Phase or Sub-Phase until confirmation has been provided that either:

- o All water network upgrades required to accommodate the additional flows from the development have been completed; or,
- o A housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

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

#### 71 Glazing Strategy and Sound Insulation (Remaining Masterplan Area)

No properties shall be occupied within a relevant Phase or Sub-Phase until details to be submitted to demonstrate the proposed glazing and ventilation strategy detailed in SK07 - SK09 of Appendix B of the Approved Noise Assessment which has been designed to achieve internal daytime LAeq of 35 dB, an internal night-time LAeq of 30 dB and an internal night-time LMax of 45 dB in residential bedrooms. Standard double glazing (sound reduction Rw 33 dB) will be necessary for the majority of facades. The approved Noise Assessment also highlights areas which will feature enhanced glazing (greater than 33 dB Rw) with the maximum required sound reduction being Rw 43 dB, which will be provided for residential dwellings on facades which are adjacent to: Acton Town Station, Bollo Lane, Church Road and Avenue Road. Alternative ventilation will be provided for all facades of the proposed development, which can be provided in several ways from acoustic trickle vents (which need to have a minimum sound reduction equal to or greater than the glazing), to other passive ventilation systems or mechanical ventilations systems.

Reason: To ensure a satisfactory standard of residential amenity is provided for future occupiers of the apartment buildings adjoining locations identified as exceeding accepted residential noise levels, in accordance with policies 3.2 and 7.15 of the London Plan (2016); policy 1.1(j) of Ealing's Development (or Core) Strategy (2012); policy 7A of Ealing's Development Management DPD (2013), and Ealing's interim SPG10: Noise and Vibration.

#### 72 Noise Mitigation (Transport/Commercial Noise Sources)

No properties shall be occupied within a relevant Phase or Sub-Phase until a noise assessment shall be submitted to the Council for approval in writing, of external noise levels from transport and industrial/ commercial sources. Details shall include the sound insulation of the building envelope including glazing specifications (laboratory sound insulation including frames, seals and ventilators tested and



approved in accordance with BS EN ISO 140-3: 1995 & BS EN ISO 10140-2:2010), the orientation of habitable rooms away from major noise sources 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: To ensure that the amenity of occupiers of the development site is not adversely affected by noise from transport [industrial/ commercial noise sources], in accordance with Policies 7.15 of the London Plan, D13 of the draft London Plan, Ealing Local Variation to Policy 7A of Ealing Development Management DPD (2013) and Ealing SPG 10: 'Noise and Vibration'.

73 Noise Mitigation (External noise from machinery, extract/ ventilation ducting, mechanical gates)

No properties shall be occupied within a relevant Phase or Sub-Phase until details shall be submitted to the Council for approval in writing, of the external sound level emitted from plant/ machinery/ equipment and mitigation measures as appropriate, as measured at/calculated to the nearest and/or most affected noise sensitive premises. The measures shall ensure that the external sound level LAeq emitted from plant, machinery/ equipment will be lower than the lowest existing background sound level LA90 by at least 5 dBA at the most noise sensitive receiver location in the surrounding area. The assessment shall be made in accordance with BS4142:2014, with all machinery operating together at maximum capacity. Details of any noise mitigation measures shall be submitted for approval. A post installation sound assessment shall be carried out where required to confirm compliance with the noise criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained. Approved details shall be implemented prior to use of plant/ machinery/ equipment and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from mechanical installations/ equipment, in accordance with Policies 7.15 of the London Plan, D13 of the draft London Plan, Ealing Local Variation to Policy 7A of Ealing Development Management DPD (2013) and Ealing SPG 10: 'Noise and Vibration'.

74 Noise Mitigation (Anti- vibration mounts and silencing of machinery)

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

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration, in accordance with Policies 7.15 of the London Plan, D13 of the draft London Plan, Ealing Local Variation to Policy 7A of Ealing Development Management DPD (2013) and Ealing SPG 10: 'Noise and Vibration'.

75 Noise Mitigation (Separation of commercial and noise sensitive premises)



No properties shall be occupied within a relevant Phase or Sub-Phase until details shall be submitted to the Council for approval in writing, of the sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from adjacent dwellings or noise sensitive premises. Details shall demonstrate that the sound insulation value  $D_{nT,w}$  [and  $L'_{nT,w}$  ] is enhanced by at least 10dB above the Building Regulations for residential use (depending on type of use) and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises. Where a commercial use emits intermittent or tonal noise, noise mitigation measures between commercial premises and dwellings shall achieve an acoustic standard of NR 25 Leq 5mins (octaves) inside a bedroom and NR 30 Leq 5mins (octaves) in a living room when noise is generated by the commercial use. The mitigation measures shall also achieve the criteria of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise, in accordance with Policies 7.15 of the London Plan, D13 of the draft London Plan, Ealing Local Variation to Policy 7A of Ealing Development Management DPD (2013) and Ealing SPG 10: 'Noise and Vibration'.

76 Noise Mitigation (Separation of communal facilities and plant equipment, noise from noise sensitive premises)

No properties shall be occupied within a relevant Phase or Sub-Phase until details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the plant rooms, basement car parks, communal facilities from adjacent dwellings or noise sensitive premises. Details shall demonstrate that the sound insulation value  $D_{nT,w}$  [and  $L'_{nT,w}$  ] is enhanced by at least 10 dB above the Building Regulations value for residential use and, where necessary, additional mitigation measures implemented to separate communal noise and to also achieve the criteria of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise, in accordance with Policies 7.15 of the London Plan, D13 of the draft London Plan, Ealing Local Variation to Policy 7A of Ealing Development Management DPD (2013) and Ealing SPG 10: 'Noise and Vibration'.

77 Noise Mitigation (Extraction and Odour Control system for non- domestic kitchens/ dry cleaners)

No properties shall be occupied within a relevant Phase or Sub-Phase until details shall be submitted to the Council for approval in writing, of the installation, operation, and maintenance of the odour abatement equipment and extract system. Approved details shall be implemented prior to the commencement of the use and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by cooking odour, in accordance with Policies 7.15 of the London Plan, D13 of the draft London Plan, Ealing Local



Variation to Policy 7A of Ealing Development Management DPD (2013) and Ealing SPG 10: 'Noise and Vibration'.

