The Planning Inspectorate

Appeal Decision

Hearing Held on 9 July 2019

Site visit made on 9 July 2019

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2019

Appeal Ref: APP/F5540/W/19/3223651
Pissarros On The River, Corney Reach Way, London W4 2TR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Corney Reach Way Limited against the decision of the Council of the London Borough of Hounslow.
- The application Ref 01689/D/P7, dated 19 October 2018, was refused by notice dated 8 February 2019.
- The development proposed is demolition of existing building and the erection of a part one, part two and three storey block providing seven residential units and associated access, amenity space, landscaping, refuse storage and car and cycle parking.

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing building and the erection of a part one, part two and three storey block providing seven residential units and associated access, amenity space, landscaping, refuse storage and car and cycle parking at Pissarros On The River, Corney Reach Way, London W4 2TR, in accordance with the terms of the application, Ref: 01689/D/P7, dated 19 October 2018, subject to the conditions set out at the end of this decision.

Application for costs

2. In advance of the Hearing an application for costs was made by Corney Reach Way Limited against the London Borough of Hounslow. This application is the subject of a separate Decision.

Procedural Matters

3. I have used the description of development given on the Council's Decision Notice and the appeal form, rather than that given on the application form. This is because it accurately describes the proposed development in concise terms.

4. The suite of plans under consideration were confirmed and agreed at the Hearing by the main parties to this appeal. As part of this discussion a roof plan (3111-02-0004 C) not previously making up part of the evidence before me was submitted by the appellant, which the Council confirmed was before them when determining the original planning application. This plan, it was confirmed at the Hearing, replaces 3111-04-0004 F and appears consistent with other plans and documentation before me such that it does not evolve the

scheme. I am content that no interested party is prejudiced by me accepting it.

5. A legal advice note dated 4 June 2019 was submitted as late evidence by the appellant in advance of the Hearing. It became apparent when opening the Hearing that not all parties had seen it. An adjournment was thus later provided, which allowed all parties time to consider the advice note in advance of discussing the proposal's effect upon community facilities (to which the advice note relates). Accordingly, I consider that no party is prejudiced by me considering the advice note as part of my assessment of the appeal.

6. After the close of the Hearing it became apparent that a consultation response made by the Environment Agency (the EA) upon the planning application to which this appeal relates did not form part of the evidence before me but was referred to in the EA's representation at appeal stage. The response, which was duly requested and provided by the Council, refers to the imposition of a planning condition to secure a detailed method statement with respect to construction works. Such a condition is fully reflected in the list of conditions agreed by the main parties. I am thus content that this evidence has been seen by both main parties and I am satisfied that no party with an interest in this appeal is prejudiced by me requesting the consultation response as late evidence.

Main Issues

7. The main issues are:

- The effect upon the living conditions of neighbouring occupiers, with particular regard to outlook and sense of enclosure;
- The effect upon the character of the area and the site's role in promoting water related uses and infrastructure; and
- The effect upon community facilities.

Reasons

Living conditions of neighbouring occupiers

8. The appeal site either adjoins or sits in proximity to various existing residential properties. These include flatted properties at Willow Court and Chesterman Court to the rear of the site, houseboats situated on the opposite side of the Thames Path to the front of the site and, to the immediate south of the site, houses at 1-4 Thames Crescent and flatted properties comprising 5-10 Thames Crescent (Nos 5-10). From the evidence before me and through clarification at the Hearing itself, it is apparent that the Council's concerns with respect to the proposal's effect on outlook and sense of enclosure are focused upon Nos 5-10 (more specifically, with respect to views from all upper floor windows that serve these properties and face the site) and upon 3 and 4 Thames Crescent (Nos 3 and 4).

9. The block of four houses that contains Nos 3 and 4 is curved in its layout, such that the properties situated at its eastern end (Nos 3 and 4) would be more likely to be impacted upon by the development proposal than those situated at the western end due to the more direct orientation of their rear elevations toward the appeal site and also their closer proximity to the site.

10. The proposal involves the demolition of the existing building that occupies the site. This is a relatively substantial building that covers a notable footprint area and incorporates two floors, the upper floor of which being located at roof level. I must consider the proposal whilst acknowledging these existing site circumstances.

11. I am also aware that a similar previous application at the site for 8 flats was refused planning permission and was subsequently dismissed at appeal[1] in July 2018. That scheme was found to cause harm to the living conditions of surrounding occupiers, with particular regard to outlook. It is apparent that the revised proposal before me has sought to address this issue through a reduction in the extent and height of development proposed.

