

DATED 12 March 2020

AGREEMENT

between

THE COUNCIL OF
THE LONDON BOROUGH OF EALING

- and -

34 ELM GROVE ROAD LIMITED

Under Section 106 of the
Town and Country Planning Act 1990
and other Statutes
relating to 34 Elm Grove Road W5

Director of Legal and Democratic Services
London Borough of Ealing
Perceval House
Uxbridge Road
Ealing
London W5 2HL
Ref: Legal/AFL/679486

THIS DEED is made the
BETWEEN

12th

day of March 2020

(1) THE COUNCIL OF THE LONDON BOROUGH OF EALING of Town Hall Ealing
London W5 2BY ("Council")

and

(2) 34 ELM GROVE ROAD LIMITED ("Developer") of 20 New Broadway London
W5 2XA

RECITALS

- (1) The Council is the local planning authority for the area within which the Property is situated for the purposes of s106 of the Planning Act and by whom the obligations in this Deed are enforceable
- (2) The Developer is the freehold owner of the Property and is registered at HM Land Registry under title number MX433522 as the proprietor of the Property with title absolute
- (3) The Application has been submitted to the Council and the parties hereto have agreed to enter into this Deed in order to facilitate and enable the acceptable development of the Property
- (4) On 9 December 2019 the Council resolved to grant planning permission for the development of the Property in accordance with the Application subject to the prior completion of this Deed

NOW THIS DEED WITNESSES and IT IS HEREBY AGREED as follows:

DEFINITIONS

1. In this Deed (including the Recitals and Schedules) the following expressions shall unless the context otherwise requires have the meaning ascribed to them below:-

"Application" means the planning application dated 21 December 2018 and given the Council reference 185929FUL for the development of the Property in the manner described in the application

"Blue Badge Holders" means any persons qualifying for disabled parking permits under the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment no.2) Regulations 2007 (or such relevant regulations as may supersede them)

"Chief Planning Officer" means the Chief Planning Officer for the time being of the Council or other person authorised by the Council to carry out that function

"Commencement of Development", "Commence Development" and the like means the carrying out of a material operation at the Property in accordance with Section 56 of the Planning Act SAVE FOR demolition site clearance excavations and the erection of temporary fences and hoardings and temporary buildings moveable structures works plant or machinery and storage areas required temporarily in connection with and for the duration of operations in on over or under the Property and temporary access to the same

"CPZ" means a Controlled Parking Zone in the vicinity of the Property being a parking scheme established and operated by the Council in which on-street parking in a particular area is restricted to only those vehicles with parking permits issued by the Council for that scheme

"Development" means the development of the Property pursuant to the Planning Permission

"Low Car Housing Scheme" means a development in which Occupiers of the development affected are not entitled to parking permits allowing them or their visitors to park their vehicles within the CPZ in which the Development is located

"Occupy" (and "Occupation", "Occupier" "Occupied" and the like means first occupation of any purpose permitted by the Planning Permission but not including occupation by personnel engaged in the construction fitting out or decoration or occupation for marketing or sales purposes or occupation in relation to security operations

"Plan" means the Plan annexed to this deed at Schedule 2

"Planning Act" means the Town and Country Planning Act 1990 (as amended)

"Planning Permission" means the planning consent to be granted for the Application in the form of the draft annexed to Schedule 3 (Council reference no.) 193481FUL 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

"Property" means the land against which this deed may be enforced being all that property known as 34 Elm Grove Road W5 and shown for the purposes of identification only shown edged bold black on the Plan

"Section 106 Monitoring Officer" means the person for the time being appointed to monitor obligations under s106 of the Planning Act or such other person authorised by the Council to carry out that function