#### 78 Servicing Management Plan

No commercial units shall be occupied within a relevant Phase or Sub-Phase until a Servicing Management Plan has been submitted to the Council for approval in writing. Details shall include sizes, opening times and use class of the commercial premises, times and frequency of activities on site and at premises, deliveries and collections, vehicle movements, silent reversing methods, location of loading bays, quiet loading/unloading measures.

Should the flexible commercial units hereby approved be used in an A1 (retail), A3 (cafe / restaurant) or D1 (non-residential institutions) Use Class, the units shall not operate outside of the hours of 7am and 11pm Monday to Saturday, and 9am to 6pm on Sunday and Public Holidays.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, in accordance with Policies 7.15 of the London Plan, D13 of the draft London Plan, Ealing Local Variation to Policy 7A of Ealing Development Management DPD (2013) and Ealing SPG 10: 'Noise and Vibration'.

**DRAFT**



## Reference No. 182579OUT

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

### INFORMATIVES:

1. The decision to grant planning permission has been taken in accordance with the statutory duty under section 38(6) Planning and Compulsory Purchase Act 2004 that the application must be determined in accordance with the development plan unless material considerations indicate otherwise; and in accordance with the statutory duty under section 70(2) Town and Country Planning Act 1990 (as amended) to have regard to the provisions of the development plan, so far as material, any local finance considerations so far as material, and to all other material considerations. The decision has also been taken in accordance with the statutory duty under section 66 Planning (Listed Buildings and Conservation Areas) Act 1990 namely in deciding whether to grant planning permission for development which affects a listed building or its setting, the Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

The decision to grant planning permission has been taken by the Council's Planning Committee, having regard to the formal comments received by the Greater London Authority and National Planning Casework Unit, and other representations received; and after considering the National Planning Policy Framework (2018), the policies and proposals in the London Plan (consolidated with alterations) (2016), the draft London Plan (2017), the Ealing Development (or Core) Strategy (2012), the Ealing Development Management Development Plan Document (2012) and to all relevant material considerations including Supplementary Planning Documents/Guidance as well as the information provided in the Environmental Statement. The following are considered relevant to this proposal:

National Planning Policy Framework 2018

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
13. Protecting Green Belt land
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Draft London Plan (December) 2017

Planning London's Future (Good Growth Policies)

GG1 Building strong and inclusive communities

GG2 Making the best use of land

GG3 Creating a healthy city



GG4 Delivering the homes Londoners need  
GG5 Growing a good economy  
GG6 Increasing efficiency and resilience

#### Spatial Development Patterns

SD7 Town centre network  
SD9 Town centres: Local partnerships and implementation  
SD10 Strategic and local regeneration

#### Design

D1 London's form and characteristics  
D2 Delivering good design  
D3 Inclusive design  
D4 Housing quality and standards  
D5 Accessible housing  
D6 Optimising housing density  
D7 Public realm  
D8 Tall buildings  
D10 Safety, security and resilience to emergency  
D11 Fire safety  
D12 Agent of Change  
D13 Noise

#### Housing

H1 Increasing housing supply  
H3 Monitoring housing targets  
H5 Delivering affordable housing  
H7 Affordable housing tenure  
H8 Monitoring of affordable housing  
H10 Redevelopment of existing housing and estate regeneration  
H11 Ensuring the best use of stock  
H12 Housing size mix  
H13 Build to Rent  
H14 Supported and specialised accommodation  
H15 Specialist older persons housing

#### Social Infrastructure

S1 Developing London's social infrastructure  
S2 Health and social care facilities  
S3 Education and childcare facilities  
S4 Play and informal recreation  
S5 Sports and recreation facilities

#### Economy

E2 Low-cost business space  
E3 Affordable workspace  
E4 Land for industry, logistics and services to support London's economic function  
E11 Skills and opportunities for all

#### Heritage and Culture

HC1 Heritage conservation and growth  
HC3 Strategic and Local Views

#### Green Infrastructure and Natural Environment



G1 Green infrastructure  
G3 Metropolitan Open Land  
G4 Local green and open space  
G5 Urban greening  
G6 Biodiversity and access to nature  
G7 Trees and woodlands  
G8 Food growing

Sustainable Infrastructure  
SI1 Improving air quality  
SI2 Minimising greenhouse gas emissions  
SI3 Energy infrastructure  
SI4 Managing heat risk  
SI5 Water infrastructure  
SI6 Digital connectivity infrastructure  
SI7 Reducing waste and supporting the circular economy  
SI8 Waste capacity and net waste self-sufficiency  
SI10 Aggregates  
SI12 Flood risk management  
SI13 Sustainable drainage

Transport  
T1 Strategic approach to transport  
T2 Healthy Streets  
T3 Transport capacity, connectivity and safeguarding  
T4 Assessing and mitigating transport impacts  
T5 Cycling  
T6 Car parking  
T6.1 Residential parking  
T6.5 Non-residential disabled persons parking  
T7 Freight and servicing  
T8 Aviation

Funding the London Plan  
DF1 Delivery of the Plan and Planning Obligations

Monitoring  
M1 Monitoring

London Plan (Consolidated with Alterations since 2011) 2016

Context and Strategy  
1.1 (Delivering the Strategic Vision and Objectives for London)

London's Places  
2.6 (Outer London: vision and strategy)  
2.7 (Outer London: economy)  
2.8 (Outer London: transport)  
2.14 (Areas for regeneration)  
2.15 (Town centres)  
2.16 (Strategic outer London development centres)  
2.18 (Green infrastructure: the multi-functional network of green and open spaces)