12. Whilst the proposal would rise to 3 and a half stories in full height, this highest element of the scheme would be positioned on the opposite (northern) side of the site to where Nos 3 and 4 and Nos 5-10 are located. To the southern side of the site, single-storey, flat-roofed elements would abut the site's boundary and sit immediately before buildings of 2 and 2 and a half stories in height. This design approach would assist in guarding against an overbearing form of development with respect to residential occupiers situated to the south.

13. Having considered the suite of existing and proposed plans before me, it is apparent that the 2 storey element of the proposed works, which would comprise a linear building running east-west, would closely reflect, in terms of its proximity to the southern boundary and eaves height, the position and form of the existing building on the site. Nevertheless, it would be the case that built form rising to two and a half stories in height would extend beyond (to the west) the rear extent of the existing building.

14. The appellant's case is helpfully supported by a report (Cove Burgess, February 2019) that specifically seeks to assess the effect of the proposal upon outlook and sense of enclosure with respect to the various Thames Crescent properties noted above. It makes assessments on a window-by-window basis and compares the extent of built coverage, within a 45-degree arc and 12m distance of each window, that is provided by the existing building with what would be provided by the proposed development. Whilst it was confirmed through discussion at the Hearing that the 12m distance used is arbitrary in the sense that there was no awareness of such a distance being formally set out in any relevant policy or guidance, the work that has been undertaken is logically set out and provides useful evidence in seeking to demonstrate the proposal's effects. Either no change or an improvement in outlook when compared to current site circumstances is identified within the report with respect to each assessed window opening.

15. The Housing Supplementary Planning Guidance (March 2016) (the SPG) refers to a minimum separation distance of 18m-21m between facing homes being a useful yardstick. However, this distance measurement is stated in the SPG in a visual privacy context and is therefore of limited relevance to my reasoning with respect to outlook and sense of enclosure.

16. During inspection I assessed the effect of the proposal upon neighbouring occupiers from external and internal upper floor areas of the appeal site and from No 4, including from the garden area of this property and various internal

[1] APP/F5540/W/18/3197154

floor levels. Having cross referenced existing and proposed plans as well as the physical extent of the building as it exists on the ground, I am satisfied that the proposal would not lead to a harmful sense of enclosure or have an undue adverse effect upon neighbouring occupiers' available outlook at Nos 3 and 4 and Nos 5-10. This is in-part due to the separation that would be achieved between the common boundary and the highest elements of the proposed building, but also when factoring in the notable presence already provided by the existing building on-site.

17. During inspection, I viewed the site from various other viewpoints surrounding the site. These locations were in-part led by requests made by neighbouring residents during discussion at the Hearing. I am satisfied that, due mainly to the separation distances that would be achieved, loss of outlook or a sense of enclosure would not result with respect to all other nearby residential occupiers. This includes those at Willow Court, Chesterman Court and on houseboats.

18. For the reasons set out above, the proposal would not cause harm to the living conditions of neighbouring occupiers, with particular regard to outlook and sense of enclosure. The proposal accords with Policies CC2 and SC4 of the Hounslow Local Plan 2015-2030 (adopted 2015) (the Local Plan) in so far as these policies require the delivery of high quality developments which will not compromise the amenity of existing and future residents and provide adequate outlook and minimise overbearingness and overshadowing.

Character and water related uses and infrastructure

19. The appeal site forms part of the of the Corney Reach development, which is predominantly residential in its makeup. The development contains, I understand, over 200 houses and apartments constructed during the 1990s, as well as a pier, permanent moorings and a community building occupied by the RNLI (Pier House). The appeal building itself is situated alongside Pier House and, at ground floor level, was last used as a café/bar/restaurant.

20. The appeal building offers direct pedestrian access to the Thames Path through a glazed conservatory area positioned to the site's frontage and thus a connection to London's Blue Ribbon Network (the Network), a strategic network of waterspaces. Policy GB5 of the Local Plan recognises the multifunctional role that rivers and waterbodies play and their potential to contribute to the Borough's regeneration. The policy requires that water-related uses and related infrastructure that supports the active use of the Network are protected and prioritised.

21. From the evidence before me and through discussion at the Hearing, it is apparent that the Council does not object to the design and appearance of the proposal in overall terms. Their design-based objections are instead specifically related to the proposal not making provision for direct access to the Thames Path. Furthermore, the Council consider that the proposal would not support active use of the Network due to the loss of a facility that they consider benefits the community and supports water related uses and infrastructure.

