

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
TOWN AND COUNTRY PLANNING APPEALS (INQUIRIES PROCEDURE)
(ENGLAND) RULES 2000
STATEMENT OF CASE OF LOCAL PLANNING AUTHORITY

Appellant: L&Q

Proposed development: Redevelopment of the site to provide a mixed use scheme of 441 residential units (class C3) including 50% affordable housing with ancillary facilities, flexible uses (within Classes A1, A2, A3 and B1) and a nursery (Class D1). Comprising buildings of 12, 13, 16, 17 and 18 storeys in height with associated cycle parking, car parking, play space, landscaping and public realm improvements

Site: Citroen Site, Capital Interchange Way, Brentford,
TW8 0EX

Planning Inspectorate
reference: APP/G6100/V/19/3226914

LPA reference: 01508/A/P6

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1.0 Introduction

1.1 This Statement of Case will set out the London Borough of Hounslow's ("LBH") reasons for recommending refusal of planning application reference 01508/A/P6 ("the Application"), which is the subject of a 'call in' direction from the Secretary of State ("SoS") and is to be considered at a public inquiry before being determined by the SoS.

1.2 The Application originally sought planning permission for the following development:

"Redevelopment of the site to provide a mixed use scheme of 427 residential units (Class C3) including 40% affordable housing with ancillary facilities, flexible uses (within Classes A1, A2, A3 and B1) and a nursery (Class D1). Comprising buildings of 12, 13, 15, 16 and 18 storeys in height, with associated cycle and car parking, playspace, landscaping and public realm improvements"

1.3 Subsequently the description of the development was amended as follows:

"Redevelopment of the site to provide a mixed use scheme of 441 residential units (class C3) including 50% affordable housing with ancillary facilities, flexible uses (within Classes A1, A2, A3 and B1) and a nursery (Class D1). Comprising buildings of 12, 13, 16, 17 and 18 storeys in height with associated cycle parking, car parking, play space, landscaping and public realm improvements"

1.4 LBH is a Rule 6 party to the inquiry under the Town and Country Planning Appeals (Inquiries Procedure) (England) Rules 2000.

1.5 In its role as the local planning authority, LBH assessed this application and concluded in February 2018 that planning permission should be

refused for a number of reasons (see paragraph 4.3 below), subject to referral to the Mayor of London (“the Mayor”).

- 1.6 Subsequently on 26 February 2018 the Mayor engaged his powers under the Mayor of London Order 2008 to act as the local planning authority for the purposes of determining the planning application. The Mayor resolved to grant planning permission on 22 August 2018, subject to referral to the SoS in accordance with the Town and Country Planning (Consultation)(England) Direction 2009.
- 1.7 On 15 April 2019 the SoS made a direction, using his powers in section 77 of the Town and Country Planning Act 1990, that he would determine the application, with the proposals to be considered at a public inquiry.
- 1.8 This statement provides details of the appeal site and surrounds, the relevant planning history, the applicable planning framework, a summary of the main planning considerations for the inquiry, and relevant documents that may be relied on in evidence. Some of these matters will be likely to be agreed in further detail in a Statement of Common Ground to follow.
- 1.9 In summary, LBH considers that the proposals to be in conflict with the development plan; this conflict is not outweighed by other material considerations.

