The Planning Inspectorate

Appeal Decision

Inquiry held between 6 and 9 April 2021
Site visit made on 13 April 2021

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 21st May 2021

Appeal Ref: APP/F5540/W/20/3263896
30 Rugby Road, Twickenham, TW1 1DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Access Self-Storage Limited against the Council of the London Borough of Hounslow.
- The application Ref P/2019/3339, is dated 11 September 2019.
- The development proposed is demolition of existing buildings and redevelopment of the site to mixed use Class B8 (self-storage), Class B1 (office) and Class C3 (residential) arranged over two basement levels and six buildings arranged over ground and up to five storeys in height with associated landscaping, car parking and plant.

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing buildings and redevelopment of the site to mixed use Class B8 (self-storage), Class B1 (office) and Class C3 (residential) arranged over two basement levels and six buildings arranged over ground and up to five storeys in height with associated landscaping, car parking and plant, at 30 Rugby Road, Twickenham, TW1 1DG, in accordance with the details of application Ref P/2019/3339, dated 11 September 2019, subject to the planning conditions in the attached schedule.

Procedural Matters

2. The Council has set out that had it been in a position to determine the application, it would have refused planning permission for several reasons. Some of these have since been overcome through further discussions between the parties and all of this has informed the main issues that are set out below, which I consider are those that the appeal hinges upon.

3. As part of the appeal, the Appellant has provided some new and amended plans. This includes drawing 'Proposed Ground – Podium Floor Plan' (Ref: AC79_P_104_P25) that makes changes to the central courtyard to deliver more playspace provision. Further, drawings P_131 Rev P09 and P_631 Rev P07 were provided to correct an error to show the windows and a balcony door on the south-facing elevation of Unit E.002. I consider that these are minor changes and my acceptance of the plans has not prejudiced any party.

4. I agreed at the Inquiry that the signed and executed Section 106 Agreement (the S106) could be provided following the close of the Inquiry. I also agreed

that the S106 could be signed in counterpart due to the current circumstances associated with the Covid-19 pandemic. I am content that I have been provided with copies of the S106 that collectively contain all the necessary signatures and therefore the S106 has been entered into by all relevant parties.

5. The S106 secures provision for build to rent units; viability stage reviews; Varsity Drive parking restrictions; Twickenham event days controlled parking zone (CPZ) review contribution; on-street parking permit restrictions; car club space; car free measures; travel plan; highway works; tree removal works; considerate contractor scheme; construction training; end-user training and job brokerage; carbon-off setting contribution; and monitoring fees.

6. In each case, I am content that the obligation meets the three tests in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations, which also reflect those in Paragraph 56 of the National Planning Policy Framework (the NPPF). As a result, I have taken the S106 into account and there is no need for me to consider such matters any further in my decision.

Main Issues

7. Having regard to the evidence before me and the discussions that took place at the Inquiry, I consider the main issues of the appeal are:

   - whether the scheme would deliver a suitable mix of housing; and
   - whether the proposal would provide for acceptable living conditions for future occupants of the scheme, with particular regard to the quality and safety of communal amenity space, privacy and levels of daylight and sunlight.

Reasons

8. The appeal site is located on Rugby Road and is adjacent to Twickenham Stadium that lies to the west. The site accommodates a predominantly two-storey building of utilitarian appearance that is used as a self-storage facility. Varsity Drive, a residential development, borders the site to the north and east and there is an industrial area directly to the south.

Housing Mix

9. The proposed development seeks to deliver 146 residential homes that would include 58 one bedroom flats, 73 two bedroom flats and 15 three bedroom flats. Policy SG3 of the London Borough of Hounslow Local Plan, 2015 (the LP) seeks to meet local housing need by securing a mix of housing type, size and tenure. It goes on to say that it will seek to meet objectively assessed and evidenced local need, based on the latest and/or most specific available evidence and applying the general housing need mix requirements summarised in Figure SC3.1 of the LP.

10. Figure SC3.1 identifies that the general housing mix requirements are 30% one bedroom, 40% two bedroom, 25% three bedroom and 5% four+ bedrooms. The scheme would deliver 40% one bedroom homes, 50% two bedroom homes, 10% three bedroom homes and no four bedroom homes. In my view, this departs significantly from Figure SC3.1 of the LP. However, Policy SC3.1 notes that this is a starting point for negotiations on housing mix. The

Appellant has set out that it is unclear what mix the Council would find acceptable given that it accepts a scheme does not have to rigidly stick to the percentages within Figure SC3.1 to be considered acceptable. This is clearly a matter of judgement based on relevant development plan policies and the available evidence on need.

11. Policy H10 of the London Plan, 2021 is also of relevance. This identifies that schemes should generally consist of a range of unit sizes and to determine the appropriate mix applicants and decision-makers should have regard to several factors. These include: robust local evidence of need where available; the nature and location of the site, with a higher proportion of one and two bed units generally more appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity; the aim to optimise housing potential on sites; the need for additional family housing and the role of one and two bed units in freeing up existing family housing; and the range of tenures in the scheme.

12. It is therefore clear to me from Policy SC3.1 of the LP and Policy H10 of the London Plan that local evidence of need is an important factor when considering housing mix. The latest evidence on local need is set out in the Hounslow Strategic Housing Market Assessment (SHMA), 2018 and the West London SHMA, 2018. The Appellant has not challenged the robustness of either of these documents. The Hounslow SHMA at Figure 35 shows in terms of market housing a pressing need for 11,000 three bedroom homes (54% of total), alongside a need for 4,800 two bedroom homes (23% of total) and 2,000 one bedroom homes (10% of total). The need for four bedroom homes is 2,800 (14% of total). As the Council has pointed out the need for three and four bedroom homes represents 68% of the overall market housing need in Hounslow.

13. Further to this, the West London SHMA at Figure 47 paints a similar picture. The market need for three bedroom dwellings is 107,000 (50% of total), four bedrooms 36,700 (17% of total), two bedrooms 47,500 (22% of total) and one bedroom 17,900 (8% of total). It can therefore be seen that the greatest level of need in Hounslow and West London is for three bedroom homes.

14. The Appellant has pointed out that the London SHMA, 2017 sets out a different picture, where the greatest need is for one bedroom homes. Whilst this is noted, Policy SC3 of the LP is clear that it is seeking to meet local need and Policy H10 of the London Plan is also clear that regard should be had to robust evidence of local need and where this is absent the London SHMA, which is not the case here.

15. The Appellant has been keen to point out that although not as high as three bedroom units, there is still a substantial identified need (locally in Hounslow and across London) for one and two bedroom homes that the scheme would help to meet. This is fully accepted. However, in my view, it does not mean that the consideration of housing mix should be simply put to one side. Such an approach would mean that any mix of housing would be acceptable. If that was to be done, it is highly unlikely that local housing need, in the form required, would ever be met.

