



Appeal Decisions

Inquiry held on 12 January 2016

Site visit made on 13 January 2016

by Ava Wood DipARCH MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 February 2016

Appeal A Ref: APP/A5270/W/15/3101237

The Old Hoover Building, Western Avenue, Perivale, Ealing UB6 8DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by IDM Hoover Ltd against the Council of the London Borough of Ealing.
 - The application Ref: PP/2015/0205 is dated 23 December 2014.
 - The development proposed is change of use from office (B1) to residential use (C3) to provide a total of 52 new residential units, on-site parking within the adjacent basement, construction of bin store and associated internal and external alterations.
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Appeal B Ref: APP/A5270/W/15/3136095

The Old Hoover Building, Western Avenue, Perivale, Ealing UB6 8DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by IDM Hoover Ltd against the decision of the Council of the London Borough of Ealing.
 - The application Ref: PP/2015/3130, dated 21 August 2015, was refused by notice dated 9 October 2015.
 - The development proposed is change of use from office (land use class B1) to residential use (land use Class C3) and external alterations to accommodate 66 residential units (18 studios, 23 one-bedroom and 25 two-bedroom) with associated car parking and refuse storage.
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Appeal C Ref: APP/A5270/Y/15/3136098

The Old Hoover Building, Western Avenue, Perivale, Ealing UB6 8DW

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by IDM Hoover Ltd against the Council of the London Borough of Ealing.
 - The application Ref PP/2015/3132 is dated 21 August 2015.
 - The works proposed are: Internal alterations including installation of intermediate floors at ground floor level and within the replacement roof, the removal of existing internal partitions and the provision of new internal partitions; external alterations including a replacement roof, the removal of roof plant, alterations to existing window openings at second floor level on the front elevation to provide doors to a new second floor level roof terrace, the provision of windows on the rear elevation, external refurbishment of the building including concrete repairs, repainting and replacement of missing tiles, the removal of side steps to the west of the building; and the conversion of the building from office (Land Use Class B1) to residential (Land Use
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Class C3) to accommodate 66 self-contained residential units (18 studios, 23 one-bedroom, 25 two-bedroom flats) with associated car parking and refuse storage.

Decision

1. Appeals A, B and C are allowed in the terms set out in the attached Schedule of Decisions, and subject to the conditions imposed.

Preliminary Matters

2. The applications forming the subject of Appeals B and C were originally submitted on 17 June 2015 and comprised a scheme of conversion of the existing building to provide 52 residential units. The proposals were subsequently changed to provide 66 units and the application for planning permission was re-dated 21 August 2015. That is the basis on which the Council determined the application for planning permission and I have considered Appeal B. Although a corresponding change was not formally made to the application for listed building consent (Appeal C), it was agreed at the inquiry that the description of the application should be taken from the Planning Committee Report (dated 7 October 2015). The description in the banner heading above reflects that position.
3. Appeal B was refused on the basis that the 10% affordable housing proposed would represent an unacceptably low provision, failing to provide housing choice or achieve mixed and balanced communities, and would be contrary to Section 6 of the National Planning Policy Framework (NPPF) and policies in the development plan.
4. In advance of the inquiry, however, the Council declared that evidence would not be offered against any of the proposals being appealed. The Statement of Common Ground (SoCG) confirms that the local planning authority agrees that planning permission should be granted for the proposals forming the subject of Appeals A and B, and listed building consent should be granted for Appeal C, subject to conditions and completion of planning obligations. The SoCG further confirms that the local planning authority will be issuing consent for the listed building works for the 52 unit scheme.
5. Notwithstanding the Council's support for the appeals proposals, the Hoover Building is listed as Grade II* and it is incumbent upon me to undertake the statutory duties under S16(2) and 66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990. The first main issues in Appeals A and B are therefore worded along those lines and Appeal C turns on the same considerations. Contributions and arrangements for affordable housing form the subject of the second main issue in the planning appeals.
6. The draft planning obligations were presented to me at the inquiry and their provisions were discussed. It was agreed that the completed versions would be sent to the Planning Inspectorate. The obligations, in the form of unilateral undertakings, were received electronically on 19 January 2016 and comprise Inquiry Documents (ID) 13a and 13b.

Main Issues

7. The heritage issue applying to all three appeals is whether the proposal would preserve the listed building or any features of special or architectural interest it possesses.

8. The second main issue for consideration in Appeals A and B is the adequacy of the affordable housing arrangements offered in the planning obligations.

Reasons

Listed Building Issue

Planning Framework

9. The development plan comprises the 2015 London Plan (LP), plus the London Borough of Ealing Development Strategy 2026 and the Development Management Development Plan Documents (DS and DM DPDs).
10. The LP Policy 7.8 strategic direction looks for the City's heritage assets to be identified so that the desirability of sustaining and enhancing their significance can be taken into account. In decision making, the policy expects development affecting heritage assets to be sympathetic to their form, scale, materials and architectural details to enable their significance to be conserved.
11. The spatial vision for Ealing includes caring for the Borough's historic character and enhancing the significance of heritage assets in regeneration proposals, under DS DPD Policy 1.1. Development of heritage assets is expected to take account of the criteria set out in DM DPD Policy 7C.
12. The above policies are consistent with the NPPF to the extent that they seek to sustain and enhance the significance of heritage assets. However, they do not expressly allow for balancing the public benefits of a proposal against the harm that might be caused, as laid out in paragraphs 133 and 134 of the NPPF. In those respects therefore the policies fall short of fully compatibility with the NPPF, and the weight to be accorded to them is moderated.

