CD10.1c – Former Webbs Industrial Estate, Walthamstow (2019) – Application Ref: 183424

Proof Reference – Paragraphs 5.2.10;

Relevant Officer Report Paragraphs – 10.106 – 10.108

Located in a **PTAL 1b – 3** location and within a CPZ, a ratio of 0.03 spaces per unit from the outset has been agreed for this site. The report also notes that "*nearby schemes have not met 10% wheelchair accessible parking space provision*" and must therefore be appropriate, given that these schemes also have consent, despite being in a lower PTAL location that this Appeal site.

LONDON BOROUGH OF WALTHAM FOREST

Committee / Date:	Planning - 5th February 2019
Application Reference:	183424
Applicant:	Swan Commercial Services
Location:	Former Webbs Industrial Estate, 108 Blackhorse Lane, Walthamstow E17 6AA
Proposed Development:	Demolition of existing buildings and structures, and comprehensive redevelopment to provide a series of buildings ranging in height from 1 to 15 storeys to provide 359 new affordable homes in a mix of one, two and three bedroom units (Use Class C3) 2,569sqm of non-residential floor space comprising of 720sqm of flexible floor space (Use Class A1 and/or A2 and/or A3 and/or A4 and /or B1 and /or D1 and/or D2), 532sqm of flexible floors pace (Use Class B1 and/or D1) and 1,313sqm of floor space (Use Class B1), car parking, cycle parking, landscaping, highways and utilities works.
Wards Affected:	Higham Hill, William Morris
Appendices:	None

1 RECOMMENDATION

1.1 That Planning Permission be GRANTED subject to conditions and informatives, Stage 2 Referral to the Greater London Authority (GLA) and completion of a Section 106 Agreement with the following Heads of Terms:

Affordable Housing Provision:

- To secure 100% affordable housing by unit numbers delivering 359 units (137 x one-bed, 169 x two-bed, 53 x three-bed) with a tenure arrangement of 100% intermediate shared ownership.

Employment and Training Strategy:

- Procure that 30% of all jobs available for construction or fit-out of the development during the construction phase are offered to Local Residents.

- Provide a minimum of 47 apprentice posts in the construction trade during the construction phase of the development with such posts being offered to Local Residents.
- To provide a minimum of 17 work placements in the construction trade during the construction phase of the development with such posts being first offered to Local Residents.
- To procure a minimum of 20% of Local Suppliers during the construction phase of the development.

Retail and Commercial Space Strategy:

- A Retail and Commercial Space Strategy to be submitted to and approved in writing by the Local Planning Authority at least six months prior to occupation of any part of the commercial element that would seek to ensure diversity in the local offer.

Highways:

- A financial contribution to be agreed towards sustainable transport and walking, cycling safety and accessibility improvements.
- A financial contribution of £33,000 towards flooding and drainage inspections post-construction over a 30-year period.
- Section 278 Agreement for works on the western frontage to provide a stepped cycle track in each direction on Blackhorse Lane, works to the culvert under Blackhorse Lane / public highways and works to the eastern frontage at Sutherland Road.
- Section 38 adoption of a slither of land on the eastern footway between the existing red line boundary and the colonnade.
- Car-Free Development: The development would be car-free, with the exception of the provision of wheelchair accessible bays. Residents would not be eligible to apply for a resident permit for any CPZ.
- Car Club: The provision of a minimum of one car club parking space to be made available to all residents of the proposed development;
- The site must remain a public through route for pedestrians and cyclists at all times.

Air Quality Action Plan:

- A financial contribution of £61,590 towards implementation of the Air Quality Action Plan.

Bus Contribution:

- A financial contribution of £224,375 for Transport for London towards improvement to capacity, connectivity and accessibility of the local bus network.

Sustainability:

- A financial contribution of £74,007 towards a Carbon Offset Fund. The applicant is required to pay 50% of the calculated contribution prior to commencement of development. The remainder of the contribution should become due prior to first occupation of any part of the development, with this final amount based on the findings of a post-construction Approved Carbon Emissions Report.