16. The provision of one and two bedroom homes may free up some existing family housing, but it is difficult to anticipate what impact the scheme would have in this regard. I accept the Council's point that if it was considered to be a simple

substitute it would obviate the need for flatted schemes to provide three and four bed units at all, thus likely frustrating the ability to meet local need. Based on all of the above, it is evident that the housing mix of the scheme would significantly underdeliver three and four bedroom homes when compared against the starting point of Figure SC3.1 of the LP that is reflective of the identified local need in Hounslow.

17. Turning to the location and nature of the site, it has a poor PTAL rating of 1b. There was some discussion during the Inquiry in terms of the usefulness of the PTAL rating. However, given it provides a clear indication of the accessibility to public transport, I am content that it is an important factor to consider, particularly in terms of criterion 6) of Policy H10 of the London Plan.

18. I accept that there are some local services and facilities within a short walking distance of the appeal site, including a large Tesco store that I walked to on my site visit, as well as some bus stops. However, in my view, the site could not be described as being close to a town centre or station or one with a high level of public transport access and connectivity. The appeal site does not therefore, in my view, fall within an area where a greater proportion of one and two bedroom units could be considered appropriate as specifically described in criterion 6) of Policy H10 of the London Plan. In coming to this view, I have had regard to the lack of objection to the scheme in terms of its overall density and in relation to highways.

19. The Appellant has identified 13 other schemes where the housing mix is notably different from that in Figure SC3.1 of the LP, namely providing less three and four bedroom units than sought. It is clear to me from the evidence that each of these is not directly comparable to the appeal scheme. Firstly, I accept the Council's evidence that three sites (Eldridge House, 359-363 Staines Road and 1-6 Bethany Way) had very site specific circumstances that justified a lower provision of 3 and 4 bedroom homes than sought by Policy SC3 of the LP. Of the remaining 10, all had a higher PTAL rating of which 9 were rated as 3 or 4. Further, only two of the 'comparables' had an overall percentage provision of 3 and 4 bedroom homes as low or lower than this scheme. But both sites were in edge of town centre locations. Thus, I am not of the view that this exercise provides any justification for the approach of the appeal scheme to housing mix.

20. The Appellant has referred to the Council's Annual Monitoring Report (AMR) 2019/20, that shows at Table 2-5 the delivery of homes by number of bedrooms between the financial year 2015 up to 2019. I accept that this shows during this time, less three bedroom homes have been delivered across the borough than sought by Policy SC3 of the LP and the overall delivery is not dissimilar to the housing mix proposed by this scheme. It is not entirely clear why this has been the case and I agree with the Council that looking at the overall headline figures does not tell the whole story as many of the sites that delivered the housing could have been in or close to town centres where policy suggests a higher level of one and two bedroom homes may be appropriate. Further, to my mind, the fact that there has been past under delivery of three bedroom homes across the borough should not provide justification for continuing this trend in the future, otherwise local housing need, in the form required, will never be met.

21. The appeal site is allocated in both the LP and the emerging Site Allocations Local Plan Review for mixed use. The emerging Site Allocation review identifies a potential capacity of 60 residential units. The Appellant asserts that the housing mix of the scheme would meet the envisaged delivery of homes from the site and any delivery over this figure would be meeting wider housing needs. However, there is no support in the development plan policies of relevance to such an approach and I am mindful that the figure of 60 dwellings is clearly stated as a minimum. I am therefore not persuaded by such an argument.

22. The Appellant has pointed out that many of the two bedroom units could deliver four bedspaces and therefore be considered as family housing. However, it is clear that Policy SC3 refers to the need for bedrooms of various sizes rather than bedspaces, as does the Hounslow, West London and London SHMAs. Mr Dingle accepted under cross examination that these terms were not interchangeable.

23. Turning finally to the specific consideration of the fact that the scheme proposes build to rent homes, the Mayor's Affordable Housing and Viability Supplementary Plan Guidance (SPG) states at Paragraph 4.31 that: '*Build to Rent can be particularly suited to higher density development within or on the edge of town centres or near transport nodes. Local policies requiring a range of units sizes should be applied flexibly to Build to Rent schemes in these locations to reflect demand for new rental stock, which is much greater for one and two beds than in owner-occupied or social/affordable rented sector. In addition LPAs should take account of the distinct economics of Build to Rent, where potential yields and investment risk can be affected by increases in the number of large units within a scheme'.*

24. I consider that the SPG should be afforded significant weight. Based on a straight forward reading of the above text, it seems clear to me that it is suggesting that flexibility should be applied to unit sizes of high density build to rent schemes within or on the edge of town centres or near transport nodes. In my view, it does not go so far as saying that flexibility should be considered more widely than this, as has been suggested by the Appellant. Nonetheless, I do accept that it is an acknowledgement that there is a greater demand for build to rent stock of one and two bedroom units than for the owner-occupied or social/affordable rented sector. The SPG also clearly acknowledges that potential yields and investment risk can be affected by increases in the number of large units within a build to rent scheme.

25. Bringing all of the above together, the scheme would depart significantly from the housing mix identified in Figure SC3.1 of the LP. Whilst this is acknowledged to be a starting point, there is no strong evidence, based on the requirements of Policy SC3 and Policy H10 of the London Plan, to warrant such a significant variation from the starting point in terms of three and four bedroom homes. Therefore, the scheme would not make provision for an acceptable mix of housing contrary to Policy SC3 of the LP and Policy H10 of the London Plan.

26. Notwithstanding this, given the specific nature of the build to rent model, the text referred to above in the Mayor's Affordable Housing and Viability SPG and the encouragement of boroughs to take a positive approach to build to rent in the supporting text to Policy H11 of the London Plan, I consider that this harm

and associated development plan conflict should carry a minor level of weight against the scheme in the overall planning balance.

Living conditions

Amenity space

Context

27. The scheme would provide amenity space through private balconies and through communal areas. The communal areas would consist of the central courtyard area that would include playspace, an area to the rear of the proposed buildings and some indoor space. The Council does not raise any concerns with regard to the quantity of private and communal amenity space or playspace following the provision of the revised drawing[1] as identified under the procedural matters above. However, the Council are concerned about the quality of the courtyard and rear amenity areas.

28. Policy CC2 of the LP relates to high quality urban design and architecture. Criterion (j) requires development proposals to have a positive impact on the amenity of future residents, and criterion (i) sets out that development proposals should create places that feel safe at day and night, particularly for pedestrians and cyclists. Policy SC5 of the LP seeks to achieve high standards of external space to meet the demands of everyday life, with safe and convenient pedestrian access from every dwelling to communal spaces of good and usable aspect and quality.

29. These requirements are also largely reflected within Policy D3 and D6 of the London Plan and their supporting text. Although, reference is also made to providing active frontages and designing out crime by ensuring good natural surveillance, clear sight lines, appropriate lighting, logical and well-used routes and a lack of potential hiding places. Further, it is also noted that amenity space should be positioned to allow overlooking. The Mayor's Housing SPG also advises that public spaces and pedestrian routes should be designed to avoid blank and inactive elevations at ground level.