22. Across the full extent of the site's frontage it is proposed that 2 private garden areas be positioned behind a boundary treatment that abuts the Thames Path. This boundary treatment would be made up of low-level brick walling with metal railings above. Whilst this arrangement would not provide direct access

from the gardens to the Thames Path, it is apparent that the provision of railings would allow the proposed boundary treatment to complement other treatments in the locality and to not appear unduly oppressive in visual terms.

23. I am aware that the previous similar proposal for 8 flats at the site (dismissed at appeal in July 2018) incorporated gated accesses direct to the Thames Path. The appellant has stated that such arrangements were not possible to achieve here due to requirements/standards having evolved with respect to designing against flood risk. It was also apparent, from inspection, that similar arrangements already exist in the locality, where enclosed front garden areas are in place without gated access. Furthermore, the entry points to all the proposed flats, whilst situated to the rear of the site, would be located a relatively short walking distance from the riverfront via Corney Reach Way. The Council has confirmed that there is no local policy in place that dictates that access shall be direct on to the Thames Path. I am thus content that the proposed access arrangements would not detract from the character of the area.

24. From my reading and interpretation of Policy GB5, the existing vacant facility on site, even if occupied, would not represent a water-related use or related infrastructure. Indeed, examples of such uses and infrastructure are given in the policy's wording and include slipways, moorings and piers. Nevertheless, the site occupies a riverside location and, if occupied as a café/bar/restaurant, would provide a facility with the potential to draw activity to the riverside. The point was made by interested parties at the Hearing that, since the appeal building's closure in 2014, no café/bar/restaurant facility has existed for a considerable distance along the river front in this area.

25. I accept that the Network is intended to perform a multifunctional role and support activity. I am however not persuaded that the replacement of the existing vacant facility with residential units would detract significantly from the character or function of the Network. The residential land use proposed would, I consider, sit comfortably alongside other residential developments as well as existing water related uses and infrastructure. I also note that the proposal would provide associated activity of its own through occupation.

26. An important material consideration in this case is that prior approval was granted by the Council in 2016[2] for the appeal building to be demolished. Whilst the building is still in place on the site, albeit having been stripped out internally, full demolition, to my understanding, continues to be capable of being implemented lawfully. I shall consider the proposal's effect upon community facilities later in my reasoning. However, in the context of promoting water-related uses, no role is currently provided by the site and any potential supporting role a café/bar/restaurant use could play is, I consider, offset by the significant doubts that surround the building's future.

27. Whilst the Council's objections are focussed upon the matters outlined above, I am aware of opposition from interested parties in terms of the wider design approach that has been taken. The Hounslow Urban Context and Character Study (August 2014) includes a description of the specific character area where the site is located and refers to a late twentieth century neo-Georgian waterfront residential enclave where the sensitivity to change is high. The Study indicates that the site occupies an 'urban renaissance' urban type area.

[2] 01689/D/DEM2

28. I am satisfied that the proposal would be suitably reflective of the character of its surroundings in terms of its stepped height relative to other neighbouring/nearby buildings, the order and arrangement of its river-fronting openings and its detailing, design style and roof composition. I also note that the scheme dismissed at appeal in July 2018 was similarly designed and that the Inspector found that the proposal would sit well alongside the more traditionally detailed building to its south, without copying its design.

29. For the reasons set out above, the proposal would not cause harm to the character of the area or to the site's role in promoting water related uses and infrastructure. The proposal accords with Policies CC1, CC2 and GB5 of the Local Plan in so far as these policies require that development proposals promote and support high quality urban design and architecture to create attractive, distinctive and places, deliver the right land use mix and have regard to the context and character of the Blue Ribbon Network.

Community facilities

30. The National Planning Policy Framework (February 2019) (the Framework) seeks to ensure development promotes social interaction and opportunities for meetings between people who might not otherwise come into contact with each other through, for example, mixed-use developments and strong neighbourhood centres. It also promotes the provision of community facilities and other local services and guards against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

31. Policy CI1 of the Local Plan sets out that existing community facilities that continue to serve the community will be protected. The supporting text to this policy defines community facilities for the purposes of the Plan. The definition includes, amongst other facilities listed, public houses and meeting places. Such facilities, the supporting text states, are likely to fall within use classes C2, D1 and D2 and potentially Sui Generis, with some exceptions such as public houses which are under the use class A4. It is disputed by the main parties to this appeal whether the last use of the appeal building as a café/bar/restaurant would constitute a community use, as defined under Policy CI1.

32. I have been referred by the Council and objecting parties to the original outline permission for the wider Corney Reach Estate[3] (the outline permission). Permission was granted for a mixed-use development that included the provision of a café/bar/restaurant. Condition 18 of the outline permission sets out that the 'café bar' shall be used only for the consumption of food or drink on the premises and for no other purpose within use class A3 of the Town and Country Planning Use Classes Order 1987 (the UCO).

