

Citroen Site, Capital Interchange Way

Secretary of State Call In

Statement of Case by the Mayor of London

(Local Planning Authority)

Applicant:	London & Quadrant
At:	Citroen Site, Capital Interchange Way, Brentford TW8 0EX
Local Planning Authority:	The Mayor of London (the Mayor/the GLA)
London Borough:	London Borough of Hounslow (LBH)
Council reference:	01508/A/P6
GLA reference:	GLA/4279
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CONTENTS

- 1. The proposal**
- 2. Role of the Mayor of London**
- 3. Appeal site and surroundings**
- 4. Planning history and context**
- 5. The Development Plan**
- 6. Case for the Mayor**
- 7. Hounslow reasons for refusal**
- 8. Secretary of State's matters for consideration**
- 9. Conclusion**
- 10. Documents to which reference may be made**

1. **The proposal**

- 1.1 The proposed development is as set out in the Application documents and the Representation Hearing Report, namely *“Redevelopment of the site to provide a mixed-use scheme of 441 residential units with ancillary facilities, flexible retail, employment and community uses and a children’s nursery in buildings of 12, 13, 16, 17 and 18 storeys in height.”*

2. **Role of the Mayor of London**

- 2.1 The Greater London Authority Act 1999 (as amended) (1999 Act) sets out the regional government arrangements in London. The statutory powers of the Greater London Authority (GLA) came into force on 3 July 2000 following elections for the Mayor and the London Assembly.
- 2.2 The power and functions of the Mayor and Assembly were amended through the Greater London Authority Act 2007 (2007 Act) and the procedures relating to this are set out in the Town and Country Planning (Mayor of London) Order 2008 (2008 Order) which replaced the Town and Country Planning (Mayor of London) Order 2000.
- 2.3 The 1999 Act sets out the roles of the Mayor and the London Assembly. It gives the Mayor the power to undertake any action calculated to further the ‘Principal Purposes’ of the Authority. These are:
- Promoting economic development and wealth creation in Greater London;
 - Promoting social development in Greater London; and
 - Promoting the improvement of the environment in Greater London.
- 2.4 In undertaking any action the Mayor is required to have regard to the health of persons in Greater London and the promotion of sustainable development in the United Kingdom.
- 2.5 The Mayor is also responsible for ensuring that the strategic planning interests of London as a whole are taken into account in the policies and decisions of central and local government and of relevant bodies – both within London, and in surrounding areas where these could have significant impact on the planning and development of the capital.
- 2.6 The 1999 Act sets out the detailed arrangements for strategic planning in London, in particular in relation to the London Plan and the Mayor’s role in decisions on planning applications of strategic importance.
- 2.7 In respect of plan-making, the Mayor is required to publish a spatial development strategy and keep it under review. The spatial development strategy is known as the London Plan. The 1999 Act stipulates that that the London Plan should only deal with things of strategic importance to Greater London, taking account of the ‘Principal

Purposes' of the Greater London Authority, as set out above.

- 2.8 In this regard, the provision of new employment and retail uses relates to the first Principal Purpose, 'promoting economic development and wealth creation in Greater London'. The provision of affordable housing relates to the second Principal Purpose, 'promoting social development in Greater London'.
- 2.9 The 1999 Act gives the Mayor planning responsibilities and powers including in relation to planning applications which raise issues of strategic importance and which are contrary to the spatial development strategy (the London Plan) or good strategic planning in London, introducing a power to direct refusal of such applications. The 2007 Act has introduced a provision that allows the Mayor to 'take over' certain applications and issue a direction that he is to act as the Local Planning Authority for the purposes of determining the application.
- 2.10 The definition of the applications that must be notified to the Mayor is set out in the 2008 Order and comprises four main groups of developments proposals:
- Part 1: Large scale development;
 - Part 2: Major infrastructure;
 - Part 3: Development which may affect strategic policies; and
 - Part 4: Development on which the Mayor must be consulted by virtue of a direction of the Secretary of State.
- 2.11 These categories are designed to encapsulate developments, which through their size, location or nature, are most likely to be of strategic planning importance and relevant to the implementation of the London Plan.
- 2.12 The 2008 Order defines applications of strategic importance. The application was referred to the Mayor under Categories 1A, 1B and 1C(c) of the Order:
- "Category 1A: Development which comprises or includes the provision of more than 150 houses, flats or houses and flats;*
 - Category 1B(c): Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises the erection of a building or buildings outside Central London and with a total floorspace of more than 15,000 square metres;*
 - Category 1C(c): Development which comprises or includes the erection of a building that is 30 metres high and is outside the City of London"*
- 2.13 In accordance with article 4 of the 2008 Order, LBH consulted the Mayor on the Application on 7 November 2017. As set out below, the Mayor provided initial

representations on 15 January 2018 advising LBH and the Applicant that, whilst the principle of the development was supported in strategic planning terms, he concluded that the Application did not fully comply with the London Plan.