Trees:

- A financial contribution of £9,392 as the Capital Asset Valuation of Amenity Trees (CAVAT) value if the London Plane T18 on Blackhorse Lane is to be removed or altered as a consequence of the proposed development.

Architects:

- The applicant shall retain the architect during the build phase until completion.

Epping Forest Special Area of Conservation (SAC):

- Financial contribution and / or mitigating impacts of the development on Epping Forest SAC would be required and the total amount of any financial contribution is yet to be confirmed. The financial contribution would only be applicable if planning permission is granted from 1st April 2019.
- A financial contribution of £89,000 towards links to and / or Higham Hill Park improvements to mitigate impacts on Epping Forest SAC.

Legal Fees:

- Payment of the Council's legal fees for the preparation and completion of the Legal Agreement.

Monitoring and Implementation:

- Payment of 5% of the total amount of Section 106 contributions towards monitoring, implementation and compliance of the Section 106 Agreement.

1.2 That authority to be given to the Head of Development Management and Building Control in consultation with the Council's Legal Services for the sealing of the Section 106 Agreement and to agree any minor amendments to the conditions or the Section 106 Agreement on the terms set out above. It also seeks additional delegation to officers regarding identifying and assessing impacts of the development on Epping Forest SAC and agreeing appropriate mitigation measures.

1.3 In the event that the Section 106 Agreement is not completed within 12 weeks following the date of Planning Committee, the Head of Development Management and Building Control is hereby authorised to refuse the application. In the absence of this Section 106 Agreement, the proposed development would not be able to deliver the mixed-use development on the site. The implication of this happening is that the opportunity for securing the provision of affordable housing would be lost. Additionally, financial and non-financial contributions would be lost towards the following: Employment and Training Strategies; Highways; Air Quality; Bus Contribution; Sustainability; and Epping Forest SAC, which must be secured by the Section 106 Agreement.

2 REASONS REFERRED TO COMMITTEE

- The size of the proposal, which comprises over 150 residential units, is strategic in planning terms and referable to the Mayor of London.
- Major matters of planning policy are involved.
- There is significant public interest.

3 SITE AND SURROUNDINGS

The Site

3.1 The site occupies an area of approximately 1.76 hectares and lies between the rear of houses on Blenheim Road to the south, the Highams Lodge Business Centre and a petrol station and further industrial units fronting Sutherland Road to the north. The site provides frontages to the B179 Blackhorse Lane to the west and Sutherland Road to the north and east. The site is broadly rectangular in shape

with an additional spur on the south-east corner to the rear of the houses on Blenheim Road.

3.2 The site was most recently used for predominantly storage purposes with large areas of hardstanding and a number of small to medium-sized industrial units. However, the site has stood vacant since 2010 and has been largely cleared ready for redevelopment, except for substation structures which remain on-site.

3.3 With reference to the Environment Agency's online Flood Map for Planning, the site is located within Flood Zone 1 (which indicates the lowest probability of river and sea flooding). The site is however located in an area where some parts have a low risk and some parts have a high risk of pluvial flooding.

3.4 Public Transport Accessibility Level (PTAL) measures connectivity to the public transport network in London. The PTAL value combines information about how close public transport services are to a site and how frequent these services are. The highest level of connectivity has a PTAL of 6b and the lowest has a PTAL of 0. The majority of the site has a PTAL score of 3, with the north-western part of the site reducing to 1b. The site is just over 300m from areas of PTAL 5. Blackhorse Road station is located approximately 400m to the south of the site. This station provides regular underground services on the Victoria Line, linking the site to central London to the south-west, and Overground services between Gospel Oak and Barking. The closest bus stops are located on Blackhorse Lane; one directly opposite the site, and one approximately 50m to the south. These stops are serviced by TfL bus route 158 between Chingford Mount and Stratford. Further bus stops are located around Blackhorse Road station, offering services to Stratford, Ilford, Wood Green and Tottenham.