CONSTRUCTION OF THIS DEED

2. References to any party in this Deed shall include the successors in title to that party and to any person deriving title through or under that party and in the case of the Council the successor to its statutory functions
3. Words importing the singular shall be construed as importing the plural and vice versa
4. Words importing one gender shall be construed as importing any other gender and words denoting natural persons shall include companies corporations and firms and all such words shall be construed interchangeable in that manner
5. References in this Deed to any statute includes any amendment modification extension consolidation or re-enactment of it for the time being in force and shall include all instruments orders plans regulations permissions and directions for the time being made issued or given under that statute or deriving validity from it
6. Covenants made hereunder if made by more than one person are made jointly and severally
7. Where in this Deed any obligation of a party is required to be performed within a specified time limit that obligation shall be deemed to continue after that time limit if the party fails to comply with the obligation within the time limit but without prejudice to any remedy of the enforcing party
8. The headings in this Deed are for reference only and shall not affect construction

LEGAL BASIS

9. This Deed is made pursuant to Section 106 of the Planning Act Section 16 of the Greater London Council (General Powers) Act 1974 Section 111 of the Local Government Act 1972 and Section 2 of the Local Government Act 2000 and all other powers and enactments which may be relevant to the purpose of giving validity to this Deed or for facilitating the enforcement of the obligations contained in it with intent to bind the Developer
10. Any covenants restrictions or requirements in this Deed falling within the provisions of Section 106 of the Planning Act shall be deemed to be expressed to be planning obligations to which that said Section shall apply

CONDITIONALITY

11. Save for the provisions of clause 13 herein which shall take effect immediately the obligations in this Deed are (unless otherwise specified) conditional upon:
 - 11.1 the grant of Planning Permission; and
 - 11.2 Commencement of Development

THE DEVELOPER'S COVENANTS

12. The Developer agrees undertakes and covenants with the Council as set out in the First Schedule
13. The Developer shall pay to the Council on execution of this Deed the legal costs and other professional costs of the Council incurred in the negotiation preparation and execution of this Deed

MISCELLANEOUS

14. The enforceability of this Deed shall not be affected by any passage of time or any delay by or neglect or forbearance of the Council in enforcing the provisions of this Deed or any extension of time or other indulgence shown by the Council

15. The obligations contained in this Deed are intended to run with the Property and each and every part thereof and to bind the owners and occupiers thereof from time to time and this Deed shall accordingly be registrable as a local land charge by the Council

16. No parties to this Deed (save for the Council) shall be deemed to be or act as agent or contractor for the Council in the carrying out of any of the works required by this Deed and no responsibility liability claim demand cost or expense whatsoever claimed in respect of anything done or not done by any of the parties to this Deed (save for any failure of the Council to observe and perform its covenants under this Deed) shall lie against the Council in respect thereof

17. For such period of time as a CPZ shall operate within the area local to the Development:-
 - 17.1 the Development shall be a Low Car Housing Scheme and

 - 17.2 no occupier of the Development (save for any Blue Badge Holders) shall be entitled to any permit as may be issued by the Council which would allow any such occupier (or person having any connection whatsoever or relationship with any such occupier whether contractual personal or otherwise) to park any vehicle within the CPZ

18. Any notices consents agreements approvals expressions of satisfaction or certificates required herein shall be given in writing and shall not be unreasonably withheld or delayed and if given on behalf of the Council shall be under the hand of the Chief Executive of the Council or other authorised officer of the Council and shall be properly served if sent in the case of the Council by first class recorded delivery post addressed to the Chief Planning Officer quoting references 185929FUL and LEGAL/AFL/679486 at Perceval House 14-16 Uxbridge Road London W5 2HL or such other officer as may be notified in writing from time to time by the Council to the other parties to this Deed and in

the case of the other parties to their respective addresses as set out above or to their registered or principal office or to the address notified by the parties hereto

