

London Borough of Hounslow

Proof of Evidence on behalf of Local Planning Authority

Shane Baker BTP MRTPI

Appellant: Starbones Ltd

Proposed Planning application

development:

“Redevelopment of site to provide a mixed-use building of one part ground plus 31 storeys and one part ground plus 24 storeys, comprising 327 residential units (Use Class C3), office (Use Class B1) and retail/restaurant uses (Use Class A1-A3), basement car and bicycle parking, resident amenities and hard and soft landscaping with all necessary ancillary and enabling works”

Advertisement consent application

“Erection of three internally illuminated fascia signs to proposed building”

Site: Land at Chiswick Roundabout, Great West Road, Chiswick, London W4

Planning APP/F5540/W/17/3180962 & APP/F5540/Z/17/3173208

Inspectorate

references:

LPA references: 00505/EY/P18 & 00505/EY/AD22

Public Inquiry: 12 June 2018

Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules (as amended)

INDEX

1.0	Introduction	3
2.0	Scope of Evidence	4
3.0	Appeal Site and Surroundings	6
4.0	Appeal Proposals	14
5.0	Planning Framework	20
6.0	Main Planning Issues	45
7.0	Planning Benefits and Other Material Considerations	70
8.0	Planning Balance	78
9.0	Conclusion	84
10.0	Declaration	85
11.0	Appendices	86

1.0 INTRODUCTION

- 1.1 I am Shane Geoffrey Baker, the manager of Strategic Projects and CIL in the Development Management section of the London Borough of Hounslow. I have a Bachelor of Town Planning degree from the University of New South Wales, Australia. I have been employed as a town planner in development management and policy roles for local authorities in England and Australia, with eighteen years' post qualification experience. I am a full member of the Royal Town Planning Institute and I am bound by a Code of Professional Conduct that requires I act with competence, honesty and integrity, and exercise independent professional judgment at all times.

- 1.2 I have worked for the London Borough of Hounslow from March - November 2002, March -December 2003, and October 2005 to the present. I am familiar with the appeal scheme and the characteristics of the site and its surrounds. I was previously the East Area Planning Manager (from 2009 to 2015), responsible for managing and determining planning applications in the Chiswick and Brentford areas. I have been involved in the assessment of many other major development proposals in the vicinity of the application site, including for tall buildings, and I provided development management input to the Hounslow Local Plan 2015.

- 1.3 I confirm that the opinions expressed in my evidence are my true and professional opinions.

2.0 SCOPE OF EVIDENCE

- 2.1 My evidence addresses the relevant planning policy framework and planning matters that apply to both appeals.
- 2.2 I have considered whether the appeal proposals are consistent with the Development Plan and consider other material considerations relying on the expertise, evidence and conclusions of the local planning authority's other witness on heritage and design, before discussing the benefits of the proposal and then considering, the appropriate planning balance, weighing up harmful effects of the development against the public benefits of the proposals, giving due account to the Council's statutory responsibilities in respect of heritage.
- 2.3 In Section 3.0 I briefly describe the characteristics and planning history of the appeal site and its surrounds, and in Section 4.0 I summarise the appeal proposals. Fuller details of the site, the planning history and the development proposals are provided in the Statement of Common Ground ("SOCG")[**CDI.01**].
- 2.4 In Section 5.0 I summarise the the key planning policies and guidance applicable from the relevant planning framework before considering the proposals against the Development Plan and other material considerations. In Section 6.0, where I consider:
- i. The design of the proposed building and advertisements their effects on the character and appearance of the area and its skyline, and Metropolitan Open Land, with regard to the architectural quality of its design considering its height, scale and massing, and appearance.
 - ii. The effects of the proposed building and advertisements on the setting and significance of a range of designated heritage assets including the Royal Botanic Gardens Kew World Heritage Site, a Grade II* listed registered park, listed buildings of all grades, locally listed buildings and conservation areas.

- iii. The adequacy of the on-site communal amenity space provided for residents and the accessibility of the development to public open space.
 - iv. And the necessary planning obligations should the appeals be allowed.
- 2.5 My evidence relies on the assessment and conclusions of the Council's Heritage and Design witness, Mr Philip Grover [**LBH/2/A**], and I also note the evidence of Mr Michael Spence [**LBH/1/A**] regarding the methodology the appellant utilised in creating verified images of the proposals.
- 2.6 I then consider the planning benefits and other material considerations relating to the proposal in section 7.0, before discussing the overall planning and heritage balance in section 8.0.
- 2.7 I provide my conclusions in section 9.0 where I confirm that the both appeals should be dismissed as the proposals are contrary to the Development Plan, and this is not outweighed by other material considerations.

3.0 APPEAL SITE AND SURROUNDS

Site Description

- 3.1 The site has an area of 0.28ha. Chiswick Roundabout is to the south, Gunnersbury Avenue (North Circular Road) is to the east, Larch Drive is to the north and Great West Road (A4) and the elevated M4 motorway are to the west.
- 3.2 The site is within an Archaeological Priority Area but has no other policy designations. It is located alongside the Great West Road (A4)/ M4 motorway within an area described as the Great West Corridor, which the Hounslow Local Plan identifies as having capacity for change and growth in homes and jobs with new infrastructure over the plan period.
- 3.3 This same area is identified in the London Plan as a Strategic Outer London Development Centre (“SOLDC”) and in Hounslow's Local Plan as a potential Opportunity Area. Fuller details of the site are given in the SOCG [CDI.1].

Surrounding Environment

- 3.4 The immediate built environment around the site includes a mix of largely commercial development. The elevated M4 is a prominent structure. Although the site itself is not sensitive, open space and residential areas to the northeast, south and east contain many areas of high townscape value including conservation areas and listed buildings. The Royal Botanic Gardens World Heritage Site (“WHS”) at Kew is on the opposite side of the Thames. Gunnersbury Park, Wellesley Road and Kew Bridge Road Conservation Areas are to the north, southeast and south of the site respectively. Strand on the Green Conservation Area, which has many listed buildings and fronts the Thames, is to the south. The boundary of this conservation area extends to the middle of the Thames (borough boundary). As such, these heritage assets are sensitive to change.

Key Planning History of Appeal Site

- 3.5 The appeal site has an extensive planning history including applications for planning permission and advertisement consent. Fuller details of the planning history is given in the SOCG [**CDI.1**], however the key decisions are described below.

Planning Decisions

- 3.6 There have been a number of applications for tall buildings with the most pertinent as follows (with further details provided in the SOCG):

- 3.7 **00505/EY/P1** – The ‘Pinnacle’, a 26-storey office building

Decision – Withdrawn 9 September 2000

- 3.8 The proposal was an office building (main structure 101m tall (AOD), up to 119m for glazed fin), with a restaurant and public viewing gallery. This application was recommended for refusal by officers, but approved at the Council’s Sustainable Development Committee in January 2000 subject to a legal agreement. Subsequently the application was ‘called-in’ by the Secretary of State and then withdrawn.

- 3.9 **00505/EY/P2** – The ‘Citadel’, a 13-storey building comprising office building with basement car parking

Decision: Refused 05 April 2001

- 3.10 The proposed cylinder shaped office building was 53.2m tall. It was refused for the unsatisfactory quality of its architecture.

- 3.11 **00505/EY/P3** – ‘Citadel 2’, a 13-storey office building (Outline application)

Decision: Approved 9 January 2002

- 3.12 Landscaping was the only reserved matter. The maximum height was 55m. The high sensitivity of nearby areas to change from tall buildings was acknowledged, but it was considered that this building was of a landmark architectural quality.

- 3.13 **00505/EY/P5** – ‘Citadel 3’, a variation on the Citadel 2 scheme

Decision: Approved 9 September 2002

- 3.14 Reserved matters approval for landscaping was granted in 2006. This development was lawfully commenced. The approved building has a maximum height (above ground level) of 55.0m (top of parapet).

- 3.15 **00505/EY/P6** – A temporary advertisement tower (3 years) with two display panels

Decision: Refused 4 March 2003

Appeal allowed – The inspector concluded the scheme was acceptable noting removal of an unsightly tower and the temporary nature of the proposal (until the site was redeveloped).

- 3.16 **00505/EY/P7** – A 15-storey building comprising ground floor retail and 264 dwellings.

Decision: Refused 20 July 2004

- 3.17 This scheme utilised the same design as the approved Citadel building. Amongst the reasons for refusal were the lack of affordable housing, and the inadequate standard of accommodation for future residents due to insufficient communal amenity space.

- 3.18 **00505/EY/P8** – A 5-storey office building with 9 panels projecting from the side and roof to a maximum height of 44m above ground level.

Decision: Refused 16 September 2005

- 3.19 **00505/EY/P9** – A 5-storey office building comprising office / showroom at ground level and 9 illuminated panels projecting from the sides and roof of the proposed building to 44.85m above ground level.

Decision: Refused 23 May 2006

Appeal dismissed with the inspector concluding the proposed building and advertisements would have an adverse effect on the character and appearance and amenity of the surrounding area.

- 3.20 **00505/EY/P13** – The ‘Octopus’, an office building with 9 illuminated advertisement panels projecting from the sides and roof of the proposed building (52m tall, 63.43m AOD).

Decision: Refused 23 April 2010

- 3.21 This proposal had a very distinctive building form and was the equivalent of around 14-storeys. It was partly clad in a LED mesh that could be illuminated. It was refused for its harmful effects on the character of the area and significance of surrounding heritage assets.

- 3.22 **00505/EY/P14** – The ‘Octopus 2’, a revised version of the earlier scheme P13, this building had 4 media screens and was clad in a LED mesh.

Decision: Approved 24 September 2012

- 3.23 Officers had recommended refusal of the proposal due to its harmful effects on the townscape and heritage assets, however this recommendation was overturned by the Council’s Sustainable Development Committee (now Planning Committee). The building had a maximum height of 49.67m. This permission has expired.

Advertisement consent decisions at the appeal site

- 3.24 **00505/EY/AD1** – Retention of advertisement hoardings (A4 level)

Decision: Granted 10 September 2002 for temporary period (18 months) prior to site being redeveloped.

- 3.25 **00505/EY/AD3** - Installation of 7 internally illuminated LED screens for advertisements (including 4 of 5-storey office building)

Decision: Refused 16 September 2005 with reasons including harm to the amenity of the area.

- 3.26 **00505/EY/AD4** - Installation of seven internally illuminated LED screens for advertisements

Decision: Refused 23 May 2006 due to harm to amenity, including to nearby sensitive heritage assets.

Appeal dismissed 19 September 2006 with the advertisements considered a discordant and dominant feature that would diminish the character and appearance of the surrounds including Gunnersbury Cemetery and Wellesley Road and Thorney Hedge Conservation Areas.

- 3.27 **00505/EY/AD/5** – Retention of 11 advertisements (including 2 high level adverts on a tower)

Decision: Refused 24 May 2007 due to harm to the amenity of the area including surrounding sensitive heritage assets and MOL.

Appeal for high level advertisements dismissed, and low level advertisements allowed for temporary period of 2 years (6 March 2008).

- 3.28 **00505/EY/AD6** – Retention of 2 x advertisement poster display each 7m x 5m including internal lighting (on 20m high pole)

Decision: Refused 4 September 2008 due to harm to the amenity of the area including surrounding sensitive heritage assets and MOL.

Appeal dismissed 11 May 2009

- 3.29 **00505/EY/AD7** – Display of 2 internally illuminated adverts 7m x 5m in a V shaped panel mounted on a 20 metre pole.

Decision: Refused 27 November 2008 due to harm to the amenity of the area including surrounding sensitive heritage assets and MOL.

Appeal dismissed 11 May 2009

3.30 **00505/EY/AD9** – Five LED advert screens to the Octopus building.

Decision: Refused 5 November 2009 due to harmful effects on highway safety. The advertisements were integral to the building, with parts of them forming the outer cladding of the building and the associated planning application (P13) was refused on amenity grounds however this reason was inadvertently omitted from the advertisement application.

Appeal allowed, with the Inspector only considering highway safety.

3.31 **00505/EY/AD13** – Display of a backlit illuminated advertisement panel, 25m above ground showing an Olympic Games logo.

Decision: Refused 20 May 2011 due to due to harm to the amenity of the area including surrounding sensitive heritage assets and MOL.

Appeal allowed 9 December 2011 with one year consent granted.

3.32 **00505/EY/AD15** – Installation of four internally illuminated advertisement screens incorporated within the elevations of the proposed office development. This was a similar proposal to AD9.

Decision: Approved 11 December 2012

3.33 **00505/EY/AD23**– Temporary erection and display (3 years) of a 19m high pole structure with 2 LED advertisement screens measuring 16m wide by 4m high (at a height of 12m above ground level).

Decision: Refused 30 May 2017

Appeal allowed 16 April 2018

Key Planning History of Surrounding Sites

- 3.34 A number of nearby sites have been the subject of applications for tall buildings as follows (key extracts from officer planning reports are included in the appendices):
- 3.35 **Lionel Road Community Stadium, Lionel Road, Brentford (00703/A/P13)** – Approval was granted in 2014 for a new football stadium with enabling housing on surrounding sites (910 units). The proposal was a departure from the then Development Plan due to adverse townscape and heritage effects, however the scheme was brought significant public benefits that outweighed this harm. Subsequently reserved matters approval was granted for some of the housing sites. Building heights ranged from 7 to 16-storeys (38.0m to 61.0m AOD) (**see Appendix 1** for key extracts of the officer planning report).
- 3.36 **Capital Interchange Way, Brentford (01508/1-4/P6)** – Permission was refused in 2017 for a bus depot with 3 residential towers above with 550 units. Concerns included its harmful effect on the wider townscape and significance of heritage assets due to it being an out of scale and incongruous group of buildings. The buildings ranged from 18-20 storeys (72m to 78.7m AOD). Historic England objected with its concerns including there would be ‘substantial harm’ to the Strand on the Green Conservation Area due to harm to its setting (**see Appendix 2** for key extracts of the officer planning report relating to tall buildings).
- 3.37 **Citroen Site, Capital Interchange Way, Brentford (01508/A/P6)** – The Council resolved to refuse permission for a mixed use scheme with 472 units (40% affordable), with commercial uses and a nursery (Class D1). Buildings provided in three stepped blocks above a podium ranged from 12 to 18 storeys (with maximum building heights of 61.4m to 70.7m AOD). Concerns included its harmful effect on the wider townscape and significance of heritage assets due to it being an out of scale and incongruous group of buildings. Historic England

objected with its concerns including there would be 'substantial harm' to the Strand on the Green Conservation Area due to harm to its setting (see **Appendix 3** for key extracts of the officer planning report relating to tall buildings). This application has been called in by the Mayor of London with a decision scheduled for 20 July 2018. Following a decision from the Mayor the application must be referred to the Secretary of State.

4.0 APPEAL PROPOSALS

4.1 This appeal considers the separate applications for planning permission and advertisement consent that were submitted jointly and assessed concurrently. The description of the application proposals is as follows:

(A) Planning application (ref. 00505/EY/P18)

“Redevelopment of site to provide a mixed-use building of one part ground plus 31 storeys and one part ground plus 24 storeys, comprising 327 residential units (Use Class C3), office (Use Class B1) and retail/restaurant uses (Use Class A1-A3), basement car and bicycle parking, resident amenities and hard and soft landscaping with all necessary ancillary and enabling works”

(B) Advertisement consent application (ref. 00505/EY/AD22)

“Erection of three internally illuminated fascia signs to proposed building”

4.2 Planning application 00505/EY/P18 sought full planning permission for a mixed-use building with a gross internal area of 40,386 sqm and a maximum height of 32 storeys (plus two basement levels).

4.3 The building has three curved elements, comprising 32 storey (120.29m AOD) and 25 storey (98.57m AOD) towers separated by a 17-storey link.

4.4 The first six floors of the building would be used for offices (4,682 sqm), retail and/or café space (459 sqm) and amenity space. There would be a public atrium on the ground floor. The floors above would contain 327 dwellings. The basement levels would provide car, motorcycle and cycle parking, space for refuse, plant, switch rooms and substations.