Impact on the Listed Building

13. The building to be converted is part of the former Hoover factory complex of seven buildings, all of which are listed. The appeal site comprises the main southern frontage building built in 1931/32 to the designs of Wallis, Gilbert and Partners. An additional storey was added in 1935. The application boundary extends to part of the ground floor and the whole floor plates of the upper floors. The building to be converted is unoccupied but was last used as offices, and a large superstore has been added to the rear.
14. The front façade of the appeal building displays a wide elevation of 15 bays plus decorative end staircase towers. The structure is reinforced concrete with large areas of glazing, and coloured tiles decorating the facades. The importance and value of the building is recognised in its II* listing; the list going as far as to describing it as "*possibly the most significant arterial road factory of its date, and one of the most attractive.*" The building is recognised as one of the best examples of the Art Deco fronts applied to factories. Internally, the stair compartments and entrance hall are good examples of the 1930s Art Deco style. The remaining spaces having being converted for modern office use and have little of the same appeal or value. Much of the building's significance is derived from the aesthetic value of its external elevations and the well-preserved interiors of the central hall, stair core and staircase towers at either end of the building.

15. The structure and fabric of the building are largely intact, but numerous conversions over the years, and the lack of occupation or under-use for the past 8 years or so, have taken their toll. The building is in need of repairs and refurbishment. The Council accepts the principle of securing the optimum viable use for the building, as a way of funding its future maintenance and to ensure its conservation. The appellant has satisfactorily demonstrated that it is unsuited to modern office conversion, and that options such as a mixed office and residential use are equally unviable. A fully residential use represents the most likely option for returning the building to beneficial use.
16. The schemes for both Appeal A and Appeal B would mean conversion of the ground, first and second floor office spaces into self-contained residential units. Both sets of designs would require the insertion of intermediate floors between the existing first and second floor, and at roof level. The works would not however interfere with the structural or spatial integrity of the building.
17. Replacement of the existing hipped roof and roof mounted plant equipment represents the most significant external change proposed; a new roof would be constructed to extend over the length of the building. Accommodation in the roof space would also require introduction of rooflights. The form of the proposed roof would replicate the original, and the continuous glazing is a commonly used detail in buildings of similar industrial character. As the ridge of the new roof would be no higher than existing, the proportions of the building would remain largely unchanged. Changes to the appearance of the building as a result of the new roof would be compensated by concealment of all new and existing plant within the roof space, and by introduction of a more simplified roof line. An appropriately coloured roof covering would allow the roof to blend into the form of the building. The new roof is necessary in as much as it would enable delivery of an optimum number of units essential to the viability of the scheme.
18. Other external alterations to the building would be limited to restoring elements of its historic character damaged by wear or inappropriate alterations, and introduction of doors for access to the terrace at the upper level. The layout of the units was determined by the scale and rhythm of the existing bays, which in turn means that they can be accommodated without impacting on the building's elevations. The external appearance of the building would therefore remain largely unaltered.
19. The most significant elements of the interior of the building would remain mostly intact: the central hall and stair core and the staircases at either end of the building would be retained in their present form. Removal of internal partitions would be necessary but these are generally modern interventions, undertaken to accommodate the office use. Original fabric would be retained within the building wherever possible, including relocation of the original wash basins (albeit as decorative features) to ensure their preservation.
20. Overall, the designs of the 52 and the 66 unit schemes (as well as the works requiring listed building consent associated with the 66 unit proposal) show very skilful incorporation of residential units within the structure and fabric of the listed building, while respecting its intrinsic value and aesthetics. The layouts respond to the building's structure; external alterations would be minimal, and even the new roof would preserve the building's industrial form and character. The proposed conversions would preserve the architecture of

the building; restore it to beneficial use and ensure its long term survival. With conditions in place to control matters of detail, recording of historic elements and making good, the works for which listed building consent is sought would acceptably facilitate implementation of the conversion schemes without seriously interfering with the elements of the buildings that contribute to its special interest. If harm is caused, it would be at the lower end of the 'less than substantial' scale, to be weighed against the public benefits of the schemes.

21. In terms of development plan policies, I am satisfied that the proposals forming the subject of Appeals A and B would comply with the broad requirements of LP Policy 7.8 and DS DPD Policy 1.1. They would also meet the express requirements of DM DPD Policy 7C, while taking account of the "*...desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.*" (NPPF)

Affordable Housing Issue

Policy Framework

22. The London's Plan strategic aim with regard to affordable housing is to maximise affordable housing provision (Policy 3.11). To that end, LP Policy 3.12 advises that the maximum reasonable amount of affordable housing should be sought when negotiating on individual schemes. Negotiations on sites are expected to take account of individual circumstances including development viability. On-site affordable homes are a strong preference, with off-site housing accepted in exceptional cases. Cash in-lieu contributions are to be accepted only where this would have demonstrable benefits in furthering the affordable housing and other policies of the LP. DM DPD Policy 3A seeks 50% affordable housing provision on qualifying sites; it includes guidance on viability assessments to be provided when negotiating the level of affordable provision.