20. Words in this Deed denoting an obligation on a party to do any act matter or thing include an obligation to procure that it be done and words placing a party under a restriction include an obligation not to cause permit or suffer any infringement of the restriction
21. Insofar as any clause or clauses of this Deed are found (for whatever reason) to be invalid or unenforceable then such invalidity or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed
22. Nothing in this Deed shall be construed so as to fetter any of the Council's powers duties and obligations in its capacity as highway authority and/or local planning authority and the Council's rights powers duties and obligations under all public and private statutes byelaws and regulations may be as fully and effectually exercised as if the Council were not a party to this Deed
23. If there is any conflict between the terms of this Deed and any condition on the Planning Permission the latter shall take precedence
24. Save where otherwise specifically expressed within this Deed any costs monies calculation or assessment to be calculated or made in consequence of this Deed shall be as conclusively determined by the Council acting reasonably whose decision (save for manifest error) shall be final and binding on all parties
25. No provisions of this Deed shall be construed as creating any rights enforceable by a third party as defined by the Contracts (Rights of Third Parties) Act 1999 (the "1999 Act") and all third party rights as may be implied by law or deemed to be enforceable by the 1999 Act are hereby excluded to the fullest extent permitted by law **SAVE THAT FOR THE AVOIDANCE OF DOUBT** the exclusion of the 1999 Act shall not prevent any successors in title to any of the

parties to this Deed from being able to benefit or enforce any of the provisions of this Deed as provided for by s106 of the Planning Act

26. This Deed shall cease to have effect (insofar only as it has not already been complied with) if prior to Commencement of Development the Planning Permission shall expire or be quashed or revoked
27. Save where otherwise expressly stated all covenants given under this Deed shall be complied with entirely at the expense of the party giving the covenant

CHANGE IN OWNERSHIP

28. No party shall be bound by any obligations contained in this Deed after they have parted with the entirety of their legal interest in the Property but without prejudice to liability for any breach or liability existing or arising prior to parting with such interest and PROVIDED ALWAYS that this clause shall be of no effect whatsoever in the event of any breach by the party in question of paragraph 8 of the First Schedule
29. The Developer shall give the Council immediate notice of any change in ownership of any of its interests in the Property occurring before all the obligations under this Deed have been discharged such notice to give details of the transferee's full name and registered office (if applicable) together with details of the area of the Property or unit of occupation transferred and with reference to a plan and Land Registry title number (if applicable)
30. This Deed shall continue to be valid and enforceable following an amendment or variation to the Planning Permission achieved through the submission of a planning application pursuant to section 73 of the Planning Act as if this Deed had been completed pursuant to such an application

DISPUTE PROVISIONS

31. In the event that there shall be any dispute between the parties to this Deed in respect of any matter arising under the terms of this Deed and which dispute the parties are unable to resolve any of the parties may refer the matter to an Expert for determination SAVE THAT in no case shall any point be referred to the Expert which is a point that is in or relates to any matter in the Planning Permission itself (where the Council's determination shall be final)
- 31.1 The Expert shall be a person with knowledge and expertise in the subject matter of the dispute and in the event that the parties cannot agree the identity of the person to be appointed as Expert pursuant to this clause within fifteen (15) working days of one party's notification to the other party of that party's decision to refer the matter to an Expert either party may seek nomination of an Expert by the President for the time being of the appropriate professional body (whose nomination shall be binding on the parties)
- 31.2 The costs of the Expert shall be in the award of the Expert
- 31.3 The Expert shall (save with the agreement of both parties) be restricted to settling disputes
- 31.4 The decision of the Expert (other than in the case of manifest error) shall be binding on the parties
- 31.5 The provisions of this clause 31 do not apply in the case of any dispute or difference arising in connection with any matter covered by this Deed to the extent that the same is a dispute or difference as to a matter of law or which concerns the interpretation of this Deed

JURISDICTION

32. This Deed is governed by and interpreted in accordance with the law of England and Wales and the parties submit to the non-exclusive jurisdiction of the courts of England and Wales

EXECUTED AS A DEED but not delivered until the day and year first above written

THE FIRST SCHEDULE COVENANTS BY THE DEVELOPER

1. Not to occupy or cause or permit or suffer to be occupied the Development or any part thereof (save for the purpose of constructing the same) unless and until the Developer has informed all intended occupiers of the Development by formal notice in writing:
 - 1.1 that the Development is a Low Car Housing Scheme and
 - 1.2 that (save for any Blue Badge Holders) intended occupiers of the Development (or any person having any connection whatsoever or relationship with any such occupier whether contractual personal or otherwise and who is resident at the Development) shall not be entitled to any permits from the Council which would allow them to park any motor vehicle within the CPZ
2. The Developer will forthwith confirm in writing to the Council that he has made formal notification in accordance with sub-paragraphs 1.1 and 1.2 above
3. The Developer for itself and its successors in title (other than Blue Badge Holders) hereby waives all rights and entitlement (if any) on the part of the Developer to a parking permit in the CPZ and covenants not to lease or transfer the whole or any part of the Property unless he has included a restrictive covenant in any such lease or transfer which provides that the tenant or owner

of the whole or any part of the Property covenants not to apply to the Council for a resident's parking permit for the CPZ