4.5 The proposed dwelling mix is set out in the table below:

	Private Sale	Shared Ownership	Affordable Rent	Total
Studio	28	10	0	38 (12%)
1 Bedroom	117	18	0	135 (41%)
2 Bedroom	86	15	0	101 (31%)
3 Bedroom	44	9	0	53 (16%)
Total	275 (84%)	52 (16%)	0 (0%)	327 (100%)

Table 1: Schedule of accommodation

- 4.6 No affordable rented units were proposed. The appellant offered a £10.5 million contribution towards the delivery of rented units off-site, anticipating this would provide 79 units, but it would not allow for the acquisition of a site. No site for their delivery has been proposed or secured.
- 4.7 The net residential density¹ of the development is 1,374 dwelling units per hectare (“u/ha”) (based on net site area of 2.38 ha (85% of site reflecting residential proportion of overall floor space)). In terms of habitable rooms this equates to 3,457 habitable rooms per hectare (“hr/ha”) (calculated at 3,442 hr/ha by the GLA² in their Stage 1 report [**CDG0.1**] for the original submitted scheme).
- 4.8 Communal amenity spaces for residents would be located on the 5th, 25th and 32nd floors, with this having a total area of 1,385 sqm. Within this space areas for on-site children’s’ play is designed to cater for 0-11 year olds. The amenity space is a mix of external and internal spaces as follows:
- 5th floor – 351 sqm external and 349 sqm internal
- 25th floor – 406 sqm (excluding building maintenance unit)
- 32nd floor – 279 sqm (excluding building maintenance unit)

¹ Calculated in accordance with method from section 1.3.70 of Mayor of London’s Housing SPG

² Greater London Authority

- 4.9 Private amenity space would be provided in the form of internal winter gardens within each of the flats (with these spaces having a total area of 2,056 sqm). There are also three units with private terraces with a total area of 322 sqm, bringing the total private amenity space area to 2,378 sqm.
- 4.10 Works to the adjacent highway to improve footpaths, cycleways and access to the site from Larch Drive are proposed. Pedestrian routes in the vicinity of the site would be improved by a new footway along the southern side of Larch Drive, along the site frontage. The development would include 82 car parking spaces (72 for the flats, 8 for the office use and 2 car club spaces), 17 motorcycle spaces and 548 cycle parking spaces.
- 4.11 Advertisement consent application 00505/EY/AD22 proposed three illuminated advertisement screens as follows:
- I. Screen 1 would be located on the western corner of the building, facing the elevated M4. It would be 21.5m wide and 7.8m tall. It would be positioned 15.6m above ground level.
 - II. Screen 2 would also be located on the western corner of the building, facing the A4. It would be 10m wide and 7.8m tall. It would be positioned 3.9m above ground level.
 - III. Screen 3 would be located on the northern corner of the building, facing the A406 North Circular Road. It would be 10m wide and 7.8m tall. It would be positioned 7.8m above ground level.
- 4.12 On 9 February 2017 the Local Planning Authority refused the applications for planning permission and advertisement consent for the reasons listed respectively below:

(A) Planning application (ref. 00505/EY/P18) [CDB.04]

1. *The development, by virtue of its location, scale and design, would cause harm, including substantial harm to a range of designated heritage assets including Royal Botanic Gardens Kew World Heritage Site, a Grade II* listed registered park, listed buildings of all grades, locally listed buildings and conservation areas through harm to their settings. It has not been demonstrated that the substantial harm would be necessary to achieve substantial public benefits that outweigh that loss or that the public benefits of the proposal would outweigh the harm caused. The development is contrary to policies 7.8 (Heritage assets and archaeology), 7.10 (World Heritage Sites), 7.7 (Location and design of tall and large buildings) and 7.4 (Local character) of the London Plan (consolidated with alterations since 2011), policies CC4 (Heritage), CC3 (Tall buildings) and GB1 (Greenbelt and Metropolitan Open Land) of the Hounslow Local Plan (2015) and the aims and objectives of the aims and objectives of the National Planning Policy Framework (2012).*
2. *The development, by virtue of its location, scale, mass and design would not constitute the very highest, outstanding quality of design required for a tall building in this location. It would cause harm to the character of the wider area around the site and the skyline. It would be contrary to policies 7.4 (Local character), 7.6 (Architecture) and 7.7 (Location of tall buildings and large buildings) of the London Plan (consolidated with alterations since 2011), policies CC1 (Context and Character), CC2 (Urban Design and architecture), CC3 (Tall Buildings) and CC5 (Advertisement Panels, Hoardings and Structures) of the Hounslow Local Plan (2015) and the aims and objectives of the National Planning Policy Framework (2012).*
3. *The development would fail to secure the delivery of an acceptable quantum and tenure mix of affordable housing and would fail to meet the objectives of maximising the delivering of affordable housing and creating mixed and*

balanced communities, contrary to policies 3.8 (Housing choice), 3.9 (Mixed and balanced communities) 3.11 (Affordable housing targets) and 3.12 (Negotiating affordable housing) of the London Plan (consolidated with alterations since 2011), The Mayor's Housing SPG (2016), Policy SC2 (Maximising the provision of affordable housing) of the Hounslow Local Plan (2015) and the aims and objectives of the National Planning Policy Framework (2012).

4. *The lack of sufficient on-site amenity space for the proposed flats and the poor access routes towards nearby public amenity space provision would further diminish the quality of accommodation and would conflict with Policy SC5 of the Hounslow Local Plan and the London Plan Housing SPG and the aims and objectives of the National Planning Policy Framework (2012).*
5. *In the absence of a completed legal agreement, the development would fail to mitigate all of its impacts on existing local infrastructure (including for drivers, cyclists and pedestrians) and the environment and would be in conflict with Policy IMP3 (Implementing and monitoring the local plan) of the Hounslow Local Plan (2015).*

(B) Advertisement consent application (ref. 00505/EY/AD22) [CDB.05]

1. *The proposed advertisements, by virtue of number, size, location, design and illuminance would adversely impact on the character and appearance of the area and would result in harm to the residential and visual amenity of neighbouring properties contrary to the National Planning Policy Framework and National Planning Practice Guidance and policies CC1 (context and character) and CC5 (Advertisement Panels, Hoardings and Structures). They would also cause harm to the quality and character of the building upon which they would be located, and would conflict with and cause harm to the character and amenity of the area, contrary to Policy CC5 (Advertisement Panels, Hoardings and Structures) of the Hounslow Local Plan 2015.*

2. *The advertisement panels, by virtue of size, location and illumination would have a harmful impact on the setting of nearby heritage assets and would detract from the landscape and visual amenity of the Metropolitan Open Land contrary to the National Planning Policy Framework, National Planning Practice Guidance and policies CC1 (Context and Character), CC4 (Heritage), CC5 (Advertisement Panels, Hoardings and Structures) and GB1 (Green Belt and Metropolitan Open Land) of the Hounslow Local Plan 2015.*

5.0 PLANNING FRAMEWORK

Introduction

- 5.1 The combined effect of Section 70(2) of the Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004 is that determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise. There is therefore a statutory presumption in favour of the development plan.
- 5.2 Having regard to the location of the appeal site, where there are numerous designated heritage assets in the wider area that may be affected by a tall building on the site through change to their setting, there is also a relevant statutory duty under section s66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, which requires that decision makers pay “*special regard to the desirability of preserving*” listed buildings or their settings [CDH.01].
- 5.3 In respect of this statutory duty case law from the Court of Appeal³ confirms that “preserving” means “doing no harm”. Further, it has been held⁴ that “decision-makers should give “considerable importance and weight” to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise in cases which involve heritage issues [CDH.05].

Development Plan

- 5.4 Hounslow’s Development Plan is comprised of the Hounslow Local Plan 2015 (“HLP”) [CDD.01], the West London Waste Plan (2015) and the London Plan Consolidated with Alterations since 2011 (2016) (“LP”) [CDC.04]. These plans were adopted after the National Planning Policy Framework (“NPPF”) [CDC.01], and following extensive public consultation and examination in public by a

³ *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC & Others* ([2014] EWCA Civ 137) the Court of Appeal

⁴ *Ibid.*

government inspector, with each found to be sound. As such full weight may be given to policies in these plans, having regard to their conformity with the NPPF.

- 5.5 Relevant policies of the Development Plan were given in the Council's questionnaire and Statement of Case [**CDE.02**]. A summary of the most pertinent policies and guidance, having regards to the reasons for refusal is given below.

London Plan [CDC.04]

Design, Townscape and Heritage

- 5.6 The LP emphasises the need for good design and the protection of heritage assets. The design of new development should reflect the principles set out in Chapter 7 of the LP and the requirements of policy 3.4 relating to density. The latter requires planning decisions to take into account local context and character, the design principles in Chapter 7 and public transport capacity. The policy also says development should optimise housing output for different types of location within the relevant density range⁵ and that development proposals which compromise this policy should be resisted.
- 5.7 LP 7.1⁶ says development should be designed so that the layout, tenure and uses interface with the surrounding land and improves people's access to social and community infrastructure (including green spaces). New buildings and spaces should help reinforce or enhance the character, legibility, permeability and accessibility of the neighbourhood.
- 5.8 LP 7.4⁷ says development should have regard to the pattern and grain of existing streets in orientation, scale, proportion and massing. LP 7.6⁸ also emphasises design quality and ensuring development relates well to its surrounds, stating that buildings and structures should:

⁵ Table 3.2 of London Plan.

⁶ Pg 282.

⁷ Pg 288.

⁸ Pg 291.

- *“Be of the highest architectural quality;*
- *Be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm;*
- *Comprise details and materials that complement, not necessarily replicate, the local architectural character;*
- *Not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings;*
- *Incorporate best practice in resource management and climate change mitigation and adaptation;*
- *Provide high quality indoor and outdoor spaces and integrate well with the surrounding streets and open spaces;*
- *Be adaptable to different activities and land uses, particularly at ground level;*
- *Meet the principles of inclusive design; and*
- *Optimise the potential of sites”.*

5.9 LP 7.7⁹ applies to the location and design of tall and large buildings, recognising they can have detrimental impacts on local character, including over a wide area. It says that tall and large buildings should:

- *“Generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres with good access to public transport;*
- *Only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;*

⁹ Pg 293.

- *Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm, particularly at street level;*
- *Improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London;*
- *Incorporate the highest standards of architecture and materials, including sustainable design and construction practices;*
- *Have ground floor activities that provide a positive relationship to the surrounding streets;*
- *Contribute to improving the permeability of the site and wider area;*
- *Incorporate publicly accessible areas on upper floors, where appropriate; and*
- *Make a significant contribution to local regeneration”.*

5.10 And tall buildings should:

- *“Not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference; and*
- *Not adversely impact local strategic views”.*

5.11 This policy also recognises that the impact of tall buildings in sensitive locations such as conservation areas, the setting of listed buildings and World Heritage sites needs particular consideration.

5.12 Policies 7.8¹⁰ and 7.10¹¹ relate to heritage assets and World Heritage Sites. LP 7.8 says new development affecting heritage assets and their settings should

¹⁰ Pg 295.

conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. LP 7.10 says development should not cause adverse impacts on World Heritage Sites or their settings (including any buffer zone). In particular, it should not compromise a viewer's ability to appreciate its Outstanding Universal Value ("OUV") [CDF.17], integrity, authenticity or significance.

Quality of Accommodation

- 5.13 LP 3.5¹² says the design of all new housing developments should enhance the quality of local places, taking into account physical context, local character, density, tenure and land use mix, and relationships with, and provision of, public, communal and open spaces, taking particular account of the needs of children and older people. It seeks the highest quality housing, both internally and externally. Minimum space standards of the Housing Supplementary Planning Guidance 2016 [CDC.07] (see paragraph 5.52 below) says a minimum of 5 sqm of private amenity space should be provided for 1-2 person dwellings and an extra 1 sqm provided for each additional occupant.

Mixed Communities, Housing Choice and Affordable Housing

- 5.14 The LP emphasises that affordable housing is a priority. LP 3.8¹³ says there should be a choice of homes that people can afford and LP 3.9¹⁴ seeks mixed and balanced communities in terms of tenure and household income to aid social inclusion and avoid segregation of populations by housing tenure.
- 5.15 LP policies 3.11¹⁵ and LP 3.12¹⁶ seek to ensure the maximum reasonable amount of affordable housing is provided having regard to affordable housing targets, the need to encourage rather than restrain residential development and

¹¹ Pg 299.

¹² Pg 102.

¹³ Pg 108.

¹⁴ Pg 116.

¹⁵ Pg 119.

¹⁶ Pg 122.

the individual circumstances of the site. Policy 3.12(C) says affordable housing should normally be provided on site with off-site provision only acceptable in exceptional cases where it is robustly demonstrated on-site provision is inappropriate. In such exceptional cases, a cash in lieu contribution should only be accepted where this would have demonstrable benefits including circumstances where it would be possible to:

- *“Secure a higher level of provision;*
- *Better address priority needs, especially for affordable family housing*
- *Secure a more balanced community; and*
- *Better sustain strategically importance clusters of economic activity”.*

5.16 Policy 3.13¹⁷ of the LP requires developments of 10 or more dwellings to include affordable housing and identifies an average of 17,000 additional affordable homes per annum as the strategic target for the Plan, which equates to 40% of all new dwellings to be affordable housing.

Hounslow Local Plan [CDD.01]

5.17 Policy IMP1¹⁸ of the HLP states that the Council will take a plan-led approach to all growth and development within the Borough that is considered to be in accordance with the principles of sustainable development as set out in the NPPF, with a balance of social, environmental and economic dimensions. This policy re-iterates the presumption in favour of sustainable development established in the NPPF.

5.18 HLP SV1¹⁹ relates to the Great West Corridor and says the Council will progress a partial HLP review to explore and identify the potential capacity for additional employment-led mixed use development along the Great West Corridor. The review will, amongst other things, identify sites with suitability for tall buildings,

¹⁷ Pg 125.

¹⁸ Pg 228.

¹⁹ Pg 20.

with it recognised in the supporting text at 2.8 of the policy there a constraints on the corridor's potential, one of which is that "...*the proximity of heritage assets places limits on building heights.*" The appeal site will likely form part of the Great West Corridor plan area and the plan review may or may not, provide additional policy support for a form of development at the site.

- 5.19 The HLP review will confirm the capacity for new development and where and how that development should be delivered. The Council commenced the review process in 2015 but it remains at an early stage in its development, so the amount of weight that can be attributed to it in the assessment of the appeal proposals is limited.

Design, Townscape and Heritage

- 5.20 HLP CC1²⁰ states that development proposals should have due regard to the 'Hounslow Urban Context and Character Study 2014' [CDD.07] and policy CC2²¹ states that the Council will retain, promote and support high quality urban design and architecture to create, attractive, distinctive, and liveable places. Policy CC5²² requires advertisements to respect their context with suitable regard to considerations of amenity and public safety.
- 5.21 HLP CC3²³ outlines the Council's approach to tall buildings. It says that to contribute to regeneration and growth, the Council will support high quality tall buildings in identified locations which accord with the principles of sustainable development. It goes on to list 12 criteria against which the Council would expect proposals for tall buildings to comply as follows:
- "*Be sensitively located and be of a height and scale that is in proportion to its location and setting, and carefully relate and respond to the character of the surrounding area;*

²⁰ Pg 128.

²¹ Pg 132.

²² Pg 146.

²³ Pg 136.

- *Be of the highest architectural design and standards; be attractive, robust and sustainable;*
- *Be of a scale that reflects their relevance and hierarchical importance when located within a grouping/cluster of tall buildings;*
- *Be designed to give full consideration to its form, massing and silhouette including any cumulative impacts and the potential impact of this on the immediate and wider context;*
- *Relate heights to widths of spaces to achieve comfortable proportions, and provide a positive edge to the public realm and a human scale through the careful treatment of ground floors and lower levels;*
- *Provide for a comfortable and pleasant microclimate which minimises wind vortices and over-shadowing;*
- *Provide for biodiversity within the building form and be sensitive to surrounding open spaces including waterways to ensure minimal impact;*
- *Take opportunities to enhance the setting of surrounding heritage assets, the overall skyline and views;*
- *Carefully consider the façade and overall detailing to ensure visual interest, vertical and horizontal rhythms, an indication of how the building is inhabited, internal thermal comfort and the visual break-up of the building visually at varying scales;*
- *Use materials and finishes that are robust, durable and of the highest quality, with facades providing innate interest, variety and function;*
- *Incorporate innovative approaches to providing high quality, usable, private and communal amenity space where residential uses are proposed; and*
- *Comply with the requirements of the Public Safety Zone for London Heathrow Airport, where appropriate.”*

5.22 The supporting text to HLP CC3 says way-marking can come from distinctiveness rather than size, so tall buildings should be placed in suitable locations where access to public transport is good and they provide a relevant marker or focal point. It adds that located in the right place and designed sensitively, tall buildings can add to an area's townscape and image, assist in regeneration, mark a town centre/public transport node or assist in way- finding.