33. Amendments were made to the UCO in 2005, which led to use class A3 being divided into 3 separate use classes, namely A3 restaurants and cafes, A4 drinking establishments and A5 hot food takeaways. It has therefore been suggested by the Council and in interested party correspondence that, notwithstanding Condition 18's explicit reference to use class A3, the consumption of food or drink on the premises would actually fall under either use class A3 or A4 as set out in the amended UCO.

[3] 00306/B/P47

34. In any event, Condition 18 of the outline permission continues to exist in its current wording and is not varied by virtue any amendment made to the UCO. It must be read at face value and clearly does not provide for a pure A4 public house use to be operated. Indeed, as specifically set out in the officer report that accompanies the outline permission, a café/bar/restaurant was permitted as opposed to a public house due to associated noise concerns that existed at the time.

35. Notwithstanding the above considerations, I have been provided with a range of evidence submitted by various parties relating to how the appeal building was used when previously in operation. These include written statements, photographs, rates valuations, website screenshots, marketing material and oral accounts given at the Hearing itself.

36. A licensed bar was contained within the premises and, from the accounts of local residents, the internal lay out catered for drinking customers that were not eating, as well as customers who were. The premises, I understand, were frequented by a range of clientele with differing requirements, such as morning groups drinking hot drinks and families out to celebrate a special occasion in the evening. It has however not been demonstrated that the premises at any time operated solely as a public house. Indeed, from the evidence before me, this is not seemingly the case put forward by the Council or most objecting parties.

37. Instead, the supporting evidence from objectors suggests that drinking establishment activities falling under use class A4 were carried out alongside restaurant and café activities falling under A3 such that a mixed use could have been in operation when the business was active. This would have been if A4 activities were at level greater than what could reasonably be described as ancillary to A3 activities. I am however not in the position to formally confirm the lawful use of the appeal building here, particularly given the absence of any certificate of existing lawful use to provide full clarity.

38. However, even were it to be the case that a mixed A3/A4 use was lawful, I am content from the evidence before me that the appeal building has at no time been lawfully operated as a public house. This is important when considering the proposal against the requirements of Policy CI1, where public houses are specifically referenced in the accompanying definition of community facilities.

39. The definition of community facilities in the supporting text to Policy CI1 also refers to meeting places. My interpretation is that such places would be expected to include such facilities as community halls or public squares, places specifically geared towards facilitating meetings between people. I accept that a café/bar/restaurant would offer the opportunity for people to meet. The primary focus of any such establishment however would remain the service of food and drinks for consumption on site, as set out in Condition 18 of the outline permission. Furthermore, I consider it reasonable to assume that, had Policy CI1 been intended to capture such facilities, there would have been clearer and more explicit reference to them in the definition, as is the case with public houses.

40. It was clear from the high attendance and contributions made at the Hearing that there is strong and passionate local support for a café/bar/restaurant use to be retained and reopened at the appeal site. It was, when occupied, viewed as something of a community hub by many and was capable of hosting

organised social events, including such events related to local clubs and societies. I accept that it was valued by members of the local community and provided social benefits. Indeed, it has been expressed by interested parties that the presence of the facility influenced their original decision to purchase property at the estate.

41. Notwithstanding this local attachment to the facility, it is apparent that there is a range, albeit relatively narrow in extent, of facilities that serve the local community in the vicinity of the site. These include the neighbouring Pier House and a cluster of retail, restaurant and community uses (including a swimming pool) at Edensor Road a relatively short walking distance away from the riverfront and the appeal site. Notwithstanding the apparent affection associated with the appeal building and the site's riverside location, there are other venues available for local residents and groups to meet, socialise and hold events.

42. Prior approval having been granted for the appeal building to be demolished is an important factor when considering the effect of the proposal upon community facilities. I am aware that the building has been nominated as an Asset of Community Value twice (in 2015 and 2016), and on both occasions it was found not to comply with the relevant regulations due to the presence of first floor level residential accommodation. Notwithstanding the reasons why nominations did not lead to a designation, it remains the case that no additional protection from development is afforded to the appeal building. The site does not currently provide any active facility of benefit to the local community and significant doubt surrounds the building's future considering the permission that is in place to demolish it.

43. To my knowledge no recent marketing of the appeal site has taken place. Whilst a marketing summary and viability analysis, both produced in 2014, make up part of the appellant's supporting evidence, doubts have been raised by interested parties with respect to the legitimacy of the findings of this previous analysis and the circumstances/motives that led to the use ceasing at the site. It is the case however that the site has lain vacant for a significant period. No firm contradictory evidence is before me (a business plan, for example) to clearly demonstrate that bringing the building from its current condition back into active use would be a viable or realistic proposition, by a local community group or otherwise.