4. To give to the Section 106 Monitoring Officer of the Council quoting reference 185929FUL no less than ten working days prior notice of the intended date of Occupation of the Development so as to enable the Council to monitor effectively the performance of the Developer's obligations under this Deed
5. To notify the Chief Planning Officer and the s106 Monitoring Officer of the Council in writing quoting planning ref no. 185929FUL of the full postal address of each residential unit which has been created at the Property pursuant to the Planning Permission immediately such address has been established with Royal Mail
6. In carrying out the terms and conditions of this Deed to comply with all applicable statutory enactments and regulations as may from time to time be in force
7. To indemnify and keep indemnified the Council and every person engaged in the business of the Council from and against all actions proceedings claims and liabilities and demands whatsoever arising either directly or indirectly from the covenants and obligations of the Developer under this Deed
8. Not to assign its interest and responsibilities under this Deed without the prior consent of the Council

THE SECOND SCHEDULE

THE PLAN

The Plan annexed hereto

THE THIRD SCHEDULE

THE PLANNING PERMISSION


As draft planning permission reference 185929FUL attached

EXECUTED AS A DEED by the Council)

by causing its common seal to be affixed)

hereunto in the presence of)

LBE SEAL BOOK
Vol 8 No 8612020



Authorised Signatory

EXECUTED AS A DEED by 34 ELM GROVE ROAD)

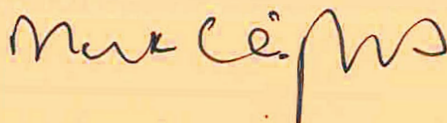
LIMITED in the presence of R. JANE POOLE)