2.0 Site Description

- 2.1 The Application site is the Citroen showroom (“the Site”), a roughly rectangular shaped plot of land that is bounded to the south and west by Capital Interchange Way and is to the west of Chiswick roundabout and Chiswick High Road. It contains a single storey car showroom, associated workshop and an open forecourt car sales area.
- 2.2 The Site is bounded by a Volkswagen car showroom to the north east beyond which is the Great West Road (A4) and elevated M4 motorway. Adjacent to the east is the Fountain Leisure Centre. Kew House School, an independent senior school is located to the south of the Site.
- 2.3 The character of the immediate area is largely commercial but the wider area has a variety of uses, and varying urban grain, building scale and form. The new Brentford FC stadium and accompanying residential development, is under construction to the west and southwest. Construction work is also nearing completion for a development of 95 dwellings and retail use on the former Wheatstone House site which is near to Chiswick roundabout and also adjoins the Volkswagen showroom and Fountain Leisure Centre.
- 2.4 Some large scale commercial buildings are found along the A4/ M4 corridor to the north, beyond which is Gunnersbury Park, a large area of open space that is designated as Metropolitan Open Land, a conservation area, Grade II* listed park and garden, and a Site of Local Nature Conservation Importance.
- 2.5 Land to the west of the Site on Capital Interchange Way will accommodate a new road and pedestrian bridge over the railway line to serve the aforementioned football stadium and housing. To the southeast, opposite the Fountain Leisure Centre, is a shopping parade on Chiswick High Road, beyond which are residential areas. These nearby residential localities are

of high townscape value and much of the area is designated within either Wellesley Road or Strand on the Green Conservation Areas, with the Thames riverside frontage also containing many listed buildings.

- 2.6 Further south on Chiswick High Road is Kew Bridge Station, which has a Grade II listed station building. This area is designated as Kew Bridge Conservation Area. Across the River Thames and into the London Borough of Richmond are Kew Green and the Royal Botanic Gardens, both of which are designated as conservation areas. Kew Gardens is a World Heritage Site (“WHS”) and area designated Grade I on the Register of Parks and Gardens of Special Historic Interest. It has many listed buildings including Kew Palace and the Orangery (both Grade I). The Garden’s World Heritage Buffer Zone incorporates part of Kew Green.
- 2.7 The Site is not allocated for development in the Hounslow Local Plan. The London Plan identifies the site and wider area along the A4/M4 corridor (“Great West Corridor”) as a potential ‘Strategic Outer London Development Centre’ (“SOLDC”) with it having an economic role of greater than sub-regional importance in the media sector. The Great West Corridor is also recognised as a potential ‘Opportunity Area’, the latter possibly providing future opportunities for intensification and employment and housing growth, as well as transport and environmental improvements.
- 2.8 The Site is identified as an Archaeological Priority Area and has previous industrial history. It has a Public Transport Accessibility Level (“PTAL”) of 3 and 4, which is moderate-good.

3.0 Relevant Planning History

- 3.1 Planning permission for the current buildings on the Site was granted in 1985 with consent given for a retail warehouse and garden centre (LPA reference 01508/A/P2). Planning permission for the current car showroom and workshop use of the Site was granted in 1996 (LPA reference 01508/A/P4). Details relating to the Application are provided in Section 4.0.
- 3.2 In addition, the following applications on neighbouring sites have been determined in recent years:
- 3.3 Brentford Community Stadium (LPA reference 00703/A/P11) – Planning permission was granted in 2014 for a new 20,000 seat stadium and enabling housing development (910 dwellings) and a hotel for Brentford Football Club on land at Lionel Road South and Capital Interchange Way. Subsequent applications for variation of conditions and approval of Reserved Matters have added rugby use to the stadium and reduced its capacity to 17,250 (LPA reference 00703/A/P17). The approved enabling housing and hotel comprise eleven tall buildings ranging from 7 to 17-storeys in height.
- 3.4 Wheatstone House (LPA reference 00248/U/P7) – Planning permission was granted on appeal in 2015 for a mixed use scheme of 95 dwellings and ground floor retail unit in a 9-storey building.
- 3.5 1-4 Capital Interchange Way (LPA reference 01508/1-4/P6) – Planning permission was refused in 2017 for the redevelopment of the site to include up to 550 dwellings, a bus depot and commercial units in three buildings of 18, 19 and 20 storeys. This decision was not appealed.
- 3.6 A fresh planning application (LPA reference 01508/1-4/P7) was submitted in October 2018 for a mixed use development providing 420 dwellings, 3,728 sqm of commercial (B1) floor space, 930 sqm of flexible retail (A1,

A2, A3, B1a, D1, D2) floor space and 102 car parking spaces, within buildings that are from 8 to 12-storeys, 8 to 14-storeys and 12 to 16-storeys in height. No decision has been made to date, with the application continuing to be assessed.