44. Having reviewed conflicting legal opinions put forward, I am content that requirements set out under Condition 18 of the outline permission for the 'café bar' to be used only for the consumption of food and drink would not apply to any new residential building on the site. Indeed, the condition refers to the use of the building (i.e. the 'café bar') rather than the site it occupies and its requirements, I consider, would drop away should the appeal building be demolished.

45. I further note that Condition 25 of the outline permission required the 'café bar', as well as a range of other facilities to be completed before residential occupation of dwellings upon the wider estate. This condition however, or any other condition on the outline permission, does not require such facilities to be retained in perpetuity thereafter. Therefore, even had I found that the proposal would result in the loss of a community facility use (as defined under Policy CI1), I would have been able to attach only limited weight to its

associated benefits in the planning balance. This is due to the formal approval that is in place to demolish the building.

46. For the reasons set out above, the proposal would not have an adverse effect upon community facilities and as such would not cause harm. The proposal accords with Policy CI1 of the Local Plan in so far as it seeks to protect existing community facilities in the Borough that continue to serve the community.

Other Matters

47. Doubts have been raised in the evidence before me with respect to the accuracy and correctness of the suite of plans before me. My own assessment however is that the plans appear clear and accurate and provide an appropriate level of detail for determination purposes. It has also been suggested that limited public engagement has been carried out by the appellant during the planning process. I have however been made aware of meetings held with local stakeholders at pre-application stage. In any event, with respect to engagement, I am not aware of any statutory/policy requirement not fulfilled.

48. I am content that the proposal would not have an undue adverse effect on neighbouring residential occupiers with respect to standards of sunlight, daylight or privacy. Indeed, the orientation of the site would assist in ensuring that the development would not block direct sunlight from accessing neighbouring properties situated to the south of the site. A Daylight and Sunlight Report has been submitted that concludes that the proposal would have an acceptable effect in this context, and I have no reason to doubt its findings. This is even when noting the apparent omission of No 4's ground floor rear conservatory on the 3D diagram contained within the Report. Regarding privacy, where proposed openings are positioned such that loss of privacy could result, obscure glazing/privacy screen solutions are proposed. I am satisfied that direct/sensitive overlooking opportunities would be adequately guarded against to all sides of the site.

49. I note that Pier House was not been assessed as part of the Daylight and Sunlight Report. I am satisfied that it was not necessary for this building to be assessed given the lack of residential accommodation contained within it and the reduced sensitivity accordingly. I am also satisfied that an appropriate standard of living would be provided for future occupiers of the scheme itself, particularly given that private external areas that would be provided for each flat. I note that neither has the Council raised concerns in these contexts.

50. I acknowledge that on-street car parking opportunities within the estate are heavily restricted and that the roads immediately serving the appeal site itself are relatively narrow in width. I have also been made aware of various legal covenants that are in place governing how the estate's roads are used. However, I am satisfied that appropriate on-site parking and access/servicing arrangements (including with respect to any disabled occupiers/visitors) would be provided during the construction and occupation phases of the development so that highway safety or the adequate functioning of the estate would not be compromised. This would be subject to appropriate planning conditions being applied. I understand that the level of car and cycle parking proposed would comply with the current London Plan standard and note that the Council has not raised objections in a highway/parking context.

51. It has come to my attention that a local resident living close to the site suffers from a condition that leads to very limited mobility. The appeal building, when occupied as a café/bar/restaurant, offered a facility that was close and straightforward to access in a wheelchair. It has been explained that no other similar facility is independently accessible to them such that feelings of isolation have ensued since the site's closure. I have had regard to the equalities implications and associated duties arising. However, whilst I have sympathy for the particular personal circumstances described, it is the case that a current active facility would not be lost as a result of the proposal and, from the evidence before me, there appears limited prospect of this situation changing. I must determine the appeal on this basis.

52. There would be detailed fire safety standards to comply with under the building regulations and I am content that the proposal before me does not raise undue fire safety concerns. I am also not aware of any objections to the proposal having been received by any statutory undertaker. The Council confirmed at the Hearing that Thames Water had been consulted on the proposal at planning application stage, but no response had been forthcoming. In any event, the proposal is classified as minor development and would not reasonably be anticipated to lead to capacity issues in a utilities context.