Affordable Housing Arrangements as part of the Conversion Schemes

23. The unilateral undertaking accompanying the 52 unit scheme offers a cash in-lieu contribution of £27,385 plus any surplus identified in a pre-implementation review of the scheme's viability, if development is not commenced within 12 months of permission being granted¹.
24. The unilateral undertaking for the 66 unit scheme allows for an affordable housing contribution of £727, 385, with no arrangements for a pre-implementation review.
25. Looking first at viability, the appellant submitted appraisals to demonstrate the level of affordable housing contributions that can viably be delivered through the 52 and 66 unit schemes. The Council does not dispute either the methodology used to conduct the viability assessments or their findings. The Council commissioned independent advice on the 52 unit scheme which confirmed that "*....output of the viability model does not support the incorporation of affordable housing.*" The outcome of the 66 unit appraisal was carried out using the same model and input values.
26. Having read and heard the evidence relating to the economics of financing or supporting affordable housing contributions, I have found no reason to

¹ Commencement for the purposes of the planning obligation is defined

- question the basis on which the conclusions were reached. The revenue values are predicated on the nearest comparables and the build costs were largely accepted in the independent review.
27. The Council also accepts, and there is no evidence to the contrary, that on-site provision is not a viable option. Furthermore, the small number of units that could affordably be accommodated on site could lead to management difficulties. Financial contributions in-lieu of affordable housing are placed within an affordable housing fund where they are pooled and ring-fenced for these purposes only. This fund is administered by the Council's Housing Department and the contribution would be used for the provision of affordable housing within its administrative area. The Council confirms that it only spends the contributions for these purposes and within the Borough. It is likely that the funds forthcoming from the proposals at the Hoover Building would be more effectively used elsewhere to secure a higher level of provision for the Borough.
28. A point of dispute between the parties is the pre-implementation review introduced in the deed accompanying Appeal A. The appellant correctly claims that there is no policy basis for review mechanisms in the Borough's DPDs. There is however reference in LP Policy 3.12 to re-appraising the viability of schemes prior to implementation. Whether the reference is intended to apply only to phased development is ambiguous, given that supporting text in paragraph 3.75 does not expressly differentiate between phased and short term developments. The London Plan Affordable Housing Supplementary Planning Guidance (SPG) advises consideration of "*s106 clauses to trigger a review of viability, if a scheme is not substantially complete by a certain date.*" A post-implementation review is not offered in the planning obligation, and so the SPG's relevance in that respect is limited. The Planning Practice Guidance does not assist, as the advice to use current costs and values and consider applications in today's circumstances could apply equally to assessments undertaken 12 months after permission is granted.
29. In the light of the above, neither the current LP policy, nor the guidance documents referred to, conclusively support or oppose the 12 month pre-implementation review offered in the 52 unit unilateral undertaking. On the other hand, the scheme was found to be not viable when assessed on a short-term build-out. The pre-implementation review would provide an opportunity to reassess the ability of the scheme to shoulder a higher affordable housing contribution, taking account of economic changes beyond the short period assessed in February 2015. Given that national, regional and local policies seek to achieve a mix of housing types, and maximise the provision of affordable homes, capturing the potential uplifts in revenue is not an unreasonable approach and would be related to the particular scheme for which permission is sought. To that extent, I find the pre-implementation review compatible with CIL Regulation 122, and I have taken it into account in reaching my decision.
30. A similar review for the 66 unit scheme has never been a part of the Council's case, as the amount offered is sufficient in viability terms, and there is no policy reason for a review.
31. With the terms of the respective planning obligations in place, I am satisfied that the amount of contributions made towards affordable housing would comply with the development plan policy requirements referred to earlier.

Other Matters

32. The planning officer's committee reports comprehensively and convincingly (in my view) address the many issues arising as a consequence of proposals of the complexity and scale proposed, in this location and related to a landmark listed building. The headline points are as follows:

- The loss of commercial floorspace is justified in the light of the finding that the site is not viable for re-occupation for employment purposes. (DM DPD Policy 4a)
- Increasing housing stock is an important strategic objective (LP Policy 3.3 and DS DPD Policy 1.1)
- The provision of single aspect, north-facing units (three in the case of the Appeal A and seven in appeal B), contrary to DM DPD Policy 7B, would be overcome to some extent by provision of a green roof and screen at roof level. South facing single aspect units is unavoidable, given the deep footprint of the building. The large windows and orientation would compensate for the single aspect nature of the new units of accommodation.
- With measures in place to ensure that satisfactory noise environments within the residential units are achieved, the proposals would comply with the requirements of DM DPD Policy 7B.
- The projects would meet the LP minimum space standards for new developments and attain good quality residential environments (LP Policy 3.5 and DM DPD Policy 3.5)

Conditions

33. The conditions attached to the decisions are based on the lists laid out in the SoCG, and in the additional note submitted at the inquiry. Where necessary, they have been re-worded in the interest of precision, to add clarity or to comply with advice in the Planning Practice Guidance. The reasons for imposing the conditions are recorded below. The numbering in the commentary corresponds with the numbering used in the attached conditions schedule.

Appeals A and B

34. The three year commencement date complies with S91 of the Town and Country Planning Act 1990 (Condition 1). For the avoidance of doubt and in the interest of proper planning, a condition is included to identify the approved plans (Condition 2).
35. Because of the listed status of the appeals building, I find it necessary to include a condition requiring key details to be submitted and approved (Condition 3). Provision of appropriate refuse and recycling arrangements is necessary, in the interest of visual amenities as well as residents' living conditions. A condition is imposed accordingly (Condition 4).
36. The appellant's planning consultant questions the basis of imposing conditions relating to carbon dioxide reductions and achieving 'Excellent' BREEAM ratings for domestic refurbishment. I agree that a condition looking to secure Building Regulation standard of carbon dioxide emissions unnecessarily replicates the control provided by the Building Regulations regime. However, the London Plan

Policy 5.2 expects developments to exceed the carbon dioxide emission reductions required by the Building Regulations. The policy requirement remains valid, in the light of the Housing Standard Policy Transition Statement published by the Mayor, and in spite of the Written Ministerial Statement of March 2015 (WMS). Condition 5 is therefore imposed but without the post-implementation compliance clause; the wording as drafted in the SoCG provides no enforcing mechanism. Instead, I have added text precluding occupation of the dwellings in the event of non-compliance.