London's People



- 3.1 (Ensuring equal life chances for all)
- 3.2 (Improving health and addressing health inequalities)
- 3.3 (Increasing housing supply)
- 3.4 (Optimising housing potential)
- 3.5 (Quality and design of housing developments)
- 3.6 (Children and young people's play and informal recreation facilities)
- 3.7 (Large Residential Developments)
- 3.8 (Housing choice)
- 3.9 (Mixed and balanced communities)
- 3.10 (Definition of affordable housing)
- 3.11 (Affordable housing targets)
- 3.12 (Negotiating affordable housing on individual private residential and mixed-use schemes)
- 3.13 (Affordable housing thresholds)
- 3.14 (Existing housing)
- 3.15 (Coordination of housing development and investment)
- 3.16 (Protection and enhancement of social infrastructure)
- 3.17 (Health and social care facilities)
- 3.18 (Education facilities)
- 3.19 (Sports facilities)

#### London's economy

- 4.1 Developing London's economy
- 4.3 Mixed use development and offices
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector and related facilities and services
- 4.12 Improving opportunities for all

#### London's response to climate change

- 5.1 (Climate change mitigation)
- 5.2 (Minimising carbon dioxide emissions)
- 5.3 (Sustainable design and construction)
- 5.4 (Retrofitting)
- 5.4A (Electricity and gas supply)
- 5.5 (Decentralised energy networks)
- 5.6 (Decentralised energy in development proposals)
- 5.7 (Renewable energy)
- 5.8 (Innovative energy technologies)
- 5.9 (Overheating and cooling)
- 5.10 (Urban greening)
- 5.11 (Green roofs and development site environs)
- 5.12 (Flood risk management)
- 5.13 (Sustainable drainage)
- 5.14 (Water quality and wastewater infrastructure)
- 5.15 (Water use and supplies)
- 5.17 (Waste capacity)
- 5.16 (Waste net self-sufficiency)
- 5.18 (Construction, excavation and demolition waste)
- 5.21 (Contaminated land)

#### London's transport

- 6.1 (Strategic approach)
- 6.2 (Providing public transport capacity and safeguarding land for transport)



- 6.3 (Assessing effects of development on transport capacity)
- 6.5 (Funding Crossrail and other strategically important transport infrastructure)
- 6.7 (Better streets and surface transport)
- 6.9 (Cycling)
- 6.10 (Walking)
- 6.11 (Smoothing traffic flow and tackling congestion)
- 6.12 (Road network capacity)
- 6.13 (Parking)
- 6.14 (Freight)

#### London's living places and spaces

- 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)
- 7.7 (Location and design of tall and large buildings)
- 7.8 (Heritage assets and archaeology)
- 7.13 (Safety, security and resilience to emergency)
- 7.14 (Improving air quality)
- 7.15 (Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes)
- 7.18 (Protecting local open space and addressing local deficiency)
- 7.19 (Biodiversity and access to nature)
- 7.21 (Trees and woodlands)

#### Implementation, monitoring and review

- 8.1 (Implementation)
- 8.2 (Planning obligations) (as amended)
- 8.3 (Community infrastructure levy) (as amended)
- 8.4 (Monitoring and review for London)

#### London Plan Supplementary Planning Guidance /Documents

Providing for Children and Young People's Play and Informal Recreation

Good Practice Guidance for Estate Regeneration

Character and Context SPG

Use of planning obligations in the funding of Crossrail, and the Mayoral CIL

#### Sustainable Design and Construction SPG

London Environment Strategy

Shaping Neighbourhoods: Character and Context

The control of dust and emissions during construction and demolition

Accessible London: Achieving an Inclusive Environment

Social Infrastructure

Housing SPG

Affordable Housing and Viability SPG

Transport Strategy

#### Ealing's Adopted Development (or Core) Strategy 2012

- 1.1 Spatial Vision for Ealing 2026 (a), (e), (f), (g), (h), (i), (j) and (k)
- 1.2 Delivery of the Vision for Ealing 2026 (a), (d), (f), (h) and (m)
- 3.8 Residential neighbourhoods
- 4.1 Enhance Residential Hinterlands



5.4(a) Protect the Natural Environment - Biodiversity and Geodiversity  
5.5 Promoting Parks, Local Green Space and Addressing Deficiency  
6.1 Physical infrastructure  
6.2 Social Infrastructure  
6.3 Green infrastructure  
6.4 Planning Obligations and Legal Agreements

Ealing's Development Management Development Plan Document 2013

2.18 Ealing Local Variation - Green Infrastructure: The Nature of Open and Green Spaces

3.4 Ealing Local Variation - Optimising Housing Potential

3.5 Ealing Local Variation - Quality and Design of Housing Developments

3A Affordable Housing

4A Employment Uses

4B Retail

5.2 Ealing Local Variation - Minimising Carbon Dioxide Emissions

5.10 Ealing Local Variation - Urban Greening

5.11 Ealing Local Variation - Green Roofs and Development Site Environs

5.12 Ealing Local Variation - Flood Risk Management

5.21 Ealing Local Variation - Contaminated Land

6.13 Ealing Local Variation - Parking

7A Amenity

7.3 Ealing Local Variation - Designing Out Crime

7.4 Ealing Local Variation - Local Character

7.7 Ealing Local Variation - Location and Design of Tall and Large Buildings

7B Design Amenity

7C Heritage

7D Open Space

EA Presumption in Favour of Sustainable Development

Adopted Supplementary Planning Documents

Sustainable Transport for New Development SPD December 2013

Site Allocation OIS6 of Development Sites DPD December 2013

Interim / Draft Supplementary Planning Guidance

SPG 3: Air Quality

SPG 4 Refuse and recycling facilities

SPG 9 Trees and development guidelines

SPG 10 Noise and Vibration

SPD 9 Legal Agreements, Planning Obligations and Planning Gain

- Ealing Tree Strategy 2013 to 2018 (August 2013)

Other Material Considerations

BRE Site layout planning for daylight and sunlight (2011)

Greater London Authority Best Practice Guidance 'The Control of Dust and Emissions from

Construction and Demolition (2006)

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

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

Environment Agency guidance 'Verification of Remediation of Land Contamination', Report:

SC030114/R1'.



