



## Appeal Decision

Inquiry (Virtual) Held on 23-26 March 2021

Site Visit made on 1 April 2021

**by R Barrett BSc (Hons) MSc, Dip Hist Cons, Dip UD, MRTPI, IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 28<sup>th</sup> May 2021**

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### **Appeal Ref: APP/F5540/W/20/3260357**

#### **1-3 Bath Road, HOUNSLOW, TW3 3BJ**

- 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 Stamford Hounslow Limited against the Council of the London Borough of Hounslow.
  - The application Ref P/2019/3140, is dated 21 August 2019.
  - The development proposed is described as 'demolition of existing building and structures on site; erection of building for purpose-built shared-living accommodation (sui generis), shared office space (Class E), a drinking establishment use (sui generis) and flexible Class E/F1 use or a mix thereof; and other associated works, including public realm improvements'.
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### **Decision**

1. The appeal is allowed and planning permission is granted for demolition of existing building and structures on site; erection of building for purpose-built shared-living accommodation (sui generis), shared office space (Class E), a drinking establishment use (sui generis) and flexible Class E/F1 use or a mix thereof; and other associated works, including public realm improvements' at 1-3 Bath Road, Hounslow, TW3 3BJ in accordance with the terms of application, Ref P/2019/3140, dated 21 August 2019, and the plans submitted with it, subject to the conditions set out in annex 3 to this decision.

### **Preliminary Matters**

2. The description of development was amended to reflect recent changes to the Use Class Order. As this was agreed between the two main parties, during pre-Inquiry engagement, I have used this in the banner heading above and my formal decision.
3. The appellant submitted amended plans during the course of this appeal<sup>1</sup>. These include amendments to landscaping within the proposed public plaza, amendments to the floor plans including the ground level doors, and removal of a canopy. Mindful of the Wheatcroft principles, as those changes do not alter the nature of the appeal application, their consideration as part of this appeal would not prejudice third parties. I therefore intend to take into account those amended plans and additional supporting information submitted into account in the consideration of this appeal. This matter was aired in pre-Inquiry engagement and my position on the matter accords with that of the two main parties.

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<sup>1</sup> Appendix 8 of appellant's statement of case

4. The Council advised that had it determined the appeal application within the prescribed period, it would have refused permission. The Council provided seven putative reasons for refusal, including those relating to my main issues below. However, those reason also included objection on the basis of carbon dioxide emissions, floodrisk, air quality and the absence of a legal agreement to mitigate the impacts of development and provide for affordable housing. During the course of the appeal, the appellant submitted additional information on those matters, which it was confirmed satisfied the Council. On the basis of the additional information before me, I have no reason to take an alternative view on this matter.
5. In relation to the Council's affordable housing requirements, additional information submitted included viability evidence to demonstrate that the appeal development could not viably make a contribution towards affordable housing. The two main parties reached agreement regarding further viability reviews, in accordance with London Plan Policies H4-H7. A mechanism for securing an affordable housing contribution, should the development prove to be viable are requirements of the signed S106 Agreement and overcome the Council's objection on viability grounds.
6. A draft S106 Agreement was submitted at Inquiry. A final completed version was submitted after its close, in accordance with an agreed timetable. I make my decision on that basis.
7. During the course of the appeal the London Plan 2021 (London Plan) was published. I have made my decision in light of this.

### **Main Issues**

- The effect of the appeal proposal, in terms of its height, scale and elevational treatment on the character and appearance of the locality, including Hounslow House;
- Whether the appeal proposal would provide acceptable living conditions for future occupiers, in terms of the amount and quality of outside communal space;
- Whether the proposed development would provide a suitable housing mix to meet the identified needs of the borough.

### **Reasons**

#### *Character and Appearance*

#### *Hounslow Town Centre Masterplan (the Masterplan)*

8. The Masterplan, referred to in Local Plan Policy TC2, sets out a vision for the town centre and a set of principles to guide future development. It identifies 21 Opportunity Sites, which are key opportunities for development over the masterplan period.
9. The appeal site is an island site, positioned at the end of the High Street. It is closely related to Lampton Road, situated between Hounslow Central underground station and Hounslow mainline station. As the appeal development would be visible from both stations, it would enhance direct views from those gateways to the High Street shopping area. It would therefore promote legibility and wayfinding and help to improve the economic vibrancy of

the High Street. For these reasons, the appeal development would generally accord with the townscape principles that underpin the Masterplan, subject to other matters, including design and its relationship with its immediate context, including Hounslow House.