53. The Council has noted that the site is not an allocated housing site and that they can currently demonstrate a five-year supply of deliverable housing sites. This is not however a maximum threshold and the Framework reaffirms the Government's objective of significantly boosting the supply of homes. The proposed development accords with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conditions

54. As part of a Statement of Common Ground signed by the main parties to this appeal and submitted in advance of the Hearing, a list of agreed conditions has been provided. Following further discussion at the Hearing, I have considered the conditions against advice in the Framework and Planning Practice Guidance. As a result, I have made amendments to some of them for consistency and clarity purposes and have omitted one of them related to deliveries and the servicing of the site. Pre-commencement conditions have only been applied where agreed to by the appellant and where necessary to guide initial works on site.

55. In the interests of certainty, a condition specifying the approved plans and documents is required. I have not referenced the submitted Construction Logistics Plan, given that a revised version of this document is to be secured via a separate condition. In the interests of safeguarding the visual amenity of the area, conditions are required to secure the submission of external facing material samples, full details of the intended storage arrangements for waste and recyclables and full details of hard and soft landscaping. I have amended the landscaping condition by omitting reference to specific features already depicted on the approved plans or covered by other conditions to be applied and note that it would be also in the interests of encouraging biodiversity.

56. Whilst the approved landscape plan references existing perimeter brick walling to be retained, the full details of intended boundary treatments are reasonable and necessary to secure via planning condition in the interests of visual amenity and of safeguarding the privacy of neighbouring residents. A condition

is also required to secure full details of the intended privacy screens and obscure glazing arrangements that are depicted on various floor plans and elevations that are before me. This is to ensure robust measures are put in place such that the privacy of neighbouring occupiers is safeguarded. To further ensuring neighbouring living conditions are properly safeguarded, a condition is required setting out permitted construction hours.

57. In the interests of preventing flooding and promoting sustainable forms of drainage, conditions are to be applied to secure the detailed drainage design and the subsequent management and maintenance of the scheme to be installed. In the interests of ensuring that development does not affect the integrity of existing flood defences, a detailed method statement for all construction aspects of the scheme is necessary to be secured via condition.

58. In the interests of promoting an energy-efficient and sustainable form of development, conditions are also reasonable and necessary to ensure low emissions and the sourcing of materials in accordance with the approved Energy Report, and compliance with the internal water use calculations set out in the approved Water Conservation Strategy. Furthermore, in the interests of encouraging sustainable forms of transportation and the installation of appropriate facilities, a condition securing full cycle storage details is necessary.

59. In the interests of highway safety, it reasonable and necessary that a condition be applied to secure a revised Construction Logistics Plan. This is particularly noting the narrow nature of the roads that exist in the immediate vicinity of the site and the potential for access by large construction vehicles. I have inserted a requirement into the condition, requiring details of the anticipated number and regularity of large vehicle movements to be provided, which was discussed at the Hearing. Indeed, the site will need to be managed effectively during construction activities to ensure that the safety of all road users is properly safeguarded.

60. It was also confirmed at the Hearing that the nearest stretches of road leading to the site have not been adopted by the highway authority and are instead privately owned and managed. In the absence of any evidence to the contrary, I have amended the construction management condition's wording to reflect that pre-start site conditions are to be agreed with the relevant management company rather than the highway authority. I do not consider that such an amendment would be likely to lead to any delays in implementation, particularly given the limited extent of surveying work that would be envisaged. Considering the apparent lack of an immediate relationship between the site and the public highway, I do not consider it necessary for the condition to reference the highway authority in this respect.

61. To ensure satisfactory car parking arrangements are in place and also in the interests of highway safety, a condition securing the implementation and subsequent permanent retention of parking and manoeuvring areas as set out on the approved site plan is reasonable and necessary. However, I do not consider that a delivery and servicing plan could realistically be enforced once the development is occupied. This because multiple occupiers would be in place with variant servicing and delivery needs, albeit all at a domestic level. It would not be possible, I consider, for all delivery operatives to be aware of the requirements of any such plan should it be put in place.

62. In any event, as discussed above, the car park as depicted on the plans before me incorporates manoeuvring and turning areas, which I consider to be appropriate in extent to serve a relatively small residential development comprising 7 units. For the avoidance of doubt, I have not imposed a condition securing a delivery and servicing management plan on the basis that it would not meet the relevant tests and would not be reasonable or necessary to safeguard highway/pedestrian safety.

63. In the interests of public and environmental safety a condition to ensure that the site is properly investigated for potential contamination and appropriately remediated should any contamination be found to be present is reasonable and necessary.