- 2.14 LBH resolved to refuse planning permission for the Application on 16 February 2018, under delegated powers, and as required by article 5 of the 2008 Order, LBH formally referred it to the Mayor on 16 February 2018. After carefully considering the proposal, the Mayor, under article 7 of the 2008 order, directed that he would act as the Local Planning Authority for the purpose of determining the application.
- 2.15 On 22 August 2018 the Mayor resolved to grant planning permission, subject to conditions and the prior completion of a section 106 agreement.
- 2.16 On 20 November 2018, the Secretary of State issued a holding direction preventing the grant of planning permission. On 06 May 2019 the Secretary of State directed, under section 77 of the 1990 Act, that the Application shall be referred to him, instead of being dealt with by the Mayor, and that a local inquiry shall be held.
- 2.17 This statement of case is submitted by the Mayor and sets out the case that GLA officers will be making on his behalf in relation to the Application.

3. Appeal site and surroundings

- 3.1 The Mayor will primarily rely on the documentation submitted by the Applicant with its appeal documentation and statement of case, and the Representation Hearing Report in respect of the description of the Application site and surroundings.

4. Planning history and context

- 4.1 The Mayor will primarily rely on the documentation submitted with the application and upon the Representation Hearing Report in respect of the planning history. It is anticipated that a description of the relevant planning history at the Application site will be agreed as part of a statement of common ground. However, the Mayor considers that regard should be had to the following matters of context.

Current Application

Pre-application stage

- 4.2 The Applicant initiated the GLA's formal pre-planning application advice process in respect of the proposed scheme in May 2017, and, on 21 June 2017, a pre-application meeting was held with the Applicant team.
- 4.3 The advice provided by the GLA at the meeting was that the proposed development could be supported subject to further consideration of the proposed layout of routes and spaces. The scale and massing was broadly supported. Comments were also made regarding affordable housing and energy. No further pre-application meetings were held.

Mayor of London consultation (Stage 1)

- 4.4 LBH formally consulted the Mayor on the Application on 7 November 2017 and the Mayor considered a report on the Application on 15 January 2018. The Mayor's Stage 1 response advised that, whilst the principle of development was supported in strategic planning terms, it did not yet comply with the London Plan and required LBH to refer the Application back to the Mayor once it resolved to determine it.
- 4.5 The Stage 1 report concluded that the quantum of affordable housing (which was then proposed to be 40% supplemented by grant funding of the scheme) needed to be verified as the maximum reasonable amount through viability work. The design and the positioning of tall buildings on the site was supported in line with strategic policy subject to concerns regarding the amount of active frontage being addressed. The less than substantial harm to the setting of heritage assets was considered to be outweighed by the public benefits of the scheme. The development was in accordance with London Plan energy, air quality and transport policies, subject to further detail, conditions and S106 obligations.

Post Stage 1

- 4.6 On 16 February 2018, LBH officers acting under delegated authority resolved to refuse planning permission for the Application. On 16 February 2018 LBH advised the Mayor of this decision, citing the following reasons for refusal:

- 1) *The proposed buildings by virtue of their location, scale and design, would not enhance the quality of the built environment and would cause serious harm to the significance of a range of designated heritage assets including listed buildings and conservation areas, as they would appear as overly tall bulky elements that are discordant additions to the existing high quality townscapes, adversely affecting their setting. It has not been clearly and convincingly demonstrated that there are public benefits that would outweigh the harm caused. This would be contrary to: London Plan Policies 7.4 (Local Character), 7.6 (Architecture), 7.7 (location and design of tall and large buildings) and 7.8 (heritage assets and archeology), policies CC1 (context and character), CC2 (urban design and architecture), CC3 (tall buildings), CC4 (heritage) and GB1 (green belt and metropolitan open land) of the London Borough of Hounslow Local Plan; and the aims and objectives of the National Planning Policy Framework*
- 2) *The proposed development, by virtue of its heavy reliance on the provision of one and two bedroomed units and poor levels of daylight to a number of habitable rooms, would fail to deliver a wide choice of housing and an acceptable standard of accommodation for each residential unit. This would be contrary to: London Plan policy 3.8 (housing choice), policies CC2 (urban design and architecture), SC3 (meeting the need for a mix of housing size and type) and SC4 (scale and density of new housing development)*