37. The WMS focussed on new housing standards; it does not relate to existing buildings. The DM DPD Policy 5.2 requiring major residential developments consisting of refurbishment of existing buildings to achieve BREEAM Domestic Refurbishment Scheme rating of Excellent (or equivalent) therefore continues to apply. Condition 6 is imposed to ensure that is achieved before the dwellings are occupied. Imposing this condition is also reasonable, as the Design and Access Statement records that sustainability has been at the core of the design; the Energy and Sustainability Statement similarly states that the developer is committed to "*enhancing the sustainability of the development beyond the scope of energy and carbon saving requirements.*"
38. Conditions 5 and 6 do not include the monitoring elements suggested by the Council. Although text supporting DM DPD Policy 5.2 expects developers to provide post-construction monitoring, it is not a policy requirement. The wording of a condition along the lines suggested by the Council provides no enforcing mechanism and does not specify to what end the monitoring is intended.
39. Conditions 7-12 are necessary to achieve acceptable internal noise levels. Proximity of the A40 trunk road and the Tesco superstore adjoining the premises justifies imposing Condition 7. Conditions 8-11 would address noise levels from the mechanical ventilation systems to be installed to avoid openable windows. Condition 12 would protect future residents from noise emanating from the adjacent commercial premises. The noise level criteria I have imposed are based on the recommendations contained in the Noise Impact Assessment. They are derived from BS8233:2014 and BS 4142:1997 and are preferred to the levels set out in the Council's dated SPG10, which refers to the superseded PPG24.
40. Provision of 91 bicycles spaces would accord with LP Policy 6.9 and a condition is imposed accordingly (Condition 13). Condition 14 is necessary to ensure the adequacy of car parking provision (including spaces for disabled drivers) and to accord with LP Policy 6.13. Relying on arrangements between the landowner and future occupants may not guarantee the restrictions necessary to ensure that the parking spaces are used by future occupants only. The condition allows for an agreed arrangement to be implemented. Provision of a Travel Plan would comply with LP Policies 6.1 and DS CPD Policy 1.1f and the NPPF. The wording of the condition imposed (Condition 15) was agreed at the inquiry. Finally, Condition 16 is imposed in the interest of the safety of pedestrians, who might otherwise be exposed to conflict with passing or turning delivery vehicles.

Appeal C

41. The commencement and plans conditions are imposed for the same reasons that they are imposed in the planning permission granted for Appeal B (Conditions 1 and 2). The historic interest of the building justifies including a

condition requiring submission of key details of the proposed works, in the interest of preserving the building's special features (Condition 3).

42. The main features of interest would remain in-situ as part of the conversion works, and are unlikely to be moved from their current position. However, in the interest of preserving and/or recording original items that may be revealed during the works taking place, it is necessary to impose a condition that allows for such features to be stored or recorded for posterity (Condition 4). A condition requiring a masonry cleaning method statement to be submitted is also required to ensure that the specialist work is carried out without damage to fabric (Condition 5). A making good condition is also imposed to secure repair of the building to an acceptable state (Condition 6).
43. The security system detail required by a condition suggested by the Council is unnecessary. It is not a listed building matter and in any case unlikely to lead to scale of changes to the fabric or structure of the building to justify the control proposed.

Planning Obligations

44. The planning obligations submitted in the form of unilateral undertakings each include a 'blue pencil' clause invalidating any element of the deed found to be not compliant with the CIL tests, and accorded no weight in the determination of the appeals. Furthermore, should any part of the Local Play Facility contribution and/or Road Safety contribution be found to be incompatible with CIL Regs 122 and/or 123, an equivalent amount is offered towards the affordable housing contributions. The viability appraisals take account of the s106 commitments; the transfer of funds from one facility to another would not alter the overall findings nor change the nature of the proposed schemes. I see no reason therefore to question the appropriateness of the 'blue pencil' clauses.
45. Turning to the provisions offered. Introduction of a car club scheme at the appeal site would support sustainable residential travel, and is encouraged in the London Plan. The car club is also a feature of the Travel Plan and would reduce parking demand on the site. This element of the planning obligations is relevant to the developments proposed, necessary to make the schemes acceptable in parking and transport terms, and proportionate to what is proposed.
46. The Council confirms that the monitoring fee is sought only in respect of monitoring the Travel Plan. The Travel Plan arises directly as a result of the development. Ensuring compliance with the Plan would require the Council to expend associated additional resources and costs. For that reason I agree that the monitoring costs are CIL Reg 122 compliant.
47. The Road Safety contribution sought would fund changes at the junction of Bideford Avenue/Dawlish Avenue. The appellant questions the requirement, on the basis that there would be a reduction in walking trips over the day and further reductions in trips to nearby bus stops and underground station, when compared to office use of the building. The level of vehicular trips passing through the junction in question would also reduce. However, the residential use would result in an increase of pedestrian movements during weekday peak hours. The nature of the use compared to office use would be different and, in my view, there is sufficient justification for the proposed junction modification as a precautionary measure to ensure safe road conditions. The works have

been costed and I see no reason to question the amount estimated. This is a necessary provision and relevant to the developments proposed. As the works are specific to the proposed developments, the pooling contributions test does not apply.