## London Plan Housing - Supplementary Planning Guidance

In reaching the decision to grant permission, specific consideration was given to the information contained in the applicant's Environmental Statement and other technical reports submitted with the application. Consideration was given to the impact of the proposed development on the amenities of neighbouring properties and on the character and appearance of the wider area. Consideration was also given to placemaking, the quality of the residential development, the level of provision of affordable housing and the impact of the proposed commercial aspects in relation to both the proposed and existing neighbourhoods and nearby local centres. Consideration was also given to the impact of the development on the local transport network and the satisfactory provision of car parking and cycle parking facilities alongside the acceptability of the proposed sustainability credentials of the development. Local Development plan policies support the proposed development. Other material matters that were assessed included matters of mitigation including trees and carbon off-setting that resulted in financial contributions; the consideration of objections/comments received from interested parties to date. The proposed development is considered to be acceptable on these grounds and it is not considered that there are any other material considerations in this case that could sustain or justify the refusal of the application.

2. This development is the subject of an Agreement under Section 106 of the Town and Country Planning Act (as amended).
3. The Mayor's Community Infrastructure Levy (CIL) was adopted on 01/04/2012. This has introduced a charging system within Ealing of £35 per sqm of gross internal area to be paid to the GLA. On the basis of the information submitted with the application, the proposed development would be liable to pay CIL due to the development comprising of new residential units and development of over 100sq.m (not exempt from the Mayors CIL).
4. Construction and demolition works, audible beyond the boundary of the site shall only be carried on between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Bank Holidays. No bonfires shall be lit on site. Prior to commencement of building works, details of mitigation measures to control the release of asbestos fibres shall be submitted to this section for approval.
3. Prior to the commencement of any site works and as works progress, all sensitive properties surrounding the development shall be notified in writing of the nature and duration of works to be undertaken, and the name and address of a responsible person, to whom an enquiry/complaint should be directed.
4. A Fire Statement should be prepared by a suitably qualified third-party assessor for each phase of the development as relevant, in accordance with the recommendation by the GLA.
5. The applicant is advised that they would not be able to alter the existing adopted highway without the agreement of the highway authority under the Highways Act 1980, as it would be a criminal offence not to have prior consent under the relevant Act. The applicant is therefore reminded that they



would be required to enter into a Section 38 / 278 Agreement with the Local Highways Authority in relation to any proposed alterations to the public highway, and in relation to the proposals for any roads to be adopted by the Local Highways Authority.

6. The Indicative Phasing Strategy could be subject to change and the planning conditions make allowance for this, subject to the Council's approval of any changes, an assessment of any additional impacts to clearly demonstrate that new or different significant environmental effects (that may require further EIA) are not likely, as well as the submission of amended Construction Management Plans for each phase of the development. The supplementary information needs to be taken into account in future applications as these additional supporting environmental documents form part of the ES and together are referred to as the 'ES'.

7. The applicant is advised that they should continue to engage with TFL and the Council on the detailed design of parking, cycle parking, the new bus route and the stopping arrangements of the diverted bus routes.

8. The applicant is required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

9. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. The applicant is advised that they must read Thames Water's guide 'working near our assets' ([https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes.](https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes)) to ensure any works carried out are in line with the necessary processes that are essential to follow, when working above or near pipes and other structures of the utility company. Any further information can be obtained by contacting Thames Water.

10. 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.

12. 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.

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

14. 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

15. The applicant's attention is drawn to the fact that the details approved for the road layout to the west of Phase 9.2 do not set a precedent for the remainder of the masterplan and that the design of streets and roads shall be carried out in consultation with the Council's Highways Services.

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.

17. Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. This is to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Recent 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 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.

18. This planning permission is also subject to a requirement that the applicant makes a number of contributions towards education; Open space improvements; Loss of street trees; Travel & Transport; Community fund; Sport facilities provision; Carbon Offsetting Fund; Healthcare services improvements and post-development monitoring.

19. The applicant is advised that external lighting scheme should be designed to reduce light pollution to nearby residents, and road users and where applicable the recommendations of the following guidance should be met:

- o ILP Guidance Notes for the reduction of Obtrusive Lighting 2011.
- o Institution of Lighting Professionals Technical Report PLG05, Brightness of Illuminated advertisements, 2015.



o CIE Technical Report- Guide on the Limitation of the Effects of Obtrusive Light from Outdoor Lighting Installations - CIE 150: 2003.

o Statutory Nuisance from Insects and Artificial Light by Department of Environment Food. Guidance on sections 101, 102 and 103 of the Clean Neighbourhoods and Environment Act 2005, Defra

20. Calculation of building envelope insulation - Interim SPG10 advises:

a) A precise sound insulation calculation under the method given at BS EN12354-3: 2000, for the various building envelopes, including the use of the worst case one hour data (octave band linear noise spectra from 63 Hz - 4k Hz) by night and day, to arrive at the minimum sound reductions necessary to meet the SPG10 internal data.

b) Approved laboratory sound insulation test certificates for the chosen windows, including frames and seals and also for ventilators, in accordance with BS EN ISO 140-3: 1995 & BS EN ISO 10140-2:2010, to verify the minimum sound reductions calculated.

c) The SPG10 internal and external criteria to be achieved.

21. Prior to commencement of construction and demolition works, involving materials containing asbestos, details of mitigation measures to control the release of asbestos fibres shall be submitted for the approval of the relevant Health and Safety Enforcement Officer.

22. The applicant is reminded of their responsibilities and obligations in relation to the protection of bats and other protected species, particularly in relation to the findings presented in the submitted Preliminary Ecological Assessment. The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 confer the protection of protected species and the applicant is reminded of their responsibilities under this legislation.

23. The applicant is advised that they will be liable for the cost of repairing any damage to the footway directly resulting from the construction work. Photographs of the condition of the public highway (carriageway/footway) within each phase of the development shall be submitted to the Council's Highways Section prior to the start of construction works.

23. 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.

24. This permission does not grant consent for the display of external advertisements at this site which are subject to the Town & Country Planning Control of Advertisements (England) Regulations 2007, and which may need



to obtain a separate advertisement consent from the local planning authority under those regulations.