10. Opportunity Site 11 (Bath Road) includes the Hounslow House site. Notwithstanding references to a more limited site, Opportunity Site 11 identifies the potential to extend into the appeal site to create a more comprehensive development that creates a better quality public realm and visibility from the High Street. Whilst it is not prescriptive in how that could be achieved, I read this to include the possibility of development on the appeal site, other than public realm improvements, to complement Hounslow House and accord with the principles set out in the Masterplan. Opportunity Site 11 Bath Road (the Hounslow House site) is indicated to accommodate a visual marker with taller element or marker to ensure the site is visible from the High Street and stations. It therefore follows that those principles could be extended to development on the appeal site.
11. Moreover, the Masterplan emphasises that the vision is expected to be delivered in a number of phases, with the initial developments at the Opportunity Sites expected to generate interest and improve perceptions of Hounslow, with the level of transformation expected to be greater in later phases. Therefore, even if the appeal site were not intended to be included within Opportunity Site 11, it is clear that further opportunities are expected to come forward at later phases, to further the vision, which could include the appeal site.
12. Overall, therefore, taking the Masterplan as a whole, there is much within it to support the type of development proposed on the appeal site, subject to its relationship with its immediate context, including Hounslow House. This would include both a tall building and a landmark building.

#### *Relationship with Hounslow House*

13. The appeal building would be positioned next to Hounslow House, the new civic building. It would be considerably taller, rising to 15 storeys, compared to the 7 storeys of Hounslow House. However, Hounslow House is a large building of considerable scale and breadth with a striking design, including unusual angular cladding. It is a landmark in itself and the appeal development includes a number of design responses to ensure a complementary rather than dominating relationship.
14. Firstly, the appeal building would be set back and angled behind a significant area of public space, such that views of the entrance to Hounslow House could still be appreciated from the end of the High Street. The generous area of public realm proposed would enhance the setting, and thereby the visibility and function of Hounslow House. It would help to realise the civic centre's ambition to be accessible and part of everyday town centre life and ensure that Hounslow House continued to terminate views from its High Street.
15. Moreover, it would comprise three receding tiers that would result in the highest parts of the building being at the back of the site away from the public space and the entrance to Hounslow House. The lowest tier would relate well to the height of Hounslow House with a plinth that would sit above three storeys which include the public parts of the building. It would continue the scale and

activity of the High Street and respond positively to the civic scale of Hounslow House. Rather than exacerbate the proposal's apparent height and scale, overall, the plinth would help integrate the two buildings.

16. Finally, the simpler and contrasting materials palette, curved corners and brick grid expression would, together, help to differentiate the proposed building from Hounslow House. The incorporation of some modular variation, colour and relief within the structural openings of the brick grid would help to ensure it did not exacerbate the height or scale of the proposal. Along with its landmarking and public realm enhancements, overall the proposed building would help to visually integrate Hounslow House with the High Street.
17. This is also borne out in the proposed local views. Whilst it would be closer and taller than Hounslow House, when viewed from the High Street, its positioning and angling on the appeal site would ensure that Hounslow House still terminated. When viewed from Lampton Road, given its height, the appeal building would landmark the locality, including Hounslow House. Although Hounslow House would be in the background, its striking design would be apparent and for the reasons given, it would generally complement Hounslow House. In views from Bath Road, given the striking design of Hounslow House and its position in front of the appeal building, even taking into account the scale of the proposal, the appeal building would not dominate overall.
18. In making these judgements, I have taken into account the full range of visual material before me, including the AVRs, CGIs and elevational drawings and have taken account of the limitations of each in representing the impacts of the appeal development. I have also carried out thorough on-site assessment and have taken all available evidence into account in coming to my conclusions.

#### *Elevational Treatment above the Plinth*

19. Above the plinth the appeal development would accommodate private bedrooms with communal kitchen/diners. This would be expressed in the elevations by a homogenous unifying brick grid indicating that there are numerous individual dwellings within. A more human scale, variety and interest would be introduced by inset panels and solar louvres which, together, would introduce some module variation. The personalisation of the individual living spaces, such as internal decoration and curtain/ blind arrangement would be appreciable to the passer by. In addition, the large terraces at level 8 and 12 would accommodate residential uses and when seen against the more intimate, varied and personalised openings to the bedrooms, would be unlikely to be confused with office or other space.
20. The shared kitchen/ diners on each level, would be marked by coloured inset panels, which would run up the building, providing distinction between the private and communal areas of the upper levels. All in all, the elevational treatment above the plinth would appropriately express the more intimate living accommodation and shared communal spaces, in contrast to the more active open and public areas below the plinth. When considered as a whole, it would create a building with visual interest and distinctiveness befitting of a Metropolitan Town Centre.
21. In coming to my conclusions, I have had regard to the Bath Road planning brief (2014), which sets out development principles for Hounslow House, including the requirement for a landmark building. It is helpful in understanding the

principles to be applied to that development. However, I find it gives limited indication that a complementary development on the adjacent site which would enhance the townscape importance of Hounslow House should be prevented.