- 3.7 Chiswick Curve (Chiswick Roundabout) (LPA reference 00505/EY/P18) – Planning permission was refused in 2017 for a mixed use development providing 327 dwellings, 4,682 sqm of office space and retail space within a building ranging from 25 to 32 storeys. An appeal against this refusal was considered at a public inquiry in June-July 2018. This appeal was recovered by the SoS for consideration and dismissed with planning permission refused on 19 July 2019.

4.0 Details of the Application

- 4.1 The original Application was made on 13 November 2017. The Application proposed the following development:

Redevelopment of the site to provide a mixed use scheme of 427 residential units (Class C3) including 40% affordable housing with ancillary facilities, flexible uses (within Classes A1, A2, A3 and B1) and a nursery (Class D1). Comprising buildings of 12, 13, 15, 16 and 18 storeys in height, with associated cycle and car parking, playspace, landscaping and public realm improvements

- 4.2 Full details of the Application are given in the Planning and Design and Access Statements submitted with the planning application.
- 4.3 In February 2018 LBH considered this application and concluded the application should be refused permission for the following reasons:

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 a World Heritage Site, listed buildings and conservation areas, as they would appear as overly tall and 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 archaeology); policies CC1 (Context and Character), CC2 (Urban design and architecture), CC3 (Tall buildings), CC4 (Heritage) and GB1 (Greenbelt 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 across the development. 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) of the London Borough of Hounslow Local Plan; and the aims and objectives of the National Planning Policy Framework.

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 the 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 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 accesses and stopping up and reinstatement of existing accesses; provision of new public open space; compliance with

the Considerate Contractor Scheme; and financial contribution towards 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 (Strategic 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.

- 4.4 Subsequently on 26 February 2018 the Mayor of London engaged his powers under the Mayor of London Order 2008 to act as the Local Planning Authority for the purposes of determining the planning application. The Mayor resolved to grant planning permission on 22 August 2018, subject to referral to the Secretary of State in accordance with the Town and Country Planning (Consultation)(England) Direction 2009.

4.4 Prior to the Mayor's decision the Application was amended to increase the number of dwellings and proportion of affordable housing, whilst two-storeys were added to one building. The description of the development was amended as given in paragraph 1.3 above.

4.5 In more detail the amended mixed-use development proposal comprised of five buildings that are 12 to 18-storeys linked via a podium, providing:

- 441 dwellings (including 66 affordable rent, 152 intermediate, and 223 private sale);
- 427 sqm (gross internal area) of A1, A2, A3, and B1 uses as well as D1 nursery space and a residents' gym;
- 63 car parking spaces, 881 cycle spaces, landscaping

4.6 The five buildings have the following maximum heights:

- 12-storey (53.18m AOD)
- 13-storey (56.33m AOD)
- 16-storey (65.78m AOD)
- 17-storey (68.93m AOD)
- 18-storey (72.08m AOD)

4.7 On 15 April 2019 the SoS gave direction, using his powers in section 77 of the Town and Country Planning Act 1990, that he would determine the application. The SoS letter advises that the following matters were those he wished to particularly be informed about:

a) The extent to which the proposed development is consistent with the Government policies for delivering a sufficient supply of homes (NPPF Chapter 5);

b) The extent to which the proposed development is consistent with the Government policies for building a strong, competitive economy (NPPF Chapter 6);

c) The extent to which the proposed development is consistent with the Government policies for conserving and enhancing the historic environment (NPPF Chapter 16);

d) The extent to which the proposed development is consistent with the development plan for the area including any emerging plan;

e) and any other matters the Inspector considers relevant.

5.0 PLANNING FRAMEWORK

- 5.1 The proposals are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan

- 5.2 The Development Plan is comprised of the Hounslow Local Plan adopted 15 September 2015 (“HLP”), the London Plan Consolidated with Alterations since 2011 adopted in March 2016 (“LP”), and the West London Waste Plan adopted 14 July 2015.