48. Turning to the Local Play Facility contribution of £214,615; the Council seeks funding to improve facilities at the Ealing Central Sport Ground, and for essential path works to Pitshanger Park. The contributions are justified on the basis of a severe local park deficiency in the area, as well as the lack of on-site amenity space. DM DPD Policy 7D expects contributions towards meeting demands for open space arising from developments. As qualifying developments, the proposals are expected to provide contributions towards private space, public open space, and possibly children's play space, as specified in Table 7D.2.
49. There is no evidence from the Council as to the reliance placed on Tables 7D.1 or 7D.2 to calculate the demands arising from the proposed developments. Without quantified evidence or evidence of specific demands, it is not possible to link either of the proposals to the improvements schemes listed by the Council. Besides which, the Council is unable to identify whether any of the items listed and costed for contributions have been subject to funding from other planning obligations since 6 April 2010. In the absence of express evidence demonstrating how the funding would be directed to facilities related to the appeal developments, or is necessary to make the appeal schemes acceptable or whether the items have been funded from other pooled contributions or not, the CIL Regs 122 and 123 compliance of the Local Play Facility contribution is highly questionable. I have accorded the Local Play Facility contributions no weight in the decisions.

Overall Conclusions

50. To conclude, the proposed schemes would facilitate refurbishment, restoration and full beneficial use of an important landmark building of high aesthetic and heritage importance. This amounts to a significant public benefit that in its own right would outweigh the minimal harm arising from the proposed conversions. Added to which, the schemes would add to the Borough's housing stock and contribute towards the supply of affordable homes.
51. From a heritage perspective, either scheme would be acceptable in terms of the NPPF, and the same conclusion applies to Appeal C. In all other respects, the developments would comply with policies in the NPPF as a whole and with the provisions of the development plan. The proposals would amount to sustainable development and should be allowed.
52. No other matters raised, either individually or in combination, alter my conclusions or decisions to allow the appeals.

Ava Wood
Inspector

APPEARANCES

FOR THE APPELLANT:

Mr G Keen of counsel	Instructed by KR Planning
He called	
Mr A J Haynes MRICS	Partner, Bidwells
BSc (Joint hon)	
Mr K Rafferty BA (URP)	Principal, KR Planning
MPIA MRTPI	

FOR THE LOCAL PLANNING AUTHORITY:

Mrs J Adams	Legal Services, London Borough of Ealing
She called:	
Mr E Ekeledo MRTPI	Principal Planner, London Borough of Ealing

INTERESTED PERSON:

Mr B Train MRTPI	Planning Manager, Tesco
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DOCUMENTS ACCEPTED AFTER INQUIRY OPENING

- 1 Statement of Common Ground
- 2 Opening Statement on behalf of the appellant
- 3 Lists of Drawings and Documents
- 4 Drawing no: 1010-P1-300 (proposed elevations)
- 5 Drawing no: 1010-P-111-B (proposed first floor)
- 6 Replacement Noise Conditions
- 7 Ealing Development Strategy 2026 DPD
- 8 Ealing Development Management DPD
- 9 Extracts from London Plan
- 10 Mayor of London's Housing Standards Policy Transition Statement
- 11 London Plan Affordable Housing SPG
- 12 Note from Acoustic Consultant
- 13 a & b S106 Planning Obligations

Schedule of Decisions

Appeal A

The appeal is allowed and planning permission is granted for change of use from office (B1) to residential use (C3) to provide a total of 52 new residential units, on-site parking within the adjacent basement, construction of bin store and associated internal and external alterations at The Old Hoover Building, Western Avenue, Perivale, Ealing UB6 8DW in accordance with the terms of the application, Ref: PP/2015/0205, dated 23 December 2014, subject to the following conditions:

Timing and Approval of Details

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No	Title
1010 - P – 100A	Site Location Plan
14-085 - 110	Topographical Survey (Existing Site Plan)
14-085 - 100D	Existing Ground Floor
14-085 - 101C	Existing First Floor
14-085 - 102C	Existing Second Floor
14-085 - 103B	Existing Roof Plan
14-085 - 104C	Existing Sections
14-085 - 105C	Existing Elevations 1
14-085 - 106	Existing Elevations 2
1010 - P – 050A	Demolition Ground Floor
1010 - P – 051A	Demolition First Floor
1010 - P – 052A	Demolition Second and Third Floor
1010 – P-109C	Proposed Basement Plan
1010 - P– 100A	Proposed Site Plan
1010 - P – 110A	Proposed Ground Floor
1010 - P – 111A	Proposed First Floor
1010 - P – 112A	Proposed Second and Third Floor (needs amending to include communal space as per 112C)
1010 - P – 113A	Proposed Roof Plan

1010 - P - 300	Proposed Elevations
1010 - P – 301A	Proposed South Elevation and Section 11
1010 - P - 302A	Proposed North Elevation
1010 - P - 303	Proposed West and East Elevations and Section AA
1010 - P1 - 303	Proposed West and East Elevations and Section AA
1010- P1-401	Proposed Bin Store
169/L/000 Rev. B	Site Location Plan
169/A/001 B	Typical Parapet Gutter
169/L/002	Basement Location Plan
169/A/005 Rev. B	Typical Plant Screen
169/L/500	Typical SW Bay
169/L/501 Rev. A	Typical NE Bay

3) Before the development hereby permitted is commenced, details of the following, and samples where appropriate, shall be submitted to and approved in writing by the local planning authority:

- i. External materials of construction
- ii. New roof and rooflights (minimum scale 1:20)
- iii. External and internal doors (minimum scale 1:20)
- iv. Replacement windows (minimum scale 1:20)
- v. Secondary glazing
- vi. Internal blinds
- vii. Balustrading
- viii. External paint finishes

The development shall be completed in accordance with the approved details and samples, and thereafter permanently retained in the form approved.

4) Refuse and recycling storage areas indicated on drawing reference 1010-P1-401 shall be provided and brought into use prior to the first occupation of the development permitted and retained permanently thereafter.