### *Conclusion*

22. I conclude that the appeal proposal's height, scale and elevational treatment would not adversely impact the character and appearance of the locality, including Hounslow House. For this reason, it would therefore generally accord with London Plan Policies D3 and D9, together with Local Plan Policies CC1, CC2, CC3 and TC2. Those policies together, aim for new development to enhance the borough's special qualities and heritage, support high quality tall buildings in identified locations and promote the regeneration of Hounslow Town Centre with reference to the Hounslow Town Centre Masterplan.

### *Living Conditions*

23. The appeal development would provide most of the communal outside space in the form of two terraces. The terraces would be sub-divided into zones with different functions, designed and managed to flexibly respond to residents' needs. These would be in addition to further planted but non-accessible areas of the roof terraces.

24. The terraces would generally be usable in size and shape, south facing and orientated towards the proposed public space. They would also be well related to internal communal areas. The appellant confirms that they have been designed to accommodate roughly 100 people at any one time, based on the plans' layout and the activities designed to take place in the different zones. Based on the proposed activity zones, their size, shape and orientation, this seems a reasonable capacity. Exclusive use by residents could be secured through management arrangements bound by legal agreement.

25. A much smaller area of communal open space would be provided at basement level. Even if any planter were movable, that space would be small, subterranean and flanked by high walls. However, it would relate well to internal communal areas, and in addition to the other internal and external communal areas, would contribute in a small way to the suite of communal spaces available to residents. In the same way, the proximity of the new public realm in front of the public house would be of some benefit to residents, even taking account of the surrounding busy town centre environment.

26. Large scale purpose built shared living is a new type of housing. London Plan Policy H16, sets out the requirements of such development. In its supporting text it is confirmed that there are no minimum space standards for the communal and private areas of this type of housing. That policy also confirms that the proposed development would fall into the category of non self-contained market housing. As neither self-contained houses, flats or conversions include similar levels of communal space or facilities and services, I find the benchmark external space standards in Figure SC5.2 of Local Plan Policy SC5, which relate to self-contained accommodation to have very limited relevance to this type of development.

27. Taking the development as a whole, the outside spaces together with the communal and semi-communal internal spaces, facilities and services, would be sufficient to meet the requirements of the intended number of residents. As

the external spaces would be well related to the internal communal areas, and of usable quality with a mechanism in place to ensure their management, the proposed development would be likely to result in an environment in which community engagement would be encouraged. In making this judgement I have taken into account the size of the private space available to future residents and the fact that the outside spaces would be unlikely to accommodate all residents at any one time. I note that the GLA found the quality and quantity of external communal space to be generally acceptable, which adds weight to my conclusions on this matter.

28. The appellant points me to two parks in the near vicinity, Lampton Park and Inwood Park. Both are a short walk away and would provide green open space and sports facilities for future residents. However, the use of both would require a trip outside the appeal building. For this reason, I do not see either as a viable alternative to on-site outside space. However, they would add to the living conditions of future occupiers through the provision of open green space in the locality.
29. I have noted that this development would provide more outdoor communal space than other similar developments brought to my attention. However, I have limited information on the combination of the internal and external communal and semi-communal spaces, services and facilities that would be available to residents of those developments. Further, none readily replicate the circumstances of this appeal. The Feltham scheme would provide much less communal open space but would be very close to Feltham Green; the residents of the Acton scheme would benefit from the communal outdoor space in a neighbouring similar development. Limited information was presented on the Croydon scheme. However, I note that provision of communal open space would be significantly less than the appeal scheme. However, all in all, for the reasons given, I do not find them particularly useful comparators.
30. I conclude that the appeal development would provide acceptable living conditions for future occupiers, in terms of the amount and quality of outside communal space. It would therefore accord with London Plan Policy H16. That policy aims to ensure that purpose built shared living accommodation is of acceptable quality, well managed and integrated into its surroundings.
31. Whilst it would not accord with the benchmark external space standards set out in Local Plan Policy SC5, they do not relate to the type of development proposed. However, it would accord with the high level intention of that Policy and Local Plan Policy CC2, which, together, aim to support high quality urban design and architecture and new housing development that contributes to improving the quality and design of housing in the borough.
32. It would also accord with emerging West of Borough Local Plan Review (eLocal Plan) Policy WOB2, which sets out that this type of development should incorporate a high quality of design and shared space for occupants.