5.23 HLP CC4²⁴ seeks to conserve and take opportunities to enhance the significance of the borough's heritage assets as a positive means of supporting an area's distinctive character and sense of history. This policy expects development proposals to:

- *“Conserve and take opportunities to enhance any heritage asset and its setting in a manner appropriate to its significance;*
- *Retain, conserve and reuse a heritage asset in a manner appropriate to its value and significance;*
- *Demonstrate that substantial harm to or loss of a heritage asset is avoided, unless exceptional circumstances can be demonstrated, consistent with the NPPF;*
- *Demonstrate that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm will be outweighed by the public benefits of the proposal, including securing its optimum viable use; or*
- *Have regard to any harm to, or loss of, the significance of a non-designated heritage asset, including from both direct and indirect effects”.*

5.24 The supporting text to this policy says²⁵ that the “...*protection and enhancement of the historic environment is a core principle that as well a legal duty underpins*

²⁴ Pg 140.

²⁵ Paragraph 6.13 of the Hounslow Local Plan.

sustainable development” and that the “...borough’s heritage assets are irreplaceable resources and are particularly sensitive to change and development, requiring special protection and careful treatment to sustain their value and importance for future generations”. It also notes that “development can impinge on the settings of the most important assets”. The adjacent London Borough of Richmond Upon Thames has similar policies in its Development Plan that seek to protect heritage assets (see **Appendix 4**).

- 5.25 In respect of Metropolitan Open Land (“MOL”), HLP GB1²⁶ aims to protect and enhance its openness, quality and permanence, and expects development proposals to maintain the openness, setting and visual amenity where it is located near MOL, with particular attention given to the location, setting, design, materials, height and landscaping.

Quality of Accommodation

- 5.26 HLP SC5²⁷ requires development to be of the highest quality internally and externally, and meet the demands of everyday life for the intended occupants. In respect of amenity space, proposals should demonstrate how the benchmark external space standards set out in the policy have been considered, with consideration to be given to the aspect, usability, sense of enclosure and local character to create sufficiently high quality living conditions. The arrangement of external amenity space across a site should also be carefully considered to ensure an appropriate balance of public, communal and private space. SC5(h) says development must contribute to the achievement of other objectives in the Local Plan where proposals compromise the delivery of elements of this policy. Figure SC5.2 sets out minimum areas for communal amenity space, and says “...in the case of flats and building conversions the quantitative space requirements will be applied with regard to exceptional design considerations”.

Mixed Communities, Housing Choice and Affordable Housing

²⁶ Pg 150.

²⁷ Pg 111.

5.27 HLP SC2²⁸ sets a strategic target that 40% of additional housing delivered across the borough between 2015 and 2030 be affordable. Affordable housing is to be provided on-site unless the Council considers this is not feasible or practical, in which case off-site provision or appropriate cash in-lieu payments may be considered in exceptional circumstances. Schemes are expected to deliver a mix of 60% affordable/social rented and 40% intermediate tenures with an appropriate mix of housing size and tenure in accordance with housing need.

Other Development Plan Policies

5.28 The LP and HLP contain many other policies considered in the assessment of the appeal proposals, as discussed in the officer's report and included in the Council's questionnaire. These policies provide support and direction for the provision and location of new housing and employment, and requirements for transport and consideration of environmental effects and conditions. How the development conforms to these policies is part of the overall assessment and ultimately conclusions about balance of planning issues.

Other Material Considerations

5.29 In addition to the Development Plan, there are other material considerations relevant to the proposals inclusive of supplementary planning guidance and from the NPPF.

National Planning Policy Framework [CDC.01]

5.30 The NPPF sets out government planning policy for England. It affirms that the purpose of the planning system is to contribute to the achievement of sustainable development and explains²⁹ there are three mutually dependent dimensions to sustainable development: economic, social and environmental, with these dimensions performing the following roles.

²⁸ Pg 102.

²⁹ Paragraph 7 of the NPPF.

- ***an economic role*** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- ***a social role*** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- ***an environmental role*** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

5.31 It confirms that the development plan as the starting point for decision making. Proposals that accord with an up-to-date Local Plan should be approved, and that proposals that conflict should be refused unless other material considerations indicate otherwise³⁰. Paragraph 14 says there is a presumption in favour of sustainable development, with development in accordance with the Local Plan to be approved without delay³¹.

5.32 Paragraph 17 sets out core land-use planning principles should underpin both plan-making and decision-taking including building a strong economy, ensuring the vitality of town centres, promoting sustainable transport, delivering a wide choice of affordable homes, good design, promoting healthy communities, protecting open space and the built environment, conserving the historic environment, and addressing climate change.

³⁰ Paragraph 12 of the NPPF.

³¹ Paragraph 14 of the NPPF.

Design

- 5.33 Section 7 of the NPPF sets out the requirements for good design³², including for advertisements, stating this is a key aspect of sustainable development and indivisible from good planning.
- 5.34 It states decision takers should always seek high quality design. It states that achieving good design is about creating places, buildings or spaces that work well for everyone, look good, will last well, and adapt for the needs of future generations, with good design responding in a practical and creative way to both the function and identity of a place, putting land, water, drainage, energy, community, economic, infrastructure and other such resources to the best possible use. Good design is also about connections between people and places and the integration of new development into the natural, built and historic environment.
- 5.35 Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It notes that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.
- 5.36 However planning permission should not be refused for buildings and infrastructure that promote high levels of sustainability because of concern about incompatibility with an existing townscape, if mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).

Housing

- 5.37 Section 6 of the NPPF seeks to boost significantly the supply of housing, to deliver a wide choice of high quality homes³³. Paragraph 50 says that to

³² Paragraphs 56-68 of the NPPF.

³³ Paragraphs 47 to 50 of the NPPF.

“...deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);*
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and*
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time”.*

5.38 In respect of viability the NPPF³⁴ says that sustainable development requires careful attention to viability and costs in plan-making and decision-taking, and:

“To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable”.

Heritage

³⁴ Paragraph 173 of the NPPF.

5.39 Part 12 of the NPPF details policies for the conservation and enhancement of the historic environment. Paragraph 131 sets out that “...in determining planning applications, local planning authorities should take account of:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.”*

5.40 Paragraph 132 says:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a Grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, Grade I and II listed buildings, Grade I and II* Registered Parks and Gardens, and World Heritage Sites, should be wholly exceptional.”*

5.41 Paragraph 133 says:

“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

5.42 Paragraph 134 of the NPPF says:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

5.43 The NPPF also says consideration should be given to the significance of a non-designated heritage asset with a balanced judgment to be made in respect of any harm or loss and the significance of the heritage asset.

5.44 ‘Significance’ in the context of heritage policy is defined³⁵ as

“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting”.

5.45 ‘Setting’ in the context of heritage policy defined³⁶ as:

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”.

National Planning Practice Guidance [CDC.02]

5.46 The National Planning Practice Guidance (“NPPG”) complements the NPPF and provides practical advice in respect of planning policy.

5.47 The NPPG emphasises the importance of heritage as a planning matter, stating³⁷:

³⁵ NPPF Glossary (Annex 2)

³⁶ Ibid.

³⁷ Paragraph: 003 Reference ID: 18a-003-20140306 of NPPG.

“The conservation of heritage assets in a manner appropriate to their significance is a core planning principle. Heritage assets are an irreplaceable resource and effective conservation delivers wider, social, cultural, economic and environmental benefits”.

- 5.48 It also explains why ‘significance’ is important in decision taking by advising³⁸:

“Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.”

- 5.49 The guidance advises³⁹ how the impact on the setting of a heritage asset should be taken into account, with the assessment to be thorough and proportionate to the significance of the asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. It goes on to say that when assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change.

- 5.50 In respect of assessing if a proposal causes substantial harm to a heritage asset, the guidance sets out that it is the impact on the significance of the heritage asset that matters, with significance deriving not only from the asset’s physical presence, but also from its setting. Whether there is substantial harm is a judgement for the decision taker. In general terms, substantial harm is a high test, so it may not arise in many cases. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting⁴⁰.

³⁸ Paragraph: 009 Reference ID: 18a-009-20140306 of NPPG.

³⁹ Paragraph: 013 Reference ID: 18a-013-20140306 of NPPG.

⁴⁰ Paragraph: 017 Reference ID: 18a-017-20140306 of NPPG.

5.51 In relation to design, the NPPG advises⁴¹ how plans, policies and decisions can effectively manage physical form at a variety of scales and that this “...is how planning can help achieve good design and connected objectives”. It advises that where appropriate the following should be considered:

- layout – the way in which buildings and spaces relate to each other
- form – the shape of buildings
- scale – the size of buildings
- detailing – the important smaller elements of building and spaces
- materials – what a building is made from

Supplementary Guidance to the Development Plan

5.52 Both the LP and HLP are supplemented by further documents giving guidance on particular planning policies and issues. Pertinent documents were included in the Council’s Questionnaire. LP guidance of particular relevance relating to heritage, design, housing quality and affordable housing includes:

- Affordable Housing and Viability SPG 2017 [**CDC.06**]
- Housing SPG 2016 [**CDC.07**]
- Accessible London SPG 2014 [**CDC.08**]
- Character and Context SPG 2014 [**CDC.09**]
- Shaping Neighbourhoods Play and Informal Recreation SPG 2012 [**CDC.10**]
- World Heritage Sites SPG 2012 [**CDC.11**]

Historic England Advice

⁴¹ Paragraph: 023 Reference ID: 26-023-20140306 of NPPG

- 5.53 Historic England (“HE”) has published a range of guidance to inform planning decisions relating to heritage, including ‘Advice Note 3 - The Setting of Heritage Assets’ (2017) [CDF.13] and ‘Advice Note 4 – Tall Buildings’ (2015) [CDF.14].
- 5.54 HE advice note 3 gives guidance that sets out a process for understanding setting, and how it may contribute to the significance of heritage assets and allow that significance to be appreciated, as well as advice on how views contribute to setting. A staged approach to taking decisions on setting is suggested to assess the contribution of views to the significance of heritage assets. It comments⁴² that:
- “Consideration of the contribution of setting to the significance of heritage assets, and how it can enable that significance to be appreciated, will almost always include the consideration of views”*. The also guidance refers to the NPPF and NPPG’s explanation of the setting of heritage assets.
- 5.55 This guidance continues⁴³ that the importance of the setting lies in *“...what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.”*
- 5.56 And it considers⁴⁴ effects from cumulative change, noting that where *“...the significance of heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will detract further from, or can enhance, the significance of the asset”*.
- 5.57 This guidance also discusses particular circumstances such as designed settings, where planned landscapes contribute to the significance of heritage assets. It notes⁴⁵ that as well as development within the immediate vicinity of an

⁴² Views & Settings paragraph 5 Advice Note 3 - The Setting of Heritage Assets (2017)

⁴³ Views & Settings paragraph 9 Advice Note 3 - The Setting of Heritage Assets (2017)

⁴⁴ Ibid. (p4)

⁴⁵ Ibid.(p5)

asset "...development further afield may also affect significance, particularly where it is large-scale, prominent or intrusive".

Royal Botanic Gardens, Kew

5.58 The Royal Botanic Gardens World Heritage Site ("WHS") has a Management Plan from 2002 that was updated in 2011 [CDF.10], though is still a draft. It highlights the WHS buffer zone and important sightlines and views within, to and from Kew Gardens. The plan discusses the importance of vistas and visual envelopes extending outside the WHS buffer zone to the site's OUV [CDF.17].

5.59 The OUV of the Kew WHS comprises:

- a rich and diverse historic cultural landscape providing a palimpsest of landscape design;
- an iconic architectural legacy;
- globally important preserved and living plant collections;
- a horticultural heritage of keynote species and collections; and
- key contributions to developments in plant science and plant taxonomy.

Thames Landscape Strategy – Kew to Chelsea (June 2002)

5.60 The Thames Landscape Strategy ("TLS") [CDF.11] has guidance which aims to conserve and enhance the Thames riverside landscape. It was commissioned in 1999 by a steering committee that included the West London River Group, GLA, Environment Agency, English Heritage, English Nature, Port of London Authority of riparian boroughs including Hounslow Council.

- 5.61 The supporting text to LP 7.29⁴⁶ says that the Thames Strategy provides a good sub-regional context in which decisions relating to the planning and management of the river can be set⁴⁷.
- 5.62 The relevant section of the Strategy highlights the contrast between the Surrey and Middlesex banks for the nearby stretch of the Thames, with Brentford having an industrial past as opposed to the green spaces of Kew and the Botanic Gardens, and further downstream the high quality townscape of the riverside development along Strand on the Green. Its objectives correspond with policies protecting the character of the area as they relate to the riverside environment and its heritage and views. Important local views, panoramas and prospects are outlined from page 3.31. The view of Strand on the Green from the Kew Tow Path is highlighted as an important local view.
- 5.63 Notably the Strategy highlights⁴⁸ that the “...*principal distinctive feature...*” of the historic waterside settlements found along the river such as Strand on the Green, is the pattern of groupings of buildings in terraces parallel to the river’s edge, and that these historic waterfronts form the main built element of the designated conservation area, as well as containing the majority of listed buildings and buildings of local townscape merit. The Strategy goes on to say that when viewed from the River or opposite bank these historical waterfronts are often seen in elevation. Of particular note is that the Strategy advises that:
- “It is important that the richness, diversity and beauty of these historical waterfronts is respected. In particular this requires the protection of their setting, skyline and backdrop from intrusive development.”*
- 5.64 This Strategy comments that this sensitivity has generally been respected but that the skyline of the Strand on the Green has been broken by the BSI Tower at Gunnersbury Station.

⁴⁶ Pg 331.

⁴⁷ London Plan paragraph 7.92 (pg 333)

⁴⁸ Section 3.38

Conservation Area Statements and Appraisals

- 5.65 Both Hounslow and Richmond Councils have published statements and appraisals for conservation areas in the locality, identifying the key elements of their heritage significance and also pressures and opportunities relating to their character and appearance. Further details were included in the Council's questionnaire, with a summary of designated areas given below.

Strand on the Green (designated 7 November 1968) [CDD.04]

Kew Green (designated 14 January 1969) [CDD.05]

Chiswick House (designated 18 July 1977) [CDD.06]

Gunnersbury Park & Surrounding Area (designated 20 November 1990)
[CDD.07]

Kew Gardens (designated 29 January 1991) [CDD.08]

Grove Park (designated 11 January 2002) [CDD.09]

Thorney Hedge (designated 3 December 2002) [CDD.10]

Wellesley Road (designated 3 December 2002) [CDD.11]

Kew Bridge (designated 1 June 2004) [CDD.12]

- 5.66 Hounslow Council has conservation area appraisals for each of its conservation areas that were agreed on 23 March 2006. It is in the process of reviewing and amending various conservation area appraisals. Draft appraisals for the Thorney Hedge, Strand on the Green, Kew Bridge, and Gunnersbury Park and Surrounding Area conservation areas were subject to public consultation from 7 May 2018 for six weeks (see **Appendix 5**).

Emerging Planning Framework

Great West Corridor Local Plan Review Preferred Options Consultation (October 2017) [CDD.04]

- 5.67 The Council consulted on preferred options for the Great West Corridor Review of the Local Plan from 23 October to 10 December 2017.
- 5.68 This followed an earlier consultation on some of the key issues affecting the area of Brentford located along the 'Great West Corridor' that adjoins the A4 and M4 roads. Discussion points on the future planning for the area, including the need for houses, for jobs and the importance of new transport connections. The consultation took place from December 2015 to February 2016.
- 5.69 The Preferred Options consultation sets out the Council's preferred vision and plan for how the area will grow and develop over the next 15 years. It aims to optimise economic and housing growth along the corridor, enhance its environmental conditions transport connections, as well as promoting high quality design and heritage conservation. If adopted, the Local Plan Review will be a material consideration to help determine decisions on planning applications within its boundary but limited weight may be given to this document at this time.