25. This development is a 'phased planning permission' for the purposes of the Community Infrastructure Levy (CIL) Regulations (2010) as amended (Reg 2(1)) and prior to the commencement of any CIL phase, a CIL phase plan setting out the scope of that CIL phase together with a CIL Additional Information Requirements Form shall be submitted to the Council. For avoidance of doubt a phase can be comprised of demolition works, site preparation works, and construction of one or more buildings.

**DRAFT**



## Reference No. 182579OUT

### 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.



## APPENDIX 3

### AFFORDABLE HOUSING REVIEW MECHANISM

1. The following definitions should be read in the context of this Schedule only:
  - 1.1 "**Component**" means a part of the Development including but not limited to:
    - 1.1.1 Open Market Dwellings;
    - 1.1.2 Affordable Units;
    - 1.1.3 Community Facilities
    - 1.1.4 commercial units;
    - 1.1.5 any other floorspace;
    - 1.1.6 property; and
    - 1.1.7 land
  - 1.2 "**Developer Costs**" means the costs incurred by the Developer in respect of delivering the Development supported by evidence of these costs to the Council's reasonable satisfaction including but not limited to:
    - 1.2.1 details of payments made or agreed to be paid in the relevant building contract;
    - 1.2.2 receipted invoices or evidence of payment of costs and/or fees;
    - 1.2.3 costs certified by the Developer's quantity surveyor, costs consultant or agent
    - 1.2.4 any costs relating to the acquisition of third party interests in the Property;
    - 1.2.5 community infrastructure levy, s.106 agreement costs and planning costs;
    - 1.2.6 development costs (including any preliminary works costs and construction management fees);
    - 1.2.7 stamp duty land tax;
    - 1.2.8 external professional, finance, legal and sales and marketing costs (including any sales incentives); and
    - 1.2.9 other reasonably incurred costs in the course of the Developmentbut for the avoidance of doubt the Developer Costs exclude:
    - 1.2.10 those internal costs of the Developer relating to project management costs, overheads and administration expenses; and
    - 1.2.11 any costs arising from Fraudulent Transactions
  - 1.3 "**Developer Income**" means the income from the development but for the avoidance of doubt shall not include the Developer's Fees (supported by evidence of these costs to the Council's reasonable satisfaction) being the sum of:
    - 1.3.1 the value of all gross receipts from any Sale of a Component of the Development prior to the date of the relevant review:



1.3.2 the Market Value of any Component of the Development that has been otherwise Disposed prior to the date of the relevant review but not Sold; and

1.3.3 all Public Subsidy and any Development related income from any other sources to be assessed by the Council excluding any Public Subsidy repaid by the Developer to the Council and/or the GLA (as applicable)

in respect of which the supporting evidence shall include documentary evidence of all gross receipts under (a) and evidence of rental values achieved for different Components of the Development under (b)

1.4 "**Developer's Fee**" means 1% of the Residential Value (regardless of actual costs and exclusive of disbursements) in respect of each of:

1.4.1 administration and accounting;

1.4.2 project management;

1.4.3 regeneration services; and

1.4.4 sales and marketing

1.5 "**Developer's Return**" means:

1.5.1 in respect of the Open Market Dwellings and the commercial units 16% overhead recovery on gross development value; and

1.5.2 in respect of the Affordable Units 10% overhead recovery on Total Affordable Development Costs; and

1.6 "**Disposal**" means:

1.6.1 the Sale of a Component(s) of the Development;

1.6.2 the grant of a lease of a term of less than 125 years of a Component of the Development; or

1.6.3 the grant of an assured shorthold tenancy agreement or a short term let in respect of a Component of the Development

ALWAYS excluding Fraudulent Transactions and "**Dispose**", "**Disposals**" and "**Disposed**" shall be construed accordingly

1.7 "**Estimated Developer Income**" means the estimated Market Value at the date of the relevant review of all remaining Components of the Development that are yet to be Disposed based on detailed comparable evidence

1.8 "**Fraudulent Transactions**" means:

1.8.1 a transaction the purpose or effect of which is to artificially reduce the Developers Income and/or artificially increase the Developers Costs; or

1.8.2 a Disposal that is not an arm's length, third party, bona fide transaction

1.9 "**Market Value**" means the price at which the sale of the relevant property interest would have been completed unconditionally for cash consideration on the date of the relevant review based on detailed comparable market evidence, including evidence of rental values achieved for any Component of the Development which has been Disposed but not Sold, to be assessed by the Council and assuming:



- 1.9.1 a willing seller and a willing buyer;
  - 1.9.2 that, prior to the date of valuation, there has been a reasonable period for the proper marketing of the interest (having regard to the nature of the property and the state of the market) for the agreement of the price and terms and for the completion of the sale;
  - 1.9.3 that no account is taken of any additional bid by a prospective purchaser with a special interest; and
  - 1.9.4 that both parties to the transaction have acted knowledgeably, prudently and without compulsion
- 1.10 **"Public Subsidy"** means funding from the Council and/or the GLA together with any additional public subsidy secured by the Developer to support the delivery of the Development
- 1.11 **"Residential Value"** means that part of the Developer's Income that comprises income from the Disposal of Open Market Dwellings
- 1.12 **"Sale"** means:
- 1.12.1 the sale of the freehold of a Component; or
  - 1.12.2 the grant of a lease of a Component with a term of 125 years or more and subject to nominal rent
- and **"Sold"** shall be construed accordingly
- 1.13 **"Total Affordable Development Costs"** means that part of the Developer Costs that comprises:
- 1.13.1 the costs of construction of the Affordable Units and Community Facilities; and
  - 1.13.2 the proportion of any costs relating to the acquisition of third party interests in the Property, s.106 agreement costs, planning costs, development costs, the Council's costs and other reasonably incurred costs attributable to the Affordable Units.



