
Appeal Decision

Hearing held on 20 September 2022

Site visit made on 20 September 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2022

Appeal Ref: APP/F5540/W/22/3298720
719-727 London Road, Hounslow TW3 1SE

- 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 Origin Investors (Hounslow) Limited against the decision of London Borough of Hounslow.
 - The application Ref 00707/719-727/P32, dated 24 June 2021, was refused by notice dated 11 February 2022.
 - The development proposed is demolition of existing building and redevelopment of the site to provide residential units (Class C3) within a new building with associated access, provision for on-site servicing, accessible car parking spaces, landscaping and refuse and recycling storage facilities.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing building and redevelopment of the site to provide residential units (Class C3) within a new building with associated access, provision for on-site servicing, accessible car parking spaces, landscaping and refuse and recycling storage facilities at 719-727 London Road, Hounslow TW3 1SE in accordance with the terms of the application, Ref 00707/719-727/P32, dated 24 June 2021, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Origin Investors (Hounslow) Limited against London Borough of Hounslow. This application is the subject of a separate Decision.

Preliminary Matters

3. For the sake of clarity and brevity I have taken the description of development from the appeal form.
4. Two legal agreements were submitted however, these were not signed. I allowed a period up to 18 October 2022 for these legal agreements to be signed and executed. The final signed agreements were submitted within the prescribed time.

Main Issues

5. The main issues are whether the proposal provides adequate affordable housing provision and the effect of the proposal on the character and appearance of the surrounding area.

Reasons

Affordable housing provision

6. Policy SC2 of the London Borough of Hounslow Local Plan Volume One (HLP) aims to maximise the provision of affordable housing. Whilst this Policy makes reference to the strategic borough-wide target of 40% of all new housing as affordable, the Policy also states that in seeking the maximum reasonable amount of affordable housing, this should be negotiated on a site by site basis.
7. The appellant submitted a Viability Assessment (VA) with the application that derived a residual land value that was compared with a benchmark land value to determine whether the proposed development was viable. This VA concluded that the maximum level of affordable housing was 15.4% by habitable room which ensured the proposed scheme remained viable. This VA was independently reviewed by Chartered Surveyors on the Council's behalf and confirmed the findings. An updated Viability Assessment has been submitted which reaffirms the VAs conclusions that 15.4% affordable housing provision is the maximum reasonable ensuring the development remains viable. The Council confirmed at the hearing that there were no specific concerns with either of the viability assessments.
8. The Council are concerned with the proposed housing mix with the lack of one and four bedroom accommodation and also that alternative schemes haven't been provided or tested in terms of viability to show that a higher affordable provision cannot be provided. Policy SC2 does not specifically require developers to provide alternative schemes to demonstrate a certain level of affordable housing provision. The proposal does provide a mix of one, two and three bedroom units which broadly complies with Policy SC3 of the HLP. I am satisfied that the proposed housing mix is acceptable and that there is no specific requirement for alternative schemes to be discounted.
9. The proposal would provide adequate affordable housing provision. The proposal would be in accordance with Policy SC2 of the HLP and Policies H4 and H6 of the London Plan (LP) which seeks to maximise the provision of affordable housing.
10. It is noted that the appellant had offered 20% affordable housing provision at the application stage and it was explained at the hearing that this was offered at the request of the Council prior to the planning committee. Whilst the 20% affordable housing provision has also been provided with this appeal in a submitted legal agreement, this does not alter my findings above and the position detailed in the viability assessments with regards to the 15.4% affordable housing provision.

Character and appearance

11. The area surrounding the appeal site is characterised predominantly by a mix of commercial and residential properties. Whilst the majority of properties along London Road face onto the highway, the built form is varied with different architectural styles, sizes and massing. Two storey properties are prominent to the south of the site however, along London Road there are different size buildings ranging from two storey up to around 10 storeys. This variation in built development contributes positively to the character of the area.

12. The proposal is sensitively designed incorporating multiple levels which breaks up the massing of the building and helps integrate the scheme with the different sizes of buildings located in the surrounding area. Due to the positioning, massing, height and design of the proposal, as well as the mixed built character of the area, it would not appear as an overbearing structure that would be disproportionate to its location and setting.
13. The site is not within the defined town centre boundary and is in an area identified as medium quality in the Hounslow Urban Context and Character Study which falls in a different area to the Silchester building opposite. The Council consider that the Silchester building provides a wayfinding point in the area and the proposal is not required as a wayfinding building. Regardless of these points, there are a wide range of building heights along London Road with a scattering of tall buildings contributing to the character. The introduction of the proposed building may not be necessarily subtle, given its height, however it would relate well and respond to the context of the surrounding character.
14. The proposal is replacing an existing low building and there are concerns that the proposed development, when viewed from Bridge Road, would be an abrupt jump in scale. When viewed against the existing built development along London Road and given the design and massing of the scheme, I am satisfied that the proposal would not appear out of keeping with the overall form of the townscape in this area.
15. Accordingly, the proposal would not have a harmful effect on the character and appearance of the surrounding area. The proposal would not conflict with Policies CC1, CC2 and CC3 of the HLP and Policies D4 and D5 of the LP which seeks proposals to recognise context and varied character, promote high quality urban design and support tall buildings of high quality.