Brentford East Supplementary Planning Document (October 2017) [CDD.05]

- 5.70 The draft Brentford East Supplementary Planning Document ("SPD") aims to provide further guidance for development for the area at the eastern end of the M4. Public consultation took place on the draft from 9 October to 17 November 2017.
- 5.71 The plan includes advice on urban design and sets out an approach to tall buildings, aiming to coordinate the location and height of such buildings in the area. It recommends that most buildings be no taller than 24 metres (equivalent to 6 commercial or 8 residential storeys) with this restriction informed by earlier urban design and townscape analyses (Brentford East Capacity Study Final Report 2017 [CDD.06]). It also identifies the appeal site as being potentially

suitable for a landmark building, which need not necessarily be tall, but should offer a “...*distinct and identifiable architecture and have a presence when viewed from the M4*”.

- 5.72 The SPD recommends buildings on the site do not exceed 48m in height above ground level in order to avoid significant effects on sensitive views and the setting of heritage assets including Strand on the Green and Kew Green Conservation Areas, as well as views from Gunnersbury Park and the Kensington and Chelsea Cemetery. If adopted, the SPD will be a material consideration to help determine decisions on planning applications within its boundary but limited weight may be given to this document at this time.

Draft London Plan (December 2017) [CDC.05]

- 5.73 A draft version of a new London Plan, intended to replace previous versions and updates of the plan, was published for public consultation in December 2017.
- 5.74 The new plan makes the area corresponding with the Great West Corridor an ‘Opportunity Area’, with it envisaged there would be considerable growth in employment and housing.
- 5.75 The plan looks to boost housing growth, including from small sites, setting a strategic affordable housing target of 50% (with a minimum of 35% to be achieved without grant or subsidy), with such affordable housing maximised in opportunity areas. It also says⁴⁹ density should be optimised but with higher density there should be additional design scrutiny.

Draft National Planning Policy Framework (March 2018) [CDC.03]

- 5.76 The government has published draft changes to the NPPF including re-ordering and clarifying various topics, but maintaining the presumption in favour of sustainable development as a key theme and a focus on delivering housing and business growth. The draft document was published for consultation in March

⁴⁹ Policy D6 of Draft New London Plan (2018).

2018. At this stage limited weight may be attributed to the document, but this will increase nearer the inquiry with the consultation to close on 10 May 2018, and adoption schedule in the summer (2018).

5.77 In respect of design, new paragraph 130 revises existing design advice to make clear that “*outstanding or innovative designs*” should be given great weight, but only “*...so long as they are sensitive to the overall form and layout of their surroundings.*”

5.78 In respect of heritage, the key policies and tests applicable from the existing paragraphs 132 and 134 of the NPPF are retained, with the addition text⁵⁰ confirming that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation “*irrespective of the degree of potential harm to its significance*”.

⁵⁰ Paragraph 189 of Draft NPPF (2018)

6.0 MAIN PLANNING ISSUES

Introduction

- 6.1 The principle of a mixed-use development at the site for offices, residential and retail/ café use, as well as advertisements, is accepted as discussed in the officer's planning report⁵¹.
- 6.2 As previously developed land located in an area recognised as an important employment corridor, and designated as part of the Great West Corridor 'Strategic Outer London Development Centre', it is a preferred location for offices, with this use consistent with LP policies 2.16⁵² and 4.2⁵³, and HLP policies ED1⁵⁴ and ED2⁵⁵. There is also an extant permission for an office building at the site with 3 ½ times the employment space. The appeal proposal would create around 420 jobs.
- 6.3 In respect of residential use, the site suffers from very hostile environmental conditions due to poor air quality and high noise levels owing to its proximity to major roads and associated traffic impacts. Nitrogen dioxide levels at the site will continue to exceed relevant standards even with the government's predicted vehicle emission reductions.⁵⁶ Noise levels at the site also exceed recommended levels for residential use⁵⁷. Nevertheless, with appropriate mitigation and design, the site is capable of accommodating residential development. Setting aside concerns about the scale of the development, the 327 dwellings proposed would make a substantial contribution to the Council's housing supply, and would help to deliver housing growth that is the aim of LP 3.3 and HLP SC1⁵⁸.

⁵¹ Paragraphs 7.2 to 7.26 of Officer's Report.

⁵² Pg 77.

⁵³ Pg 146.

⁵⁴ Pg 78.

⁵⁵ Pg80.

⁵⁶ See 7.105-7.107 of ES Addendum [CDA.14].

⁵⁷ See 10.58 of ES Addendum [CDA.14].

⁵⁸ Pg 92.

- 6.4 The officer's report also acknowledged that the site is suitable for a tall building in principle, noting the permission for a 13-storey office building that has been implemented and that the 'Hounslow Urban Context and Character Study' [CDD.07] states that the character area that covers the site has 'some suitability' for a tall building.
- 6.5 For clarity the HLP⁵⁹ defines a tall building as "...any building or structure which is over 20m in height and/or which is significantly taller than the surrounding townscape and/ or which recognisably changes the skyline". The HLP also advises that a finding that there is a degree of suitability for tall buildings in a character area should not be taken to imply that every location is suitable, with opportunities for tall buildings to be demonstrated through considered and thorough urban design and architectural analysis⁶⁰.
- 6.6 The planning framework I describe in section 5.0 has design policy requirements that aims to balance the need to optimise development potential, respond to local history including the setting of heritage assets, create safe and accessible environments and be visually attractive as a result of good architecture. These policies also seek to reinforce local distinctiveness but not impose architectural styles, and recognise that the character of an area can change over time and may be enhanced by new development.
- 6.7 The planning application was supported by an Environmental Statement ("ES")[CDA.11 and CDA.15] which assessed the townscape, built heritage and visual effects of the proposal. The assessment of the effects considered the sensitivity of the townscape and heritage assets, the magnitude of change proposed, and any integral mitigation from the design itself. Effects from cumulative development were also taken into account. The evidence of Mr Michael Spence [LBH/1/A] discusses the veracity of the images used to show the impacts of the development and presents alternative visualisations that have also been given consideration (see 2.16 of Mr Grover's evidence).

⁵⁹ Hounslow Local Plan 2015 (notes p139)

⁶⁰ Hounslow Local Plan (Supporting Facts p138)

6.8 Other aspects of the proposals relating to the size and quality of units, the effects on the local environment, the transport network, and environmental constraints were found to be acceptable during assessment of the applications, with any outstanding matters able to be addressed by planning conditions and or planning obligations.

6.9 Therefore I consider the main planning issues for the appeal, having regards to the Development Plan and other material considerations are:

- i. The design of the proposed building and advertisements and effects on the character and appearance of the area and its skyline, and amenity of the area and MOL including effects on the design of the building from advertising.
- ii. The effects of the proposed building and advertisements on the setting and thereby significance of a range of designated heritage assets.
- iii. The amount and mix of affordable housing and whether the proposal maximises the delivery of affordable housing and achieves the objective of creating mixed and balanced communities.
- iv. The quality of the living conditions for future residents having regards to the amount of on-site communal amenity space and the accessibility of the development to public open space.
- v. Other impacts of the development that require mitigation by planning obligations and other agreements.
- vi. Benefits and other material considerations (considered in section 7.0).
- vii. The overall planning balance, taking into account the above issues and compliance with the Development Plan (considered in section 8.0).

6.10 I consider these issues in turn below.

i. The design of the proposed building and advertisements and effects on the character and appearance of the area and its skyline, and amenity of the area and MOL.

6.11 My evidence provides information about the appeal proposals and the planning policy framework. In line with the policy framework described in section 5.0, for this appeal, the success of the design of the proposal rests on how well it relates to its immediate and wider context including sensitive heritage assets and areas of MOL and the differing character of those areas. This will inform the conclusions as to whether the development is of the highest design quality, if it has successfully taken the opportunities available for improving the character and quality of an area and the way it functions, and also if it has appropriately preserved or enhanced the significance of the numerous heritage assets in the locality.

6.12 In other words, the acceptability of a tall building and whether it is good quality architecture must amongst other factors (see paragraphs 5.6-5.12 and 5.20-5.25 above), give account to its context, and success depends on the effects on the character of the wider area and its skyline, with the magnitude of the impacts influenced by the scale, massing, proportions and materials of the building and how these respond to the surrounding townscape.

6.13 At over 120m AOD tall, the proposed building would be by far the tallest building in the Borough (the current tallest being the 'Kew Eye' building in Brentford (Great West Road) at 85m AOD, and it is much taller than other existing tall buildings in the surrounding parts of Brentford and Chiswick such as:

- 'Kew Bridge' – Kew Bridge Road (34m AOD)
- 'Rivers House' – Chiswick High Road (37m AOD)
- 650 Chiswick High Road (Wheatstone House), Brentford (38.5m AOD)
- 'Vantage West' – Great West Road (62m AOD)
- London Steam and Water Museum tower – Kew Bridge Road (67m AOD)
- 'BSI' Building, Gunnersbury Station, Chiswick (71.3m AOD)

- Brentford Towers – Green Dragon Lane (72m AOD)

6.14 It is also much taller than the highest block of the consented Lionel Road stadium scheme, which has buildings (outline parameters) up to 61.0m AOD (see **Appendix 6** for building height information).

6.15 The proposed net residential density of 1,374 u/ha (see 4.7 above) is extremely high. In 2015/16 the average density of new housing across London was 154 u/ha, with the highest average being 488 u/ha in Tower Hamlets⁶¹. Although such density figures should not be applied mechanistically as there are other factors including local context that inform design, density is a useful tool to describe the intensity of the development and for comparison against the nature of surrounding development.

6.16 This is an 'urban' setting and given the moderate accessibility to public transport, and accounting for the context of the site, the LP suggests a residential density of 70-260 u/ha (and 200-700 hr/ha) is appropriate. This means the proposed density of 1,374 u/ha is over 500% greater than the highest recommended density level (u/ha) and even three times more than the highest recommended density that is appropriate for metropolitan centres and central London.

6.17 The density of the appeal scheme is much higher than other recent large developments in Brentford and Chiswick with nothing being comparable (see **Appendix 7**). The densities of the largest schemes recently developed in Brentford and Chiswick are as follows:

- 'Kew Bridge', Kew Bridge Road, Brentford - 00657/P/P16 – mixed use scheme at a density of 169 dwelling u/ha (as revised by P19 in 2011) (308 dwellings/1.82ha). Completed 2016.

⁶¹ Paragraph 3.6.9 of Draft London Plan (2017)

- 'Kew Bridge West', Kew Bridge Road, Brentford - 00657/B/P15 and P15(c) residential scheme at a density of 195 dwelling u/ha (353 dwellings/1.8ha). Completed 2016.
- 'Heritage Walk', Kew Bridge Road, Brentford - 00657/B/P21 (as revised by 00657/B/P27 in 2015) – mixed use scheme at a density of 95 dwelling u/ha (91 dwellings/ 0.954 ha). Completed 2018.
- 650 Chiswick High Road ('Wheatstone House'), Brentford – 00248/U/P7 mixed use scheme at a density of 271dwelling u/ha (95 dwellings/ 0.35ha) – under construction.
- 'Brentford Lock West, Commerce Road, Brentford - 00279/R/P3 mixed use scheme at a density of 128 dwelling u/ha (550 dwellings/net 4.3ha) – under construction.
- 'Lionel Road Community Stadium, Lionel Road South, Brentford – 00703/A/P11 mixed use scheme at a density of 379 dwelling u/ha (910 dwellings/ net 2.4ha) – under construction.

6.18 The skyline from the WHS at Kew on the opposite side of the Thames and Kew Green has some intrusions from tall buildings in Brentford, but views and the skyline to the north east towards the site and Chiswick are much less interrupted by such development.

Building Design

6.19 The proposal must satisfy the policy requirement for good design (see 5.33-5.34 above), and being a tall building it should be of the highest architectural quality and in the right location (see 5.6-5.12 and 5.20-5.25 above). Good quality urban design should respond appropriately to its context as I have set out in the policy framework. The proposed building, because of its location and scale would sit within the settings that contribute to the significance of a wide range of heritage assets, which are sensitive to change.

6.20 The evidence of Philip Grover [LBH/2/A] has described how the building would not be of the highest architectural quality and is out of scale with the wider surrounding townscape, thereby causing harm to many of the skyline and character of the surrounds, and so the scheme would not successfully integrate within the wider built environment (and highly sensitive landscapes and townscapes).

Advertisements

6.21 HLP CC5⁶² says all advertisements must respect their context with suitable regard to considerations of amenity and public safety. The policy says the Council will achieve this by focusing advertisements to suitable locations in town centres, shopping parades and areas of commercial activity; and ensuring that advertisements do not adversely impact on the setting of heritage assets, the skyline or the amenity of residential properties.

6.22 To achieve this advertisements and associated structures must be of a “...size, design, scale and degree of illumination that is compatible with the surrounding buildings, other advertising and the wider area”. Advertisements on buildings “...should be integral to the building’s design, working with the elevation and any architectural features, and relevant to the use and context” and should not be of a quantity and scale that “...would confuse the legibility of the building and interrupt and undermine the intended design”.

6.23 Additionally, they should “...not detract from the elevation or any architectural features to ensure that they are compatible with existing amenity” and should be “...sensitively placed and designed to not adversely impact the setting of heritage assets and strategic or local views”.

⁶² Pg 146.

- 6.24 The three advertisements would all be very large and prominent features of the building. The applicant has stated that their design objectives⁶³ are to seek a coherent façade design for the entire building aiming to:
- Achieve a simplified and unified facade design that stretches from pavement to parapet;
 - Reinforce the core design principle of a composition of three volumes; not three plus a lower section; and
 - Continue to integrate the digital advertising screens with the appearance of the Proposed Development.
- 6.25 I note that the original proposal included four advertisements, but one was removed during the assessment of the application, with the applicant stating⁶⁴ the “...omission of this screen will improve architectural legibility”.
- 6.26 I believe the inclusion of such large advertisement screens would undermine the coherence of the façade detail, the illumination of varying images contrasting with the rest of the elevations, and diluting its overall architectural quality, thereby causing harm to its appearance and the amenity of the local environment, which includes residential properties that have an outlook towards the site at Nos. 525-527 Chiswick High Road, Nos. 4-6 Surrey Crescent, and No. 2 Clarence Road.
- 6.27 Although the area has some advertisements, and has a mixed character, the southern facing section of the large screen 1 of the proposed advertisements would be unduly be prominent being seen from Nos. 525-527 Chiswick High Road, Nos. 4-6 Surrey Crescent, and No. 2 Clarence Road in the Wellesley Road CA, with the other side of the screen being seen from the western end of the Gunnersbury Park CA (Gunnersbury Cemetery). From both these directions the screen would detract from its setting due to their excessive size and illumination and it would detract from the appearance of the building. Noting the

⁶³ 4.3 of amended Design & Access Statement (p 25)

⁶⁴ 4.22 of Amended Design & Access Statement

visibility of existing illuminated advertisements on the roof of the building at No. 3 Great West Road (which are at a height of 12.8m to 15m above ground level), from within Gunnersbury Cemetery (see **Appendix 8**), I believe the upper part of advertisement screen 1 would be visible from the MOL in winter where the illuminated signage wraps around the end of the building at a height of approximately 19m above ground level. Adding further illuminated signage of the large size proposed would harm the amenity of the area.

- 6.28 I note screen 1 of the proposed advertisements differs from those recently allowed on appeal (only for a temporary period pending redevelopment of the appeal site (see 3.33 above) as it is appreciably larger (21.5m wide by 7.8m high at 15.6m above ground level, compared to the allowed scheme which is 16m wide by 4m high at 12m above ground level). Screen 1 has 2 ½ times the area of illuminated advertisement compared to the temporary advertisement permitted.