## PART 1

### LATE REVIEW

1. The formula for calculating the Late Review Viability Sum is:

$$S = X + (0.5*Y)$$

- 1.1 Where:

1.1.1 S is the Late Review Viability Sum generated by the completed Phases of the Development as at the date of the Late Review

1.1.2 X is the sum of any Council Land Values in relation to the completed Phases of the Development paid as at the date of the Late Review

1.1.3 Y is the surplus generated by the completed Phases of the Development as at the date of the Late Review and calculated as  $A - (B + C + D) - X$

- 1.1.4 Where:

(a) A is the Developer Income generated by the completed Phases of the Development as at the date of the Late Review

(b) B is the Developer Costs incurred by the completed Phases of the Development as at the date of the Late Review

(c) C is the Developer's Return for the completed Phases of the Development as at the date of the Late Review

(d) D is the Developer's Fee for the completed Phases of the Development as at the date of the Late Review



## PART 2

### FINAL REVIEW

1. The formula for calculating the Final Review Viability Sum is:

$$T = W + (0.5*Z)$$

1.1 Where:

1.1.1 T is the Final Review Viability Sum generated by the Development as at the date of the Final Review

1.1.2 W is the sum of any Council Land Values in relation to the whole Development paid as at the date of the Final Review less any Council Land Value included in "X" as part of the calculation of the Late Review Viability Sum during the Late Review

1.1.3 Z is the surplus generated by the whole of the Development as at the date of the Final Review and calculated as  $(A + M) - (B + C + D) - W$  less any surplus included in "Y" as part of the calculation of the Late Review Viability Sum during the Late Review

1.1.4 Where:

(a) A is the Developer Income generated by the Development as at the date of the Final Review

(b) M is the Estimated Developer Income still to be generated by the Development as at the date of the Final Review

(c) B is the Developer Costs incurred by the whole Development as at the date of the Final Review

(d) C is the Developer's Return for the whole Development as at the date of the Final Review

(e) D is the Developer's Fee for the whole Development as at the date of the Final Review



**APPENDIX 4**

**MICHAEL FLANDERS INFORMATIVE SPECIFICATION**





# Specification For The Michael Flanders Resource Centre

## Summary for Michael Flanders resource centre

Michael Flanders Resource Centre provides day opportunities for individuals over the age of 65 who have been assessed by Ealing Council as having critical or substantial needs and a diagnosis of Dementia.

We offer day care services to accommodate older people and their carers' with the following type of needs:

- Respite - to support carers and to enable them to continue in their caring role
- Reablement - to enable individuals to increase and maintain their level of independence following illness, bereavement or trauma.
- Social Contact - to promote inclusion for individuals with little contact due to isolation within their own homes.

## Dementia.

The word 'dementia' describes a set of symptoms that may include memory loss and difficulties with thinking, problem solving or language.

Dementia is caused when the brain is damaged by diseases, such as Alzheimer's disease or a series of strokes. A person with Dementia will have cognitive symptoms (to do with thinking or memory). They will often have problems with some of the following;

- Day to day memory - for example, difficulty in recalling events that happened recently but their long term memory may be very good
- Concentrating, planning or organising - for example, difficulties making decisions, solving problems or carrying out a sequence of tasks; such as cooking a meal or taking a shower
- Language - for example: difficulties following a conversation or finding the right words or able to tell you what's wrong
- Visuospatial skills - for example, problems judging distances; such as stairs or steps and seeing objects in three dimensions
- Orientation - for example, losing track of the day or date, or becoming confused of where they are, and who they are
- Changes in mood and behaviour - for example, they may become frustrated or anxious, irritable, apathetic or withdrawn, easily upset, emotional or unusually sad and sometimes depressed
- The person may also see things that are not there (visual hallucinations) or strongly believe things that are not true (delusions)



- Dementia is progressive, which means that symptoms gradually get worse over time. As dementia progresses, the person may develop behaviours that seem unusual or out of character. This may include asking the same question over and over, pacing, restlessness or agitation. This may be challenging for the person or those close to them
- A person with dementia, especially in the later stages, may have physical symptoms such as muscle weakness or weight loss. Changes in sleep pattern and appetite are also common.

Currently we have Customers attending the day centre who require a lot of 1;1 support, supervision due to their varying needs and distinct stages of Dementia; therefore we need to ensure that the Centre is appropriately designed to accommodate their needs within an environment that is welcoming and safe. We do have customers who present behaviours that are challenging and may need to be supported by staff in a smaller room instead of being in a large session; as such a variety of rooms are essential.

### **Personal Care.**

Personal care includes assistance with dressing, feeding, washing and toileting as well as advice, encouragement, emotional and psychological support. Intimate care can be defined as care tasks of an intimate and sensitive nature, associated with bodily functions, bodily products and personal hygiene which demand direct or indirect contact with or exposure of the sexual part of the body.

We do support and assist Customers with personal care including intimate personal care on a regular basis throughout the day and we do require facilities to be fully equipped with all the necessary manual handling equipment, this includes overhead and manual hoists. We will need enough space to facilitate this task as it is a very sensitive and delicate task. The space needed would have to accommodate moving the customer who is supported in a sling and a manual/overhead hoist. Assistance will be required by two members of staff to support the customer with his/her clothing, changing the incontinence pad, cleaning and repositioning their clothing as per previous; to maintain their dignity and respect. This needs to be undertaken in a single private and accessible facility.

In addition to this we need a fully fitted bathroom with shower and bath facilities, and a changing bed to support customers when required. We currently have at least 30 Customers daily who need the support of 2 staff throughout the day due to high personal care needs. Emergency call points and Alarms are needed in all toilet facilities.

### **Activities.**

Activity Rooms need to be of a proportionate size to accommodate Customers and staff and a range of Activities to be provided in line with therapeutic and rehabilitative purposes. Rooms need to include storage space, specialist equipment, cupboards, locked cupboards under COSHH regulations to store resources for Art & Craft and Pottery activities.

We currently facilitate a range of Activities at the centre to maintain Customers independence, health and wellbeing.