Conclusion

64. For the above reasons, the appeal is allowed subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

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

2) The proposed development shall be carried out in all respects in accordance with the plans and documents referenced as follows: 3111-00-0000 A; 3111-00-0010; 3111-00-0011; 3111-00-0020; 3111-00-0021; 3111-00-0022; 3111-00-0023; 3111-02-0003 J; 3111-04-0000 K; 3111-04-0001 K; 3111-04-0002 K; 3111-04-0003 K; 3111-02-0004 C; 3111-11-0001 K; 3111-11-0002 K; 3111-11-0003 K; 3111-11-0004 K; 2017-007-L01; Design and Access Statement (October 2018); Transport Technical Note (October 2018); Planning Statement (October 2018); Energy Report (October 2018); Water Conservation Strategy (October 2018); Daylight and Sunlight Report (October 2018); Flood Risk Assessment (October 2018).

3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

4) No development shall take place, including any works of demolition, until a Revised Construction Logistics Plan written in accordance with current TfL guidance has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall include:

   i) a site plan;

ii) confirmation that a pre-start record of site conditions on the adjoining private roads will be undertaken with Corney Reach Estate Management Company Ltd and a commitment to repair any damage caused;

iii) provision for the parking of vehicles of site operatives and visitors;

iv) provision for loading, unloading and storage of plant and materials within the site;

v) details of access to the site, including means to control and manage access and egress of vehicles to and from the site for the duration of construction including phasing arrangements;

vi) details of vehicle routeing from the site to the wider strategic road network to allow safe access to the site to be secured and implemented prior to commencement of construction;

vii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

viii) provision of wheel washing facilities at the site exit and a commitment to sweep adjacent roads when required and at the request of the local planning authority;

ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;

x) measures to ensure the safety of all road users especially cyclists and pedestrians in the vicinity of the site and especially at the access;

xi) commitment to liaise with other contractors in the vicinity of the site to maximise the potential for consolidation and to minimise traffic impacts;

xii) avoidance of peak hours for deliveries and details of a booking system to avoid vehicles waiting on the public highway and private roads;

xiii) all necessary traffic orders and other permissions required to allow safe access to the site to be secured and implemented prior to commencement of construction;

xiv) details of the construction programme and a schedule of traffic movements;

xv) the use of operators that are members of TfL's Freight Operator Recognition Scheme;

xvi) details of the anticipated number and regularity of large vehicle movements, such as by, for example, articulated lorries, required during the duration of the construction period and the associated servicing arrangements to be put in place.

5) Prior to occupation of the units hereby approved, full details of the proposed privacy screens and obscure glazing details shown on the approved plans shall be submitted to and approved in writing by the local planning authority. These details shall be implemented prior to the first occupation of the development and maintained in perpetuity.

6) Prior to the occupation of the development, full details of the cycle storage detailing the layout and shelter for the cycle spaces outlined on the approved plans shall be submitted to and approved in writing by the

local planning authority. The scheme shall be carried out as approved and retained at all times thereafter.

7) Prior to commencement of groundworks (excluding site investigations and demolition), a final detailed drainage design including drawings and supporting calculations and updated Drainage Assessment Form aligned with the Flood Risk Assessment (October 2018) and associated drawings shall be submitted to and, following consultation with the Lead Local Flood Authority, approved in writing by the local planning authority. The site shall achieve a post-development runoff rate of 1 l/s using permeable paving and underground storage, discharging into a surface water sewer. A detailed management plan confirming routine maintenance tasks for all drainage components shall also be submitted to demonstrate how the drainage system is to be maintained for the lifetime of the development. Details on how exceedance flows will be managed shall also be submitted for approval.

8) No building hereby permitted shall be occupied until evidence (e.g. photographs and installation contracts) demonstrating that the final detailed drainage scheme for the site (the subject of Condition 7 of this permission) has been completed in accordance with the submitted details has been submitted to and approved in writing by the local planning authority. The scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan for all of the proposed drainage components.

9) The development shall be implemented in accordance with the approved Energy Report (October 2018) and shall not commence above ground level until full Design Stage calculations under the Standard Assessment Procedure showing that the development has achieved a 35% reduction in emissions when compared to part L of the Building Regulations 2013 have been submitted to and approved in writing by the local planning authority.

10) Prior to the first occupation of the development, evidence (e.g. photographs, installation contracts and As-Built certificates under the Standard Assessment Procedure) showing that the development has been constructed in accordance with the approved Energy Report (October 2018) and has achieved a 35% reduction in emissions when compared to part L of the Building Regulations 2013 shall be submitted to and approved in writing by the local planning authority.