Other Matters

16. I have had regards to representations made by local residents which include comments relating to construction phase, noise pollution, parking demand, highway safety, loss of employment, EV charging points, and effect on neighbouring occupiers in terms of privacy and light. I note that the Council have not raised any fundamental concerns with regards to these matters. I am satisfied given the proposals scale and location that there would be no adverse effect to living conditions of neighbouring occupiers. There are a number of planning conditions imposed which would ensure that there would be no adverse effects created in terms of construction phase, noise pollution, parking demand and highway safety. A condition is imposed to ensure EV charging points will be introduced. I also note that the existing building at the appeal site is currently vacant and therefore the effect on employment would be limited.

Conditions and Planning Obligations

17. The conditions imposed are those that were agreed by the appellant and the Council at the hearing. In the interests of precision and clarity I have undertaken some minor editing and rationalisation where necessary.
18. Conditions relating to timeliness and the identification of plans are necessary in the interests of proper planning and to provide certainty. In the interests of

highway safety, conditions are necessary in relation to the safe access, street name and numbering, and delivery and servicing management plan. To ensure the proposal does not compromise the character and appearance of the area, conditions are necessary in relation to materials and landscaping. To prevent undue risk to the local environment it is necessary to attach conditions relating to sourcing of materials, drainage, water use, energy strategy, contamination, piling methods and archaeology. In the interests of encouraging sustainable modes of travel, conditions are imposed relating to blue badge spaces, cycle parking and EV charging points. To safeguard the living conditions of existing and future occupiers of the proposal and surrounding buildings, conditions are necessary in relation to Secure by Design, construction environmental management plan, air quality, wheelchair accessibility, and internal and external noise levels. In the interests of both highway safety and living conditions of existing and future occupiers a condition is imposed in relation to a construction logistics plan.

19. A completed legal agreement has been submitted which details obligations for 15.4% affordable housing provision, carbon offset, considerate contractors scheme, construction training, travel plan, highway works, wheelchair accessible units and restriction on resident parking permits.
20. It is necessary that I consider these obligations against the three tests set out in the National Planning Policy Framework (the Framework) and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. New housing can bring about demand for affordable housing and it has been clearly detailed above that this proposal, through development plan policies requires a level of 15.4% affordable housing provision. Given the scale of the development and comments from the Council, there would be a need for highway works, travel plan monitoring, wheelchair accessibility, restriction on parking permits as well as contributions towards carbon offsetting, training opportunities in construction and ensuring the developer provides considerate contractors. Evidence has been provided that the obligations are adhering to development plan policy and I am therefore satisfied that the proposed contributions would be necessary to make the development acceptable in planning terms. Furthermore, on the evidence before me, they would be directly related, and fairly and reasonably related in scale and kind, to the development proposed. The obligations therefore meet the relevant tests and I am satisfied that the proposal adequately contributes to affordable housing and infrastructure in the area.

Conclusion

21. The proposal would not conflict with the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
22. For the reasons given above I conclude that the appeal should be allowed subject to the appropriate conditions and the relevant terms of the submitted legal agreement that relates to 15.4% affordable housing provision.

Chris Baxter

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

A Donovan	Planning Consultant
B Kelway	Planning Consultant
J Burman	Planning Consultant
R Ashdown	Viability Consultant
A Puncher	Architect
J Gnadl	Architect
R Kemp	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

L Hall	London Borough of Hounslow
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INTERESTED PERSONS:

C Diwell	Local Resident
G Keren	Director of Tudor Place Freehold Company Ltd

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The proposed development shall be built in accordance with the following approved plans: 0000P1; 0001P1; 0002P1; 0020P1; 0021P1; 0030P1; 0031P1; 0040P1; 0041P1; 0200P3; 0201P3; 0202P1; 0203P1; 0204P1; 0205P1; 0206P1; 0207P1; 0208P1; 0209P1; 0210P2; 0220P1; 0300P1; 0301P1; 0400P2; 0401P2; 0402P2; 0403P2; 0404P2; 0405P2; 9000P1.
- 3) No development shall take place above ground level until samples of all 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. Details submitted shall include but not restricted to:
 - brick (including brick, feature brick panel, brick framing feature);
 - tiles/ Roof covering;
 - coping;
 - window treatment (including sections/reveals, quoin detail, screens);
 - all privacy measures; and
 - any other materials/details to be used.