Conclusion

- 6.29 Therefore proposed development would be contrary to HLP policies CC1, CC2, CC3, CC4, CC and GB1, and similar policies of the LP (7.4, 7.6, 7.7, 7.8 and 7.10) given it would be an incongruent addition to the townscape and skyline and the harm to longer views, including harm to the setting of heritage assets, due to its excessive height and bulk, and inclusion of large and prominent advertisements, which have eroded its architectural quality. In summary the building's design is not appropriate for this location given it fails to adequately consider the sensitive character and skyline of the surrounding high quality townscapes and landscapes, from where it would become an unduly dominant landmark feature in the area.

- ii. The effects of the proposed building and advertisements on the setting and thereby significance of a range of designated heritage assets.**

- 6.30 In reaching conclusions about the effects of the proposals on the significance of designated heritage assets, I rely on the evidence of the Council's Heritage and Design witness, Philip Grover [LPH/2/A]. His evidence has taken into account the nature, extent and importance of the significance of the heritage asset, and the contribution of its setting to its significance, giving consideration to the information submitted with the appeal schemes in relation to effects on heritage, giving account to the magnitude of change and the architectural quality of the building as appropriate.
- 6.31 I note the conclusion in section 7 of Mr Grover's evidence that the development would significantly alter the existing townscape and thereby the setting of numerous heritage assets. The change to the setting, which would result in the addition of a very tall and large building to views of many sensitive areas where heritage assets are found and appreciated, is harmful as the building will detract from those settings (which contribute to the significance of those assets), by being an out of scale and discordant addition to the skyline. In other views this effect is of less significance given the context of other existing and consented tall buildings in those views or screened by other development.
- 6.32 Such harmful effects are identified to the character of Gunnersbury Park CA, Strand on the Green CA, Wellesley Road CA, Kew Bridge CA with lesser impacts on Grove Park CA, Turnham Green CA and Chiswick House CA. There would also be harm to the setting of the Kew WHS and many listed buildings in these sensitive areas.
- 6.33 Consequently the development would fail to comply with HLP policies CC3 and CC4 relating to tall buildings and the protection of heritage, though it is noted that HLP policy CC4 does consider circumstances where the public benefits of the proposal demonstrably outweigh the harm to the significance of a heritage asset. The proposal would also conflict with similar policies of the LP (7.1, 7.4 and 7.7).
- 6.34 Having given consideration to the significance of the setting of the various conservation areas affected and setting of the various listed buildings, it is

concluded that in most cases that the nature of the harmful effects on the significance of the heritage assets of the surrounding area is 'less than substantial harm' having regard to the NPPF, though in relation to the Strand on the Green and Kew Green CAs, the harm is 'substantial' as the adverse impact would very much reduce the significance of a key element of their special architectural or historic interest.

- 6.35 Determining whether there is substantial harm to either a heritage asset or its setting is a matter of judgement, having regard to the circumstances of the case and the policy of the NPPF with this consideration to consider the significance of the asset as well as the effects on it. Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
- 6.36 I acknowledge that substantial harm is a high test, so it may not arise in many cases and in the instances where such significant harm has been found, there is no direct, physical impact on the heritage assets themselves. However Government guidance from the NPPG confirms significance derives not only from a heritage asset's physical presence, but also from its setting. It is also the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. Additionally, the guidance is clear that harm may arise from works to the asset itself or from development within its setting. Mr Glover's evidence addresses this point in more detail.
- 6.37 I note that where a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, decision makers must give such harm considerable importance and weight. Additionally, a finding of harm to the setting of a listed building gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It can only be outweighed by material considerations powerful enough to do so.

- 6.38 Further, even in the instances where the harm would be “less than substantial”, the balancing exercise still requires such harm to be given considerable importance and weight.
- 6.39 In section 8.0 and 9.0 of my evidence below I consider whether the harmful effects to heritage assets that have been identified are demonstrably outweighed by benefits of the proposal.
- iii. The amount and mix of affordable housing and whether the proposal maximises the delivery of affordable housing and achieves the objective of creating mixed and balanced communities.**
- 6.40 The Council and the appellant have negotiated a revised affordable housing offer that would provide a total of 116 affordable units on-site, which represents 35.47% of the total 327 units in the scheme. Further details are given in the Affordable Housing Statement of Common Ground dated 9 May 2018, where it is confirmed that subject to the agreed offer being secured by a legal deed, the Council withdraws reason for refusal 3 [CDB.04] relating to the lack of affordable housing.
- 6.41 The agreed offer (with review mechanism) is the maximum reasonable amount of affordable housing that is viable at present, with this satisfying LP policies 3.8, 3.9 and 3.12 and HLP SC2, though the proposal would not achieve the strategic target of 40% of new housing to be affordable or provide the most desired tenure mix.
- iv. The amount of on-site communal amenity space for residents and the accessibility of the development to public open space.**
- 6.42 The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The government seeks to ensure delivery of a wide choice of high quality homes.

- 6.43 HLP policy SC5 says flats should have a minimum of 5 sqm of private amenity space for 1 to 2 occupants and an additional 1 sqm for each additional occupant, reflecting standards of the LP.
- 6.44 Policy SC5 also has benchmark external communal space standards that says such space should be provided at 25 sqm per flat with up to 3 habitable rooms and 30 sqm for flats with 4 habitable rooms, less a reduction for the area of private space provided for each unit. The communal open space requirement of HLP SC5 for the proposal is therefore 8,440 sqm, less any credit for private amenity space. SC5 also says that proposals are expected to contribute to the achievement of other objectives in the Local Plan where they compromise the delivery of elements of the policy.
- 6.45 In respect of flats and conversions, SC5.2 says the quantitative requirements will be applied with regard to 'exceptional design considerations'. Such 'exceptional design considerations' are not defined, but I do not consider extreme density to be such a consideration as giving dispensation in such circumstances would effectively reward overly dense development proposals.
- 6.46 LP 3.6 seeks to ensure that all children and young people have safe access to good quality amenity space. The Mayor's Shaping Neighbourhoods: Play and Informal Recreation SPG ("Play SPG")**[CDC.10]** gives guidance for children's play space.
- 6.47 The Play SPG says⁶⁵ that to enable children and young people to live healthy and active lives, they should grow up in high quality environments that are safe and offer them access to opportunities to participate in physical activities that are appropriate for their age and stage of development.
- 6.48 The Play SPG says larger developments should incorporate play space on site, however if there is existing provision within an acceptable distance of a proposed development, financial contributions toward off-site play space as an alternative

⁶⁵ At 3.11 of Play & Informal Recreation SPG, Mayor of London 2012

to new provision may be considered, though play space for under-fives must be on-site. The guidance states that the play space for older children must be within reasonable and safe walking distance of new housing, with it recommended that the maximum walking distance for 5 to 11 year olds is 400m, and for the 12+children 800m with the location of play spaces to be accessible by walking and cycling routes which are suitable for children to use.

- 6.49 The Play space SPG identifies⁶⁶ that apart from distance, which is a key barrier to children's play, other barriers within the recommended distance also need consideration, giving examples such as, *"traffic, roads where speeds are in excess of 20mph, railways, watercourses, isolated or secluded routes, social divisions associated with/by location."*
- 6.50 Further the Play SPG says, *"Well-located places for play are ones that are well-connected with the wider built environment. They should be near and have easy access to well-used pedestrian, cycling or bus routes, adjacent to well-used buildings (i.e. shops, school) or homes to allow for a level of informal community supervision and generate a sense of social safety and security. Play spaces should not be isolated by large expanses of open space, or severed from the rest of a neighbourhood by physical barriers such as busy roads or railway lines."*

Amenity Space Provision

- 6.51 The proposed development provides amenity space in the form of private balconies as well as communal roof terraces and indoor play spaces. Individual units also have private amenity space, in the form of internal 'winter gardens', which are internal spaces that are able to be partitioned from other spaces. The area of the winter gardens meets the minimum standards of the LP and HLP for private amenity space (with the total area of winter gardens and private terraces being 2,378 sqm as per the appellant's calculations).

⁶⁶ At 4.10 of Play & Informal Recreation SPG, Mayor of London 2012

- 6.52 Owing to the very high density of the proposal, with the development comprising a tall building that effectively covers much of the site, the scheme relies on roof terraces, as well as off-site open space, to meet the amenity space needs of future occupants. The building has communal amenity spaces (internal and external) for residents on the 5th, 27th and 32nd floors, providing a total of 1,385 sqm of on-site amenity space.
- 6.53 The minimum area of communal amenity space required is 6,062 sqm (giving credit to the private amenity space). Only 1,385 sqm of communal space has been provided, meaning there is a deficit of 4,677 sqm. This shortfall is significant, with the proposal providing only less than a quarter of the area of amenity space required by policy SC5 (22.8%).
- 6.54 The appellant argues⁶⁷ that given the constraints of the site it is unrealistic to accommodate this level of external amenity space and so this should be an 'exceptional design consideration' as envisaged by policy SC5.
- 6.55 It is difficult for a very high density development on a constrained site to fully meet the recommended amenity space standard, and so some flexibility from the standard is reasonable noting the mixed character of the area. However given the large number of residents and the poor environmental conditions that require all private amenity space to be enclosed, providing sufficient areas of high quality outdoor communal open space for meeting people, recreation and sport is necessary to achieve a high standard of accommodation.
- 6.56 Maximising the residential density to such an extremely high level as is proposed, is not however an 'exceptional design consideration'. The shortfall from the recommended standard is substantial, and highlights the extreme density of the scheme. As a consequence of the design, the scheme is reliant on public open space in the locality to meet its amenity space needs.

⁶⁷ AT 5.12 of their Statement of Case [CDE.01]

6.57 The proposal would adequately provide for dedicated children's play space on-site for 0-11 year olds, with a mix of indoor and outdoor play areas proposed on the fifth floor. Although the use of largely enclosed amenity space is unusual, it was accepted during the assessment of the proposals that the development would, subject to further details of materials, layout and equipment, be capable of making adequate provision for children's play space, though the nature of the space would limit the range of activities that are possible. The space for older children (12+) and adults is however deficient.

Pedestrian Access to Public Open Space

- 6.58 Given the shortfall in on-site amenity space, safe, convenient and legible access to off-site public open space as an alternative is very important. Good quality open spaces can make a significant contribution towards healthy living. Green and open spaces can have a positive effect on the health of the population helping to reduce stress, provide formal and informal opportunities for physical activity, sport and play and provide environments for relaxation and meeting places for different groups in the community.
- 6.59 The appeal site is surrounded by busy roads and is therefore effectively severed from its surrounds with access provided by crossings and footpaths along the adjacent roads. Additionally, the area surrounding the site suffers from poor air quality and high noise levels, with the nearest open space only accessible by crossing a busy road. This hostile environment accentuates the concern about the lack of sufficient areas of good quality on-site communal space to meet resident's needs.
- 6.60 To reach the nearest public open space at Gunnersbury Park, residents will need to cross Larch Drive, which presently links major roads (A4) and Gunnersbury Avenue, as well as the B&Q retail store opposite. It would also provide the new vehicular access to the proposed development itself and a delivery bay.

- 6.61 The Transport Assessment (“TA”) submitted with the application shows that in 2015 the average daily vehicle movements on Larch Drive⁶⁸ (two-way) is 4,891, with the 85th per centile traffic speeds being 18.9 mph (northeast bound to B&Q and Gunnersbury Avenue) and 27.0 mph (southwest bound to B&Q and A4). The existing two-way flows are 496 vehicles per hour in the AM peak and 431 during the PM peak. The existing daily two way flow on Gunnersbury Avenue which runs along the eastern side of the site is 42,631⁶⁹.
- 6.62 Additional traffic from the proposed development will result in an increase of vehicle movements on Larch Drive of 13.3% to the AM peak and 16.9% to the PM peak⁷⁰. There would also be activity for refuse and recycling collections, deliveries of post, supermarket home deliveries, other courier deliveries etc.
- 6.63 Therefore the environment for pedestrians crossing this busy road, which also includes the ‘in and out’ driveway to the appeal site and B and Q store, along with other heavy traffic on the nearby A4, Chiswick Roundabout and Gunnersbury Avenue, will be busy and hostile (with high air and noise pollution) and with fast moving turning traffic.
- 6.64 The NPPG comments⁷¹ that the “...*likelihood of people choosing to walk somewhere is influenced not only by distance but also by the quality of the walking experience*”.
- 6.65 The applicant carried out a ‘Pedestrian Environment Review System’ audit (“PERS audit”) to assess the current pedestrian environment in the vicinity of the site. It found that the link to Gunnersbury Park needed improvements as Larch Drive in the immediate vicinity of the site had a poor environment for pedestrians⁷².

⁶⁸ Table 2.1 of Transport Assessment, December 2015

⁶⁹ Table 2.2 of Transport Assessment, December 2015

⁷⁰ Section 8.17 of Transport Assessment, December 2015

⁷¹ Paragraph: 042 Reference ID: 26-042-20140306 of NPPG

⁷² 5.58 of TA

6.66 The PERS audit takes account of “...*how pedestrians are likely to want to use the environment and how well the environment meets those needs.*”⁷³ This assessment can use quantitative information such as measurements of widths, but there is “...*also a need to appreciate the qualitative significance of certain aspects of the environment*”.⁷⁴

6.67 Importantly the PERS audit acknowledges the importance of considering different users such as the elderly, people with impaired mobility or children with the TA stating⁷⁵:

“In making judgements of qualitative factors, perhaps the greatest challenge is for the reviewer to empathise with the effect on more vulnerable pedestrians of elements in the environment that may not be readily apparent to other pedestrians”.

6.68 To enhance the environment for pedestrians the applicant has proposed public realm improvements to Larch Drive including raising the road level along its length, applying a 20 mph speed limit and widened and improved pedestrian crossings to the junctions with the A4 (Great West Road) and Gunnersbury Avenue. Final details of these works need to be agreed with Transport for London (“TfL”) as the highways authority, and would be the subject of a Highways Agreement. As no agreement for a detailed design or funding is in place with TfL, the proposed improvements are not secured.

6.69 The improvements do not include installation of a signalled crossing to Larch Drive, meaning pedestrians would need to cross this road between busy traffic to reach Gunnersbury Park. The proposed raised road surface that is designed to slow traffic would need to be set back from the junction to avoid conflict with higher speed vehicles turning in from adjoining roads (both the A4 and North Circular). This would mean the crossing points would be located closer to the

⁷³ 5.14 of TA

⁷⁴ Ibid.

⁷⁵ 5.15 of TA

proposed delivery bay and basement driveway access adding to concerns about the hostile and busy nature of the crossing. I am not aware of any road safety audit being completed for these proposed works.

6.70 All the roads adjoining the site are managed by Transport for London (“TfL”) as the highway authority.

6.71 TfL has commented (see **Appendix 9**) in respect of the pedestrian environment at the site that:

“There is a safety issue of vehicles failing to give way at Larch Drive junction with the A406 which will be exacerbated with increased use of this junction”.

6.72 They further commented that:

“TfL is concerned about the potential conflict of pedestrians and vehicles turning left into Larch Drive. There should be investigation into whether the kerb could be tightened to slow vehicles down as they approach Larch Drive where a speed limit of 20 mph applies without causing a safety issue in the carriageway. Design issues need to be ironed out. There is a real risk that these measures would increase the confidence of pedestrians in a location where there are hazards due to high speed vehicles. This also applies on the A406 side but the design would cater for lower speeds (30mph rather than 40mph)”.

6.73 TfL has since⁷⁶ accepted public realm and highway works in principle, though no detailed design, road safety audit or arrangements for funding have been agreed.

6.74 The application shows other public realm improvements around the wider pedestrian network and under the elevated M4, though the applicant has not committed any funding for this work.

6.75 Although these proposed works would improve the pedestrian environment around the site, the lack of a signalled crossing for Larch Drive would maintain

⁷⁶ TfL response dated 23 March 2016.

this barrier for people crossing the road between very heavy traffic going in different directions and turning into and out of Larch Drive. The perception remains that the site is severed from nearby public open space with the route not likely to be considered very safe or convenient, especially for children, and their parents/ carers, and people with ambulant disabilities and the elderly.