Relevant Policies

- 5.3 A full list of applicable policies from the Development Plan is to be agreed in a Statement of Common Ground. The following policies are of most relevance to the issues to be considered at the inquiry.

5.4 Hounslow Local Plan

- SV1 Great West Corridor Plan
- Spatial Strategy Chiswick
- Spatial Strategy Brentford
- ED1 Promoting employment growth and development
- ED2 Maintaining the borough’s employment land supply
- SC1 Housing growth
- SC2 Maximising the provision of affordable housing
- SC3 Meeting the need for a mix of housing type and size
- SC4 Scale and density of new housing development

- SC5 Ensuring suitable internal and external space
- CC1 Context and character
- CC2 Urban design and architecture
- CC3 Tall buildings
- CC4 Heritage
- GB1 Green Belt and Metropolitan Open Land
- EQ3 Flood risk and surface water management
- EQ4 Air quality
- EQ5 Noise
- IMP1 Sustainable development

5.5 London Plan

- 2.16 Strategic Outer London Development Centres
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality of housing developments
- 3.6 Children and young people's play and informal recreation
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets

- 3.12 Negotiating affordable housing on individual private and mixed use residential schemes
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 7.1 Lifetime neighbourhoods
- 7.4 Local Character
- 7.6 Architecture
- 7.7 Location and design of tall buildings
- 7.8 Heritage assets and archaeology
- 7.10 World Heritage Sites
- 7.14 Improving air quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.29 The River Thames
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

Supplementary Planning Documents and Guidance

5.6 Hounslow Local Plan Supplementary Planning Documents (“SPD”)

- Planning Obligations and CIL SPD 2015

5.7 London Plan Supplementary Planning Guidance (“SPG”)

- Affordable Housing and Viability SPG 2017

- Housing SPG 2016
- World Heritage Sites SPG 2012

5.8 Richmond Local Plan SPD

- Kew Village Planning Guidance – SPD 2014

The National Planning Policy Framework

- 5.9 The National Planning Policy Framework (“NPPF”) came into force on 27 March 2012, and the revised version was published on 19 February 2019. The NPPF is an important material consideration. The National Planning Practice Guidance (“NPPG”) in the form of an online guidance resource to support the NPPF came into effect in April 2014.

Emerging Policies

- 5.10 Paragraph 48 of the NPPF sets out the approach to how weight may be given to relevant policies in emerging plans.

Draft London Plan

- 5.11 The draft New London Plan was published on 29 November 2017, with public consultation undertaken from 1 December 2017 to 2 March 2018. An Examination in Public of the draft plan concluded on 22 May 2019. Given the emerging plan is still at an early stage of adoption only limited weight is attributed to its policies

Draft Hounslow Local Plan Review

- 5.12 The Council is currently undertaking two Local Plan Reviews; the ‘West of 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. At this

stage the Local Plan reviews are out for formal public consultation until 15 September 2019. before examination by the Secretary of State, therefore owing to their early stage of adoption the policies contained within them carry only limited weight.

Other Material Considerations

- 5.13 Given the array of designated heritage assets found in the surroundings of the Site, other relevant advice and guidance that is material to the determination of the Application shall be referred to as follows:

(1) Statutory listing descriptions

- (i) 64-71 Strand on the Green, Chiswick
- (ii) Danebury House, 77 Kew Green, 98-106 Kew Road, 90-96 Kew Road, and 90-96 Kew Green, Kew (London Borough of Richmond)
- (iii) Orangery, Royal Botanic Gardens, Kew (London Borough of Richmond)
- (iv) Royal Botanic Gardens, Kew – World Heritage Site
- (v) Statement of Outstanding Universal Value (Kew WHS)
- (vi) Royal Botanic Gardens, Kew (Park and Garden Grade I)

(2) Conservation Area appraisals

- (i) Strand on the Green
- (ii) Wellesley Road
- (iii) Kew Bridge
- (iv) Gunnersbury Park