- 3) *The proposed development, in the absence of a completed legal agreement to secure necessary planning obligations in respect of affordable housing provision and a viability review mechanism, would fail to be acceptable in planning terms as the opportunity to deliver the maximum reasonable amount of affordable housing and create mixed and balanced communities would not have been taken. This would be contrary to: policies 3.8 (housing choice), 3.9 (mixed and balanced communities) and 3.12 (negotiating affordable housing on individual private residential and mixed use schemes) of the London Plan; the Mayor of London's Housing Supplementary Planning Guidance (2016) and Affordable Housing and Viability Supplementary Planning Guidance (2017); policy SC2 (maximising provision of affordable housing) of the London Borough of Hounslow Local Plan; and the aims and objectives of the National Planning Policy Framework.*
- 4) *The proposed development, in the absence of a completed legal agreement to secure the necessary planning obligations in respect of securing: provision of training and employment opportunities; a comprehensive travel plan, car club membership, restriction on resident parking permits and financial contribution towards Gunnersbury Station improvements; construction of new vehicular access and stopping up and reinstatement of existing accesses; provision of a new public open space; compliance with the Considerate Contractor Scheme; and financial contribution toward the Borough's carbon offset fund, would fail to be acceptable in planning terms as it would not mitigate fully its impacts on the local area through providing training and employment opportunities for local people, limiting the use of private cars and contributing to use of more sustainable modes of transport, improving pedestrian permeability and the wider public realm, minimising disruption during construction stage, and reducing carbon dioxide emissions. This would be contrary to: policies 4.12 (improving opportunities for all), 5.2 (minimising carbon dioxide emissions), 6.3 (assessing effects of development on transport capacity), 6.9 (cycling), 6.10 (walking), 6.13 (parking), 7.2 (an inclusive environment) and 8.2 (planning obligations) of the London Plan; policies ED4 (enhancing local skills), CC2 (urban design and architecture), EQ1 (energy and carbon reduction), EC1 (transport connections) and EC2 (delivering a sustainable local transport network) of the London Borough of Hounslow Local Plan; and the aims and objectives of the National Planning Policy Framework.*
- 5) *The development is required to appropriately mitigate its impacts in respect of sustainable design and drainage. The information provided in supporting documentation is insufficient to determine that the development would satisfy the provisions of London Plan policies 5.3 (sustainable design and construction) and 5.13 (sustainable drainage) and policy EQ2 (sustainable design and construction) of the London Borough of Hounslow Local Plan.*

Mayor of London decision (Stage 2)

- 4.7 On 26 February 2018 the Mayor directed LBH that he would act as the Local Planning Authority for the purposes of determining the application, for the reasons set out in the Direction and accompanying Stage 2 Report. In accordance with Article 7 of the 2008 Order he considered that;

i) the development would have a significant impact on the implementation of the London Plan; and

ii) there are sound planning reasons for his intervention.

- 4.8 In making his Direction, the Mayor noted the potential contribution of the scheme to housing and affordable housing delivery.

Mayor of London as Local Planning Authority (Stage 3)

- 4.9 Following the Mayor's Direction, the Applicant made amendments to the scheme, which were subject to public consultation between 25 May 2018 and 25 June 2018. These amendments are set out in detail in the Representation Hearing Report, but in summary comprise an increase in the number of residential units from 427 to 441, an increase in the amount of affordable housing from 40% to 50%, a commensurate uplift in wheelchair accessible units and playspace, an increase in height of block B by two stories, an increase in family sized units, a reduction in car parking by 6 spaces and an increase in cycle parking by 196 spaces.
- 4.10 On 11 July 2018, the Mayor undertook an accompanied site visit with GLA and TfL officers, representatives from the Council, Historic England and the Applicant team.
- 4.11 On 20 July 2018, a public Representation Hearing was held at City Hall for the Mayor to consider the planning application and hear from third parties opposed and in favor of the scheme, as well as from LBH.
- 4.12 Following the hearing, on 22 August, the Mayor undertook a second accompanied site visit to Royal Botanic Gardens Kew with GLA and TfL officers, representatives from the Council, Historic England, Royal Botanic Gardens Kew and the Applicant.
- 4.13 Following the site visit on 22 August 2018, the Mayor resolved to grant planning permission in line with the recommendation of GLA officers, subject to conditions and the conclusion of a S106 agreement.
- 4.14 It remains the Mayor's view that planning permission should be granted subject to conditions and the conclusion of a S106 agreement for the reasons set out in this Statement of Case.

- 4.15 Since the Mayor's resolution to approve the application, GLA officers have engaged in discussions with the Applicant and LBH with a view to progressing the S106 agreement. The majority of matters have been agreed and further discussions will take place in advance of the Inquiry with a view to having an agreed draft in place.

Secretary of State Call In

- 4.16 On 20 November 2018 a Holding Direction was issued by the Secretary of State, preventing the Mayor from granting planning permission. The Secretary of State called in the application for his determination on 6 May 2019.

5. The Development Plan

- 5.1 Planning applications must be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise (S.38(6) Planning and Compulsory Purchase Act 2004).
- 5.2 The Development Plan currently in force for the area comprises Hounslow Local Plan, and, the London Plan (2016). Paragraph 47 of the National Planning Policy Framework (NPPF) reiterates that statutory planning law requires that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.3 There are several emerging policy documents of relevance to the scheme. These are the Draft London Plan – Consolidated Suggested Changes Version July 2019, the Great West Corridor Local Plan Review (final draft for consultation) and the draft Brentford East SPD.