Rear amenity space

30. The scheme would make provision for a strip of land at the rear of the site as an area of communal amenity space. This would be connected to the central courtyard area by two walkways, which include steps. The rear amenity space would also be used as an access to the site by emergency vehicles should the need arise.

31. The rear amenity space would be narrow, particularly in the central part, but would open out at each end. It would be enclosed by a fence on one side and a wall on the other with louvred shutters which would provide ventilation to the undercroft. It would also be sunken below the ground level of the podium. However, the wall and louvre shutters would not be excessively high and the ground floor flats and their balconies would not, in my view, appear as an inactive frontage.

32. In terms of security, the space would be overlooked by 64 habitable rooms and balconies. Whilst I accept that the occupants of those flats would need to be

[1] Proposed Ground – Podium Floor Plan Ref: AC79_P_104_P25.

close to the window or edge of their balconies to have clear sight over the amenity space, given the high number of units backing onto the amenity space, I am satisfied that there would be sufficient overlooking. Further, some glimpsed views of the rear amenity space would also be available down the steps from the courtyard area.

33. The dedicated seating area within the rear space would be located in a recess at one end and would be somewhat disconnected from the rest of the amenity space and wider site. The Council is also of the view that there would be no natural flow of people through the area and it would be a road to nowhere. I accept that there would be no natural flow and that only people seeking to use the amenity space would use the walkways and steps. However, I accept the Appellant's view that the scheme is seeking to create different types of amenity space, a busy courtyard area and then a quieter rear area that includes the seating area. Given the rear amenity space, including the seating area would be appropriately overlooked by the units that back onto it, I am content this represents an appropriate approach.

34. I am also particularly mindful that the rear amenity space would only be used by the occupants of the scheme and the open space would be regularly maintained through the built to rent scheme, with attractive planting and this would also help to create a sense of security. Given all of the above, I am content that the rear amenity space would feel safe to future occupants.

35. Whilst there would not be direct access to the amenity space from the ground floor units, it would be easily accessible from the central courtyard area via the proposed walkways and steps. I am of the view that the distance from any of the units to the rear amenity space is unlikely to deter future occupants from utilising the space.

36. Some concerns were raised by the council with regard to the use of the rear amenity space as an emergency access. However, this would happen very infrequently, if at all and I am content that a suitable reinforced turf could be utilised to provide an attractive and useable surface for the purposes of amenity, but would also be able to support emergency vehicles should the need arise.

37. Having regard to the above, I consider that the rear amenity space would provide for a safe and attractive environment for future occupants.

Courtyard

38. The central courtyard podium area would include a large area of playspace for children and teenagers. However, adults would not be excluded from utilising this space and the rear amenity space would be available for occupants to utilise should they wish to relax in a quieter setting.

39. I accept that the courtyard would include large areas of hardstanding and planters. However, I am mindful that the overall stated aim of the scheme is to provide different types of environment. I consider that the hardstanding of the courtyard would complement the turfed rear amenity space. Whilst there is also a high level of circulation space, the walkways could be used to accommodate seating areas, including benches.

40. I consider that the proposed planters could also be used as seats, as well as the set seating areas and benches. Further, I am mindful that some of the

walkways are relatively wide and could accommodate additional benches from those already indicated as part of the scheme. This could be secured through a planning condition in relation to the agreement of hard and soft landscaping.

41. The courtyard area, due to the design of the scheme, would not receive sunlight in accordance with BRE Guidance. This recommends that over 50% of outdoor amenity areas should experience at least 2 hours of sunlight on the 21 March. However, the Council accept that when the communal amenity space is considered as a whole, this guidance would be met and there is no policy requirement to consider individual parts of the overall communal amenity space against the guidelines. Further, I accept the Appellant's view that some people may prefer a shady spot when there is hot weather, and the scheme includes a variety of options in terms of sunny and shady spots to allow future occupants to choose from.

Conclusion on amenity space

42. I have found that the rear amenity space, although narrow, would provide for a safe and attractive environment. Further, whilst the central courtyard area is dominated by hardstanding, planters and children's playspace, I consider that this complements the quieter rear amenity space. In addition, and looking more widely across the scheme, all of the flats meet and 94% exceed private amenity space guidelines and overall, private amenity space is 83% greater than that required by the guidelines. Further, 192 square metres of indoor communal space is also be provided and future occupants would be able to quickly and easily access the proposed space at the front of the site around Whitton Brook. Whilst this would be open to the public, it could nonetheless be realistically used by the future occupants of the scheme and would, in my view, be an attractive area.

43. When all of this is considered, I conclude that the scheme would offer an attractive, safe and acceptable living environment in terms of amenity space to future occupants. The proposed development therefore accords with Policies CC2 and SC5 of the LP; Policies D3 and D6 of the London Plan; and the Mayor's Housing SPG.

Overlooking and privacy

44. Due to the design and layout of the scheme with blocks of development around a central courtyard, there are numerous instances where habitable windows of the proposed flats are at close quarters. During the roundtable discussion it was agreed between the parties that numerous instances of potential overlooking could be overcome by providing obscure glazing to the secondary windows of some of the rooms without affecting the quality of living conditions of future occupants.

45. I am content that obscure glazing to the relevant windows[2] can be suitably secured by an acceptable planning condition that would overcome numerous instances of overlooking. However, there are several other instances where the Council's concerns cannot be addressed through obscure glazing, these being between:

- Unit A.016 / Unit A.017 and Unit B.009;

[2] See planning condition 12) of the attached schedule for list of relevant windows.

- Unit A.001 / Unit A.002 and Unit B.014;
- Unit C.004 and Unit D.002;
- Unit C.009 and Unit D.006;
- Unit D.011 and Unit C.014;
- Unit D.003 and Unit E.001;
- Unit D.007 / Unit D.008 and Unit E.003 / Unit E.004;
- Unit D.012 / Unit D.013 and Unit E.006 / Unit E.007; and
- Unit D.017 and Unit E.013 / Unit E.014.

46. All of these cases involve either bedroom windows facing other bedroom windows or in some cases bedroom windows facing balconies. The separation distances involved in the above instances range from some 5.9 metres to 9 metres.

47. Policy CC2 of the LP sets out that developments should provide adequate levels of privacy and minimise direct overlooking through the careful layout, design and orientation of buildings and spaces. Policy D6 and associated Table 3.2 of the London Plan also sets out that developments should provide suitable privacy. The Mayor's Housing SPG, which I afford significant weight, states: '*Designers should consider the position and aspect of habitable rooms, gardens and balconies, and avoid windows facing each other where privacy distances are tight. In the past, planning guidance for privacy has been concerned with achieving visual separation between dwellings by setting a minimum distance of 18 – 21m between facing homes (between habitable room and habitable room as opposed to between balconies or terraces or between habitable rooms and balconies/terraces). These can still be useful yardsticks for visual privacy, but adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density'*.