- 6.76 There would still be effects from noise and fumes from traffic, irrespective of any proposed highway works. As a result, the overall quality of the development is diminished due to the combination of the lack of on-site amenity space and the enduring environmental barriers to convenient accessibility to public open space.
- 6.77 The lack of sufficient areas of good quality amenity space within the development and the continued challenges for convenient access to nearby public open space resulting from the need to cross a busy road and hostile environment (poor air quality, high noise and large volumes of traffic) means that the overall quality of residential accommodation, is significantly diminished, and the scheme does not provide sufficiently high quality living conditions, as required by HLP SC5. Such space is necessary to maximise opportunities to achieve physical and mental health benefits of outdoor spaces and encouraging healthy lifestyles and ultimately sustainable development.

v. Other impacts of the development that require mitigation by planning obligations and other agreements

- 6.78 HLP IMP3 seeks to ensure that development proposals fully mitigate the impacts of the development on the area through a Section 106 Agreement, where necessary or appropriate, having regard to supplementary planning document and provide the Community Infrastructure Levy ("CIL") payments required by any charging scheduled, including the Mayor of London's CIL. A payment or other benefit offered in a Section 106 agreement is not material to a decision to grant planning permission and cannot be required unless it complies with the provisions of the Community Infrastructure Levy Regulations 2010 (Regulation 122), which provide that the planning obligation must be:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

- 6.79 The Section 106 agreement will not address all the impacts since some of these will be addressed by CIL, in order to satisfy the Regulation 122 tests above.
- 6.80 The NPPG provides guidance on use of planning obligations, which may impose a restriction or requirement, or provide for payment to make acceptable development proposals that might otherwise not be acceptable in planning terms. The Council's Supplementary Planning Document on Planning Obligations and CIL (2015) contains guidance on imposition of planning obligations in compliance with such guidance. These obligations may offset shortfalls in the scheme or mitigate a development's impacts.
- 6.81 The following draft Heads of Terms are considered necessary and should be secured by a Section 106 legal deed if the application was to be approved, all of which are considered to comply with the NPPF, LP, HLP, the London Plan, Core Strategy and Development Management Policies and the three Regulation 122 tests referred to above, and that without the obligations the scheme would represent an unsustainable development.
- 6.82 **(A) Affordable housing** –
- 6.83 A obligation in line with SOCG obligation is necessary to secure the affordable housing offered and ensure that the maximum reasonable amount of affordable housing that is viable is provided in accordance with LP policies 3.8, 3.9, 3.10, 3.11 and 3.12, and HLP policy SC2.
- 6.84 **(B) Construction training** – A contribution of £2,750 for every £1m construction costs or an agreed training strategy to assist skills and training of Hounslow residents.

- 6.85 This meets LP 4.12 and HLP ED4 which seek employment of local residents in developments by providing opportunities for training, including apprenticeships and job brokerage. This helps increase local skills and economic well-being of local people and enables more sustainable patterns of travel to work.
- 6.86 **(C) Job brokerage** – A contribution or strategy focussed on matching employment opportunities and providing experience to provide work and increased skills for Hounslow residents.
- 6.87 This secures benefits similar to those referred to in paragraph 6.84 above. The development would provide over 400 jobs, which should be matched to local people's skills.
- 6.88 **(D) Sustainable travel** – Travel Plans providing measures to encourage sustainable travel to the site with monitoring (for residential and commercial).
- 6.89 The respective Travel Plans should set out how the end users of the development will accord with sustainable transport objectives, identifying a package of measures to promote sustainable transport, with an emphasis on reducing travel by motor vehicles and encouraging walking and cycling. Monitoring provisions are also necessary to ensure targets are achieved.
- 6.90 This obligation would meet the objectives of the NPPF to ensure that opportunities for the use of sustainable transport modes are protected and exploited. Paragraph 36 of the NPPF states that all developments that generate significant amounts of movement should be required to provide a Travel Plan. Maximising use of sustainable modes of transport would help reduce traffic congestion and air pollution, helping to meet objectives of LP 6.3, 6.9, 6.10 and 6.13, and HLP EQ4 and EC2.
- 6.91 **(E) Residents' parking permits** – Restriction that prohibits residents of the new dwellings from obtaining parking permits for local Controlled Parking Zones, made under Section 16 of the Greater London Council (General Powers) Act 1974 (as amended)..

- 6.92 A restriction on the new residents from applying for a resident parking permit for nearby Controlled Parking Zones is necessary to prevent occupiers parking in nearby residential streets which already suffer from high parking stress and ensure there are no adverse effects on highway safety and the flow of traffic. This restriction would also encourage occupants of the development to use of sustainable modes of transport in line with LP 6.3, 6.9, 6.10 and 6.13, and HLP EC2.
- 6.93 **(F) Car Club** – Two on site spaces.
- 6.94 Two car club spaces are proposed on the site within the basement car park and residents of the proposed building are to receive 3 years free membership of the scheme.
- 6.95 This would be consistent with objectives of HLP EC2 that seeks to promote sustainable modes of travel through travel plans and low or ‘car free’ development. Such car clubs may reduce car usage and demand for parking as some households may choose to utilise it rather than have their own car. This would be of benefit at this location which adjoins a heavily congested road network.
- 6.96 **(G) Carbon Offset Fund** – Contribution of £12,177 to the Council’s Carbon offset fund.
- 6.97 To ensure growth is sustainable and low to zero carbon, new developments must meet the relevant targets for energy use and carbon dioxide emission reductions where possible, in accordance with HLP EQ1 and LP 5.2. Both EQ1(g) and LP 5.2(E) say that where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere. In this case the scheme would not fully meet the relevant emission savings target and a contribution is required.

- 6.98 **(H) Considerate Contractors Scheme** – Management of construction activity to minimise disturbance of surrounding environment.
- 6.99 Membership of this scheme helps to regulate the manner in which construction works are carried out, particularly to minimise the impact on movement and limit disruption to others around the development, including from vibration, air, noise and light pollution. Measures may also cover site security and appearance, information for neighbours and site welfare. Given the characteristics of the site, which adjoins pedestrian footpaths and has residential areas to the south, management of construction activities is justified.
- 6.100 **(I) Community Access** – Provision of public access to a viewing level (32nd floor) and ground floor atrium. The applicant has offered 10 days per annum access to the roof terrace with these to be advertised in advance to the public, and 365 days access to the atrium.
- 6.101 LP 7.7(C)(f) says tall buildings should incorporate publicly accessible areas on the upper floors, where appropriate, in this instance, if approved the building would be a major landmark in the area, which would afford views over a wide area of attractive landscapes. Allowing public access would be a benefit for the wider public, allowing the high quality landscapes in the area to be appreciated, however access arrangements needs to be clear and well-advertised with a nominal or no fee for entry.
- 6.102 **(J) Affordable Workspace** – Provision of 10% of the commercial office floor space at 80% of market rent for a period of 10 years.
- 6.103 The provision of 468 sqm of new office space at below market rent would potentially provide space for small and medium enterprises and is consistent with the inclusion of the site within the designated SOLDC.
- 6.104 **Other agreements**

6.105 It would also be necessary for there to be agreements under the Highways Act 1980 (section 38 and/ or 278) with Transport for London to secure changes and improvements to the adjoining public highways (pedestrian and cycle routes and Larch Drive works).

7.0 ALLEGED BENEFITS PURPORTED TO OUTWEIGH HARM

7.1 The appellant submits that the proposals contained in the planning application and advertisement consent application would bring significant public benefits to the area as listed in section 3.8 of their Statement of Case and 7.20 of their Planning Statement which I consider below.

Planning Application Benefits

7.2 High quality landmark building

7.3 The appellant argues⁷⁷ the proposed would deliver a “*high quality building*”, with “*strong sustainability credentials*” for a “*key gateway site*”.

7.4 Given my factual and policy background evidence and the conclusions of the Council’s Heritage and Design witness, Philip Grover [LBH/2/A], about the quality of the building and the adverse visual, townscape and heritage effects identified, I strongly disagree the with the appellant’s assertion that this building brings any public benefit by way of providing a high quality landmark.

7.5 Regeneration

7.6 The appellant says⁷⁸ a significant public benefit results from the “*sustainable redevelopment of a long standing, vacant brownfield site in a prime location*” and this would act as a “*catalyst development for regeneration of the Great West Road*”.

7.7 The proposal would result in the regeneration of a key site within a proposed Opportunity Area and the SOLDC. Reuse of previously developed land, which is unsightly and largely vacant, apart from advertisements, would be a public benefit. However completing the implemented scheme or developing the site with a lower mixed-use building, would bring the same regeneration benefits in a far less visually intrusive manner that would not have the same effect on the

⁷⁷ Section 3.8 of appellant’s Statement of Case

⁷⁸ 7.20 of Planning Statement 2015

significance of the numerous heritage assets that arise from the incongruous height and bulk of the proposed building. I also note the locality is already undergoing major regeneration with the development of the Lionel Road (Brentford FC) scheme and mixed-use development at 650 Chiswick High Road, and so development of the appeal proposals is not necessary to spur on regeneration of other nearby sites within the Great West Road Corridor.

7.8 Economic activity and increased employment

- 7.9 The development would create employment on the site during construction as well as on completion of work. The ES says⁷⁹ that approximately 155 permanent Full Time Equivalent (“FTE”) jobs could be created as a result of the construction works.
- 7.10 The ES also says⁸⁰ up to 420 jobs could be created by the commercial elements of the proposal. The building would provide high quality office space as well as retail premises (A1/ A3 uses). However I note the consented and implemented scheme (00505/EY/P5) has 19,750 sqm of employment space. That building would provide over 3 ½ times the same employment space (and stated 750 jobs would be created), and it or a similar lower height mixed-use building, would bring regeneration benefits in a less visually intrusive building that would not have the same effect on the significance of the various heritage assets.
- 7.11 The appellant argues additional spending by new residents and workers on the site would also increase economic activity in the region. The ES estimates⁸¹ that the potential increased spending from residents would equate to an additional £4.3 million per annum being spent on household goods and services with it considered likely that a significant proportion of this would be spent in the borough.

⁷⁹ 11.111 of Environmental Statement

⁸⁰ 11.134 of Environmental Statement

⁸¹ 11.136 of Environmental Statement

- 7.12 The ES also estimates⁸² employees would spend an average of £10.59 on food and drink locally per day, and could spend up to £980,000 per annum in total in the local economy.
- 7.13 Although there would be likely to be new spending in the locality from employees and residents of the proposed building, such expenditure is also likely to amount to a redistribution of employment and spending from other locations as businesses and people move from their existing accommodation. The ES does not explain this. Consequently, although acknowledging the jobs and spending by workers and residents is a public benefit, including the temporary construction workforce, given the likely displacement of employment and spending from other areas, I do not consider that overall there are major public benefits arising from economic growth and increased employment resulting from the development.
- 7.14 Achievement of Sustainability Objectives
- 7.15 The appellant states⁸³ a public benefit is the “*achievement of key sustainability objectives, via the incorporation of sustainable design and construction techniques targets*”.
- 7.16 In respect of the building’s sustainability credentials, the building includes features expected of tall buildings such as including renewable energy, and it achieves a BREEAM ‘excellent’ rating for the commercial element of the building. This however only meets a policy requirement (HLP EQ2).
- 7.17 The design of the building does not secure the required 35% carbon dioxide emissions reduction against a Building Regulations Part L (2013) baseline from LP 5.2 (33.8% is achieved). I also note that since the application was made in 2015, LP 5.2 has been amended to increase the required carbon dioxide emission reduction level to require ‘zero carbon’ residential buildings from 2016 and the same for non-domestic buildings from 2019.

⁸² 11.137 of Environmental Statement

⁸³ Ibid.

7.18 As such, although the building incorporates sustainable design features, it only meets policy requirements to that effect, and it does not meet the minimum carbon dioxide emission reduction requirement of LP5.2 (and HLP EQ2). Therefore I do not consider the sustainable design credentials of the building are of any particular public benefit.

7.19 Landscaping and public realm improvements

7.20 The development includes public realm improvements around the site that will enhance the appearance of the site and would aid cycling and walking, with a new footpath provided on one side of Larch Drive being the main improvement. Wider public realm improvements are shown as aspirational changes but are not part of the application proposals.

7.21 The improvements to the public realm are necessary to provide access to the site. Although they will improve the appearance of the streetscape around the building this would be a requirement of any proposal and so I consider this to be of minor significance. These works are largely for the benefit of the development itself. The implemented scheme would also deliver public realm and highway improvements. As such I consider the public benefits of these changes to be minor.

7.22 Public viewing terrace and atrium

7.23 The appellant has offered to make the communal amenity space terrace on the 32nd floor available at limited times (10 days a year) to members of the public. Additionally, the ground floor 'atrium', which runs through the centre of the building, would be accessible to the public.

7.24 The roof terrace is of minor public value as it would provide an elevated viewing area that would provide attractive views over the region. However this benefit is of very limited value due to the restricted access proposed. Furthermore, I consider any limited benefit of this feature is negated by the location of the

terrace at the top of the very tall building, which is harmful to the townscape and significance of numerous, highly significant heritage assets.

7.25 I consider the atrium space on the ground floor to also have limited public benefit as it would function as covered route across the site, but does not link up with any other development or place of significant interest. This space has openable doors and will therefore be exposed to air pollution.⁸⁴ It is likely to have some form of security, and appears to have minimal seating and limited features that would encourage people to either visit or remain in the space and so it appears to be more a thoroughfare or lobby. It is only of real benefit to occupants of the development. The evidence of Philip Grover (at 6.15)[**LBH/2/A**] discusses the design of the atrium space, and concludes it is not likely to be heavily used.

7.26 Housing delivery and affordable housing

7.27 The scheme provides 327 dwellings, which is 39.8% of the annual minimum housing requirement for the borough, helping to meet the strategic housing need and delivery targets of the LP and HLP.

7.28 The agreed affordable housing offer would provide 116 affordable homes (35.47% of the total), which has been agreed by the Council as the maximum reasonable amount of affordable housing.

7.29 Such housing is welcomed, in particular affordable housing, though the 'intermediate' proportion of the latter would be available to households with incomes of up to £70,000, which is far above the mean household income in Hounslow which is around £36,000 and so is at the very upper end of the 'affordable' range.

7.30 Nevertheless given the need for housing I believe the housing delivery and provision of affordable housing proposed is a public benefit of the proposal.

⁸⁴ See 7.112 of ES Addendum [**CDA.14**].

7.31 However a substantial number of new homes could be provided within a lower building that has much less harmful effects on the significance of heritage assets.

7.32 Additionally, the weight attached to this public benefit is moderated in light of the Council having a five year housing supply that does not need to rely on this site. The Council's housing trajectory indicates that as of March 2018, Hounslow has a deliverable supply equivalent to 10.6 years of its minimum requirement, with a surplus of 4,899 units in the first five years (see the below table). As such it is not necessary to provide housing on this site, and in turn harm the significance of numerous heritage assets, to deliver the borough's housing supply requirements.

Components of the Housing Trajectory and Totals, Hounslow 2017/18-2031/32									
Year	Started	Not Started	Site Allocations	Lapse Rate Applied	Windfall	Net Projection	Total Delivery	Total Target	Surplus/ Deficit
2017/18	845	0	0	0	0	845	845	863.4	-18.4
2018/19	1105	409	67	5%	184	1765	2610	1726.8	+883.2
2019/20	0	1926	67	5%	184	2412	5022	2590.2	+2431.8
2020/21	0	1590	506	5%	184	2464	7487	3453.6	+4033.4
2021/22	0	474	1072	5%	184	1729	9216	4317	+4899
2022/23	0	58	1576	5%	184	1818	11034	5139	+5895
2023/24	0	58	1576	5%	184	1818	12853	5961	+6892
2024/25	0	58	1576	5%	184	1818	14671	6783	+7888
2025/26	0	58	1576	5%	184	1818	16489	7605	+8884
2026/27	0	58	1576	5%	184	1818	18308	8427	+9881
2027/28	0	0	1082	5%	184	1266	19574	9249	+10325
2028/29	0	0	1082	5%	184	1266	20840	10071	+10769
2029/30	0	0	1082	5%	184	1266	22106	10893	+11213
2030/31	0	0	1082	5%	184	1266	23372	11715	+11657
2031/32	0	0	1082	5%	184	1266	24638	12537	+12101

7.33 Affordable workspace

- 7.34 The appellant has offered 10% of the new office space as ‘affordable workspace’. This means 468 sqm of new office space would be available to rent at 20% below the market rate, for a period of 10 years.
- 7.35 This is of limited public benefit, as the area of space provided is small and the offer only applies for 10 years. Additionally there are no details of the rent levels and how viable the rent would be for small and medium enterprises. Being new, high grade offices, the rent is likely to be higher than existing, lower grade offices in the locality. This may mean that other existing lower grade stock in the area would be likely to be more affordable for small and medium enterprises.
- 7.36 In light of this I consider this affordable workspace to be only of minimal public benefit, and held against the permanent harm to the significance of numerous heritage assets, the temporary reduction of a small proportion of the office accommodation, it is inconsequential.