6. Case for the Mayor

The scheme complies with the Development Plan, subject to necessary planning obligations being secured through a S106 agreement

Development Plan Policy Summary

The London Plan

- 6.1 The London Plan is the overall strategic plan for London, bringing together the spatial aspects of the Mayor's other strategies. Below is what the Mayor of London considers to be the key policies relevant to this application, having regard to the matters that the Secretary of State particularly wishes to be informed about. A more extensive list of relevant policies is contained within the Representation Hearing Report.
- 6.2 "The Mayor recognises the pressing need for more homes in London in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford". London Plan Policy 3.3 sets out London's housing need as equating to an annual average of 42,000 net additional homes across

London. Table 3.1 sets LBH's annual monitoring target at 822 homes. Policy 3.4 seeks to ensure that development optimises housing output and sets out a series of guidance density ranges. It should be noted that both London's and Hounslow's housing delivery targets have materially increased in the draft London Plan.

- 6.3 London Plan Policy 2.16 seeks to bring forward adequate development capacity to create a distinct and attractive business offer, including mixed use development and public realm within Strategic Outer London Development Centres. London Plan Policy 3.18 supports proposals for high quality early childhood education centres
- 6.4 London Plan Policy 3.12 states that "the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed-use schemes", having regard to a number of criteria. The policy is clear that affordable housing should normally be provided on-site, except in exceptional cases.
- 6.5 The design policies of the London Plan, principally 7.1-7.7, collectively seek, amongst other things, to reinforce and enhance the character of a place, improve accessibility and people's quality of life, have a human scale and positive interaction with street level, and be of the highest architectural quality. Policy 7.7 sets out a criteria-based approach to the assessment of tall building proposals. Policy 3.5 is concerned with the quality and design of new housing.
- 6.6 Policy 7.8 states that "development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail". Policy 7.10 seeks to avoid adverse impacts on World Heritage Sites or their settings, ensuring development does not "compromise a viewer's ability to appreciate its Outstanding Universal Value, integrity, authenticity or significance".
- 6.7 Section 6 of the London Plan contains the policies relevant to the transport aspects of the scheme, including cycling (6.9), walking (6.10) and parking (6.13).

Local Plan Policy

- 6.8 Insofar as the local elements of the Development Plan are concerned, that is the LBH Local Plan, the key policies relevant to this application are set out below. Again, this is not exhaustive, and a more detailed list is set out in the Representation Hearing Report.
- 6.9 Local Plan Policy SV1 sets out that the borough will undertake a partial local plan review to explore and identify the potential capacity for additional employment-led mixed use development along the Great West Corridor and coordinate its regeneration.
- 6.10 Local Plan Policy ED2 seeks to ensure there is no loss in employment capacity within the Great West Strategic Outer London Development Centre. Local Plan Policy TC1 recognises the need for local shops to help meet the day to day need of residents are appropriate in out of town centre locations. Policies CI1 and CI2 support the provision of childcare facilities where there is an identified need.

- 6.11 The borough's housing target proposals are set out in Policy SC1, which seeks to maximise the supply of housing in the borough by building at a rate exceeding the London Plan annualised completion target to achieve at least 12,330 new homes between 2015 and 2030. The Policy goes on to state that this will be achieved by "encouraging the effective use of land by reusing previously developed land provided that it is not of high environmental value or in a use that is protected otherwise in the Local Plan". Policy SC2 seeks the maximum provision of affordable housing with a strategic target of 40% of additional housing delivered across the borough between 2015 and 2030 to be affordable, with the expectation that 60% of it would be for social or affordable rent and 40% intermediate tenure. Policy SC3 requires, amongst other things, a mix of types, tenures and sizes of homes to be achieved.
- 6.12 The design-related policies of the Local Plan require, amongst other things; appropriate scale and density (SC4); ensure suitable internal and external space (SC5); take opportunities to enhance the boroughs character and context (CC1); deliver high quality urban design and architecture to create attractive, distinctive and liveable places (CC2); high quality, sensitively places tall buildings that do not have significant impacts on the setting of heritage assets (CC3); promote heritage-led regeneration along the Golden Mile (CC4).
- 6.13 Policy EC2 promotes alternatives to car use by, amongst other things, directing high trip generating development towards accessible locations, requiring car parking to be at or below standards, requiring cycle parking and facilities.

Other material considerations

National Planning Policy Framework (NPPF)

- 6.14 National planning guidance is a material consideration in the determination of the appeals. The Mayor considers that the development proposals comply with national planning policy for the principal reasons set out in this statement. As such his resolution to grant planning permission is consistent with and supported by the application of national planning policy.
- 6.15 The NPPF was first introduced by the Department of Communities and Local Government in March 2012, later amended in July 2018 and most recently in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. The chapters of particular relevance to this application are:
- 5. Delivering a sufficient supply of homes;
 - 6. Building a strong, competitive economy;
 - 7. Ensuring the vitality of town centres;
 - 8. Promoting healthy and safe communities;
 - 9. Promoting sustainable transport;
 - 11. Making effective use of land;

- 12. Achieving well-designed places; and
- 16. Conserving and enhancing the historic environment.