48. The draft Mayor of London's Good Quality Homes for all Londoners SPG (draft SPG), which the parties agree should attract moderate weight, to which I agree, describes a 18-21m distance as a crude measure and states that it '*…adopts daylight factors to determine offset distances between buildings rather than a standard distance'*. It also notes similarly to the Mayor's Housing SPG that '*visual privacy and overlooking of spaces can be managed by good design to avoid windows that directly face each other where privacy distances are tight*'.

49. The Appellant has sought to off-set the windows as part of the design and layout of the scheme. However, in most instances this is only marginal, and I am of the view that clear views would still be possible between habitable bedroom windows and/or balconies at close quarters.

50. Notwithstanding this, I consider that it is important to bear in mind that the vast majority of the flats where concerns remain are dual aspect and there are no concerns with regard to overlooking of the primary outlook from these flats, particularly from the main living space. Further, I am mindful that in the main, future occupants are less likely to spend considerable periods of time in their bedrooms than in the primary living space of the lounge, kitchen or diner.

51. Further to this, the Appellant has suggested that it would be open to future occupants to utilise internal blinds or shutters on their bedroom windows should they wish and I accept this view. The Council are of the view that residents shouldn't have to choose between privacy and outlook, they should have both. However, given that the primary outlook of the flats in question would be free from overlooking and would have acceptable outlooks, I am content that the scheme achieves an acceptable balance between privacy and maximising the use of the site. Further and having regard to the draft SPG, all of the flats of remaining concern (as listed above) meet BRE guidelines in terms of daylight.

52. Given all of the matters discussed above, I am content that with the imposition of a planning condition to secure obscure glazing in the relevant windows, that overall, the scheme would provide for an acceptable level of privacy for future occupants. The scheme therefore accords with Policy CC2 of the LP, Policy D6 of the London Plan, the Mayor's Housing SPG and the draft SPG.

Daylight and Sunlight

Context

53. Policy CC2 of the LP sets out that proposed dwellings should be provided with sufficient sunlight and daylight and that the Mayor's Housing SPG should be used as good practice guidance. This at Standard 32 states: '*All homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should preferably receive direct sunlight*'. The accompanying text notes that the 'Building Research Establishment (BRE) Report 209 - Site layout planning for daylight and sunlight: A guide to good practice' and its guidelines and methodology can be used to assess the levels achieved. The London Plan at Policy D6 also sets out that sufficient daylight and sunlight should be provided appropriate to context.

54. It is common ground between the parties that the BRE guidelines should be applied flexibly, as noted in the Mayor's Housing SPG, draft SPG and in the BRE guidance. It is also relevant to note that the NPPF also states at Paragraph 123 c) that: '*local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)*'.

55. The Mayor's Housing SPG further sets out what factors could be taken into account when considering how flexibly the guidelines should be applied. These include: location, noting that the guidelines should be applied particularly sensitively to higher density development in London, particularly in central and urban settings; The need to accommodate additional housing supply in locations with good accessibility; and the standards experienced in broadly comparable housing typologies in London.

Daylight

56. The scheme is supported by an internal daylight and sunlight report. However, the results of this were revised by the Appellant in the proof of evidence of Mr

Barnes to address some minor errors. The Council has not raised any concerns with regard to the methodology used and I see no reason to disagree. The BRE guidelines set out that rooms should have the following average daylight factor (ADF): bedrooms 1%, living rooms 1.5% and kitchens 2%.

57. The results show that 90% of the 390 rooms tested would have daylight in accordance with the BRE guidance. The Council accepted at the Inquiry that the scheme performs 'very well' in this regard.

58. 38 rooms, including 23 Living/Kitchen/Diners (LKD) and 15 bedrooms would fall below the BRE guidelines. 7 of these rooms are located in Block E of the scheme and are LKDs. The results show that these LKDs would have an ADF of 1.3 to 1.4% only marginally below the guidelines of 1.5%. Given the results are marginally below the guidelines and the bedrooms serving these units see daylight levels well in excess of the suggested targets, in my view, there would be acceptable living conditions, in terms of daylight for future occupants in all Block E flats.

59. The remaining 31 rooms are all located in Blocks A and F and consist of 16 LKDs and 15 bedrooms. Of these 9 relate to bedrooms with fairly marginal failures against the guidelines, 4[3] of which have living areas that meet or exceed the guidelines. The BRE Guidelines do also note that daylight is less important for bedrooms than the other main living areas. Given these matters, I consider that overall, these would provide suitable living conditions to future occupants in terms of daylight. The other 5 bedrooms[4] are located in flats where there would also be a failure against the guidelines of the main living area.

60. Of the 16 living rooms or LKDs in Blocks A and F that fall short of the guidelines, 6 of these would be by less than 20%. 2[5] of these would have bedrooms that all exceed the guidelines and overall, I am satisfied that in those two cases the flats would provide suitable living conditions with regard to daylight.

61. All of this leaves 16 rooms, 10 living room/LKDs and 6 bedrooms where the ADF is over 20% below the guidelines and 9 instances where there is a marginal failure against the guidelines, but there is also another room of the unit that also fails to meet the guidelines to some degree. These windows span across 16 units[6].

62. Looking at some of these in more detail, first floor Unit F.049 is a two bedroom flat with Bedroom 01 failing to meet the guidelines with an ADF of 0.6%. However, the LKD and Bedroom 02 both significantly exceed the guidelines. As a whole, I am satisfied that unit F.049 would provide for acceptable living conditions in terms of daylight.

63. Unit F.002 on the second floor sees the LKD (1.4%) and Bedroom 01 (0.8%) both fall below the guidelines, however, this is very marginal and Bedroom 02 would exceed the guidelines. Taking the unit as a whole, I am satisfied that there would be adequate daylight. Further, Unit F.006 would see only a

[3] F.011 / F.015 / F.024 / F.034.
[4] A.009 / F.002 / F.006 / F.009 / F.018.
[5] F.010 / F.012.
[6] A.003 / A.004 / A.008 / A.009 / A.014 / A.018 / A.019 / F.001 / F.002 / F.003 / F.006 / F.009 / F.018 / F.046 / F.047 / F.049.

marginal failure to meet the guidelines by 0.2% to both the LKD and bedroom. I consider that the score marginally below the guidelines would not result in unacceptable living conditions.

64. At third floor level, Units A.009 and F.018 are both one bedroom flats and have LKDs and bedrooms that fall slightly short of the guidelines. However, in each case this is marginal and I am content that living conditions would not be unacceptable.

65. Finally, at fourth floor level, Unit A.014 is a one bedroom flat and the bedroom fails the ADF guidelines by a margin of 0.3%. However, the LKD would see an ADF of 3.8% significantly above the 1.5% guideline. Again, when considered as a whole, I am of the view that the unit would provide for acceptable living condition in terms of daylight.

66. This leaves 10 units[7], where I consider that daylight levels would be insufficient and there would be a clear reliance on artificial lighting by the future occupants, particularly in the main living space / LKD. This represent 7% of the overall scheme. These are all located either within the recess between Blocks A and F or are located in the corners of Block F.