11) Prior to the first occupation of the development, evidence (e.g. schedule of fittings and manufactures literature) showing that the development has been constructed in accordance with the internal water use calculations as set out in the approved Water Conservation Strategy (October 2018) shall be submitted to and approved in writing by the local planning authority.

12) The development materials shall be selected in accordance with the building fabric requirements set out in the approved Energy Report (October 2018). At least three of the key elements of the building envelope (i.e. external walls, windows roof, upper floor slabs, internal walls, floor finishes/coverings) shall achieve a rating of A+ to D under the Building Research Establishment's (BRE) Green Guide of specification. At least 50% of timber and timber products shall be sourced from accredited

Forest Stewardship Council (FSC) or Programme for the Endorsement of Forestry Certification (PEFC) sources/schemes. No construction or insulation materials shall be used that release toxins into the internal and external environment, including those that deplete stratospheric ozone. The development shall not be occupied until evidence (e.g. photographs and copies of installation contracts) to demonstrate that the development has been carried out in accordance with the full requirements of this condition has been submitted to and approved in writing by the local planning authority.

13) Prior to occupation of the units hereby approved, details of the arrangements for storing of waste and recyclable materials shall be submitted to and approved in writing by the local planning authority. The arrangements for storing waste and recyclable materials shall not be carried out otherwise than in accordance with any approval given and shall be implemented before any part of the accommodation hereby permitted is occupied and retained as such thereafter.

14) Prior to first occupation of the units hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage power, communications cables and pipelines, indicating lines, manholes and supports); retained historic landscape features and proposals for restoration, where relevant. The details of soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

15) The units hereby approved shall not be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the local planning authority. The approved details shall be completed before the units are occupied and retained as approved at all times thereafter.

16) No demolition or construction work shall take place on the site except between the hours of 0800 to 1800 on Mondays to Friday and 0900 to 1300 on Saturdays and not at all on Sundays and Public Holidays.

17) Before the development hereby permitted commences a contaminated land Phase 1 desk study report shall be submitted to and approved in writing by the local planning authority. Should the Phase 1 report recommend that a Phase 2 site investigation is required, this shall be carried out and submitted to the local planning authority for approval in writing before development commences. The site shall be investigated by a competent person to identify the extent and nature of contamination. The report(s) shall include a tiered risk assessment of the contamination based on the proposed end use of the site. Additional investigation may be required where it is deemed necessary. If required, a scheme for decontamination of the site shall be submitted to and

approved in writing by the local planning authority before development commences. The scheme shall account for any comments made by the local planning authority.

During the course of the development the local planning authority shall be notified immediately if additional contamination is discovered. A competent person shall assess the additional contamination and shall submit appropriate amendments to the scheme for decontamination in writing to the local planning authority for written approval before any work on that aspect of development continues.

Before the development is first brought into use, any agreed scheme for decontamination, including amendments, shall be fully implemented and a written validation (closure) report submitted to and approved in writing by the local planning authority.

18) The car parking and manoeuvring areas shown on the approved ground floor site plan (3111-02-0003 J) shall be provided before the development to which they relate is first occupied. Thereafter these areas shall not be used for any purpose other than for the parking and manoeuvring of vehicles associated with the residential occupation of the site and shall be permanently retained for such purposes.

19) No works shall take place until a detailed method statement, which includes all aspects of construction of this development and the full sequencing of works, is submitted to and approved in writing by the local planning authority. All works shall be carried out in accordance with the approved details.

APPEARANCES

FOR THE APPELLANT

Parul Scampion	Fruition Properties
Kieran Rushe	Peter Brett LLP
Jill McGregor	Peter Brett LLP
Timothy Burgess	Cove Burgess Architects
Oliver Bawden	Cove Burgess Architects

FOR THE LOCAL PLANNING AUTHORITY

Eamon Cassidy	Deputy Planning Manager

INTERESTED PERSONS

Diana Claridge	Chair, Corney Reach Estate Management Company Ltd
Graham Hunter	Corney Reach Estate Management Company Ltd
Stephen McNaught	Legal advisor to Corney Reach Estate Management Company Ltd
Anne Gill	Chiswick Pier Trust
Wayne Bellamy	RNLI
Tim Hardy	Save Pissarros
Sarika Patel	Local resident
Thomasin Magor	Local resident
Stephen Newell	Local resident
Caroline Stanley	Local resident
Richard Knowles	Local resident
Chris Griffin	River user

DOCUMENTS RECEIVED AT OR AFTER THE HEARING

1. Site Plan – Roof (3111-02-0004 C)
2. Title page and Standard 28 of Housing Supplementary Planning Guidance (March 2016)
3. Environment Agency consultation response dated 6 November 2018