### *Housing Mix*

33. It is agreed between the two main parties that the appeal proposals could not viably provide for affordable housing. On the basis of the viability evidence submitted, I have no reason to take an alternative view. Through appropriate review mechanisms, which could be secured by the S106 Agreement, if it were found to be viable at a future date, a financial contribution towards affordable



- housing to be provided elsewhere in the borough would be triggered. This approach would ensure that the maximum reasonable amount of affordable housing was delivered.
34. The appeal proposal would be located within a Metropolitan Town Centre, as defined by the London Plan, with a range of town centre uses. It would provide a type of accommodation suited to young single persons that is not available in the locality. It would assist in the delivery of different types of homes to meet the diverse needs of London's communities. Further, it would serve to relieve pressure on shared private accommodation, such as houses in multiple occupation and thereby could release housing suitable for families. In this respect it would contribute towards mixed and inclusive neighbourhoods.
35. Local Plan Policy SC3 seeks a mix of new housing to meet objectively assessed and evidenced local need, based on the latest and /or most specific available evidence, applying the general housing need mix requirements summarised in table SC3.1. Part f to that policy allows new housing to depart from that mix on the basis of evidence. Assessing the evidence before me, London Plan Policy H16 seeks to assist in the delivery of different types of homes to meet the diverse needs of London's communities. The Council has recognised the need for shared living in its eLocal Plan Policy WOB2, at a London wide level and at least a demand locally, even if not a need. In addition, the appellant's demographics and housing briefing note, (Feb 2021) demonstrates a need and demand for this type of development in a borough which has a young age profile, with some of the greatest numbers falling within the target age groups of 25-34.
36. The West of London and Hounslow SHMAs (both 2018) indicate that the numbers of single households in the target age bands are likely to decrease by 2041 and their affordability in Hounslow is good. However, there would still be a current and future need within those age bands. Further, the West of London SHMA indicates a role for co-living as a form of housing to address the projected sharp decline in young person households. For all these reasons I consider a need for the development proposed has been identified. I have insufficient evidence to conclude that need is being met in another way, even taking account of the Council's healthy housing land supply position. I therefore find that the appeal development would accord with Local Plan Policy SC3's overall approach. Whilst it would fail to accord with the general housing need mix requirements of table SC3.1, that does not refer to large scale shared living accommodation so has limited relevance to this appeal.
37. eLocal Plan Policy WOB2 requires that purpose built shared housing schemes are part of a mix tenure residential scheme and demonstrate that they contribute to the creation of mixed and balanced communities by not undermining the delivery of conventional self-contained housing supply. The appeal proposal would not be part of a mix tenure residential scheme, but for the reasons given, would make some contribution to the creation of mixed and balanced communities. However, as that policy is at an early stage of preparation, and has not been fully tested at examination, I attach very limited weight to that policy conflict.
38. I conclude, on the basis of the evidence before me, the appeal proposal would provide a suitable housing mix to meet the identified needs of the borough. It would accord with London Plan Policies H16, H4-H7 and Local Plan Policies SC1,

SC2 and the overall approach of Local Plan Policy SC3, in this regard. Whilst it would not accord with eLocal Plan Policy WOB2, I accord that policy conflict very limited weight for the reasons given earlier.

### **Other Matters**

39. The appeal proposal was accompanied by a daylight, sunlight and overshadowing report. That concludes, taking into account recent development in the locality, no unacceptable alterations in daylight or sunlight at nearby properties. It also concludes that the appeal scheme would comply with British Research Establishment's guidance regarding overshadowing. Given the height, scale and orientation of development proposed and relationship to nearby residential properties and gardens, I have no reason to take an alternative view.
40. The appeal development would be on an island site. Given the intervening roads, separation distance, orientation of the building and arrangement of uses, I am satisfied that any harmful overlooking to nearby residential properties would be avoided. For the same reasons and given the mixed town centre character of the locality, no unacceptable noise and disturbance to neighbouring residents would be a consequence, subject to planning conditions controlling hours of use and activities in the public parts of the proposed development.
41. The development would be car free, in a highly accessible location. Servicing arrangements and transport movements during construction could be controlled through appropriate planning conditions and the S106 Agreement. On that basis, I am satisfied that the proposed development would not give rise to an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe, including demand for parking. This matter is agreed between the two main parties.
42. Whilst some trees and planting would be lost as a result of the proposed development, those are of low to moderate value and replacement planting would compensate. Undisputed evidence is submitted to indicate that the appeal site's Urban Greening Factor would be improved by this development, when taken as a whole.
43. I have limited substantive evidence that unacceptable pressure on the water supply would result and Thames Water has not raised concern in this regard. Concerns regarding fly tipping during construction could be controlled through an appropriate construction management regime, which could be the subject of planning condition and mechanisms in the S106 Agreement.