LONG HYDE FARM
MAIN STREET
SOUTH LITTLETON
WORCS WR11 8TJ

R. Jane Poole

Director

Director/~~Secretary~~



second schedule

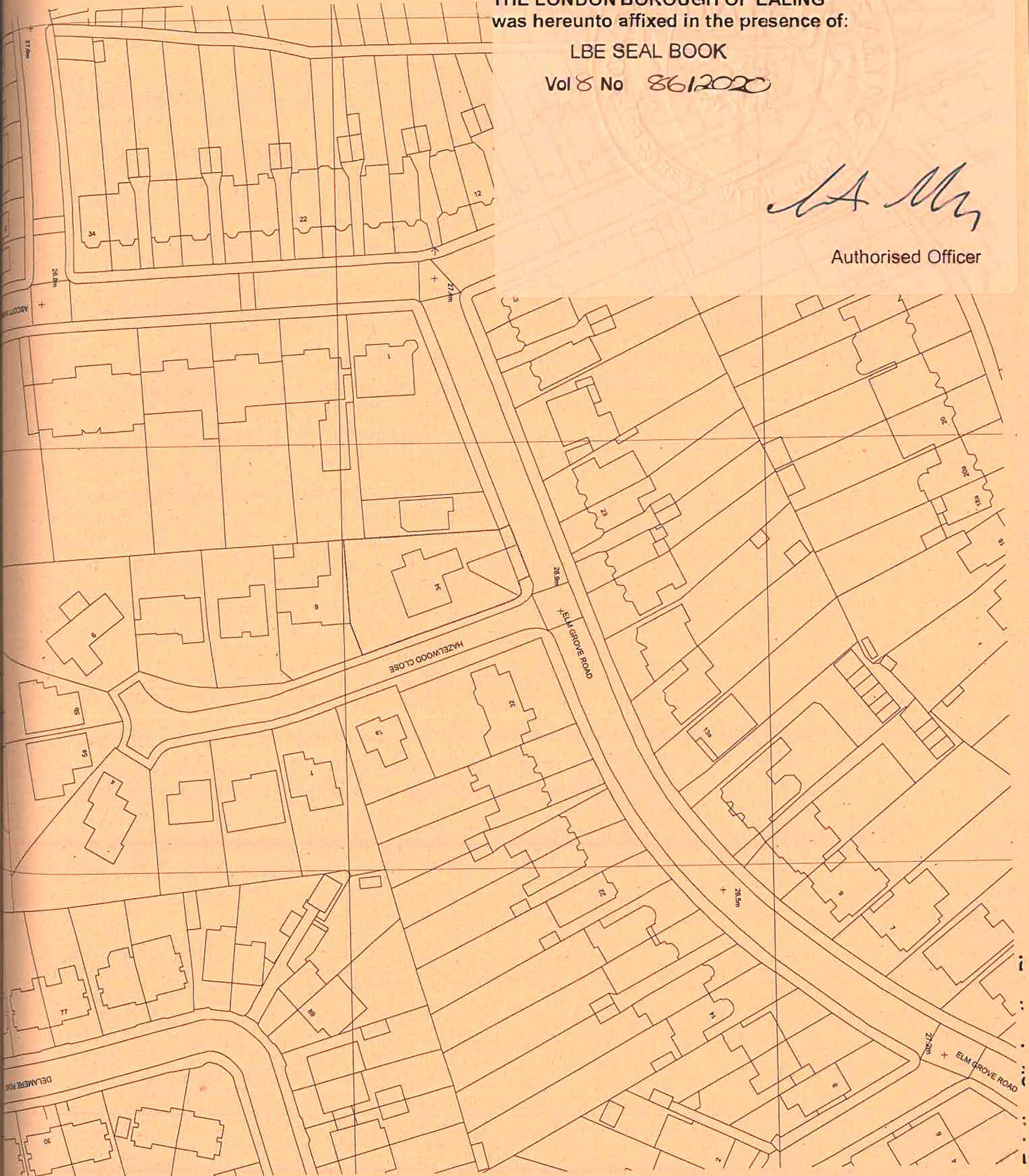
THE COMMON SEAL OF THE COUNCIL OF
THE LONDON BOROUGH OF EALING
was hereunto affixed in the presence of:

LBE SEAL BOOK

Vol 8 No 8612020



Authorised Officer



Third Schedule



Place Directorate

NOTICE OF PLANNING DECISION

Mr Tom Hopkins
Quod
39 Bell Lane
Eton Wick
Windsor
SL4 6LQ
Berkshire
Your Ref:

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

Our Ref:
185929FUL

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: 21.12.2018

Drawings/Schedules References:

1811-P101 Rev C, 1811-P102 Rev G, 1811-P102.1 Rev C, 1811-P103 Rev G, 1811-P103.1 Rev C, 1811-P104 Rev G, 1811-P104.1 Rev C, 1811-P105 Rev B, 1811-P105.1 Rev B, 1811-P106 Rev C, 1811-P106 Rev D, 1811-P106.1 Rev D, 1811-P101.1 Rev G, 1811-P101.2 Rev G, 1811-P101.3 Rev C, 1811-P112 Rev E, 1811-P112.1 Rev C, 1811-P113 Rev E, 1811-P113.1 Rev B, 1811-P114 Rev C, 1811-P115, 1811-P116 Rev C, 1811-P116.1 Rev C,

Site: 34 Elm Grove Road Ealing London W5 3JJ

Proposal: Redevelopment to provide two x three storey detached dwellinghouses with associated amenity space, car parking space, refuse and cycle storage (following the demolition of the existing dwellinghouse)

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

CONDITIONS

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

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

2 The development hereby approved shall be carried out in accordance with submitted drawings: 1811-P101 Rev C, 1811-P102 Rev G, 1811-P102.1 Rev C, 1811-P103 Rev G, 1811-P103.1 Rev C, 1811-P104 Rev G, 1811-P104.1 Rev C, 1811-P105 Rev B, 1811-P105.1 Rev B, 1811-P106 Rev C, 1811-P106 Rev D, 1811-P106.1 Rev D, 1811-P101.1 Rev G, 1811-P101.2 Rev G, 1811-P101.3 Rev C, 1811-P112 Rev E, 1811-P112.1 Rev C, 1811-P113 Rev E, 1811-P113.1 Rev B, 1811-P114 Rev C, 1811-P115, 1811-P116 Rev C, 1811-P116.1 Rev C.