The Draft London Plan – Consolidated Suggested Changes Version July 2019.

- 6.16 The Draft London Plan has been subject to Examination in Public between January and May 2019. Following completion of the Examination in Public, the Mayor published his Draft London Plan – Consolidated Suggested Changes Version July 2019. It is a relevant material consideration and should be taken into account on the basis explained in the NPPF (paragraph 48).
- 6.17 It should be noted that the planning inspectors panel report is expected in September. The Panel's written report will set out its findings in relation to the EIP matters and may include recommendations relating to the content of the draft London Plan published in December 2017 or associated matters. The Panel will take account of the written statements, the discussions at the EIP, and any changes to the draft Plan suggested by the Mayor. The Mayor may not publish the London Plan until after he has received the Panel report. The London Plan to be published by the Mayor may be in the form of the December 2017 draft or as modified to take account of the representations made about it, any direction by the Secretary of State, the Panel report, or any other material considerations.
- 6.18 It is considered that the emerging policies of most relevance to this case include Policy GG2 which seeks to enable the development of brownfield land particularly in Opportunity Areas; Policy SD1, which designates the Great West Corridor as an Opportunity Area and associated Figure 2.10 which identifies the capacity to deliver 7,500 new homes and 14,000 new jobs within the Great West Corridor Opportunity Area and Policy H1 which identifies a need for an additional 66,000 additional homes in London per year and sets a new ten year housing delivery target for Hounslow of 21,820 homes (it should be noted that the annualised housing target for each borough has been deleted from the Plan to enable Councils the flexibility to deliver on the ten-year target in accordance with the nation housing delivery test). Policy D1B seeks to optimise site capacity through a design led approach and states that residential development that fails to optimise the site should be refused.
- 6.19 It should also be noted that the sites London Plan Designation as a Strategic Outer London Development Centres has not been carried through the draft London Plan, however it should be noted that Policy E8 does encourage boroughs to identify and promote the development of Strategic Outer London Development Centres (SOLDC) that have one or more economic functions of greater than sub-regional importance.
- 6.20 A complete list of all the relevant draft policies is set out in the Representation Hearing Report.

Great West Corridor Local Plan Review

- 6.21 The Council is currently undertaking two Local Plan Reviews; the West of the Borough Local Plan review and the Great West Corridor Local Plan review. Consultation on the 'Preferred Options Consultation' document for both these reviews, and amendments to the adopted Local Plan, was undertaken between 23 October 2017 and 10 December 2017.
- 6.22 The Great West Corridor Local Plan Review is of the most relevance to this proposal. It should be noted that LBH are planning to undertake formal consultation on the plan review in July/August 2019. Given the local plan reviews are yet to undergo Regulation 19 consultation limited weight can be afforded to the plan at this point in time.
- 6.23 The Great West Corridor Local Plan review seeks to deliver 7,500 new homes and 14,000 new jobs in the Great West Corridor. It should be noted that the Citroen site does not have an identified site allocation within this document.

Supplementary Planning Guidance/Documents, Strategies and other documents

- 6.24 A comprehensive list of supplementary planning documents/guidance, strategies and other relevant documents is set out in the Representation Hearing Report. Those of particular relevance to this proposal are referred to in more detail below.
- 6.25 The Mayor published his Affordable Housing & Viability SPG in August 2017 which, amongst other things, confirms the circumstances where viability information is expected to accompany planning applications and provides clarity over the use of viability review mechanisms. The SPG must be read in conjunction with the decision in *R v McCarthy & Stone*.
- 6.26 London's World Heritage Sites – Guidance on Settings SPG is also of relevance to the proposal as it impacts the Royal Botanic Gardens Kew World Heritage Site. Appended to this document is the Royal Botanic Gardens Kew Statement of Outstanding Universal Value 2003, a formal statement that encapsulates the qualities that justify the Outstanding Universal Value of the World heritage Site. The statements include a statement of integrity, a statement of authenticity and a section detailing the requirements for the protection and management of the World Heritage Site.
- 6.27 There are a number of conservation area appraisals which are relevant including the Strand on the Green Conservation Area Appraisal published by LBH and the Kew Gardens Conservation Statement and Kew Green Conservation Statement published by the London Borough of Richmond.
- 6.28 The Greater London Authority Act 1999 requires the Mayor of London to prepare and publish a transport strategy known as the Mayor's Transport Strategy (MTS). The MTS must include, amongst other things, policies for the promotion and encouragement of safe, integrated, efficient and economic transport facilities and services to, from and

within Greater London and proposals for the provision of transport which is accessible to persons with mobility problems. A revised MTS was published by the Mayor in March 2018

- 6.29 Consultation closed on the draft Brentford East SPD on 10 December 2017 however this document is yet to be adopted. The SPD seeks to provide detailed information and planning and design guidance for new development within the Brentford East area. The SPD was developed in response to a need to provide interim guidance on development within this portion of the Opportunity Area given the early stages of the draft Great West Corridor Local Plan review to ensure development in this area coming forward in the shorter term does so in a coordinated and planned manner. It should be noted that the SPD has been informed by a capacity study however the document has not yet been viability tested.