Sustainable Development

- 5) Prior to the commencement of the development hereby permitted, a report, which includes full details and drawings of the energy and sustainability measures that are to be incorporated into the development, shall be submitted to, and approved in writing by the local planning authority. The submitted details shall demonstrate that the development hereby approved will achieve an overall minimum reduction in regulated carbon dioxide emissions by 35% beyond Building Regulations Part L 2013 (Approved Document L2B: Conservation of fuel and power in existing buildings other than dwellings, 2010 edition (incorporating 2010, 2011 and 2013 amendments). This reduction should be calculated based on carbon dioxide emissions covered by the Building Regulations whilst carbon dioxide emissions associated with other energy uses not covered by Building Regulations (un-regulated) should be also included and measures to reduce them should be demonstrated.

The development shall be completed in accordance with approved details and drawings. No dwelling shall be occupied until Energy Performance Certificates [EPCs] and modelling output reports from the "as built stage" have been submitted to the local planning authority to confirm compliance in terms of savings achieved through energy efficiency measures.

- 6) The development hereby permitted shall be constructed to achieve a minimum Building Research Establishment BREEAM domestic refurbishment rating of Excellent (based on latest Technical Guidance). No dwelling shall be occupied until a certificate verified by the BRE has been submitted to the local planning authority for written approval confirming the BREEAM standard and measures have been achieved.

Noise and Sound Insulation

- 7) The development hereby permitted shall be completed in accordance with a scheme for protecting sensitive rooms from external noise which has been previously approved in writing the local planning authority. The scheme is to meet the following noise criteria:
- Within bedrooms between 2300 hrs and 0700 hrs, not greater than 30 dB LAeq, 8hr.
 - Within bedrooms between 2300 hrs and 0700 hrs, not greater than 45 dB LAmax, (fast) for regular individual noise events.
 - Within living rooms and dining rooms between 0700 hrs and 2300 hrs, not greater than 35 dB LAeq, 16hr.
 - Within kitchens, bathrooms and utility rooms between 0700 hrs and 2300 hrs, not greater than 45 dB LAeq, 16hr.
- 8) Details of the MEV and MVHR to be installed are to be submitted to and approved in writing by the local planning authority to demonstrate compliance with BS EN 13141-7, Ventilation for Buildings. The system shall be installed as approved before any dwelling is first occupied.
- 9) Noise within habitable rooms of dwellings from the operation of MEV & MVHR systems to be installed is not to exceed NR 29 in living rooms and NR 24 in bedrooms. Commissioning tests are to be carried out before

dwellings and other sensitive spaces are first occupied to demonstrate that the above mentioned noise criteria is complied with.

- 10) The MEV and MVHR systems are to be maintained in accordance with an ongoing maintenance programme (including the replacement of filters at approved intervals) submitted to and approved in writing by the local planning authority.
- 11) The rating noise level emitted from the proposed external plant and machinery at the development hereby approved, as assessed under BS4142:2014, shall be lower than the existing background noise level by at least 5dBA, as measured at the nearest noise sensitive facades, during periods of operation. The plant and machinery shall be installed as approved before any residential unit is first occupied, and shall be retained permanently thereafter.
- 12) The floor, ceiling and walls separating the adjacent commercial use and the dwellings hereby permitted should be insulated against airborne noise, such that noise from the commercial use shall not exceed NR20 $L_{eq, 5min}$ (octaves) inside bedrooms and NR 25 $L_{eq, 5 min}$ inside living rooms. The insulation shall be implemented before any residential unit hereby permitted is occupied, and shall be permanently retained thereafter.

Parking, Travel and Highways

- 13) Before any residential unit forming part of the development hereby permitted is occupied, 91 bicycle parking spaces shall be provided in accordance with drawing reference 1010-0-109-C and U730-006 Rev. A (attached in the Travel Plan by Ardent Consulting Engineers dated September 2015 Ref: U730-07A) and shall be retained permanently thereafter for the parking of bicycles only.
- 14) The 31 car parking spaces (including 6 Blue Badge spaces) and Electric Vehicle Charging Points (EVCPs) are to be provided in accordance with plan reference U730-006 Rev. A (attached in the Travel Plan by Ardent Consulting Engineers dated September 2015 Ref: U730-07A). Prior to first occupation of any residential unit hereby permitted, the car parking spaces shall be provided, in conjunction with arrangements previously submitted to and approved in writing by the local planning authority for restricting the car parking spaces for use by future residents of the permitted development only. The car parking spaces provided shall thereafter not be obstructed and retained for that purpose only.
- 15) The development hereby approved shall not be occupied until a Travel Plan based on the Framework Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall include the objectives, targets, mechanisms and measures to achieve the targets, implementation timescales, provision for monitoring, and arrangements for a Travel Plan co-ordinator. The measures contained within the approved plan and any approved modifications shall be carried out in full.
- 16) The development hereby permitted shall be implemented in accordance with a scheme of works submitted to and approved in writing by the local planning authority for the construction of a new footway to the north of the application site (across the service yard of Tesco and to Tesco car

park) within the areas identified and outlined on drawing No. U730-006 Rev. A (attached in the Travel Plan by Ardent Consulting Engineers dated September 2015 Ref: U730-07A). These works shall include surfacing and construction of the pedestrian footpath/kerb, lighting, signage to indicate pedestrian access and vehicular access.

The residential units forming part of the development permitted shall not be occupied until the footway has been completed in accordance with the approved scheme. The footway shall thereafter be permanently retained.