The development shall be carried out in accordance with the approved details and maintained as such thereafter.

- 4) Before the development hereby approved is commenced, including any demolition works, a revised Construction Logistics Plan shall be submitted to, and approved in writing by the local planning authority. The Construction Logistics Plan shall accord with TfL guidance and shall include:
 - a) a site plan (showing the areas set out below);
 - b) confirmation that a pre-start record of site conditions on the adjoining public highway will be undertaken with Hounslow Highways and a commitment to repair any damage caused;
 - c) provision for the parking of vehicles of site operatives and visitors;
 - d) provisions for loading, unloading and storage of plant and materials within the site;
 - e) 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;
 - f) details of vehicle routeing from the site to the wider strategic road network;
 - g) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - h) provision of wheel washing facilities at the site exit and a commitment to sweep adjacent roads when required and at the request of the council;
 - i) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - j) measures to ensure the safety of all users of the public highway especially cyclists and pedestrians in the vicinity of the site and especially at the access;
 - k) commitment to liaise with other contractors in the vicinity of the site to maximise the potential for consolidation and to minimise traffic impacts;

- l) avoidance of peak hours for deliveries and details of a booking system to avoid vehicles waiting on the public highway;
- m) 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;
- n) details of the construction programme and a schedule of traffic movements;
- o) the use of operators that are members of TfL's Freight Operator Recognition Scheme (FORS); and
- p) confirmation that all vehicles associated with the works will only park/stop at permitted locations and within the time periods permitted by existing on-street restrictions.

The approved details shall be adhered to throughout the construction period.

- 5) Before the development hereby approved is commenced (excluding site investigations and demolition), a finalised drainage design and strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
- Drawings and supporting calculations, and an updated Drainage Assessment Form to reflect the submitted details;
 - Details of how the drainage for the development accords to the drainage hierarchy and makes use of green infrastructure technology to comply with the hierarchy set out in London Plan Policy SI3 and achieving a runoff rate which shall not exceed 2 litres/second;
 - A detailed management plan confirming routine maintenance tasks for all drainage components which demonstrates how the drainage system is to be maintained for the lifetime of the development.

The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of the building.

- 6) Before the development hereby approved is occupied, evidence including photographs and copies of installation contracts, along with a written confirmation shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the sustainable drainage scheme hereby approved has been completed in accordance with the submitted final detailed drainage designs. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan for all the proposed drainage components.
- 7) Before the development hereby approved is occupied, evidence including photographs and copies of delivery notes, invoices or installation contracts shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the development meets the following:
- 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 will release toxins into the internal and external environment, including those that deplete stratospheric ozone.
- 8) Before the development hereby approved is occupied, details of hard and soft landscaping, including planting, hard and soft surfaces and boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- Any trees or plants that, within 5 years of planting, die, are cut down, uprooted, destroyed or become (in the opinion of the Local Planning Authority) seriously damaged or defective, shall be replaced with another tree or plant of the same size and species within the first planting season following its death, removal, uprooting or destruction, unless the Local Planning Authority gives its prior written approval to any variation.
- 9) Before the development hereby approved is occupied, details of accessible parking bays, including manufacturer's specifications, shall be submitted to and approved in writing by the Local Planning Authority. The bays shall be installed in accordance with the approved details and so maintained at all times thereafter.
- 10) Before the development hereby approved is occupied, details of the highway works to ensure safe access, supported by a Stage 1 and 2 Road Safety Audit shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to the occupation of any part of the development.
- 11) Before the development hereby approved is occupied, full details including the number, location, design of structure and 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 cycle parking shall comply with the London Cycle Design Standards and West London Cycle Parking Guidance. 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.
- 12) Before the development hereby approved is occupied, the development shall achieve 'Secured by Design' accreditation awarded by the Design-Out Crime Officer from the Metropolitan Police Service on behalf of the Association of Chief Police Officers (ACPO). Evidence of such accreditation shall be submitted to and approved in writing by the Local Planning Authority.
- 13) The development hereby approved shall be carried out in accordance with the approved Energy Statement received 25/06/2021, and the Energy Addendum received: 02/12/2021. Upon final commencement of operation of any low- and zero-carbon technologies, performance data for energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The performance data shall be submitted every 18

months to a monitoring web-platform for a period of three years from the point of full operation.