(v) Kew Gardens

(vi) Kew Green

(3) Historic England Advice

(i) The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) 2017

(ii) Tall Buildings - Historic England Advice Note 4 2015

(4) Royal Botanic Gardens, Kew – World Heritage Site Management Plan

(i) Royal Botanic Gardens, Kew World Heritage Site Management Plan
2014

(5) Thames Landscape Strategy

(i) Kew to Chelsea 2002

6.0 Main Planning Issues

6.1 The Local Planning Authority considers the following to be the main issues having regards to the existing and emerging planning framework, the recommended reasons for refusal of planning permission as listed in paragraph 4.3 above and to the matters listed in the SoS call in letter of 15 April 2019 (paragraph 4.7 above):

- a. The effects of the proposed tall buildings, by virtue of their location, scale, and design, on the setting and significance of a range of designated heritage assets including the Royal Botanic Gardens Kew World Heritage Site, listed buildings of all grades, Strand on the Green, Gunnersbury Park, and Kew Green Conservation Areas.
- b. Whether or not the proposed housing mix provides appropriate housing choice and if it achieves the objective of creating mixed and balanced communities.
- c. Whether or not:
 - (i) The development provides the maximum reasonable amount of affordable housing; and
 - (ii) The proposed housing tenure split is acceptable.
- d. Planning obligations that are necessary to secure to make the development acceptable.
- e. The overall planning balance including the delivery of housing and economic benefits.

6.2 It is anticipated that reason 5 of the recommended reasons for refusal (listed in paragraph 4.3) relating to drainage would be able to be addressed by the submission of further information with satisfactory details to be secured by a planning condition.

6.3 Additionally, LBH does not intend to pursue concerns regarding the quality of the residential accommodation that are referred to in reason 2.

6.4 Therefore in respect of the above matters LBH will call evidence with regard to the proposed development to demonstrate:

6.5 **(a) In respect of the effects of the proposed building, on the setting and significance of a range of designated heritage assets**

6.6 The proposals will cause less than substantial harm to the following heritage assets:

(1) Strand-on-the-Green Conservation Area, in particular in the views from the opposite riverbank;

(2) The setting of listed buildings within Strand-on-the-Green, in particular at 64-71 Strand-on-the-Green (7 listed at Grade II, 1 at Grade II*), in terms of their setting individually and as a group;

(3) Gunnersbury Park Conservation area, in particular to views from within the Kensington and Chelsea Cemetery

(4) Kew Green Conservation Area, much of which lies within the WHS buffer zone, in particular in views across the Green;

(5) The setting of listed buildings on the northern side of Kew Green, in particular Danebury House, 77 Kew Green, 98-106 Kew Road, 90-96 Kew Road, 90-96 Kew Green, individually and as a group ;

(6) Royal Botanic Gardens Kew which is both a Conservation Area and a World Heritage Site, the primary harm being caused by the impact on views towards the Grade I listed Orangery ;

(7) The setting of Grade 1 listed Orangery in Kew Gardens.

6.7 There is a statutory duty under Section 66(1) of the Planning (Listed

Buildings and Conservation Areas) Act 1990, requiring that decision makers pay "special regard to the desirability of preserving" listed buildings or their settings.

- 6.8 In respect of this statutory duty case law¹ confirms that "preserving" means "doing no harm". Further², 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.
- 6.9 There is no clear and convincing justification for the harm to the significance of designated heritage assets.
- 6.10 The less than substantial harm identified is not outweighed by public benefits.
- 6.11 **(b) Whether or not the proposed housing mix provides appropriate housing choice and if it achieves the objective of creating mixed and balanced communities.**
- 6.12 LP policy 3.8 says development proposals should aim to meet local needs by providing an adequate mix of dwelling sizes and mix of tenures to reflect local and strategic demand. HLP policy SC3 seeks to meet local housing need by securing a mix of new housing type, size and tenure from new development with a preferred mix being set out in Table SC3.1 of the HLP. This table needs to be considered by all housing proposals. It is acknowledged that is the starting point for the consideration for determining the appropriate housing mix and is not a fixed requirement.
- 6.13 However, assessment of the proposed housing mix determined that the shortfall in the proportion of larger units suitable for families is at an extent