Sunlight

67. BRE guidelines set out that the Annual Probable Sunlight Hours ("APSH") test calculates the percentage of probable hours of sunlight received by a window or room over the course of a year. The indicative targets for sunlight are set out in Paragraphs 3.1.15 and 3.1.16 of the BRE guidelines. These note that in general a dwelling will appear robustly sunlit provided: one main window wall façade is within 90° of due south; and the centre of at least one window to a main living room can receive 25% of APSH, including at least 5% of APSH in the winter months (WPSH) between 21 September and 21 March. It is also noted that where groups of dwellings are planned, site layout design should aim to maximise the number of dwellings that meet the above recommendation.

68. The scheme would result in 42 of the 99 living spaces tested (on the basis that they had a window orientated towards 90 degrees due south), falling below the target APSH or WPSH targets. Some of these are by a significant margin with 21 APSH results being under the guideline by more than 40% and 12 WPSH failures by 40% or more.

69. The living spaces that fall significantly below the guideline targets have balconies. The Appellant has also assessed sunlight levels to the balconies themselves. 83 of the 99 balconies (84%) would meet the BRE targets, meaning those balconies would see good levels of direct sunlight.

Discussion and conclusion on daylight and sunlight

70. It can be seen from the above, that there would be 10 flats that would not receive sufficient daylight and would likely be reliant on artificial lighting for periods of the day. Further, a considerable number of units would not receive sunlight in accordance with BRE guidelines.

[7] A.003 / A.004 / A.008 / A.018 / A.019 / F.001 / F.003 / F.009 / F.046 / F.047.

71. I consider that Twickenham Stadium must limit the amount of time that the scheme will receive direct sunlight, due to its close proximity, scale and orientation. The stadium therefore affects the ability of the proposed development to meet the BRE guidelines for both daylight and sunlight. However, I do agree with the Council that there are design elements of the scheme that themselves restrict daylight and sunlight, namely the provision of balconies and the recess between Blocks A and F.

72. It is evident from the Appellant's assessment that the provision of balconies has a limiting factor on the amount of daylight and particularly sunlight on the flat below. The Council has noted that the BRE guidelines suggest staggering balconies to avoid such issues and this is noted. The Appellant has made the point that there must be a balance between providing balconies that deliver important private amenity space to future occupants and the effect this has on the provision of daylight and sunlight, which I also acknowledge. I am also particularly mindful that 83 of the 99 balconies would receive adequate sunlight levels. Therefore, the vast majority of units would have access to good levels of direct sunlight, albeit many from their balcony.

73. As set out above, the parties agree that the BRE guidelines should be applied flexibly. Turning to the guidance referred to above in the Mayor's Housing SPG, the appeal site is not within a higher density area in London and is not in an area of good accessibility given its PTAL rating. In terms of comparable schemes, the Appellant has referred to seven other recently permitted schemes, four of which are located in Hounslow. The Council has however pointed out that three of these are in edge of town centre locations and little details have been provided for the three developments outside of Hounslow making a comparison difficult.

74. Drawing matters together, it is clear that a contributing factor to the issues of daylight and sunlight provision is the design of the scheme itself, in terms of its courtyard layout, the recess between Blocks A and F and the provision of balconies. Given, the appeal site does not sit well with the circumstances where flexibility might be considered acceptable, as identified in the Mayor's Housing SPG, I consider that the scheme, overall, does not make suitable provision for daylight and sunlight. The proposed development is therefore contrary to Policy CC2 of the LP, D6 of the London Plan, the Mayor's Housing SPG, the draft SPG, the BRE guidelines and the NPPF in this regard.

75. Whilst this should weigh against the scheme, it must be borne in mind that Twickenham Stadium does pose a constraint to the provision of daylight and sunlight and this would likely be the case for any scheme on the appeal site. Further, in terms of living conditions more generally, whilst the future occupants of some units might be reliant on artificial lighting for periods of the day, I have found that there would be no unacceptable harm in terms of amenity space, playspace and privacy. Further, all of the flats meet and 80% exceed internal space standards, all of the flats meet and 94% exceed private amenity space guidelines and overall, private amenity space is 83% greater than the guidelines. Despite the issues associated with daylight and sunlight, I consider that overall, living conditions across the scheme would not be unacceptable for future residents.

76. Bearing all of the above in mind, I therefore consider the matter of daylight and sunlight provision should carry a limited level of weight against the scheme in the planning balance.

Planning Balance and Conclusion

77. The scheme would bring with it several benefits. Firstly, it is agreed between the parties that the delivery of 146 new homes is a significant public benefit and I share this view and afford this substantial weight in the planning balance.

78. The scheme would provide for a 7.2% increase in floorspace associated with the proposed office and commercial use. Whilst this may not be a significant increase in itself, the existing floorspace would be replaced with more modern and functional provision and I accept the Appellant's view that this will allow the enhancement of the existing business. This is despite the existing business being evidently successful with high levels of occupancy. Along with the less substantial economic benefits associated with the construction of the scheme itself, I afford significant weigh to the overall economic benefits the scheme would bring.

79. I observed on my site visit that the existing building and its immediate internal surroundings within the site itself has an unappealing utilitarian appearance. The proposed scheme would, in my view, be of good quality architectural design. This, along with the enhanced open space and additional planting proposed at the front of the site along Whitton Brook would make a sizeable improvement to the character and appearance of the area. For this reason, I afford this public benefit significant weight.

80. The Appellant has calculated that there would be a 307% increase in biodiversity as a result of the scheme. Whilst I accept the Council's view that there is a requirement to deliver a net gain in biodiversity, an uplift of 307% is a very sizeable increase and therefore I afford it moderate weight in favour of the scheme.

81. The Appellant is of the view that the payment that would be due to the Community Infrastructure Levy (CIL) would amount to a significant public benefit. However, I am mindful that the CIL payment is likely to be used to off-set the impacts of the development, such as providing additional school places or enhancing health care facilities to cope with the extra demand resulting from the scheme. Whilst it has been shown a sizeable payment would relate to Crossrail, the future occupants of the scheme are likely to use Crossrail in the future. Based on this and whilst noting that there is potential for some wider public benefits to be achieved through the development's CIL payment, I afford this matter limited weight in favour of the scheme.

82. In contrast to the demonstrable benefits, I have found that the scheme would not provide a suitable mix of housing, which for the reasons set out earlier above, attracts a limited amount of weight against the scheme. In addition, the scheme would not provide for adequate levels of daylight and sunlight and this also carries a limited level of weight against the proposal. I have found above that the scheme would provide for adequate amenity space and privacy. I therefore consider that these are matters of neutral weight in the balancing exercise.

83. Overall, there are clearly development plan policies that push and pull in different directions and whilst there is some conflict there are also several significant benefits arising from the scheme that contribute to the overall aims of the development plan and when it is considered as a whole, I conclude that the scheme complies and should be granted planning permission.

84. For the avoidance of any doubt, even if I had taken the view that the proposed development conflicted with the development plan as a whole, the significant benefits of the scheme would have outweighed the identified harm and this would have represented a material consideration to warrant a decision other than in accordance with the development plan.