- 14) Before the development hereby approved is occupied, evidence including schedule of installed fittings and manufactures literature shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the development has achieved an internal water use of 105L/person/day or less. Measures integrated shall be retained for the lifetime of the development.
- 15) Before the development hereby approved is commenced:
- a) Details of an intrusive site investigation are required in addition to the phase 1 desk study previously submitted. These details shall be 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) Development works shall cease and 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.
- 16) No piling shall take place until a piling method statement, detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, the programme for the works, and the commitment to notify all surrounding residents when piling will take place in a programme of works, has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling shall be undertaken in accordance with the terms of the approved piling method statement.
- 17) Before the development hereby approved is occupied, the Local Planning Authority shall be informed of the agreed naming and numbering of the proposed residential units so that arrangements can be put in place to ensure that, with the exception of a person eligible for a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 (or similar legislation), no resident of the

development shall obtain a resident's parking permit. Any occupiers of the approved development shall surrender any such permit wrongly issued or held.

- 18) Before the development hereby approved is occupied, the Delivery & Servicing Plan hereby approved shall be fully implemented and maintained for the lifetime of the development.
- 19) No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved in writing by the Local Planning Authority. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:
- a) The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
 - b) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.
- 20) Before the development hereby approved is commenced, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide details of how demolition and construction works are to be undertaken and include:
- The identification of stages and duration of works;
 - Setting of appropriate noise criteria, trigger levels and how exceedances of those levels will be responded to by the construction contractor;
 - Detailed calculation of noise and vibration of the construction phases based upon the latest and most up to date information;
 - Details of working hours, which unless otherwise agreed with the Local Planning Authority shall be limited to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays);
 - Procedures for maintaining good public relations including complaint management, public consultation and liaison;
 - Monitoring of construction noise levels affecting the nearest noise sensitive receptors; and
 - Review and implementation of mitigation measures (as appropriate) as defined in BS 5228: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be undertaken to ensure noise disturbance from construction works is minimised.

- 21) 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.
- 22) No development shall take place above ground level until full details of the Electric Vehicle Charging Points, each capable of a minimum output of 7.2kW, has been submitted to and approved in writing by the Local Planning Authority. The details shall include manufacturer's specifications and the number of spaces provided with active and passive capabilities shall comply with the London Plan standards. The charging points shall be installed in accordance with the approved details, with photographic evidence submitted to the Local Planning Authority upon completion, and so maintained at all times thereafter.
- 23) A minimum of 10% of the approved residential units shall be provided as 'Wheelchair Accessible Units' built to Building Regulations M4(3) 2b standard. Prior to completion of the superstructure works details of wheelchair accessible rooms shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the wheelchair accessible rooms shall be retained thereafter.
- 24) A) Maximum noise levels permitted within all dwellings shall not exceed those that are specified in Table 4 of British Standard 8233:2014 [Living Rooms = 35 dB LAeq, 16 hours; Dining room/area = 40 dB LAeq, 16 hours; Bedroom = 35 dB LAeq, 16 hours during day-time (07:00 - 23:00) and Bedroom = 30 dB LAeq, 8 hours during night-time (23:00 - 07:00), night-time (23:00 - 07:00) L_{max} noise levels within bedrooms do not exceed 45 dB L_{max} more than 10 to 15 times per night]. All occupiers should have access to amenity spaces where noise levels do not exceed 50dB LAeq,16hours. The maximum noise levels described must be achieved during background ventilation rates as defined in Part F of the Building Regulations.
- B) Before the development hereby approved is occupied, internal and external ambient noise level reports demonstrating compliance with the scheme approved under Part A of this condition, shall be submitted to and approved in writing by the Local Planning Authority. Noise tests shall be carried out taking account of worst-case environmental conditions, such as easterly operations at Heathrow, peak time traffic flows wind speed, direction and presence of temperature inversion. Continuous logged data shall be submitted.
- 25) The cumulative noise from any fixed external plant associated with the scheme should not exceed levels more than 10 dB below representative background (LA90) levels at free field locations representing facades of nearby existing and proposed dwellings. Noise levels should be assessed by measurement or calculation based on the guidance presented within BS4142: 2014+A1:2019 or subsequent versions of this guidance.
- 26) No development shall take place above ground level until details of a scheme of mitigation with reference to the national air quality objectives, with regard to 'London Council's Air Quality and Planning Guidance', has

been submitted to and approved in writing by the Local Planning Authority. The mitigation must then be carried out in accordance with the approved details. The development shall not include biomass boilers.

27) The development hereby approved shall comprise the following:

- a) A part 3, part 4, part 5 and part 10 storey building;
- b) 55 residential units; and
- c) Two accessible car parking spaces.