### **Legal Agreement**

44. An executed S106 Agreement is before me. Whilst the Council has confirmed that it is satisfied with its contents, for its provisions to be given weight in the determination of this appeal, I am required to assess whether they are necessary to make the proposed development acceptable in planning terms, directly related to the proposed development and fairly and reasonably related in scale and kind.
45. The affordable housing provisions are necessary to ensure a mix of housing to meet the needs of the community should the proposed development be able to provide this viably. Such an approach is required by Local Plan Policy SC2 and



London Plan Policies H4-H7 and H16. If a contribution were to come forward, mechanisms would be in place to ensure it would be directly proportionate to the overall scale of development.

46. A co-living and co-working management plan is necessary to maintain the quality of the proposed development, as required by London Plan Policy H16. A travel plan would promote sustainable modes of travel, help to manage impacts on the local road network and reduce adverse environmental impacts, as required by London Plan Policies T1 to T5 and Local Plan Policies EC1 and EC2. A car park management plan is necessary to ensure parking is allocated to wheelchair co-living units to ensure the correct provision of accessible units, in general accordance with Local Plan Policy SC5. On-street parking permit restrictions are necessary to avoid possible overspill parking that would add to congestion in the locality and to encourage sustainable forms of travel, in accordance with London Plan Policies T4-T6 and Local Plan Policies EC2. Provisions would also ensure the quality and timeliness of necessary alterations to the public highway, and thereby public safety.
47. In accordance with London Plan Policy SC1 and Local Plan Policy EQ1, in relation to energy and carbon reduction, a carbon offset contribution is necessary, calculated in accordance with the Draft Mayor of London's Energy Assessment Guidance (2020). To meet the requirements of London Plan Policy E11 and Local Plan Policy ED4, relating to enhancing local employment skills, provisions to secure construction training are necessary to support and develop employment in the borough. Any contribution required has been calculated in accordance with the Council's Planning Obligations and CIL Supplementary Planning Document (SPD). To minimise disturbance of neighbours during construction, a considerate contractor scheme is necessary, in accordance with the SPD. Monitoring and planning service fees in connection with the above provisions have been calculated on the basis of the Council's previous experience, are evidence based and justified.

### **Planning Balance**

48. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out, that if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the Plan, unless material considerations indicate otherwise. In this case, I have no reason to determine that regard should not be had to the Development Plan.
49. I have found that there would be no harm to the character and appearance of the locality and have identified no policy conflict in this regard. I have also found no harm in respect of the living conditions that would be provided for future residents. It would accord with the aims of Local Plan Policy SC5 and I have found the external space standards in Local Plan Policy SC5 not relevant to this type of development.
50. In respect of the housing mix, whilst the proposal would not be able to viably provide affordable housing at present, review mechanisms would ensure that the maximum reasonable amount of affordable housing would be provided elsewhere in the borough. I have found that the appeal development would meet identified local needs. It would accord with the overall approach of Local Plan Policy SC3 and I attach very limited weight to any conflict with the general housing need mix in table SC3.1 for the reasons given. I have found a conflict

with eLocal Plan Policy WOB2, but for the reasons stated, again I attach very limited weight to that policy conflict also. Overall, the policy conflicts are few and minor in nature and for the reasons given, I attach limited weight to them. When taken together that conclusion is unchanged. That leads me to conclude, on the basis of my findings on the substantive issues in this case, that the appeal would accord with the Development Plan when read as a whole.

51. Turning to other material considerations, I agree that it is not unreasonable to suggest that an alternative scheme on the same site that secured a similar range of benefits could come forward. It may also be possible that a scheme with similar benefits may be able to incorporate a different housing mix, in terms of size and tenure. However, there is no evidence to assure me that would be the case.
52. Overall, I consider that the other material considerations, indicate that this appeal should not be determined other than in accordance with the Development Plan. The appeal therefore should succeed.