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

3 Details including samples of the materials and finishes to be used for all external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced. The development shall be implemented only in accordance with these approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the materials harmonise with the surroundings, in accordance with policies 7.4 and 7B of the Ealing Development Management DPD (2013); and policies 7.4 and 7.6 of the London Plan (2016).

4 Ensure refuse and recycling storage are provided and brought into use prior to the first occupation of the development permitted and retained thereafter.

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

5 Cycle storage in accordance with the approved plans and all adopted standards shall be provided prior to occupation of the building and be continuously available and retained for the life of the development hereby approved.

Reason: To provide adequate bicycle storage to align with Sustainable Transport SPG and policy 6.9 and 6.13 of the London Plan (2016).

6 Prior to commencement of the development hereby approved, a demolition method statement and a construction management plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to

Fridays and 0800 -1300 hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

Reason: To protect residential amenity in accordance with policy 7.15 of the London Plan (2016), policy 1.1 (j) of the Ealing Development (Core) Strategy (adopted 2012), policy 7A of the Ealing Development Management DPD (adopted 2013) and SPG10: Noise and Vibration.

7 Notwithstanding the provisions of Classes A, B, C, D, E or F of Part 1 and Class A of Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 and/or any subsequent amendment, no alterations or extensions to the dwellings hereby approved, outbuildings within their curtilage or gate, fence, wall or other means of enclosure around their curtilage shall be erected without the prior permission of the Local Planning Authority, obtained through the submission of a planning application.

Reason: To prevent the overdevelopment of the site and to safeguard the living conditions of the residents of adjoining properties and the dwellings hereby approved and the visual appearance of the building, in accordance with policies 7A, 7.4 and 7B of the Development Management, Development Plan Document (2013); adopted Development (or Core) Strategy (2012); policies 3.5, 7.4, 7.5 and 7.6 of the London Plan (2016); and National Planning Policy Framework (2019).

8 Existing trees adjacent/close to the boundaries of the site shall not be lopped, felled or otherwise affected in any way (including raising or lowering soil levels under the crown spread of the trees) and no excavation shall be cut under the crown spread of the trees. Protection of the trees, hedgerows and groups of mature shrubs off site that are adjacent/close to it shall be carried out only in accordance with British Standard 5837:2012 'Trees In Relation To Construction Recommendations' (or any subsequent revision), and shall be maintained fully intact and at all times, until the completion of all building operations on the site.

Reason: In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area as a whole, policies 7.4 and 7.6 of the London Plan (2016), policies 1.1 (e) (g), 1.2(f), 3.1(b) and 3.8 of the Ealing Core Strategy (2012), policies 7.4 of the Ealing Development Management Development Plan Document (2013).

9 The proposed crossover should have a width no greater than 3m. Pedestrian visibility splays should be provided measuring 1.5m by 1.5m, with no obstruction more than 0.6m high for the existing vehicle access where it meets the back edge of the footway.' these shall be established prior to the first use of the driveway for car parking, and shall be permanently retained thereafter.

Reason: In the interest of highways safety in accordance with policy 6.3 of the London Plan (2016).