Assessment

Land use principle

- 6.30 The site is not identified for a specific form of development within the development plan. It is however within a wider area identified in the current London Plan as the Great West Corridor Strategic Outer London Development Centre for media which is reflective of the media focussed uses further down the Great West Corridor toward Gillette Corner including the JC Decaux Building, Sky and GlaxoSmithKline. The site and its surrounding are not characterised by media uses and do not form any of these functions, instead surrounding land uses include car sales yards, open storage, big box retail, residential and the Brentford Community Stadium (currently under construction). The proposal is therefore not considered to prejudice the wider corridors economic function as a centre for the digital and media centre. It should also be noted that this designation is not continued under the draft London Plan.
- 6.31 In particular, the London Plan Policy supports the maximisation of housing delivery on accessible, underutilised out of town retail sites. The proposal is considered achieve this policy objective. The draft London Plan designates the Great West Corridor Opportunity Area to which the site sits. It sets a housing target of at least 7,500 additional homes and 14,000 new jobs. The proposal would provide a significant contribution toward both the housing and employment targets identified in both the London Plan and draft London Plan.
- 6.32 As stated above, the site is not allocated for particular development in the current Hounslow Local Plan. The Council are currently undertaking a Local Plan Review for the Great West Corridor which sets aspirations for development opportunities along the Great West Corridor reflective of its emerging Opportunity Area status and identifies the Citroen site as appropriate for residential led mixed use development. The Council did not object in principle to the land uses proposed in the scheme, in fact the LBH delegated officers report stated that *'Overall the proposed uses are acceptable in principle and in accordance with the objectives of the NPPF and policies*

of the LP and HLP to encourage higher density, housing-led mixed-use development in accessible locations. The proposal is a major opportunity for regeneration of an underutilised brownfield site and would primarily meet the objectives for supporting housing growth in the GWC and wider Council area’.

- 6.33 In summary the proposed development would provide much needed housing for which there is an identified and well documented need. The proposals make provision for viable employment within retail and nursery floorspace which is compatible with the proposed residential uses, and there would be a net increase in job numbers. The proposal optimises the development density, taking into account the accessibility of the location. The principle of a residential led, mixed use development is strongly supported by both strategic and local planning policy.

Housing

- 6.34 As set out in the Stage 2 report, while LBH have delivered on their housing targets over the past three years, the overall proportion of affordable housing is substantially below the Local target of 40%. On a regional basis, it is evident that the delivery of new homes and net additional affordable housing on a ban-London basis is significantly below the London Plan target.
- 6.35 The provision of 441 new residential units would make a significant contribution to Hounslow’s housing delivery targets which will materially increase through implementation of the draft London Plan as set out above. LBH officers also noted that the scheme has the potential to significantly contribute to the strategic housing needs of the borough.
- 6.36 The development proposes 50% affordable housing by habitable room, comprising 65% intermediate (Shared Ownership) and 35% Affordable Rent (secured at London Affordable Rent levels). The proposed offer of affordable housing meets the requirements of the Fast Track Route as set out in the Mayor’s Affordable Housing & Viability SPG and draft London Plan Policies H5 and H6 and exceeds LBH’s 40% target. The scheme has therefore not been viability tested.
- 6.37 An early implementation review mechanism triggered in the event that the development has not been substantially implemented within 2 years of the grant of permission was agreed with the applicant prior to the Representation Hearing; this forward-looking review would analyse the development costs and values at that time, capturing any uplift in viability towards a cascade from London Shared Ownership to additional London Affordable Rented on the site up to a level of 30% of the total habitable rooms delivered by the scheme (reflecting Hounslow’s Policy complaint affordable housing tenure split). The review mechanism is considered necessary to incentive delivery of the scheme.
- 6.38 Section 106 obligations have been proposed to secure the delivery of the proposed affordable housing offer. These have been drafted in line with the guidance contained within the Mayor’s Affordable Housing and Viability SPG.

Design

- 6.39 It is considered that the design of the scheme is well-considered, responds well to the site context and development principles set out in planning policy and guidance and achieves a high quality of place making. The massing strategy responds to the site characteristics and the existing and emerging context. While the application site is not within a location where the current Local Plan expressly supports tall buildings, the proposal is considered to conform to the relevant assessment criteria set out within both London Plan Policy 7.7 and Local Plan Policy CC3 as set out in paragraphs 176 – 190 of the Stage 3 report and therefore the height and massing proposed is considered appropriate on the site. The quality of the design, architecture and materials will ensure a distinctive and high-quality development which will contribute positively to the regeneration of the Great West Corridor Opportunity Area.