### **Conditions**

53. A list of suggested planning conditions was discussed at some length at the Inquiry and an agreed list produced by both main parties. Those conditions generally accord with national policy and guidance<sup>2</sup>. A list of planning conditions to be imposed is set out in Annex 3.
54. Standard time and plans conditions are necessary to ensure clarity in the development process. As the locality includes residential uses and given the scale of development and construction period envisaged, a condition limiting the hours of construction and demolition is necessary. A restriction on the public hours of use of the facilities on the lower levels of the proposed development, is necessary to protect the living conditions of nearby residents. For the same reason, the playing of amplified music in the drinking establishment should be controlled. A construction logistics plan is necessary, prior to development commencing, to protect the environmental quality of the locality, minimise impact on the road network and protect the living conditions of nearby residents. Given the former use of the appeal site, a pre-commencement condition to ensure that the proposal can be implemented and occupied whilst ensuring public and environmental safety is necessary. To ensure a high quality development, details of all facing materials are necessary before work on the superstructure begins. A landscaping condition is necessary to ensure that the proposed development is high quality and blends into the locality. A detailed drainage scheme should be provided prior to commencement to prevent risk of flooding and ensure completion of a sustainable drainage scheme prior to occupation.
55. To ensure a socially inclusive development, a condition to ensure delivery of wheelchair accessible rooms is necessary. Details of cycle storage are required to support sustainable forms of transport. To ensure refuse and materials for recycling can be properly stored and removed, a condition to ensure adequate provision in this regard is required. To ensure a sustainable development an update to the submitted energy strategy is required along with measures to control its implementation. To protect and conserve water supplies, details of water efficiency measures and their subsequent management are required.

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<sup>2</sup> Paragraph 55 of the Framework and PPG including paragraph 21a-003-20190723

Conditions to ensure the development meets the relevant BREEAM requirements, triggered shortly after commencement and occupation, are necessary to meet the Council's sustainability requirements. To protect public health and ensure acceptable living and working conditions, controls on air quality and noise mitigation are necessary. To ensure road safety, a delivery and servicing plan should be submitted and adhered to for the life of the development. External ventilation equipment should be controlled to ensure acceptable living conditions. Conditions are necessary to secure a development that enhances ecology and nature conservation and promotes safety and well being. Conditions to control construction including piling in close proximity to underground water utility infrastructure are necessary to avoid any harm in this regard.

**Conclusion**

56. For the reasons given above I conclude that the appeal should be allowed and planning permission should be granted.

*R Barrett*

INSPECTOR

## **ANNEX 1 APPEARANCES**

### FOR THE APPELLANT:

Mr Andrew Byass	Instructed by Graeme Warriner
Mr Simon Bird RIBA	Director LOM Architecture and Design
Dr Chris Miele MRTPI IHBC	Senior Partner Montagu Evans
Mr Graeme Warriner BA(Hons) Dip EP MRTPI	Director Barton Willmore LLP
Mr Phil Clark	s106 matters

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Edward Grant	Instructed by Council's Solicitor
Ms Amanda Rashid MA (Cantab) Dip Arch ARB	Urban Design Officer
Mr Eamon Cassidy BA (Hons) MA	Deputy Area Planning Manager

## **ANNEX 2 INQUIRY DOCUMENTS**

- IQ1 – Council’s Opening
- IQ2 – Appellant’s Opening
- IQ3 – Copy of Application Site Notice
- IQ4 – List of Suggested Conditions v2
- IQ5 – Character and Appearance RTD Position Statement
- IQ6 – Living Conditions RTD Position Statement
- IQ7 – List of Suggested Conditions v3
- IQ8 – CIL Compliance Statement v2
- IQ9 – List of Suggested Conditions v4
- IQ10 – S106 Final Draft
- IQ11 – S106 Final Draft v2 (Ref 704111804)
- IQ12 – Council’s Closing
- IQ13 – Appellant’s Closing