Activities include:

- Exercises: Strength and Balance sessions to maintain and increase Customers mobility and independence and under the Public Health Initiative we are required to carry out these Activities to alleviate the risk of falls and to increase health and wellbeing for individuals and this includes keeping people active and encouraging sport and leisure.
- Art & Craft and Pottery - these therapeutic activities and creative sessions are beneficial for customers with dementia, we have all the necessary equipment on site at present to be able to provide these sessions
- Sensory and Reminiscence sessions - Currently have both these rooms onsite with all sensory equipment and furniture in place as well as 'Rem-pods' with memorabilia and resources to enhance memories for our Customers which proves to be very stimulating and beneficial to the customers
- Current Affairs / Quiz / Word Games - these sessions offer to stimulate Customers and invoke their thought processes, customers are engaged and able to focus on the sessions with the support from staff
- Music Therapy - we have a music therapist that works closely with the staff to provide music therapy using instruments and music to enhance health and wellbeing.
- Baking and Cookery sessions - Sharing of experiences, skills, recipes and cultural dishes.



- Gardening- Enhancing life skills, experiences and creating a lovely colourful space for our customers to enjoy and for a sense of achievement.

These Activities are provided daily to support the Customers with varying needs and to support each individual to maintain a comfortable lifestyle irrespective of their disabilities or dementia. It also means that we need to be creative to make maximum use of our existing resources to achieve better lives for the individuals we care for.

### **Transport**

It is necessary that the entrance to the centre is not on a main road as there needs to be a Loading Bay for our Transport providers' currently ECT (Ealing Community Transport) and Impact Transport, to be able to park up safely and to escort our Customers on/off the vehicles safely and into the centre. In addition, we need to have a turning circle so the transport providers can safely drop off / pick up customers and then exit the car park. We currently have 8 Vehicles; of these there can be up to 4 minibuses on site at any one time. We have 2 Routes during the day from 8.15am- 10.30am and from 2.15pm-4.30pm, Monday to Friday. We also have Taxi's, Carers dropping Customers off and other forms of transport such as Dial A Ride or Com cabs; therefore the car park space needs to accommodate this in addition to visitors/contractors to the centre at any one time.

Daily we have on average 20 Customers who are in Wheelchairs due to their individual health concerns and mobility needs. Customers will need to be supported by transport staff for those who use a wheelchair to mobilise and those who are restricted with their mobility; in addition to this there will also be customers who require more supervision and support due to their level of dementia and some of these may also present challenging behaviour.

If the building entrance is situated on a main road our Vehicles will not be able to park and there is also high Health and Safety risks with regards to our customers with Dementia who may walk off.

### **Community Links and Use of Centre.**

The Future Ealing Programme and Better Lives Programme will build on our strengths and make us better at delivering our core purpose- improving the lives of our residents. The Council has identified outcomes which are things that will have the greatest impact in helping us to improve life in the borough .Focusing on these things will allow us to improve the lives and opportunities of our residents/customers and make the best use of our resources, as demand on our services grows and funding reduces .By focusing on agreed outcomes we will work as one Council and one public service, to focus on prevention, encourage collaboration and reduce duplication .Future Ealing is also about agreeing what we want the borough to look like in the future, and how we need to work to deliver that vision .Redefining what matters most will help us focus on those priorities and develop solutions to make life better for people who live locally. Therefore working closely with community services and networks is very beneficial to enhance better lives for the individuals that we work with.

We have built up a lot of links within the Community and we are carrying out a lot of projects with Schools within the borough through intergenerational projects. We are currently looking at raising awareness amongst young people and are working closely with Primary school children and the NCS Challenge (National Citizens Service) where young people come into the centre to facilitate challenge days. We are also working closely with Gunnersbury Park and Museum undertaking an Art and Pottery Project.

Touch down site for 10 Social Workers who are reviewing Customers at the centre, carrying out Assessments and completing their work on site; we have identified 2 office spaces for these workers.

Manual Handling/First Aid Training is provided on site on a regular basis and there is a room identified for this training as well as a Manual Handling room with equipment in place.

MDG (Multi Disciplinary Group) Meetings are held on a regular basis - Room is provided and bookings made for up to 30 attendees.



Open Days are held at the centre on a regular basis to be able to signpost and provide services for Older people with Dementia and their carers.

Carers Support Groups are held monthly at the centre providing information and Therapeutic sessions to carers; there are usually up to 20 carers and customers who arrive on site for these meetings.

Joint Social Services/Cognitive Impairment Dementia Service Meetings are also held on a bi-monthly basis and a room is provided for this; there are usually 25 to 30 staff who attend these meetings.

Lettings - Outside organisations and services use the building for lettings in the evening and weekend to regenerate Income and a Caretaker is on site to accommodate these lettings. These Lettings are currently on a Wednesday evening from 6pm-8.30, Thursday evening from 6pm-9pm and on Saturdays from 9.30-2pm. Income of up to £5,000 is regenerated and goes back into our Budget.

Forget Me Not Café is held monthly at the centre which provides support/ network of services including a social worker and staff/volunteers on site for Customers with Dementia in the community as well as their carers'. This Café operates on a Sunday once a month and up to 60 Customers and Carers attend this event. It gives Carers an opportunity to share their experiences with other Carers as well as socialising with others in a relaxed and caring environment with qualified staff on site to support them and the Customers with Dementia. This is very beneficial to all who attend with regards to health and well being.

## **Specification for the new provision of Michael Flanders Resource Centre**

The Michael Flanders Resource Centre can accommodate up to 100 customers per day, this includes 65 places for customers with dementia and high/substantial needs and 35 places for customers with physical/low level needs. We currently have 17 staff, 3 x management, 11 support workers and 3 kitchen staff.