Appeal B

The appeal is allowed and planning permission is granted for change of use from office (land use class B1) to residential use (land use Class C3) and external alterations to accommodate 66 residential units (18 studios, 23 one-bedroom and 25 two-bedroom) with associated car parking and refuse storage at The Old Hoover Building, Western Avenue, Perivale, Ealing UB6 8DW in accordance with the terms of the application, Ref: PP/2015/3130, dated 21 August 2015, subject to the following conditions:

Timing and Approval of Details

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No	Title
1010 - P – 100A	Site Location Plan
14-085 - 110	Topographical Survey (Existing Site Plan)
14-085 - 100D	Existing Ground Floor
14-085 - 101C	Existing First Floor
14-085 - 102C	Existing Second Floor
14-085 - 103B	Existing Roof Plan
14-085 - 104C	Existing Sections
14-085 - 105C	Existing Elevations 1
14-085 - 106	Existing Elevations 2
1010 - P – 050A	Demolition Ground Floor
1010 - P – 051A	Demolition First Floor
1010 - P – 052A	Demolition Second and Third Floor
1010 – P- 109C	Proposed Basement

1010- P - 110B	Proposed Ground Floor
1010 – P – 111B	Proposed First Floor
1010 – P - 112C	Proposed Second and Third Floor
1010 – P – 113A	Proposed Roof Plan
1010 - P - 300	Proposed Elevations
1010 - P – 301A	Proposed South Elevation and Section 11
1010 - P - 302A	Proposed North Elevation
1010 - P - 303A	Proposed West and East Elevations and Section AA
J2237-C-100Rev.P2	General Arrangement Proposed Drainage
J2237-C-101Rev.P2	Proposed Drainage Plan Sheet 1
J2237-C-100Rev.P2	Proposed Drainage Plan Sheet 2
J2237-C-100Rev.P2	Proposed Drainage Plan Sheet 3
J2237-SK-001Rev.P2	Rear Roof walkway detail

- 3) Before the development hereby permitted is commenced, details of the following, and samples where appropriate, shall be submitted to and approved in writing by the local planning authority:
- i) External materials of construction
 - ii) New roof and rooflights (minimum scale 1:20)
 - iii) External and internal doors (minimum scale 1:20)
 - iv) Replacement windows (minimum scale 1:20)
 - v) Secondary glazing
 - vi) Internal blinds
 - vii) Balustrading
 - viii) External paint finishes

The development shall be completed in accordance with the approved details and samples, and thereafter permanently retained in the form approved.

- 4) Refuse and recycling storage areas indicated on drawing reference 1010-P1-401 shall be provided and brought into use prior to the first occupation of the development permitted and retained permanently thereafter.

Sustainable Development

- 5) Prior to the commencement of the development hereby permitted, a report, which includes full details and drawings of the energy and sustainability measures that are to be incorporated into the development, shall be submitted to, and approved in writing by the local planning authority. The submitted details shall demonstrate that the development hereby approved will achieve an overall minimum reduction in regulated carbon dioxide emissions by 35% beyond Building Regulations Part L 2013 (Approved Document L2B: Conservation of fuel and power in existing buildings other than dwellings, 2010 edition (incorporating 2010, 2011 and 2013 amendments). This reduction should be calculated based on carbon dioxide emissions covered by the Building Regulations whilst carbon dioxide emissions associated with other energy uses not covered by Building Regulations (un-regulated) should be also included and measures to reduce them should be demonstrated.

The development shall be completed in accordance with approved details and drawings. No dwelling shall be occupied until Energy Performance Certificates [EPCs] and modelling output reports from the "as built stage" have been submitted to the local planning authority to confirm compliance in terms of savings achieved through energy efficiency measures.

- 6) The development hereby permitted shall be constructed to achieve a minimum Building Research Establishment BREEAM domestic refurbishment rating of Excellent (based on latest Technical Guidance). No dwelling shall be occupied until a certificate verified by the BRE has been submitted to the local planning authority for written approval confirming the BREEAM standard and measures have been achieved.

Noise and Sound Insulation

- 7) The development hereby permitted shall be completed in accordance with a scheme for protecting sensitive rooms from external noise which has been previously approved in writing the local planning authority. The scheme is to meet the following noise criteria:
 - Within bedrooms between 2300 hrs and 0700 hrs, not greater than 30 dB LAeq, 8hr.
 - Within bedrooms between 2300 hrs and 0700 hrs, not greater than 45 dB LAm_{ax}, (fast) for regular individual noise events.
 - Within living rooms and dining rooms between 0700 hrs and 2300 hrs, not greater than 35 dB LAeq, 16hr.
 - Within kitchens, bathrooms and utility rooms between 0700 hrs and 2300 hrs, not greater than 45 dB LAeq, 16hr.

- 8) Details of the MEV and MVHR to be installed are to be submitted to and approved in writing by the local planning authority to demonstrate compliance with BS EN 13141-7, Ventilation for Buildings. The system shall be installed as approved before any residential unit is first occupied.
- 9) Noise within habitable rooms of dwellings from the operation of MEV & MVHR systems to be installed is not to exceed NR 29 in living rooms and NR 24 in bedrooms. Commissioning tests are to be carried out before dwellings and other sensitive spaces are first occupied to demonstrate that the above mentioned noise criteria is complied with.
- 10) The MEV and MVHR systems are to be maintained in accordance with an ongoing maintenance programme (including the replacement of filters at approved intervals) submitted to and approved in writing by the local planning authority.
- 11) The rating noise level emitted from the proposed external plant and machinery at the development hereby approved, as assessed under BS4142:2014, shall be lower than the existing background noise level by at least 5dBA, as measured at the nearest noise sensitive facades, during periods of operation. The plant and machinery shall be installed as approved before any residential unit is first occupied, and shall be retained permanently thereafter.
- 12) The floor, ceiling and walls separating the adjacent commercial use and the residential units hereby permitted should be insulated against airborne noise, such that noise from the commercial use shall not exceed NR20 $L_{eq, 5min}$ (octaves) inside bedrooms and NR 25 $L_{eq, 5 min}$ inside living rooms. The insulation shall be implemented before the any residential unit hereby permitted is occupied and shall be permanently retained thereafter.