Planning Conditions

85. As a result of the appeal succeeding, there is a need to consider what planning conditions are necessary. I have considered the suggested conditions against the tests set out within the NPPF and the advice provided by the Government's Planning Practice Guidance and have amended them where required. As well as the standard time limit condition (1), a condition is necessary to ensure the development is undertaken in accordance with the approved plans to secure certainty (2).

86. Conditions (3) and (4) are needed to ensure the suitable appearance of the scheme. The requirement to agree the details of the proposed playspace has been added to condition 4 as agreed by the parties. To ensure the site is acceptable with regards to any contamination, condition (5) is imposed. It was agreed that the requirement for a phase 1 survey be removed from the condition as one has already been undertaken. In the interests of highway safety and promoting sustainable modes of transport, conditions (6) to (9) are necessary.

87. To safeguard the living conditions of neighbouring residents and future occupants of the scheme, conditions (10) to (15) are imposed. Condition (16) is necessary to ensure the proposed development is used for the permitted uses only and to ensure certainty. In the interests of sustainable development and construction, conditions (17) to (21) are required. Condition (22) is necessary to ensure suitable drainage and to reduce flood risk. Conditions (23) to (26) are required in the interests of biodiversity and protected species.

88. To ensure that there are acceptable noise levels for future occupants of the scheme, conditions (27) to (29) are imposed. The parties had agreed a planning condition that would have required the scheme to achieve 'Secured by Design' accreditation awarded by the Design Out Crime Officer Metropolitan Police Service Continuous Policing Improvement Command on behalf of the Association of Chief Police Officers (ACPO). However, I have found that the scheme would provide for a safe environment and therefore, such a condition is not necessary to make the development acceptable in planning terms and does not meet this test of the NPPF and I have not imposed the condition.

89. A number of the above imposed conditions relate to pre-commencement activities. In each case, I am satisfied that the condition is necessary to make the development acceptable in planning terms and it would have been otherwise necessary to refuse planning permission. Further, the Appellant has provided written confirmation that they accept the pre-commencement conditions.

Jonathan Manning

INSPECTOR

SCHEDULE OF PLANNING 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 proposals contained in the application and the following approved plans:

- Location Plan
- AC79_P_002_P08 – Proposed Block Plan
- AC79_P_102_P14 – Proposed Basement Plan
- AC79_P_103_P17 – Proposed Undercroft Car Park – Loading Bay
- AC79_P_104_P24 – Proposed Ground Floor – Podium Floor Plan
- AC79_P_105_P19 – Proposed First Floor Plan
- AC79_P_106_P19 – Proposed Second Floor Plan
- AC79_P_107_P19 – Proposed Third Floor Plan
- AC79_P_108_P20 – Proposed Fourth Floor Plan
- AC79_P_109_P19 – Proposed Fifth Floor Plan
- AC79_P_110_P16 – Proposed Roof Plan
- AC79_P_121_P12 – Proposed Site Sections
- AC79_P_131_P09 – Proposed Street Elevations
- AC79_P_201_P07 – Proposed Block A-F – Undercroft Plan
- AC79_P_202_P08 – Proposed Block A-F – Ground Floor Plan
- AC79_P_203_P09 – Proposed Block A-F – First Floor Plan
- AC79_P_204_P08 – Proposed Block A-F – Second Floor Plan
- AC79_P_205_P09 – Proposed Block A-F – Third Floor Plan
- AC79_P_206_P07 – Proposed Block A-F – Fourth Floor Plan
- AC79_P_207_P08 – Proposed Block A-F – Fifth Floor Plan
- AC79_P_208_P07 – Proposed Block A-F – Roof Plan
- AC79_P_221_P07 – Proposed Block A-F – Section AA
- AC79_P_222_P07 – Proposed Block A-F – Section BB
- AC79_P_231_P10 – Proposed Block A-F – SW and NE Elevations
- AC79_P_301_P09 – Proposed Block B – Undercroft and Gnd Floor Plan
- AC79_P_302_P08 – Proposed Block B – First and Second Floor Plans
- AC79_P_303_P08 – Proposed Block B – Roof Plan

- AC79_P_321_P08 – Proposed Block B – Sections
- AC79_P_331_P10 – Proposed Block B – Elevations
- AC79_P_401_P09 – Proposed Block C – Undercroft and Gnd Floor Plan
- AC79_P_402_P09 – Proposed Block C – First and Second Floor Plans
- AC79_P_403_P08 – Proposed Block C – Roof Plan
- AC79_P_421_P09 – Proposed Block C – Sections
- AC79_P_431_P09 – Proposed Block C – Elevations
- AC79_P_501_P10 – Proposed Block D – Undercroft and Gnd Floor Plan
- AC79_P_502_P09 – Proposed Block D – First and Second Floor Plans
- AC79_P_503_P09 – Proposed Block D – Third Floor and Roof Plan
- AC79_P_521_P07 – Proposed Block D – Sections
- AC79_P_531_P08 – Proposed Block D – Elevations
- AC79_P_601_P07 – Proposed Block E – Undercroft and Gnd Floor Plan
- AC79_P_602_P08 – Proposed Block E – First and Second Floor Plans
- AC79_P_603_P08 – Proposed Block E – Third and Fourth Floor Plans
- AC79_P_604_P08 – Proposed Block E – Roof Plan
- AC79_P_621_P10 – Proposed Block E – Section AA
- AC79_P_622_P06 – Proposed Block E – Section BB
- AC79_P_631_P07 – Proposed Block E - Elevations

3) No development above ground level shall take place until photographs and manufactures' specifications of all materials used in the construction of all external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The submitted details shall include 1:20 bay studies, including sections and reveals, and details to eliminate the louvres on the front elevations of Block A, as well as details of:

   a. bricks;

   b. louvres and cladding;

   c. tiles / roof covering;

   d. window treatment;

   e. balcony details (including soffits, panels and frame);

   f. all privacy measures (including obscure glazing details, privacy screens);

   g. balustrade treatment (including details / sections / materials); and

   h. any other materials / details to be used.

The development shall be carried out in accordance with the approved details and maintained as such permanently thereafter unless otherwise agreed in writing by the Local Planning Authority.

4) Notwithstanding the submitted plans, prior to the commencement of above ground works, full details of both hard and soft landscape works, including for private and communal amenity spaces, playspace and a landscape maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out as approved and maintained as such at all times thereafter.

   The details shall include (proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing material; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (eg drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant), details of boundary treatments including a plan indicating the position, design, materials and type of boundary treatment, and details of the pedestrian and vehicular bridges including relevant plans, elevations and sections.

   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 implementation programme.

   All soft landscaping comprised in the approved details shall be carried out during the first planting and seeding seasons following completion of construction works. All hard landscaping comprised in the approved details shall be carried out prior to first occupation of the site. Any trees or shrubs planted (including any such replacements) which die within three years from the date of planting shall be replaced in the next planting season with the same species, and of comparable maturity. The development shall be carried out strictly in accordance with the details so approved and shall be maintained in accordance with the approved management programme.