3.5 The property is not located within a Conservation Area, is not listed and is not subject to any site-specific Article 4 Direction other than the borough-wide Article 4 Directions. The western part of the site lies within an Archaeological Priority Area.

There is no identified shortfall of primary or secondary school places for the schools whose catchment covers this site. Similarly, there is not believed to be a shortage of places on GP practice registers in the vicinity.

The Surroundings

3.6 The immediate and wider surrounding area comprises a mix of uses. To the north of the site lies a petrol filling station, the Highams Lodge Business Centre (comprising a part one-, part two-storey industrial

building divided into 16 separate units) and further industrial buildings fronting onto Sutherland Road. Further north is a mix of two-storey residential houses and more industrial buildings. To the west of the site, on the other side of Blackhorse Lane, is the Forest Estate Business Centre. This comprises a number of one- and two-storey industrial buildings. Further industrial buildings lie to the south, west and north of this Business Centre. To the south of the site are the residential properties fronting Blackhorse Lane and Blenheim Road. These are predominantly two-storey terraced houses fronting onto the roads, with rear gardens backing onto the site. To the east of the site is a three-storey commercial building (Sutherland House), and an industrial building further along fronting onto Sutherland Road (Essex Cordage Works), as well as Sutherland Road itself. On the other side of Sutherland Road are a number of recent four- to six-storey residential blocks of flats.

4 APPLICATION PROPOSAL

4.1 The application seeks full planning permission for a mixed-use development. The proposals involve the redevelopment of the site to provide 359 residential units, all of which would be affordable housing in the form of intermediate shared ownership (Use Class C3), and approximately 2,569sqm GIA (2,962sqm GEA) of flexible non-residential floorspace (Use Classes A1-A4 / B1 / D1 / D2). The proposals also include associated landscaping, parking and infrastructure works.

4.2 The proposal for 359 residential units would provide the following unit mix:

- 137 one-bedroom units (46.2%);
- 169 two-bedroom units (39%); and
- 53 three-bedroom units (14.8%).

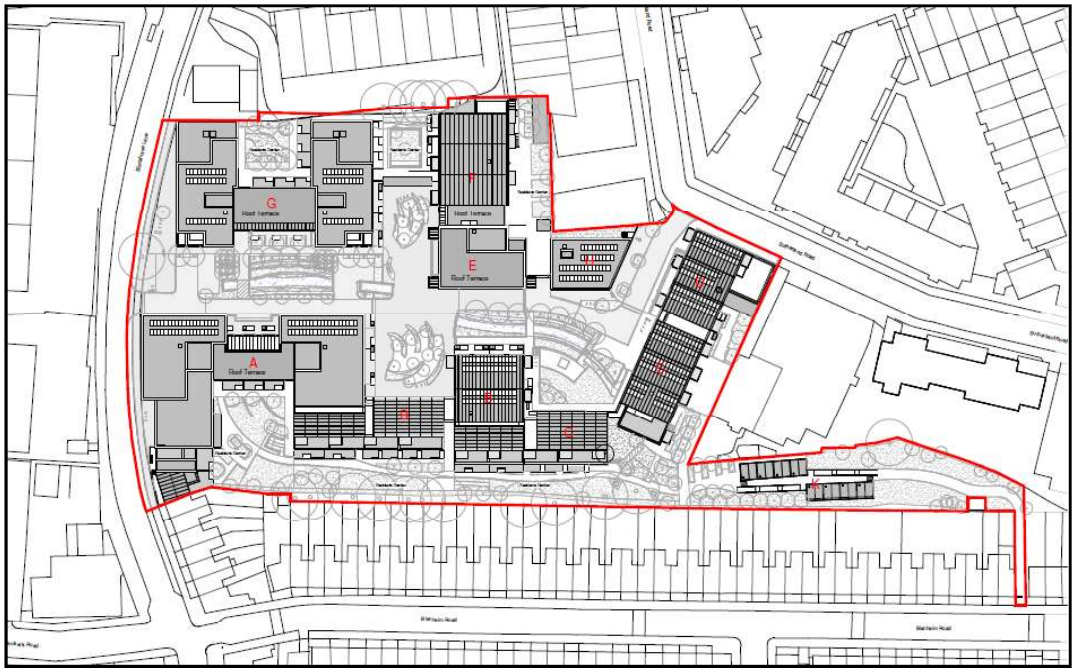
4.3 This is further detailed in Table 1: Proposed Housing Mix