¹ *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC & Others* ([2014] EWCA Civ 137) the Court of Appeal

² *Ibid.*

- that is unacceptable and would not provide appropriate housing choice to meet the local demand for that form of accommodation.
- 6.14 In this regard, in respect of market housing, the number of 3+ bedrooms is just 5% of the total whereas table SC3.1 indicates a provision of 30%. So far as intermediate housing, the provision of 3+ bedroom dwellings is 0%, whereas the table indicates 25%. Overall just 6% of dwellings are 3+ bedroom.
- 6.15 Although there are some environmental constraints that affect the Site, it is more suited to residential use than other nearby sites that are closer to sources of air and noise pollution from nearby roads and railways. As such it is considered there is a good opportunity to provide larger dwellings (3+ bedrooms) at the Site.
- 6.16 It is also noted that by the time of the inquiry, weight may be given to emerging policies from the draft LP and draft HLP review which both recognise the increasing demand for larger dwellings. Although a lower provision of larger units may be satisfactory in principle, the provision is too low and is not acceptable.
- 6.17 **(c) Whether or not the development would deliver the maximum reasonable amount of affordable housing of an appropriate tenure to meet housing need.**
- 6.18 Delivery of affordable housing is a priority of LP and HLP. LP policy 3.8 says there should be a choice of homes that people can afford and LP 3.9 seeks mixed and balanced communities in terms of tenure and household income.
- 6.19 HLP SC2 sets a strategic target that 40% of additional housing delivered across the borough between 2015 and 2030 be affordable. This policy requires an applicant to provide an open book financial viability assessment and any supporting evidence to demonstrate the maximum provision of on-

- site affordable housing is being proposed. 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.
- 6.20 It is acknowledged that the revised proposals now provide 49% of the total dwellings as affordable housing and LBH does not challenge that the overall quantum of affordable housing offered is the maximum reasonable amount. However there are concerns over the tenure split that is being proposed and that the affordable housing offered is adequately secured.
- 6.21 The HLP proposes a strategic affordable housing tenure split of 60% rented affordable housing and 40% intermediate housing. The tenure split proposed is heavily weighted towards intermediate housing (70%), contrary to the HLP.
- 6.22 No updated viability information for the amended Application has been made available for review by LBH, and so it is not possible to determine whether the proposed tenure mix is the optimal mix for affordable housing, noting it does not conform to the recommended tenure split where a higher proportion of affordable rented units (and in this particular case, London Affordable Rent units) is recommended, with a reduction in the intermediate offer.
- 6.23 Additionally, no detailed information has been provided in relation to the type of intermediate product that is being offered and whether these units would be affordable to Hounslow residents who have an average annual income of £26,000.
- 6.24 **(d) Planning obligations that are necessary to secure to make the development acceptable.**
- 6.25 HLP policy 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 the Hounslow Planning Obligations and CIL SPD, and to provide the Community Infrastructure Levy ("CIL") payments required by any charging schedule, including the Mayor of London's CIL.

6.26 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 CIL 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.

6.27 The Section 106 agreement will address some but not all the impacts since some of these will be addressed by CIL, in order to satisfy the Regulation 122 tests above.

6.28 The following draft Heads of Terms are considered necessary and should be secured by a Section 106 legal deed if planning permission was granted for the proposals. Without these planning obligations, such a scheme would represent an unsustainable development.

(a) Affordable housing: Obligations are necessary to:

(i) Secure the quantum of affordable housing proposed.

(ii) Secure an appropriate tenure mix (to accord with the recommended mix of 60% affordable social rent and 40% intermediate tenure), and mix of unit sizes in proportion to HLP policy SC3.

(b) Construction training: A contribution of £2,750 for every £1m

construction costs or an agreed training strategy to assist skills and training of residents in the AA area.

(c) Sustainable travel: Travel Plans providing measures to encourage sustainable travel to the site with monitoring (for residential and commercial).