DRAFT

Reference No. 185929FUL

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

INFORMATIVES:

- 1 The decision to grant planning permission has been taken having regard to the policies and proposals in the Adopted Ealing Development Management Development Plan and to all relevant material policy considerations including Supplementary Planning Guidance:

National Planning Policy Framework (2019)

London Plan (2016)

- 2.6 Outer London: Vision and Strategy
- 2.7 Outer London: Economy
- 2.8 Outer London: Transport
- 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
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.6 Architecture
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing The Acoustic Environment and Promoting Appropriate Soundscapes
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

Adopted Development (Core) Strategy (2012)

- 1.1 Spatial Vision for Ealing
- 1.2 Delivery of the Vision for Ealing 2026

Ealing Development Management Development Plan Document (2013)

- 3.4 Optimising housing potential
- 3.5 Quality and design of housing development
- 6.13 Parking
- 7.3 Designing out Crime
- 7.4 Local Character
- 7A Amenity

7B Design amenity
7D Open Space

Other Material Documentation:
Interim SPG 4 Refuse and Recycling Facilities
Interim SPG 10 Noise and Vibration

Sustainable Transport SPD
London Housing Supplementary Planning Guidance (2013)

In reaching the decision to grant consent, specific consideration was given to the impact of the proposed development on the amenity of neighbouring dwellings, the appearance and character of the property and the area as a whole. The proposal is considered acceptable on these grounds, and is also considered to comply with the relevant policies in the adopted Ealing Development Management Development Plan. It is not considered that there are any other material considerations in this case that would warrant a refusal of the application.

- 2 The proposal is liable to pay the Mayor's Community Infrastructure Levy (CIL) charge at a level of £60 / square metre of gross internal floor area (GIA). A CIL contribution of £18,180 is required for the proposed development.
- 3 The applicant is advised that the Building Regulations are legal requirements that apply to building work and are aimed at achieving minimum standards of construction to ensure the health and safety of people in or around buildings, including fire safety.
- 4 Approval under the Building Regulations is requirement and you are advised to seek the advice of the Council's Building Control Service or an Approved Inspector prior to the commencement of works.

For more information on Building Regulations, please follow the link -
https://www.ealing.gov.uk/info/201156/building_control

DRAFT

Reference No. 185929FUL

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.

CONDITIONS

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

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

2 The development hereby approved shall be carried out in accordance with submitted drawings: 1811-P101 Rev C, 1811-P102 Rev G, 1811-P102.1 Rev C, 1811-P103 Rev G, 1811-P103.1 Rev C, 1811-P104 Rev G, 1811-P104.1 Rev C, 1811-P105 Rev B, 1811-P105.1 Rev B, 1811-P106 Rev C, 1811-P106 Rev D, 1811-P106.1 Rev D, 1811-P101.1 Rev G, 1811-P101.2 Rev G, 1811-P101.3 Rev C, 1811-P112 Rev E, 1811-P112.1 Rev C, 1811-P113 Rev E, 1811-P113.1 Rev B, 1811-P114 Rev C, 1811-P115, 1811-P116 Rev C, 1811-P116.1 Rev C.

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

3 Details including samples of the materials and finishes to be used for all external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced. The development shall be implemented only in accordance with these approved details, unless otherwise approved in writing by the Local Planning Authority.

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4 Ensure refuse and recycling storage are provided and brought into use prior to the first occupation of the development permitted and retained thereafter.

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

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Reason: To provide adequate bicycle storage to align with Sustainable Transport SPG and policy 6.9 and 6.13 of the London Plan (2016).

6 Prior to commencement of the development hereby approved, a demolition method statement and a construction management plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust,

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

Reason: To protect residential amenity in accordance with policy 7.15 of the London Plan (2016), policy 1.1 (j) of the Ealing Development (Core) Strategy (adopted 2012), policy 7A of the Ealing Development Management DPD (adopted 2013) and SPG10: Noise and Vibration.

7 Notwithstanding the provisions of Classes A, B, C, D, E or F of Part 1 and Class A of Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 and/or any subsequent amendment, no alterations or extensions to the dwellings hereby approved, outbuildings within their curtilage or gate, fence, wall or other means of enclosure around their curtilage shall be erected without the prior permission of the Local Planning Authority, obtained through the submission of a planning application.