Other public benefits

- 7.37 I have taken account of local finance considerations in accordance with section 70(2) of the Town and Country Planning Act. The development of housing would generate New Homes Bonus payments and the scheme would also be required to make Community Infrastructure Levy (“CIL”) payments to the Mayor of London and the Council. The New Homes Bonus payment does not improve the development or deal with the harmful effects on heritage or unacceptable amenity space. Although the bonus amount would be substantial how this money would be spent is unknown, so there is no certainty of any direct public benefits, which reduces the weight I would give to this payment.
- 7.38 Effects from increased demand for social and community infrastructure such as school places, health care and local open space would be accommodated by existing facilities or would be offset CIL payments and planning obligations⁸⁵. As the CIL payments are obligatory and planning obligations would address impact

⁸⁵ Under s106 of the Town & Country Planning Act 1990.

on local services and infrastructure and secure benefits of the proposal to meet planning policies, they do not constitute significant public benefits, whilst similar payments would be required with a more appropriate alternative development on the site.

Advertisement Application benefits

- 7.39 The revenue from the advertisements has contributed to the viability of the development. However this must be set against the concerns raised about the effect of the large scale screens on the appearance of the building and amenity of the area.

8.0 PLANNING BALANCE

- 8.1 The appeals are to be determined in accordance with the Development Plan, with development that accords with its policies and which constitutes sustainable development to be approved without delay, and those that conflict with it to be refused unless other material considerations indicate otherwise.
- 8.2 Hounslow's Development Plan is comprised of the Hounslow Local Plan 2015 ("HLP"), the West London Waste Plan (2015) and the London Plan Consolidated with Alterations since 2011 (2016) ("LP") (see paragraph 5.4).
- 8.3 It is the Council's case that the proposed development the subject of the planning appeal is not in accordance with the Development Plan because it is in conflict with policies in respect of:
- (i) Character and appearance (design and townscape);
 - (ii) Heritage; and
 - (iii) Living conditions for residents (amenity space)
- 8.4 And in respect of the advertisement consent appeal that the advertisements are harmful to the amenity of the area.
- 8.5. I am conscious of the need for special regard to be given to preservation of heritage assets, with the NPPF highlighting that heritage assets are irreplaceable, and so any harm or loss should require clear and convincing justification.
- 8.6 Where there is a finding of harm to the setting of a listed building, there is a strong presumption against planning permission being granted, which can only outweighed by material considerations powerful enough to do so. Further, the NPPF says substantial harm to Grade I and II* listed buildings, Grade I and II* Registered Parks and Gardens, and World Heritage Sites, should be wholly exceptional.

8.7 Crucially, where it is found that a proposed development would harm to the significance of a heritage asset, including through adverse effects on the setting of a listed building, the harm must be given considerable importance and weight and in such instances both the Development Plan (HLP CC4) and the NPPF identify a specific balancing exercise to be carried out, which I can summarise below:

(i) If substantial harm would be caused to the significance of heritage assets, then permission should be refused unless the appellant can demonstrate this harm is outweighed by substantial public benefits (and is necessary to achieve those benefits);

(ii) If such harm would be less than substantial, then this is to be weighed against the public benefits of the proposal, though considerable importance and weight and weight must still be given to this finding of harm in this balancing exercise to satisfy the relevant statutory duty. If the inspector concluded that there was less than substantial harm in respect of Strand on the Green and Kew conservation areas, then this balancing of harm against the public benefits would need to be undertaken.

8.8 In respect of public benefits, the NPPG⁸⁶ advises that:

“...public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits”

8.9 In respect of cases of substantial harm, for the loss of significance to be necessary, there will be no other reasonable means of delivering similar public

⁸⁶Paragraph: 020 Reference ID: 18a-020-20140306 of NPPG.

benefits, for example through different design or development of an appropriate alternative site⁸⁷.

Compliance with Development Plan

8.10 Effects on heritage

8.11 As set out by Mr Grover [LBH/2/A], the proposal would result in serious harm, including 'substantial harm', to numerous designated heritage assets in the surrounding area, through introduction of a very tall and large building to the setting of many sensitive areas where heritage assets are found and best appreciated. The proposed building would detract from those settings by appearing as an out of scale and discordant addition to the skyline.

8.12 Consequently the development fails to comply with HLP policies CC3 and CC4 relating to tall buildings and the protection of heritage, and similar policies of the LP (7.1, 7.4 and 7.7).

8.13 Design

8.14 In respect of design, as detailed in Philip Grover's evidence [LBH/2/A] the proposal would result in unacceptable impacts on the townscape from the design of the proposed building, which is not of the highest architectural quality, and it would detract from the townscape and amenity of the surrounding area owing to the discordant scale and bulk of the proposed building, its isolated position in the skyline and addition of large illuminated advertisements that detract from its appearance. Additionally, the advertisements would be harmful to the amenity of the area. The proposed would not be of the highest architectural quality and it would therefore be contrary to HLP policies CC1, CC2, CC3, CC4, CC5 and GB1, and similar LP policies (7.4, 7.6, 7.7, 7.8 and 7.10).

8.15 Living conditions (amenity space)

⁸⁷ Bedford Borough Council v Secretary of State for Communities and Local Government and NUON UK Ltd [2012] EWHC 4344 (Admin)(paragraph 20).

- 8.16 The proposed development fails to adequately meet the requirement for on-site communal amenity space, and is severed from nearby public open space by the existing barrier of adjoining busy roads and the hostile environmental conditions. This means it fails to provide a good quality of residential accommodation for occupants, contrary to HLP SC5.
- 8.17 Planning and heritage balance conclusion
- 8.18 Whilst the planning proposal complies with a number of Development Plan policies, I have found it conflicts with various policies as described above, and I consider it conflicts with the Development Plan as a whole.
- 8.19 I rely on the evidence of the Council's heritage witness Mr Grover [LBH/2/A], which finds that in most cases that the nature of the harmful effects on the significance of the heritage assets of the surrounding area is 'less than substantial harm' with regard to the NPPF, though in relation to the Strand on the Green and Kew Green Conservation Areas, the harm is 'substantial'.
- 8.20 Given these conclusions it is necessary to apply the tests set out in the NPPF regarding heritage as detailed in 8.7 above.
- 8.21 Where substantial harm to the significance of a heritage asset has been found, substantial public benefits must outweigh this harm and the development must be necessary to achieve those benefits.
- 8.22 Although I find that there are some public benefits associated with the proposal from new housing and economic development in particular, these are limited and do not deliver substantial public benefits, and I do not consider that they come close to outweighing the very harmful effects of the development on numerous heritage assets, which are of high significance and are irreplaceable assets.
- 8.23 I rely on the conclusions of the Council's Heritage and Design witness Philip Grover [LBH/2/A] that the proposals would cause substantial, irrevocable harm to the significance of the Strand on the Green and Kew Green Conservation

Areas, as key views/ settings from where their character and appearance are best appreciated would be radically and severely altered, and this harm would not be outweighed by and significant public benefits from the proposal. It would be possible to bring forward a mixed-use scheme on the same site or an alternative site that secured much the same benefits without causing the same degree of harm, and so the harm proposed is not necessary to achieve public benefits.

- 8.24 In the event that the Inspector concludes that the harm created by this development to these two heritage assets is less than substantial, the identified public benefits I have discussed are not significant in themselves to outweigh the less than substantial harm caused by the proposal.
- 8.25 In respect of other heritage assets, where it was found there would be harm, in those instances, less than substantial harm, I do not consider that the public benefits of the proposal outweigh that harm.
- 8.26 Given the large number of heritage assets that would be harmed by the development, the significance and cumulative significance of those assets and the level of harm that would be caused, the weight that must be afforded against the development is very significant indeed.
- 8.27 The protection and enhancement of the historic environment is a core principle that as well a legal duty underpins sustainable development. The affected heritage assets are irreplaceable resources, requiring special protection and careful treatment to sustain their value and importance for future generations.
- 8.28 I have found that the development would conflict with various policies of the Development Plan. The scale and design of this very tall isolated structure would cause serious harm to the townscape and is not the right location for such a tall building, as it would appear as an out of scale and incongruous addition to the townscape, with this also being very harmful to the significance of many sensitive heritage assets through adversely changing their settings.

- 8.29 The design quality of the building would not be of a sufficiently high standard for a tall building in this location and its scale and visual isolation would cause harm to the wider character of the area and the skyline generally. The proposed advertisements would further erode the quality of the building and would cause harm to the amenity of the area in their own right.
- 8.30 The scheme does not provide an adequate area of communal amenity space for its residents and the severance from the nearest public open space also goes against the proposal and conflicts with the Development Plan.
- 8.31 Overall the planning proposal does not achieve positive outcomes in the three mutually dependent dimensions that comprise sustainable development, as there is serious residual harm to the environment. On balance it conflicts with the LP and HLP, as well as the aims and requirements of the NPPF as a whole, and so it cannot be considered sustainable development whilst due regard must be given to the statutory requirement to give considerable importance and weight to the harm to heritage assets.

Advertisement consent

- 8.32 The advertisements contribute to the viability of the development, aiding the delivery of affordable housing. The contribution of the advertisements to affordable housing is noted, but I give this minimal weight as the main issues are amenity and public safety concerns. The large scale illuminated advertisements do not complement the building and are harmful to the amenity of the area.

9.0 SUMMARY AND CONCLUSIONS

- 9.1 My evidence considers the compliance of the appeal scheme with the Development Plan, with the overall planning balance, taking into account the issues discussed in section 6.0 and purported benefits described in section 7.0.
- 9.2 I confirm my conclusions rely on the expert evidence of Philip Grover [**LBH/2/A**] (with his evidence also taking account of the conclusions of Michael Spence [**LBH/1/A**] regarding the effects on the significance of heritage assets and the townscape, and the design of the proposed building. The proposed building, by virtue of its location, scale, mass, and design is incongruous with surrounding development and would not constitute the very highest, outstanding quality of design required for a tall building in this location and would cause harm to the character of the wider area around the site and the skyline, including harm to the significance of numerous heritage assets.
- 9.3 The area of amenity space is insufficient for the intensity of the development whilst access to alternative off-site open space is poor given the quality of the environment, meaning the overall standard of accommodation for future residents is unsatisfactory.
- 9.4 The design of the advertisements is harmful to the amenity of the area, and conflicts with the Development Plan.
- 9.5 I conclude the harmful effects identified are not outweighed by public benefits of the proposal, and in the cases of substantial harm to heritage assets, it has not been demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm.

10.0 DECLARATION

10.1 The evidence I have prepared and provided for this appeal is true and has been prepared in accordance with the guidance of the appropriate professional institutions. I confirm that the opinions expressed are my true and professional opinions.

11.0 APPENDICES

- Appendix 1** **Extracts from officer report - Lionel Road Community Stadium, Lionel Road, Brentford (00703/A/P13)**

- Appendix 2** **Extracts from officer report - Capital Interchange Way, Brentford (01508/1-4/P6)**

- Appendix 3** **Extracts from officer report - Citroen Site, Capital Interchange Way, Brentford (01508/A/P6)**

- Appendix 4** **London Borough of Richmond – Development Plan extracts**

- Appendix 5** **Draft Conservation Area Appraisals (May 2018)**

- Appendix 6** **Building Heights**

- Appendix 7** **Density**

- Appendix 8** **Photos of existing advertisements from Gunnersbury Cemetery**

- Appendix 9** **TfL responses to proposals**

**Appendix 1 Extracts from officer report - Lionel Road
Community Stadium, Lionel Road, Brentford
(00703/A/P13)**

**Appendix 2 Extracts from officer report - Capital
Interchange Way, Brentford (01508/1-4/P6)**

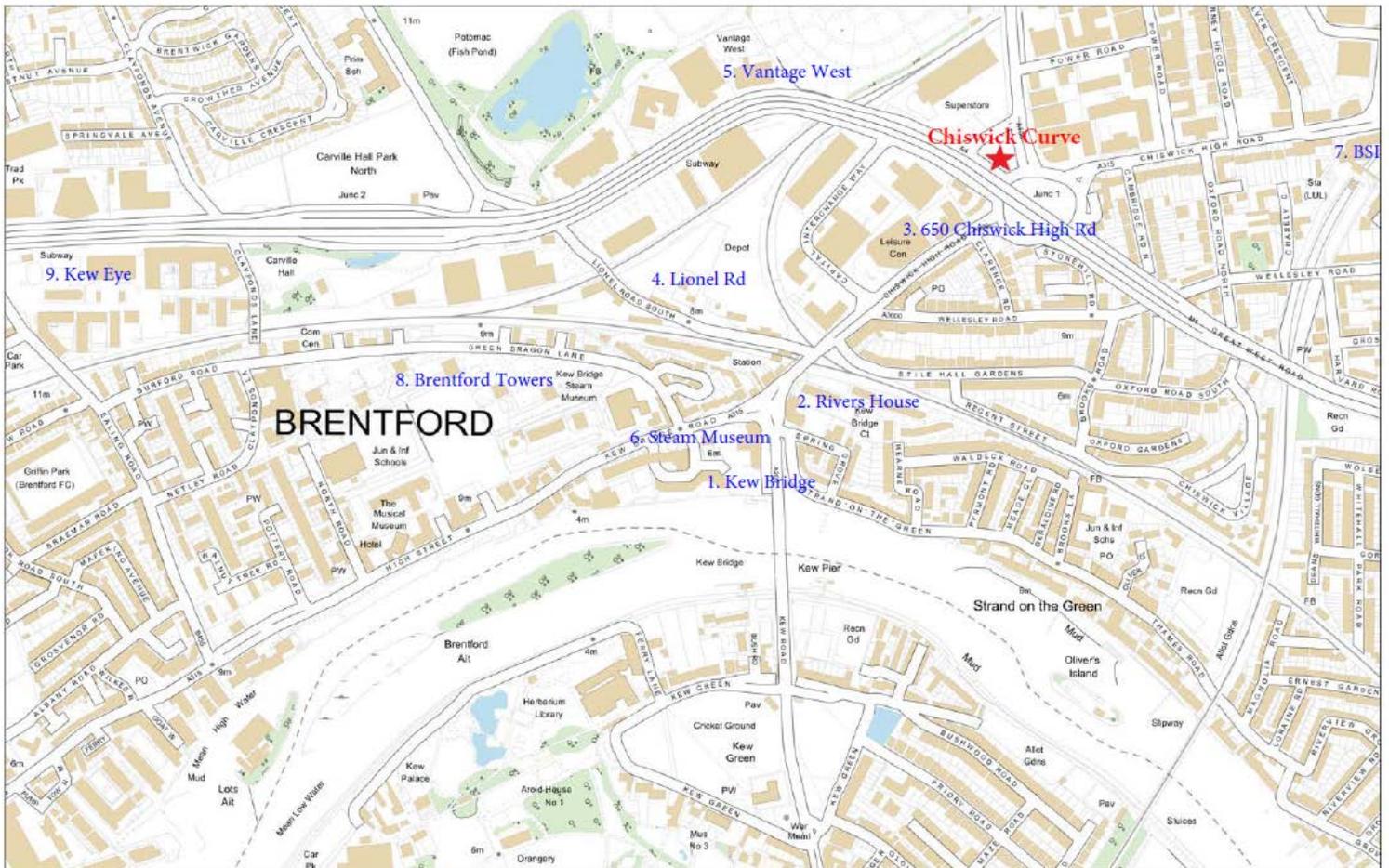
**Appendix 3 Extracts from officer report - Citroen Site,
Capital Interchange Way, Brentford
(01508/A/P6)**