5) Before the development hereby permitted commences:

   a. A Phase 2 site investigation shall be carried out and submitted to, and approved in writing by the Local Planning Authority. The site shall be investigated by a competent person to identify the extent and nature of contamination. The report should 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.

   b. If required, a scheme for decontamination of the site shall be submitted to the Local Planning Authority, for written approval. The scheme shall account for any comments made by the Local Planning Authority before the development hereby permitted is first occupied.

   During the course of the development:

   c. The Local Planning Authority shall be notified immediately if additional contamination is discovered during the course of the development. 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 approval before any work on that aspect of development continues.

Before the development is first brought into use:

d. The agreed scheme for decontamination referred to in clauses b) and c) above, including amendments, shall be fully implemented and a written validation (closure) report submitted to the Local Planning Authority for approval.

6) No development shall take place until a Construction Logistics Plan (CLP), written in accordance with current TfL guidance, has been submitted to and approved in writing by the Local Planning Authority. The approved CLP shall be adhered to throughout the construction period for the development.

7) Prior to first occupation, full details (including manufacturer's specifications) of all cycle stands for the occupants of, and visitors to, the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with the West London Cycle Parking Guidance in design and layout. The approved facilities shall be fully implemented and made available for use before any part of the development is first occupied and thereafter retained for use at all times without obstruction.

8) Prior to first occupation, a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of how the spaces would be allocated, how misuse will be managed, details of the split of disabled spaces between the office and residential uses, confirmation that the office spaces would only include disabled bays, measures to ensure that the delivery and servicing area is kept free for its intended purpose, details to secure the Car Club provision including details of the operator, additional swept path analysis to demonstrate car access to the basement car parking spaces, a cross-section of the ramp to demonstrate that adequate gradients and vehicles clearance are achieved, and details of both active and passive electric vehicle charging bay provision as required by the London Plan. The site shall thereafter operate in accordance with the approved details.

9) Prior to first occupation, a Delivery and Servicing Plan shall have been submitted to and approved in writing by the Local Planning Authority. The details shall accord with current guidance such as that issued by Transport for London and shall include measures required to ensure sufficient arrangements, physical as well as managerial, for the servicing, including refuse collection, of all aspects of the development, the timing of hours for deliveries by motor vehicles and a timetable for implementation. The Plan shall be carried out as approved. The approved measures shall be implemented before the first occupation of the development hereby permitted and shall be so maintained for the life of the development.

10) No construction work shall take place on the site except between the hours of 8am to 6pm on Mondays to Friday and 9am to 1pm on Saturdays and none shall take place on Sundays and Public Holidays without the prior agreement of the Local Planning Authority.

11) Notwithstanding the approved drawings, prior to commencement of above ground works, drawings to include details of a window to Bedroom 03 to Unit D.017 shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.

12) The development hereby permitted shall not be first occupied until details of obscure glazing have been submitted to and approved in writing by the Local Planning Authority for the following windows:

- Block A, Second Floor, Unit A.002, secondary window of living room/kitchen/dinner (LKD);
- Block A, First Floor, Unit A.017, secondary window of LKD;
- Block B, First Floor, Unit B.007, secondary windows of LKD and secondary window of Bedroom 01;
- Block B, First Floor, Unit B.009, secondary windows of LKD;
- Block B, Second Floor, Unit B.014, secondary windows of LKD;
- Block C, Ground Floor, Unit C.001, entrance and secondary window of LKD;
- Block D, Ground Floor, Unit D.001, secondary windows of LKD;
- Block D, Ground Floor, Unit D.002, secondary window of LKD;
- Block D, Ground Floor, Unit D.003, secondary window of LKD;
- Block D, Ground Floor, Unit D.004, secondary window to Bedroom 01;
- Block D, First Floor, Unit D.005, secondary windows of LKD;
- Block D, First Floor, Unit D.006, secondary window of LKD;
- Block D, First Floor, Unit D.007, secondary window of LKD;
- Block D, First Floor, Unit D.008, secondary window of LKD;
- Block D, Second Floor, Unit D.010, secondary windows of LKD;
- Block D, Second Floor, Unit D.011, secondary window of LKD;
- Block D, Second Floor, Unit D.012, secondary window of LKD;
- Block D, Second Floor, Unit D.013, secondary window of LKD;
- Block D, Third Floor, Unit D.017, secondary window of LKD and secondary window to Bedroom 01;
- Block E, First Floor, Unit E.003, secondary window to Bedroom 02;
- Block E, Second Floor, Unit E.006, secondary window of Bedroom 03; and
- Block E, Third Floor, Unit E.013, secondary window to Bedroom 03.

The development shall be undertaken in accordance with the approved details and implemented before the first occupation of the development. The obscure glazing in each case shall be permanently retained thereafter.

13) All Non-Road Mobile Machinery (NRMM) used during the course of the development that is within the scope of the GLA 'Control of Dust and Emissions during Construction and Demolition' Supplementary Planning Guidance (SPG) dated July 2014, or any successor document, shall comply with the emissions requirements therein.

14) No residential unit shall be first occupied until an updated air quality assessment has been submitted and approved in writing by the Local Planning Authority. The assessment shall include details of a scheme of mitigation for the reduction of exposure to poor air quality in bedrooms and living rooms. Any system of mitigation shall be designed to demonstrate that the internal air quality will be below the annual mean concentration of NO2 of 38 µg/m3, and any system of mitigation involving filtration should ensure that air is taken from the rear (east) of the development, unless otherwise agreed in writing by the Local Planning Authority.

    Prior to first occupation, the agreed details shall have been installed and for the first five years, the maintenance and cleaning of the systems shall be undertaken on a minimum of an annual basis following installation in accordance with manufacturer specifications and shall be the responsibility of the primary owner of the property to submit the maintenance records to the Local Planning Authority.

15) The development shall not be occupied until details of all types of external illumination within the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained as such permanently thereafter.

16) The hereby approved Class B8 floorspace shall be used for self-storage and for no other purpose within Use Class B8. The hereby approved Use Class B1a floorspace shall be used for office space and for no other purpose.

17) The development shall not be first occupied until the waste and recycling stores have been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These shall be implemented in accordance with the approved details and made available for use and retained as such for the duration of the development.

18) a.) Prior to commencement of above ground works, an amended energy strategy including details of solar photovoltaic panels shall be submitted to and approved in writing by the Local Planning Authority.

    b.) Prior to occupation of any dwelling or first use of the commercial spaces within the development hereby approved, evidence (e.g. photographs, installation contracts and As-Built certificates under the Standard Assessment Procedure/National Calculation Method) shall be submitted to and approved in writing by the Local Planning Authority to show that the development has been constructed in accordance with the approved Energy Strategy, and any subsequent approved revisions.

    c.) Upon final commencement of operation of any low and zero carbon technologies, suitable devices for the monitoring of the low and zero carbon technologies shall have been installed, and the monitored data shall be

submitted automatically to a monitoring web-platform at daily intervals for a period of three years from the point of full operation.