Reason: To prevent the overdevelopment of the site and to safeguard the living conditions of the residents of adjoining properties and the dwellings hereby approved and the visual appearance of the building, in accordance with policies 7A, 7.4 and 7B of the Development Management, Development Plan Document (2013); adopted Development (or Core) Strategy (2012); policies 3.5, 7.4, 7.5 and 7.6 of the London Plan (2016); and National Planning Policy Framework (2019).

8 Existing trees adjacent/close to the boundaries of the site shall not be lopped, felled or otherwise affected in any way (including raising or lowering soil levels under the crown spread of the trees) and no excavation shall be cut under the crown spread of the trees. Protection of the trees, hedgerows and groups of mature shrubs off site that are adjacent/close to it shall be carried out only in accordance with British Standard 5837:2012 'Trees In Relation To Construction Recommendations' (or any subsequent revision), and shall be maintained fully intact and at all times, until the completion of all building operations on the site.

Reason: In order to safeguard trees and other vegetation considered to be worthy of retention in the interests of the visual amenity of the area as a whole, policies 7.4 and 7.6 of the London Plan (2016), policies 1.1 (e) (g), 1.2(f), 3.1(b) and 3.8 of the Ealing Core Strategy (2012), policies 7.4 of the Ealing Development Management Development Plan Document (2013).

9 The proposed crossover should have a width no greater than 3m. Pedestrian visibility splays should be provided measuring 1.5m by 1.5m, with no obstruction more than 0.6m high for the existing vehicle access where it meets the back edge of the footway.' these shall be established prior to the first use of the driveway for car parking, and shall be permanently retained thereafter.

Reason: In the interest of highways safety in accordance with policy 6.3 of the London Plan (2016).

Reference No. 185929FUL

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

INFORMATIVES:

- 1 The decision to grant planning permission has been taken having regard to the policies and proposals in the Adopted Ealing Development Management Development Plan and to all relevant material policy considerations including Supplementary Planning Guidance:

National Planning Policy Framework (2019)

London Plan (2016)

2.6 Outer London: Vision and Strategy

2.7 Outer London: Economy

2.8 Outer London: Transport

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

3.8 Housing Choice

3.9 Mixed and Balanced Communities

6.3 Assessing Effects of Development on Transport Capacity

6.9 Cycling

6.10 Walking

6.13 Parking

7.1 Lifetime Neighbourhoods

7.2 An Inclusive Environment

7.3 Designing Out Crime

7.4 Local Character

7.6 Architecture

7.14 Improving Air Quality

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

8.2 Planning Obligations

8.3 Community Infrastructure Levy

Adopted Development (Core) Strategy (2012)

1.1 Spatial Vision for Ealing

1.2 Delivery of the Vision for Ealing 2026

Ealing Development Management Development Plan Document (2013)

3.4 Optimising housing potential

3.5 Quality and design of housing development

6.13 Parking

7.3 Designing out Crime

7.4 Local Character

7A Amenity

7B Design amenity

7D Open Space

Other Material Documentation:

Interim SPG 4 Refuse and Recycling Facilities

Interim SPG 10 Noise and Vibration

Sustainable Transport SPD

London Housing Supplementary Planning Guidance (2013)

In reaching the decision to grant consent, specific consideration was given to the impact of the proposed development on the amenity of neighbouring dwellings, the appearance and character of the property and the area as a whole. The proposal is considered acceptable on these grounds, and is also considered to comply with the relevant policies in the adopted Ealing Development Management Development Plan. It is not considered that there are any other material considerations in this case that would warrant a refusal of the application.

- 2 The proposal is liable to pay the Mayor's Community Infrastructure Levy (CIL) charge at a level of £60 / square metre of gross internal floor area (GIA). A CIL contribution of £18,180 is required for the proposed development.
- 3 The applicant is advised that the Building Regulations are legal requirements that apply to building work and are aimed at achieving minimum standards of construction to ensure the health and safety of people in or around buildings, including fire safety.
- 4 Approval under the Building Regulations is requirement and you are advised to seek the advice of the Council's Building Control Service or an Approved Inspector prior to the commencement of works.

For more information on Building Regulations, please follow the link - https://www.ealing.gov.uk/info/201156/building_control

Reference No. 185929FUL

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.