Parking, Travel and Highways

- 13) Before any residential unit forming part of the development hereby permitted is occupied, 91 bicycle parking spaces shall be provided in accordance with drawing reference 1010-0-109-C and U730-006 Rev. A (attached in the Travel Plan by Ardent Consulting Engineers dated September 2015 Ref: U730-07A) and shall be retained permanently thereafter for the parking of bicycles only.
- 14) The 31 car parking spaces (including 6 Blue Badge spaces) and Electric Vehicle Charging Points (EVCPs) are to be provided in accordance with plan reference U730-006 Rev. A (attached in the Travel Plan by Ardent Consulting Engineers dated September 2015 Ref: U730-07A). Prior to first occupation of any of residential unit hereby permitted, the car parking spaces shall be provided, in conjunction with arrangements approved in writing by the local planning authority for restricting the car parking spaces for use by future residents of the permitted development only. The car parking spaces provided shall thereafter not be obstructed and shall be retained for that purpose only.
- 15) The development hereby approved shall not be occupied until a Travel Plan based on the Framework Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall include the objectives, targets, mechanisms and measures to achieve the

targets, implementation timescales, provision for monitoring, and arrangements for a Travel Plan co-ordinator. The measures contained within the approved plan and any approved modifications shall be carried out in full.

- 16) The development hereby permitted shall be implemented in accordance with a scheme of works submitted to and approved in writing by the local planning authority for the construction of a new footway to the north of the application site (across the service yard of Tesco and to Tesco car park) within the areas identified and outlined on drawing No. U730-006 Rev. A (attached in the Travel Plan by Ardent Consulting Engineers dated September 2015 Ref: U730-07A). These works shall include surfacing and construction of the pedestrian footpath/kerb, lighting, signage to indicate pedestrian access and vehicular access.

The residential units forming part of the development permitted shall not be occupied until the footway has been completed in accordance with the approved scheme. The footway shall thereafter be permanently retained.

Appeal C

The appeal is allowed and listed building consent is granted for internal alterations including installation of intermediate floors at ground floor level and within the replacement roof, the removal of existing internal partitions and the provision of new internal partitions; external alterations including a replacement roof, the removal of roof plant, alterations to existing window openings at second floor level on the front elevation to provide doors to a new second floor level roof terrace, the provision of windows on the rear elevation, external refurbishment of the building including concrete repairs, repainting and replacement of missing tiles, the removal of side steps to the west of the building; and the conversion of the building from office (Land Use Class B1) to residential (Land Use Class C3) to accommodate 66 self-contained residential units (18 studios, 23 one-bedroom, 25 two-bedroom flats) with associated car parking and refuse storage, in accordance with the terms of the application Ref: PP/2015/3132, dated 21 August 2015, subject to the following conditions:

- 1) The works hereby permitted shall begin not later than three years from the date of this decision.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No	Title
1010 - P – 100A	Site Location Plan
14-085 - 110	Topographical Survey (Existing Site Plan)
14-085 - 100D	Existing Ground Floor
14-085 - 101C	Existing First Floor
14-085 - 102C	Existing Second Floor

14-085 - 103B	Existing Roof Plan
14-085 - 104C	Existing Sections
14-085 - 105C	Existing Elevations 1
14-085 - 106	Existing Elevations 2
1010 - P – 050A	Demolition Ground Floor
1010 - P – 051A	Demolition First Floor
1010 - P – 052A	Demolition Second and Third Floor
1010 – P- 109C	Proposed Basement
1010- P - 110B	Proposed Ground Floor
1010 – P – 111B	Proposed First Floor
1010 – P - 112C	Proposed Second and Third Floor
1010 – P – 113A	Proposed Roof Plan
1010 - P - 300	Proposed Elevations
1010 - P – 301A	Proposed South Elevation and Section 11
1010 - P - 302A	Proposed North Elevation
1010 - P - 303A	Proposed West and East Elevations and Section AA
J2237-C-100Rev.P2	General Arrangement Proposed Drainage
J2237-C-101Rev.P2	Proposed Drainage Plan Sheet 1
J2237-C-100Rev.P2	Proposed Drainage Plan Sheet 2
J2237-C-100Rev.P2	Proposed Drainage Plan Sheet 3
J2237-SK-001Rev.P2	Rear Roof walkway detail

3) Before the works hereby permitted are commenced, details of the following, and samples where appropriate, shall be submitted to and approved in writing by the local planning authority:

- i) External materials of construction
- ii) New roof and rooflights (minimum scale 1:20)
- iii) External and internal doors (minimum scale 1:20)
- iv) Replacement windows (minimum scale 1:20)
- v) Secondary glazing
- vi) Internal blinds
- vii) Balustrading
- viii) External paint finishes
- ix) Removal and installation of circular basins

The works shall be completed in accordance with the approved details and samples, and thereafter retained in the form approved.

- 4) Notwithstanding the plans listed in Condition 2, a gazetteer of any additional historic materials, finishes, fittings and fixtures is to be prepared as and when such items are removed and/or altered as part of the works permitted, including method statements for their removal and/or alterations and safe retention.
- 5) Before the works hereby permitted are commenced, details of any proposed cleaning of masonry shall be submitted to and approved in writing by the local planning authority. The masonry cleaning works thereafter shall be carried out in accordance with the approved details
- 6) Any damage to the building caused by or during the course of the carrying out of the works permitted shall be made good within 6 months of the completion of the works in accordance with a specification agreed in writing by the local planning authority.