Appendix 4 London Borough of Richmond – Development Plan extracts

Appendix 5 Draft Conservation Area Appraisals (May 2018)

Appendix 6 Building Heights

1. 'Kew Bridge' – Kew Bridge Road (34m AOD)
2. 'Rivers House' – Chiswick High Road (37m AOD)
3. 650 Chiswick High Road (Wheatstone House), Brentford (38.5m AOD)
4. Lionel Road (Brentford FC) – Lionel Road (34m – 61.0m AOD)
5. 'Vantage West' – Great West Road (62m AOD)
6. London Steam and Water Museum tower – Kew Bridge Road (67m AOD)
7. 'BSI' Building, Gunnersbury Station, Chiswick (71.3m AOD)
8. Brentford Towers – Green Dragon Lane (72m AOD)
9. 'Kew Eye' – Great West Road (85m AOD)



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office ©Crown copyright. Unauthorised reproduction infringes ©Crown copyright and may lead to prosecution or civil proceedings. LB Hounslow Licence No. LA 160019263 2014. 0 9 9258 059 6 75 9 1 48999999 1:2500

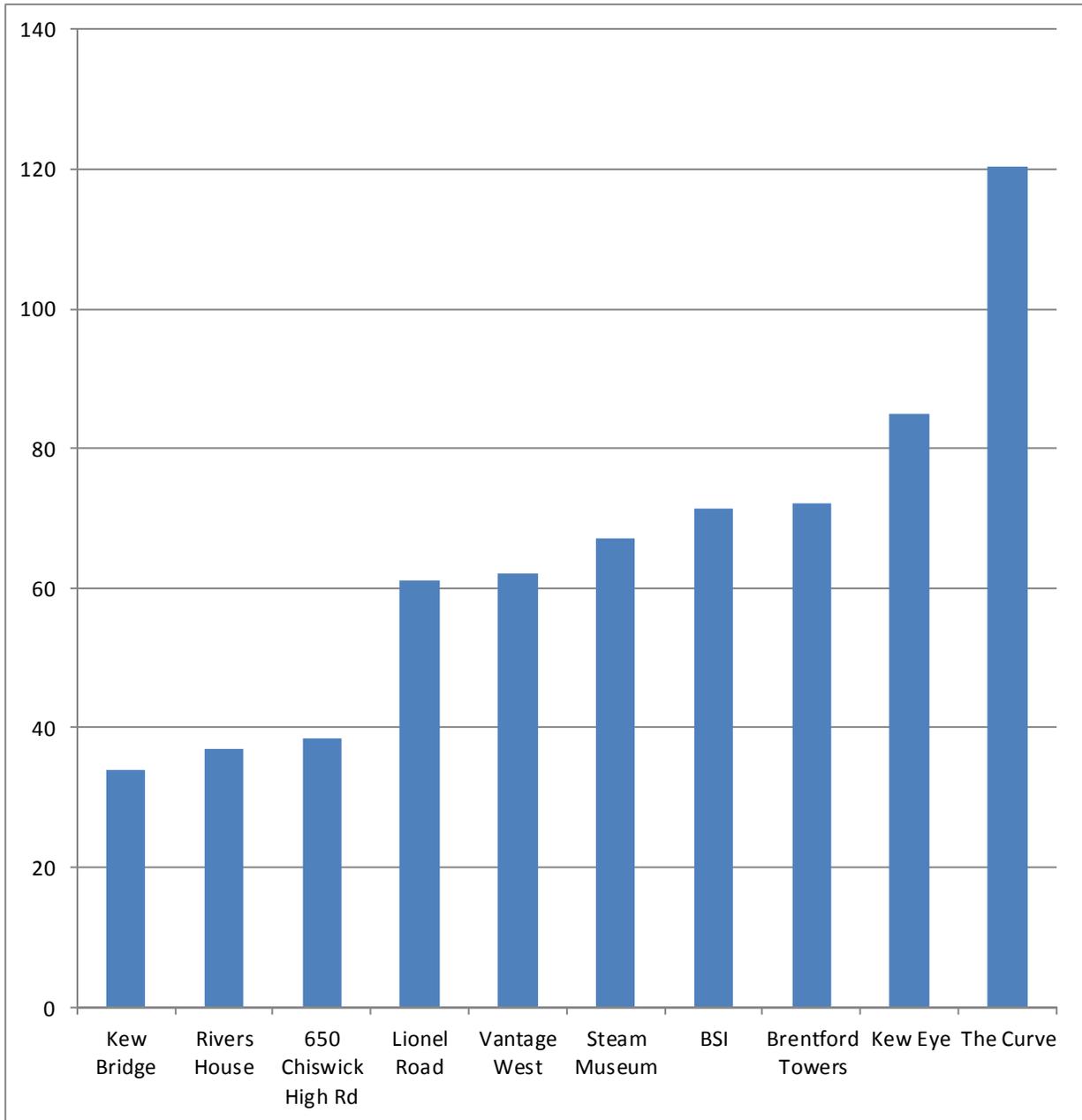
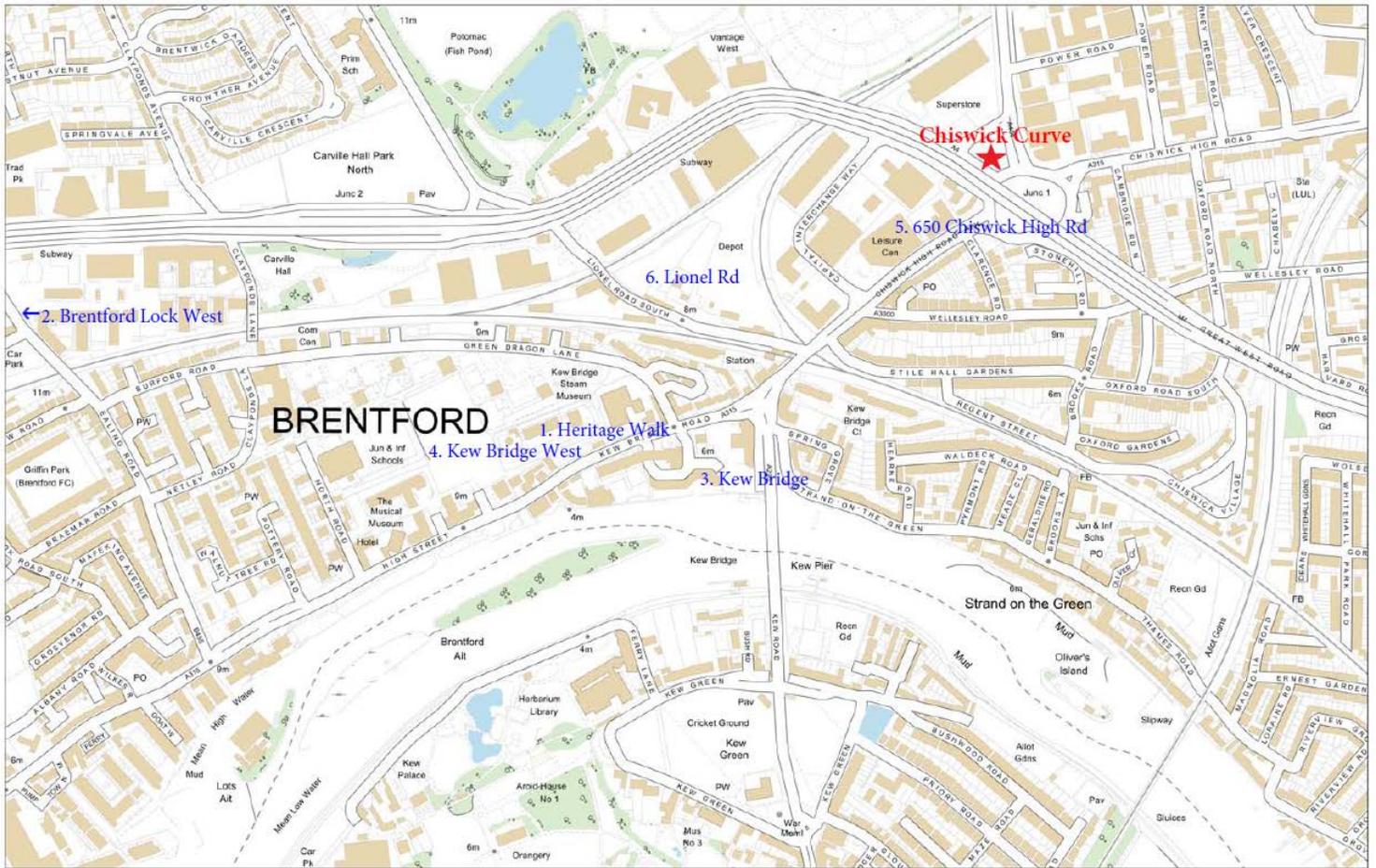


Table 6.1: Comparison of Building Heights in metres (AOD)

Appendix 7 Density (dwelling units/ hectare)

- | | |
|-------------------------------|------------|
| 1. 'Heritage Walk' | 95 u/ha |
| 2. 'Brentford Lock West' | 128 u/ha |
| 3. 'Kew Bridge' | 169 u/ha |
| 4. 'Kew Bridge West' | 195 u/ha |
| 5. 650 Chiswick High Rd | 271 u/ha |
| 6. Lionel Road (Brentford FC) | 379 u/ha |
| 7. The Curve | 1,374 u/ha |



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes © Crown copyright and may lead to prosecution or civil proceedings. LB Hounslow Licence No. LA 109019293 2014. 0 0.6250.056.075 0.1 kilometres 1:2500

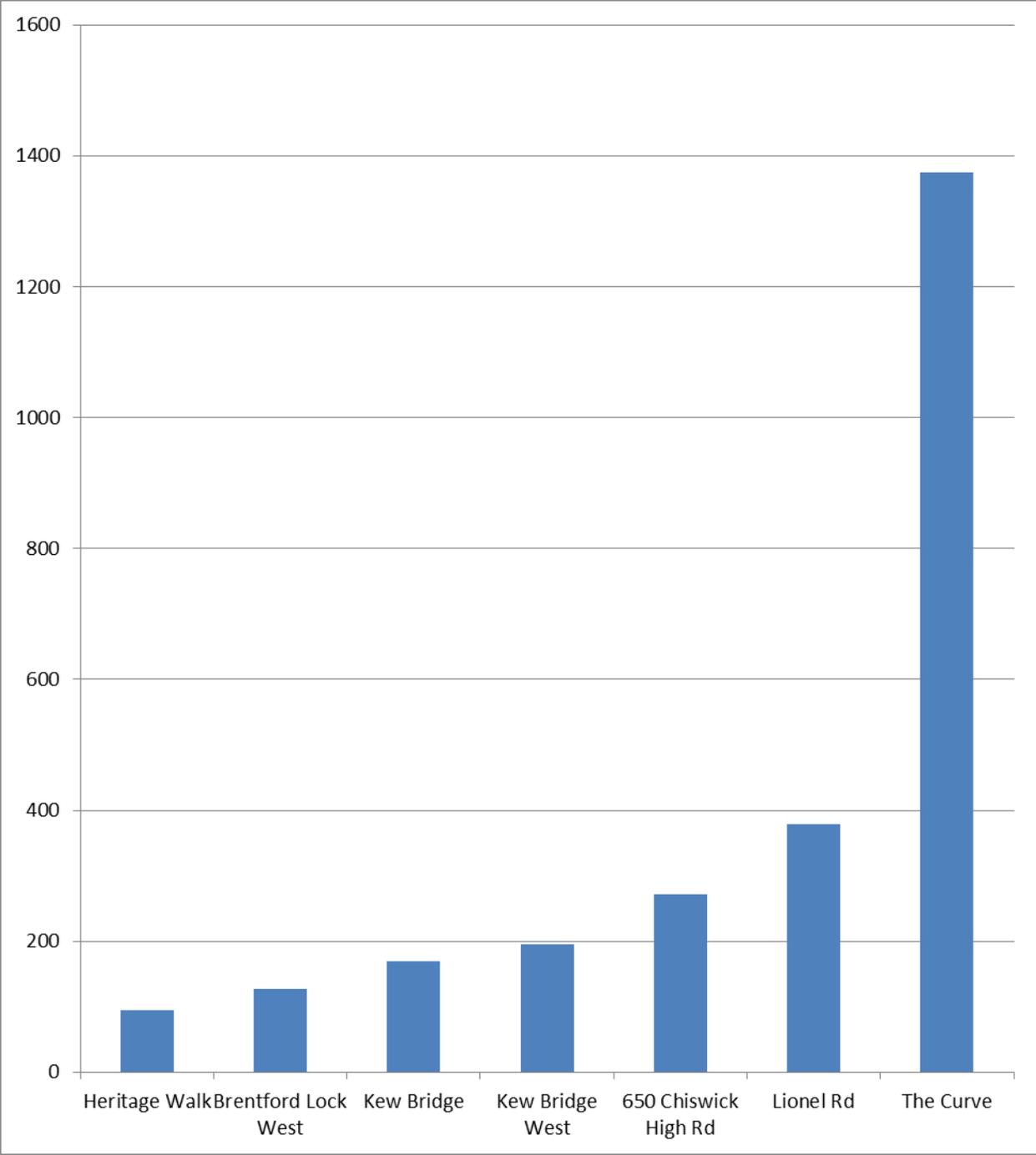


Table 7.1: Comparison of Net Residential Density (dwelling units per hectare)

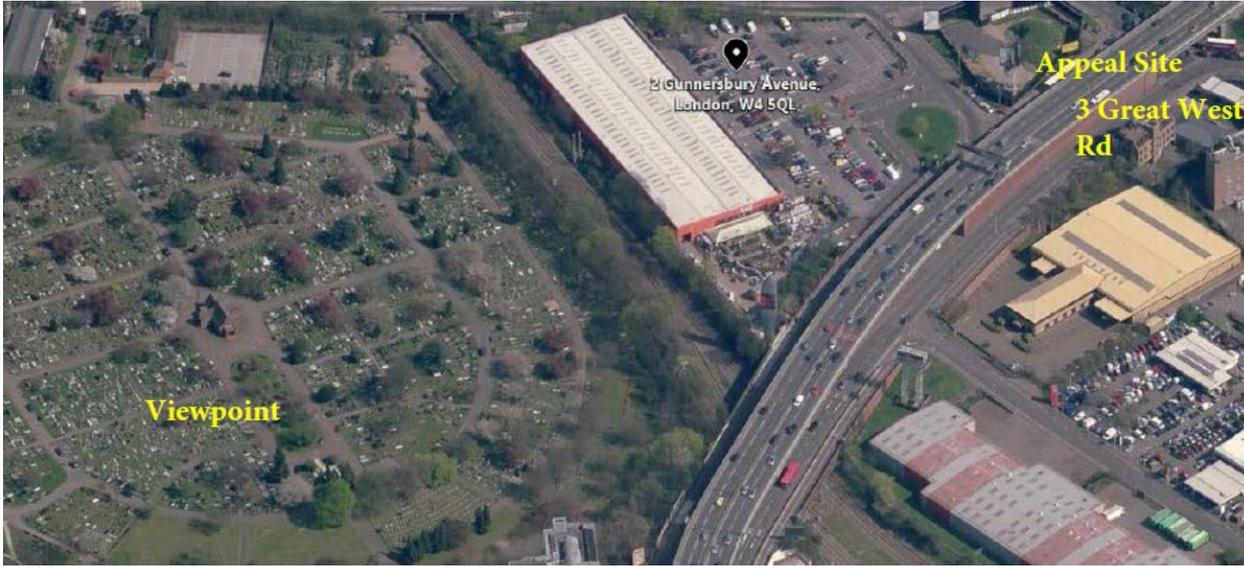
Appendix 8 Photos of existing advertisements from Gunnersbury Cemetery



Advertisement to roof of No. 3 Great West Road is prominent within treeline



No.3 Great West Road – circled – Chiswick Curve site is opposite with tower structure.



Location of site photo taken in cemetery.

Appendix 9 TfL responses to proposals