Heritage

- 6.40 The Mayor has taken account of the statutory duties contained in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements of national, London Plan and Local Plan policies. Whilst there would be some instances of neutral impact, it is considered that there would be some harm to the significance of heritage assets as a result of the proposal through impact on the setting of the Grade I Listed Orangery (located within the Royal Botanic Gardens Kew), the Strand on the Green Conservation Area and the Grade II/II* listed buildings 64-71 Strand on the Green, albeit that this harm is less than substantial. The mayor considers that this less than substantial harm to significance (even when given great weight) is clearly outweighed by the public benefits of the development, principally the delivery of 218 affordable housing units, the resultant transformational change to the site through its redevelopment and its role as the catalyst for redevelopment of the Wider Great West Corridor Opportunity Area and the delivery of a high quality public plaza and improved route from Gunnersbury Station to the Brentford Community Stadium.

Transport

- 6.41 The proposals for a high density residential led mixed use scheme in a very accessible location accords with the London Plan policy of encouraging such development in locations that give rise to patterns of development that minimise the need to travel, particularly by car. The development will make acceptable alterations to the public realm around the site in order to accommodate the expected pedestrian and cycle demand and will encourage sustainable travel. A suitable framework of controls and mitigation will be secured through the S106 agreement and planning conditions to ensure the transport impacts of this development are in accordance with strategic and local transport policies.

Other matters

- 6.42 The application is considered to be compliant with Development Plan policy relating to

other matters, including inclusive design, neighbouring amenity, sustainability and environmental issues, subject to conditions.

Balance of considerations

- 6.43 As set out in the heritage section above, the proposal would result in less than substantial harm to the significance of heritage assets specifically the setting of the Grade I Listed Orangery located within the Royal Botanic Garden Kew World Heritage Site and the Strand on the Green Conservation Area including the Grade II/II* Listed 64-70 Strand on the Green. Paragraph 134 of NPPF states that *'where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'*.
- 6.44 The proposal would result in a number of public benefits as set out above and in the Stage 3 report. The foremost public benefit of the scheme would be the delivery of 218 affordable housing units (equating to 50% by habitable room) on an underused brownfield site which would significantly contribute to the borough achieving its target for affordable housing delivery. In addition, the proposal would delivery 441 new residential units equating to 50% of the Council's London Plan annual housing target. The scheme would deliver a transformational change through the replacement of the existing car showroom, hardstanding and poorly presented public realm with carefully considered new buildings that would recreate street edges, provide a high-quality public plaza and define a clear route from Gunnersbury Station to the Brentford Community Stadium.
- 6.45 Having regard to paragraph 134 of the NPPF, it is considered that the public benefits of the scheme significantly outweigh the less substantial harm identified to the setting of heritage assets.
- 6.46 It should be noted that Section 106 negotiations have progressed positively with the applicant and LBH and the identified public benefits including the delivery of a significant quantum of affordable housing will be delivered in accordance with legal obligations.

Summary

- 6.47 There are a number of strategic and local policies of relevance to the proposed scheme. The stage 3 report demonstrates that the proposal complies with the Development Plan as a whole including with relevant policies of strategic importance such as housing and affordable housing delivery. Any departure from an individual policy is justified by ensuring the delivery of a high quality, residential-led mixed use development as is proposed. The development is considered to accord with the London Plan, draft London Plan and Hounslow Local Plan, subject to the public benefits being secured in the S106 agreement in line with the heads of terms set out in paragraph 9 of the Representation Hearing Report.

S106 agreement and conditions

- 6.48 The Mayor's resolution to grant planning permission was subject to a number of planning conditions and S106 obligations, which were considered necessary to make the development acceptable in planning terms and to mitigate its impacts.
- 6.49 Prior to the Secretary of State call in, drafting of the S106 agreement between the GLA, the Applicant and LBH was at a relatively advanced stage, with the majority of detailed clauses largely agreed. The GLA anticipates that discussions will continue with a view to having a final draft in place in time for discussion at the Inquiry. For the avoidance of doubt, the Mayor expects the obligations agreed with the Applicant prior to the Representation Hearing to be secured and reserves his right to change his position prior to the Inquiry should agreement not be reached.