4.4 **Table 1: Proposed Housing Mix**

Unit Type	Unit Number	Unit Percentage
1 Bedroom (2 Person) Flat	137	38.1
2 Bedroom (3 Person) Flat	29	8.1
2 Bedroom (4 Person) Flat	140	39
3 Bedroom (5 Person) Flat	20	5.6
3 Bedroom (5 Person) Flat (Duplex)	31	8.6
3 Bedroom (5 Person) House	1	0.3
3 Bedroom (6 Person) House	1	0.3
Total	**359**	**100**

4.5 Fig 1 illustrates the Proposed Block Plan.

4.6 **Fig. 1: Proposed Block Plan**



Block A (85 Residential Units)

4.7 Block A would be an inverted U-shaped building in the south-west corner of the site with frontages to Blackhorse Lane to the west and the green link to the north / north-east. Together with Block G to the north, it would form a gateway into the proposed development from Blackhorse Lane. Building heights range between two and eight storeys with the tallest elements located next to the green link, with height stepping down towards the existing houses along Blackhorse Lane and Blenheim Road. The two-storey element of Block A would relate to the existing row of terraced houses along Blackhorse Lane. At ground and first floor levels, there would be flexible non-residential floorspace (fronting onto Blackhorse Lane); residential entrances; bin, bike and general storage; residential accommodation; a management office; and a substation. There would be further residential accommodation above and family duplex homes would front the green link, with front doors at street level. To the rear of Block A would be an area of communal amenity space, which would extend to the east behind Blocks B and C. Block A would also include a roof terrace.

Block B (35 Residential Units)

4.8 Block B would consist of a lower two- to four-storey element along the south (connecting to the same element of Block A), and a taller eight storey element to the north. Block B would be a purely residential block with residential entrances at ground floor and bin, bike and general storage across ground and first floor levels. There would be family duplex homes fronting the green link, which would have front doors at street level. To the rear of Block B would be an area of communal amenity space, which would link up with the communal amenity space behind Blocks A and C.

Block C (29 Residential Units)

4.9 Block C would comprise two elements separated by a gap where the building turns to create a corner in the south-east of the site. The element to the west adjoins Block B and comprises a part two-, part four-storey building, and the element to the east adjoins Block D and would comprise a part four-, part eight-storey building. There would be family duplex homes fronting the green link, which would have front doors at street level. Block C would be wholly residential with entrances and bin, bike and bulk storage at ground floor level. To the rear of Block C would be an area of communal amenity space, which would link up with the communal amenity space behind Blocks A and B and a

parking area shared with Block D. A roof terrace would be provided above part of the block for residents within the block.

Block D (27 Residential Units)

4.10 Block D proposes an eight-storey element in the east of the site (fronting onto Sutherland Road) with a smaller two-storey element next to it. This smaller two-storey element would form a colonnade on Sutherland Road and would mark this access into the site. The block would include plant space at basement level; flexible workspace / community space at ground and first floor levels (fronting onto Sutherland Road and the green link); the residential entrance, bin and bike stores, a substation, and some residential accommodation at ground floor level; and further residential accommodation at upper floors. To the rear of Block D would be a parking area shared with Block C.

Block E (60 Residential Units)

4.11 Block E would consist of a 15-storey landmark building in the centre of the site. Block E would be wholly residential with its entrance, bin and bike storage at ground floor level and further general storage at first floor level. There would be family duplex homes at ground floor level that would have front doors onto the central public square. To the rear of Block E would be a parking area shared with Block F. Two roof terraces would provide amenity for the residents of this block and Block F.