(d) Residents' parking permits: Restriction that prohibits residents of the new dwellings from obtaining parking permits for local Controlled Parking Zones ("CPZs"), made under Section 16 of the Greater London Council (General Powers) Act 1974.

(e) Carbon Offset Fund: Contribution (to be determined) towards the AA's Carbon offset fund.

(f) Considerate Contractors Scheme: Management of construction activity to minimise disturbance of surrounding environment.

6.29 **(e) Benefits/ Material Considerations**

(i) Provision of housing

6.30 The Application provides 441 dwellings, which is over 50% of the annual minimum housing requirement for the Borough. Given the need for housing, this is a substantial public benefit to which significant weight may be afforded. However, a substantial number of new homes could be provided within a development of smaller scale and lower height that would avoid harmful effects on the significance of heritage assets and the surrounding townscape.

6.31 The proposed housing mix does not meet the recommended mix from the HLP and is lacking in larger, family sized dwellings, for which there is high demand.

6.32 Moreover, the weight attached to the level of housing supply from the Application is moderated in light of LBH having a five year housing supply in any event. The AA's housing trajectory indicates at the time of writing this statement, Hounslow had a deliverable supply well above its minimum requirement. As such, although the new housing is a significant public benefit it is not imperative that the amount of housing proposed is delivered at this Site given the harmful effects on the significance of heritage assets that has been identified, and so the weight given to the housing delivery should be moderated.

(ii) Provision of affordable housing

6.33 The provision of 49% of dwellings as affordable housing is a clear public benefit of significant weight. It is noted that the tenure mix proposed does not conform the desired split of social rented and intermediate housing, with the mix weighted heavily toward intermediate housing. Full details of the affordability of that housing and how it is secured are also not confirmed.

(iii) Regeneration

6.34 The existing use and buildings on the Site do not make the best use of the land. Although there is a public benefit from regeneration and the reuse of previously developed land, these benefits would be achievable in buildings of a more acceptable height that that would not have the same effect on the significance of the numerous heritage assets that arise from the incongruous height and bulk of the proposed buildings. Therefore little weight should be given to this benefit

(iv) Economic activity and employment

6.35 The development would generate some temporary construction employment. The inclusion of 479 sqm of employment space as well as the nursery and gymnasium would also provide employment opportunities with the overall employment numbers on the Site being increased. This

employment would be a public benefit, though similar benefits are likely to be achievable in a lower height mixed-use development. There would be likely to be new spending in the locality from residents (and employees) of the proposed building. The employment and economic activity proposed is a public benefit though it would not be of a scale greater than expected from redevelopment of the Site. Additionally, having regard to the Site's inclusion with the GWC SOLDC and noting paragraph 80 of the NPPF, the Application does not provide wider employment opportunities that relate to the designation of the GWC as a strategic employment corridor, and as such these benefits are not of significant weight.

Public Realm

- 6.36 The Application provides considerable areas of new public realm which would be an important public benefit, of moderate weight.

6.37 **(f) Planning Balance**

- 6.38 The public benefits do not outweigh the harm in heritage terms. The conflict with the development plan is serious and is not outweighed by other material considerations.

7.0 Relevant Documents

7.1 The following documents may be produced or referred to at the Inquiry and are available for inspection at the Civic Centre, Lampton Road, Hounslow, during normal office hours:

- a. Hounslow Local Plan and Supplementary Planning Documents;
- b. The London Plan and London Plan Supplementary Planning Guidance;
- c. National Planning Policy Framework and National Planning Practice Guidance
- d. Documents submitted and correspondence associated with the Application.
- e. Emerging planning policies and guidance.
- f. Conservation Area Appraisals and Heritage List Descriptions and relevant caselaw regarding heritage matters including Royal Botanic Gardens, World Heritage Site

7.2 The Council reserves the right to refer to any other document, record, guidance, policy or source of information in the conduct of its case in connection with this appeal, whether it is extant at the date of this statement or emerges subsequently thereto.