19) Prior to the first occupation of any dwelling, evidence (schedule of fittings and manufactures literature) shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the development would achieve the internal 105 litres per person per year target.

20) The development shall not be first occupied until evidence (e.g. photographs and copies of installation contracts) has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the development has been carried out in accordance with the following sustainable sourcing of materials requirements:

- At least three of the key elements of the building envelope (external walls, windows roof, upper floor slabs, internal walls, floor finishes/coverings) are to achieve a rating of A+ to D in the Building Research Establishment (BRE) The Green Guide of specification.

- At least 50% of timber and timber products are to be sourced from accredited Forest Stewardship Council (FSC) or Programme for the Endorsement of Forestry Certification (PEFC) scheme.

- No construction or insulation materials are to be used which would release toxins into the internal and external environment, including those that deplete stratospheric ozone.

21) Each residential unit shall meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and prior to commencement of above ground works, plans shall be submitted to and approved in writing to the Local Planning Authority to demonstrate that 10% of the dwellings shall meet Building Regulation requirement M4(3) 'wheelchair user dwellings'. Development shall be undertaken in accordance with the approved details.

22) No building hereby permitted shall be first occupied until evidence (photographs and installation contracts) is submitted to and approved in writing by the Local Planning Authority to demonstrate that the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan for all of the proposed drainage components.

23) Prior to commencement of works, details of safeguarding measures for all existing trees, hedgerows and shrubs not scheduled for removal within the site and adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. All trees, hedgerows, shrubs, scrub or tall herbaceous vegetation to be removed shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation shall not be removed until the fledglings have left the nest. Works shall be carried out in accordance with the agreed details.

24) Prior to first occupation of the development, an Ecological Management and Monitoring Plan shall be submitted to and approved in writing by the Local

Planning Authority. The plan shall cover the long-term maintenance and management of the site (minimum of 30 years) and shall set out:

- the long-term design objectives and future management of the site;
- the management responsibilities;
- the maintenance schedules for all landscaped areas and ecological habitats created on-site;
- how the mitigation (including habitat creation, enhancement and succession initiatives) that have been identified and used to inform the BNG assessment (table 1) and those recommended within the PEA (section4.4) and the UGF report, will be delivered through initial landscape and ecological enhancement works; and
- a scheme for monitoring the effectiveness of the biodiversity mitigation and enhancement measures. The monitoring shall be carried out and reported to the Local Planning Authority in accordance with the agreed scheme for a period of 30 years.

Works shall be carried out in accordance with the approved details.

25) Prior to the commencement of development, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include a scheme for the provision and management of a buffer zone alongside Whitton Brook. Works shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. As set out in the PEA, the scheme shall ensure that a strict pollution prevention protocol be adhered to during the construction phase of the proposed development to ensure that impacts to Whitton Brook are avoided. The CEMP shall also outline how the risk of surface run-off and pollution incidents will be reduced or avoided. Works shall be carried out in accordance with the agreed details.

26) a.) Prior to commencement of works, a lighting strategy shall be submitted to and approved in writing by the Local Planning Authority for the construction phase of the development, in line with the recommendations for the use of lighting in the PEA. Construction work shall be carried out in accordance with the agreed details.

b.) Prior to first occupation, a lighting strategy for the operational phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include recommendations in the PEA for a sensitive lighting strategy for bats. The strategy shall also outline details regarding artificial lighting associated with the proposed development, including:

- Ensuring the site boundaries, particularly Whitton Brook, is not artificially illuminated;
- Use minimum light levels necessary, and outline appropriate times throughout the evening when lights are unlit to avoid affecting bat activity;
- Lighting should be a warm white spectrum and feature peak wavelengths higher than 550nm to lower the range of species affected by lighting. Using

LED luminaires where possible and avoid luminaires with UV elements, specifically avoiding metal halide and fluorescent sources (Institute of Lighting Professionals, 2018); and

- Internal luminaries can be recessed where installed in proximity to windows to reduce glare (Institute of Lighting Professionals, 2018) and light spill and use hoods, louvres or other similar design features to avoid light spill and direct light away from areas of mature vegetation.

Works shall be carried out in accordance with the agreed details.

27) Prior to the commencement of superstructure works for the sound insulation of the floor/ ceiling/ walls separating the commercial and communal parts of the premises from residential dwellings, details of a commercial sound insulation scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate that the sound insulation value DnT,w [and L'nT,w] is enhanced by at least 5dB above the Building Regulations value and, where necessary, additional mitigation measures shall be implemented to contain commercial/ communal noise the commercial/communal areas and to achieve the criteria of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to first occupation of the development and thereafter be permanently retained.

28) Prior to the commencement of above ground works, a sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority. The mitigation design shall include the impact of transportation noise, amplified music events, crowd cheer noise, ground level stadium patron noise and deliveries to the commercial use on the site. The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme and be designed to achieve the following internal noise levels:

- Not exceeding 30dB LAeq, 8 hour in bedrooms between 23.00 and 07.00;
- Not exceeding 35dB Laeq 16 hour in bedrooms and living rooms between 07.00 and 23.00;
- Not exceeding 45dB LAFmax(1 hr) in bedrooms between the hours of 23.00 and 07.00; and
- Not more than 50dB LAeq,16 hour in designated tranquillity areas during typically prevailing conditions.

Development shall be undertaken in accordance with the approved details and implemented prior to the first occupation of the development.

29) The design and installation of any fixed plant serving the development shall not exceed cumulative rating levels (LAr'Tr) of at least 10dB below the background noise level LA90,T when measured or predicted at 1m from the facade of the nearest noise sensitive premises. The measurement and/or prediction of the noise shall be carried out in accordance with the methodology contained within BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound.'

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Edward Grant of Counsel	Instructed by London Borough of Hounslow

He called:

Jessie Rotrand	Senior Planning Officer, London Borough of Hounslow

FOR THE APPELLANT:

Christopher Katkowski QC and Freddie Humpreys of Counsel	Instructed by Access Self-Storage Limited

They called:

Antony Geddes	Associate Landscape Architect, Outerspace
Jennie Greenwalker	Associate, MAA Architects
John Barnes	Director, EB7 Ltd
Jon Dingle	Director, Jon Dingle Ltd

DOCUMENTS SUBMITTED AT THE INQUIRY

1. The Appellant's opening submissions.
2. The Council's opening submissions.
3. List of windows that could be partially obscurely glazed, provided by the Appellant.
4. Draft Section 106 Agreement, provided by the Appellant.
5. Written confirmation from the Appellant that it accepts the suggested pre-commencement planning conditions.
6. The Council's closing submissions.
7. The Appellant's closing submissions.

DOCUMENTS SUBMITTED AFTER THE INQUIRY

1. Copies of counterpart signed and dated Section 106 Agreement.