### **ANNEX 3 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 provide 248 co-living units (sui generis use), which shall be retained as such and be carried out in all respects in accordance with the following approved plans 1642-A-0100, 1642-A-0110, 1642-A-0120, 1642-A-0121, 1642-A-0122, 1642-A-0123, 1642-A-0200, 1642-A-0201, 1642-A-0202, 1642-A-0203, 1642-A-0250, 1642-A-0251, 1642-A-0252, 1642-A-0253, 1642-A-1001 rev A, 1642-A-1002 rev A, 1642-A-1003 rev A, 1642-A-1100 rev A, 1642-A-1101 rev A, 1642-A-1102 rev A, 1642-A-1103, 1642-A-1104 rev A, 1642-A-1109 rev A, 1642-A-1110 rev A, 1642-A-1113 rev A, 1642-A-1114 rev A, 1642-A-1116, 1642-A-2000, 1642-A-2001 rev A, 1642-A-2002, 1642-A-2003 rev A, 1642-A-2100, 1642-A-2101 rev A, 1642-A-2102, 1642-A-2150, 1642-A-2151, 1642-A-3000 rev A, 1642-A-3001, 1642-A-3002 rev A, and Landscape Plans P11603-00-001-102, P11603-00-001-100 Rev 01, P11603-00-001-101 Rev 01.
3. No demolition or construction work shall take place on the site except between the hours of 8am to 6pm on Mondays to Friday and 8am to 1pm on Saturdays and not at all on Sundays and Public Holidays.
4. The basement, ground floor, first floor and second floor facilities within Use Classes E and F1 and sui generis uses shall only be open to non-resident customers between 07:00 hours and 23:00 hours on any day and shall not be open to non-resident customers outside those times.
5. No amplified or other music shall be played in the drinking establishment (sui generis) before 08:00 hours or after 23:00 hours on any day.
6. Prior to commencement of the superstructure works a Construction Logistics Plan (CLP) shall be submitted to and approved by the Local Planning Authority. The CLP shall cover as a minimum:
  - The relocation of bus stops agreed with Transport for London;
  - Details of bus lane suspensions agreed with Transport for London; and
  - Avoidance of network/highway peak hours for deliveries and details of a booking system to avoid vehicles waiting on the public highway.

All construction and demolition works shall be undertaken in accordance with the approved CLP and the approved Design and Construction Method Statement and Draft Construction Logistics Plan Version 2 prepared by Galliard Construction Limited (dated August 2020).

7. Before the development hereby permitted commences:
  - Details of an intrusive site investigation are required in addition to the Phase 1 Land Contamination Assessment July 2019 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.

- 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:

- 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:

- The agreed scheme for decontamination referred to in the above clauses, including amendments, shall be fully implemented and a written validation (closure) report submitted to the Local Planning Authority for approval.
8. Prior to commencement of the superstructure works, details and samples of all facing materials to buildings are submitted to and approved in writing by the Local Planning Authority. The samples and details shall include:
- brick/stonework (including brick/stone and mortar on-site sample panel);
  - cladding materials (including system specifications/details and on-site samples);
  - window treatment (including sections/reveals and on-site sample);

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

9. Prior to the completion of the building envelope, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
- proposed finished levels or contours;
  - pedestrian access and circulation areas;
  - hard surfacing material;
  - minor artefacts and structures (e.g furniture, refuse or other storage units, signs, lighting etc);

- proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines etc. indicating lines, manholes, supports etc).

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species.

10. Prior to commencement of any groundworks (excluding demolition and remediation) the applicant shall submit a final detailed drainage design including drawings and supporting calculations and updated Drainage Assessment Form to the Lead Local Flood Authority for review and approval, aligned with the Flood Risk Assessment (dated August 2019), and Flood Risk Assessment Addendum (dated August 2020) and Stephen Buss Environmental Consulting letter (dated 19th January 2021) and associated drawings. A detailed management plan confirming routine maintenance tasks for all drainage components must also be submitted to demonstrate how the drainage system is to be maintained for the lifetime of the development.

No building hereby permitted shall be occupied until evidence (photographs and installation contracts) is submitted 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.

11. 10% of the approved co-living 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.
12. Prior to the occupation of the development, details of the cycle parking, including which cycle stores will be allocated to which part of the building, and any phasing of the delivery of the cycle stores associated with occupation levels, shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be informed by the London Cycle Design Standards and West London Cycle Parking Guidance. The cycle parking and associated facilities such as lifts, changing areas and showers, shall be provided in accordance with the approved details, or an agreed phasing of such, before the residential units are occupied and shall thereafter be retained solely for its designated use.
13. Prior to occupation of the building hereby approved the measures detailed in the Operational Waste Strategy (dated August 2019) prepared by Peter Brett (part of Stantec) shall be incorporated and thereafter retained in accordance

with the approved Operational Waste Strategy, and shall be used for no other purposes.