7. Hounslow's reasons for refusal

- 7.1 As set out above, LBH resolved to refuse permission under delegated authority on 16 February 2018. The Council stated in their report that they had five reasons for refusal relating to height, scale and massing and harm to the historic environment (including that it had not been demonstrated that the public benefits of the scheme clearly and convincingly outweighed the harm caused); The proposed development, by virtue of its heavy reliance on the provision of one and two bedroomed units and poor levels of daylight to a number of habitable rooms, would fail to deliver a wide choice of housing and an acceptable standard of accommodation for each residential units; the proposed development in absence of a completed legal agreement failed to secure the necessary planning obligations to secure both the affordable housing offer and the required mitigation and lastly that the information submitted failed to demonstrate the proposal would adequately mitigate its impact in respect of sustainable design and drainage.
- 7.2 The scheme was amended following Hounslow's decision to refuse the application to address, to the Mayor's satisfaction, the reasons for refusal set out above. These amendments included an increase in the family units within the affordable rented tenure, alterations to glazing and windows to address daylight concerns and revisions to the drainage strategy to ensure adequate mitigation is secured to mitigate impacts on sustainable urban drainage. In addition, conditions and section 106 obligations have been proposed to be secured to secure both the affordable housing offer and other mitigation measures in relation to employment and training, transport, public realm, construction and carbon offset.
- 7.3 As set out above, it has been identified that the proposal would result in less than substantial harm to the setting of identified heritage assets however, it is considered that the scheme delivers significant public benefits that convincingly outweigh any identified harm. The height, massing and scale of the proposal has been assessed against both the London Plan and local plan design policies and is considered to be appropriate for the site. The deviation from the housing mix policy has been robustly

justified in the stage 3 report and is considered appropriate for a high density scheme in an emerging opportunity area.

8. Secretary of State's matters for consideration

- 8.1 In the letter dated 15 April 2019, the Secretary of State set out five matters he wishes to be informed about for the purposes of his consideration of the application. These matters are dealt with in the stage 3 report and are briefly covered below, with much of the substance of the Secretary of State's matters having been addressed above.
- 8.2 *The extent to which the proposed development is consistent with the Government policies for delivering a sufficient supply of homes:* The proposal would provide 441 residential units, of which 218 would be affordable (50%). The housing proposed is of a high quality, and of an appropriate density and mix for the location. Overall, the scheme would make a significant contribution to housing delivery targets for the borough.
- 8.3 *The extent to which the proposed development is consistent with the Government policies for building a strong, competitive economy:* The proposals make provision for viable employment within retail and nursery floorspace which is compatible with the proposed residential uses and result in an uplift of employment on the site from 30 to 43 (an uplift of 13 jobs).
- 8.4 *The extent to which the proposed development is consistent with the Government policies for conserving and enhancing the historic environment:* The application site is not in a Conservation area nor does it contain any listed buildings or undesignated heritage assets. However, there are several heritage assets and conservation areas within two kilometres of the site and the proposal has the potential to impact on the setting of some of these heritage assets. It has been identified that the scheme would result in less than substantial harm to the Grade I Listed Orangery, Strand on the Green Conservation Area and the Grade II Listed Buildings 64-71 Strand on the Green. As set out in the report and in accordance with paragraph 196 of the NPPF the scheme delivers significant public benefits that outweigh the less substantial harm including securing the sites optimum viable use.
- 8.5 *The extent to which the proposed development is consistent with the development plan for the area including any emerging plan:* The proposal is considered to comply with the Development Plan as a whole including with relevant policies of strategic importance such as those concerning housing and affordable housing delivery. Any departure from an individual policy is justified by ensuring the delivery of a high quality, residential-led mixed use development as is proposed. The development is considered to accord with the London Plan and Hounslow Local Plan as well as the emerging draft London Plan and Great West Corridor Local Plan Review.

9. Conclusion

- 9.1 As set out above, the Mayor considered all relevant matters when he took his decision to resolve to approve the Application, in particular the need to balance the economic, environmental and social impacts of the proposal.
- 9.2 The Mayor's decision is consistent with relevant national policy and he remains of the view that the Application complies with the statutory Development Plan, subject to the planning obligations agreed with the Applicant being secured.
- 9.3 Subject to agreement being reached with the Applicant on the S106 agreement, planning permission should be granted.

10. Documents to which reference may be made

- 10.1 The Mayor reserves his right to add to or otherwise amend this list.
- The London Plan (2016)
 - The Draft London Plan – Consolidated Suggested Changes Version July 2019.
 - The Mayor's Transport Strategy (2018)
 - LBH Local Plan (2015)
 - LBH West of the Borough Local Plan Review (2017)
 - LBH Great West Corridor Local Plan Review (2017)
 - The Mayor's Affordable Housing & Viability SPG (August 2017)
 - The Mayor's World Heritage Sites SPD (March 2012)
 - Draft Brentford East SPD (2017)
 - London Borough of Hounslow Urban Context and Character Study (2014)
 - National Planning Policy Framework (2019)
 - The Application documents
 - Documents referred to in the Rule 6 statements of parties to the Inquiry and other relevant sources of information or documents that arise as a result of the production of third parties' or the Applicant's statements of case, proofs of evidence and rebuttal proofs etc.

These documents will be made available to members of the public to read at the GLA offices at City Hall, The Queen's Walk, LONDON SE1 2AA, and on the City Hall website:

www.london.gov.uk