- 7 x accessible toilets with handrails, grips, etc..
- 2 x toilets with overhead hoists
- 2 x staff toilets separate male and female
- 1 x bathroom with changing bed/table, with shower room facilities
  - All of the above with openable windows and extractor fans
- Fully equipped main kitchen( Currently cooking Hot meals on the premises- offering choice and nutritious home cooked meals)
- Smaller kitchen for sessional baking and customer use
- Office space:
  - Duty office for two staff
  - 2 x hot desk rooms for staff
  - 3 x management offices
  - 1 x meeting/review room
- Cloak room for coats/bags etc..
- Designated smoking area, for customers, visitors and staff (Outside space)
- Sessional/Activity rooms:
  - Sensory room



- Baking kitchen
  - Art & Craft room
  - Pottery room and separate kiln
  - Exercise room
  - Large room for current affairs/quiz/reminiscence/music therapy and storage
- 2 x lounges
  - Secure Garden with storage in the centre of the building, so that the building wraps around it; ensuring safety of customers
  - Laundry / sluice room
  - Hairdressers room
  - Utility room / cleaning cupboard
  - Therapy room
  - Training room
  - Medical room
  - Personal care storage room
  - All activity rooms with external windows to have safety features so not fully opening
  - Skylights in all rooms
  - Double entry/exit system and both fob controlled
  - Fob and door alarms installed on all external doors
  - Car parking facility & loading bay for minibuses
  - Holding area in reception
  - Ventilation system / Air con. Rather than radiators
  - Patio / Conservatory
  - Seated area in reception

For the new building the following floor space is needed based on our needs of the service:

- Sessional space - 732 m2
- Dining Areas - 356 m2
- Kitchen Inc. store - 100 m2
- Bathrooms - 50 m2
- Toilets - 32 m2
- Offices - 60 m2
- Garden area - 200 m2

Total = 1530 m2 Inc. circulation.

### **Provision needed for temporary setup**

- Security on doors and windows
- Double entry/exit system, fob controlled.
- 6 x Accessible adapted toilets with hand rails, adequate space, bathroom / shower
- Lounge space
- Kitchen – equipped to serve up to 100 lunches per day



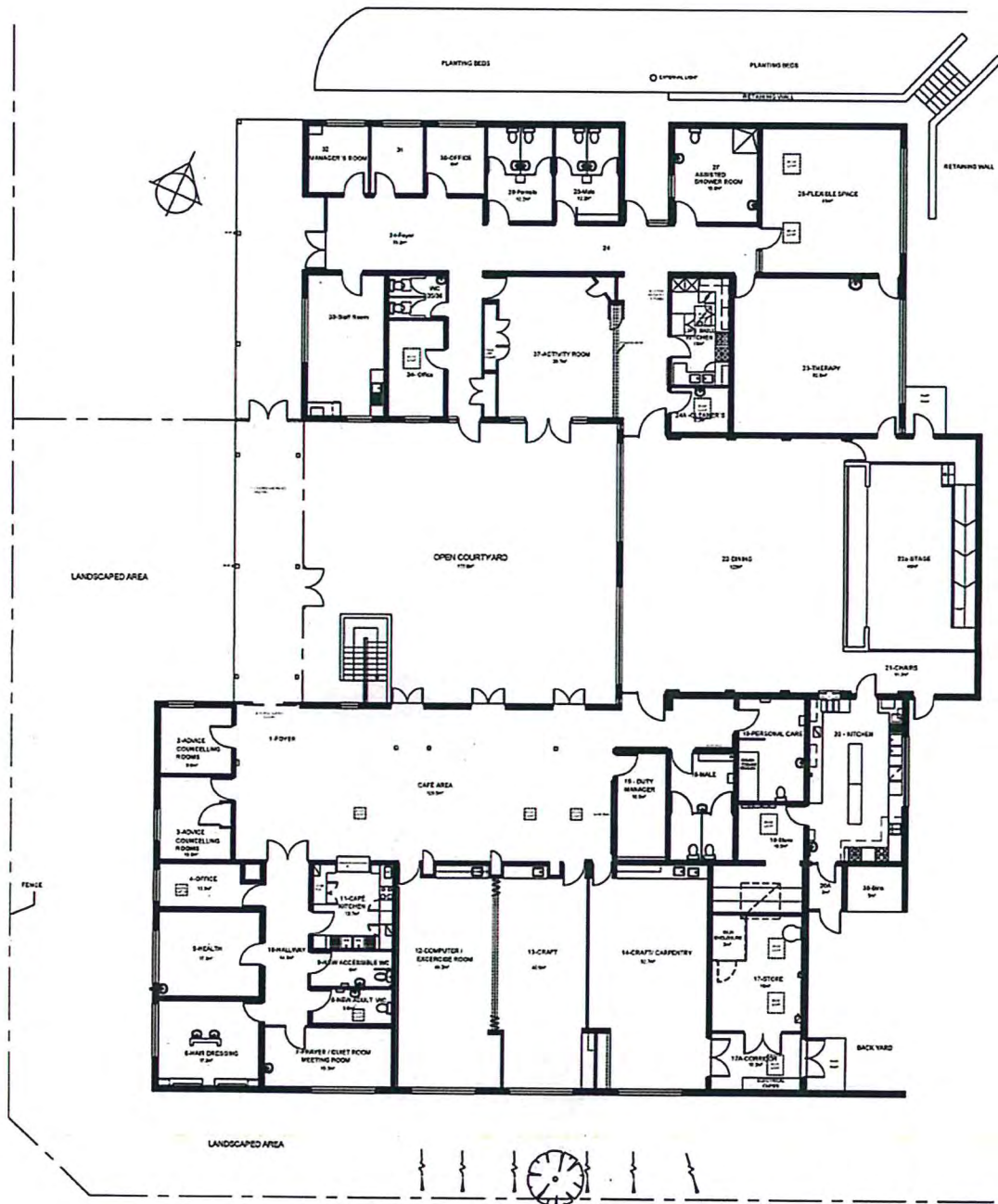
- Activities:
  - Specialist groups, exercises, arts and crafts, Pottery, reminiscence, quiz, word games, (6 rooms needed)
- Loading Bay, wheelchair access
- Car parking space for up to 10 cars
- Dining room for lunches
- Personal care storage space
- Staff room and toilets
- IT fully set up with WiFi and ethernet ports
- Telephones x 4
- Lockers & Storage
- 4 x Office space, to include duty office and meeting rooms
- Secure Garden area

In the relocated building following floor space is needed:

- Sessional space - 732 m2
- Dining Areas - 356 m2
- Kitchen Inc. store - 100 m2
- Bathrooms - 50 m2
- Toilets - 32 m2
- Offices - 60 m2
- Garden area - 200 m2

Total = 1530 m2 Inc. circulation.





MICHAEL FLANDERS CENTRE  
MODERNISED LAYOUT 2008