14. Prior to commencement of the superstructure works for the development hereby permitted, an update to the submitted Energy Strategy, overheating assessment [Overheating Assessment July 2019, Energy Statement August 2019, Energy Strategy Addendum (dated September 2020)] shall be submitted to and approved in writing by the Local Planning Authority. The update should include details relating to the proposed air source heat pumps (demonstrating how the targets for carbon dioxide emissions reduction are to be met in line with the Mayor's energy hierarchy and cooling hierarchy).

The development shall be implemented in accordance with the approved Energy Strategy. Full Design Stage calculations under the Standard Assessment Procedure/National Calculation Method shall be submitted to and approved in writing by the Local Planning Authority prior to the completion of the superstructure works to show that the development will be constructed in accordance with the approved Energy Strategy, and any subsequent approved revisions.

Within three months of first occupation of the building(s) evidence (e.g. photographs, installation contracts and As-Built certificates under the Standard Assessment Procedure/National Calculation Method) should be submitted to the Local Planning Authority and approved in writing to show that the development has been constructed in accordance with the approved Energy Strategy, and any subsequent approved revisions.

15. Prior to first occupation of any co-living unit evidence of installed water efficiency measures (schedule of fittings and manufacturers literature) shall be submitted to the Local Planning Authority and approved in writing to show that the development has achieved an internal water use of 110 Litres per person per day or less and such measures shall be retained thereafter.
16. Within three months of work starting on site a BREEAM New Construction 2018 Shell & Core Design Stage certificate and summary score sheet must be submitted to and approved in writing by the Local Planning Authority to show that an 'Excellent' (minimum score 70%) rating will be achieved.

Within six months of first occupation of the commercial unit(s) a BREEAM New Construction 2018 Shell & Core Post-Construction Review certificate and summary score sheet must be submitted to and approved in writing by the Local Planning Authority to show that an 'Excellent' (minimum score 70%) rating has been achieved.

17. Within three months of work starting on site a BREEAM New Construction 2018 Fully Fitted Design Stage certificate and summary score sheet for the co-living units must be submitted to and approved in writing by the Local Planning Authority to show that an 'Excellent' (minimum score 70%) rating will be achieved.

Within six months of first occupation of the co-living units a BREEAM New Construction 2018 Fully Fitted Post-Construction Review certificate and summary score sheet must be submitted to and approved in writing by the

Local Planning Authority to show that an 'Excellent' (minimum score 70%) rating has been achieved.

18. No co-living unit shall be occupied until details demonstrating that the internal air quality will be below the annual mean concentration of NO<sub>2</sub> of 38 µg/m<sup>3</sup> have been submitted to and approved in writing by the Local Planning Authority. Where a system of mitigation is required, this shall be maintained thereafter and in accordance with Air Quality Assessment August 2019 and Air Quality Assessment September 2020.
19. Prior to completion of the superstructure works a scheme of acoustic insulation and any other necessary means of ventilation, taking into consideration the recommendations of the Acoustic Assessment Revision 01 prepared by Hoare Lea dated 06 August 2019, is submitted to and approved by the Local Planning Authority. Such a scheme shall include details of measures to ensure internal ambient noise levels within residential accommodation do not exceed the limits contained in BS8233:2014. Any works that form part of such a scheme shall be completed as approved before the development is first occupied and maintained as such thereafter.

Prior to occupation of the co-living units, commissioning testing of internal ambient noise levels at a representative sample of dwellings should be undertaken demonstrating compliance with the scheme approved under the first part of this condition. Details of the noise testing shall be submitted to and approved in writing by the Local Planning Authority.

20. Prior to the occupation of the development, a Delivery and Servicing Plan 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 maintained as such thereafter.
21. Prior to installation, details of any external ventilation equipment, including ducting and any necessary noise attenuation measures, shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details before the development is first occupied and maintained thereafter.
22. Prior to the occupation of the development, the following measures outlined in the submitted Nature Conservation and Ecological Assessment, May 2019, shall be implemented in full and maintained for the lifetime of the development:
  - Wildlife-friendly landscaping to enhance the site as a foraging and commuting resource for bats;
  - Bat boxes/bricks and bird boxes incorporated either within the building or installed on appropriate features.
23. No construction (other than demolition and remediation) shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any construction shall be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for

- the maintenance and repair of the asset during and after the construction works.
24. 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 would be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the 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.
25. The development shall achieve 'Secured by Design' accreditation awarded by the Design Out Crime Officer Metropolitan Police Service on behalf of the Association of Chief Police Officers. No co-living unit shall be occupied until accreditation has been achieved and evidence of such accreditation has been submitted to and approved in writing by the Local Planning Authority and maintained thereafter.