Block F (38 Residential Units)

4.12 Block F would comprise a part seven-, part eight-storey building in the north of the site, to the rear of Block E. The two ends of the building would form the seven-storey elements to better differentiate between the taller building of Block E and to better respond to any future development to the north of the site. Block F would be wholly residential with its entrance, bin and bike storage at ground floor level and residential accommodation above. There would be family duplex homes at ground floor level that have front doors onto the communal open space. To the rear of Block F would be a parking area shared with Block E.

Block G (85 Residential Units)

4.13 Block G would involve a U-shaped building in the north-west corner of the site with frontages to Blackhorse Lane to the west and the green

link to the south. The block would comprise an eight-storey element fronting Blackhorse Lane and a ten-storey element to the east of this, with a four-storey connecting element in between. At ground and first floor levels, there would be flexible non-residential floorspace (fronting onto Blackhorse Lane); residential entrances; bin, bike and mail storage and residential accommodation. There would be family duplex homes fronting the green link, which would have front doors at street level. Above this would be further residential accommodation. To the rear of Block G would be a communal amenity space, which would link up with the communal amenity space to the front of Block F. Block G would also include a roof terrace on the four-storey connecting element.

Block H

4.14 Block H would result in a standalone six-storey building to the east of Block E with its principle outlook onto the green link. Block H would be wholly non-residential building, with flexible workspace and / or community space at ground floor and workspace above.

Block K

4.15 Block K would be located in the spur in the south-east of the site. It would comprise two single-storey buildings that would be raised up from the ground on stilts. The buildings would be located opposite each other at an offset with raised decking in between. Block K would comprise flexible workspace.

4.16 Table 2 provides the Non-Residential Floorspace.

4.17 **Table 2: Non-Residential Floorspace**

Block	Approx. Floorspace (GIA)	Use Class
A	420 sqm	Flexible A1-A4 / B1 / D1 / D2 across ground and first floors
D	316 sqm	Flexible B1 / D1 at ground floor
G	300 sqm	Flexible A1-A4 / B1 / D1 / D2 across ground and first floors
H	1,407 sqm	Flexible B1 / D1 at ground floor and B1 at upper floors
K	122 sqm	B1
TOTAL	**2,565 sqm**	**Flexible A1-A4, B1, D1, D2**

Layout

4.18 In terms of layout, each core would serve no more than eight units per floor. Of the proposed dwellings, 248 units (69%) would be dual or triple aspect. The remaining 111 dwellings (31%) would be single aspect with views to the south, east or west. The proposed development would include no north-facing, single aspect units.

4.19 There would be an inclusion of a new publicly-accessible, east-west green link through the site between Blackhorse Lane and Sutherland Road. This new green link would include a significant quantum of public amenity space. The built form then comprises nine blocks located along the frontages of Blackhorse Lane and Sutherland Road and along either side of the new east-west green link. Blocks range in height between one and 15 storeys with taller elements located in the centre of the site (along the new east-west link), with height stepping down towards to the boundaries, particularly to the south.

4.20 The majority of the residential dwellings would be provided at first floor level and above, with some duplex units provided at ground floor level fronting onto the new east-west link and two terrace houses fronting onto Blackhorse Lane continuing the existing row of houses.

4.21 Of the proposed 359 residential units, the proposal would currently provide 18 two-bedroom wheelchair adaptable units and 18 three-bedroom wheelchair adaptable units (10%), which would comply with planning policy. Since submission of this planning application, officers sought to achieve some one-bedroom units as wheelchair adaptable. A further 4 one-bedroom units have since been identified by the Applicant as possibly being wheelchair adaptable. The final wheelchair adaptable housing mix would be secured as a condition to any planning permission to ensure at least 36 (10%) residential units would be wheelchair adaptable.

4.22 The non-residential floorspace would be provided across the site, including at ground floor level of the blocks fronting Blackhorse Lane and Sutherland Road; a standalone block in the centre of the site; and a standalone block in the dog-leg to the east. Flexible uses (Use Classes A1-A4 / B1 / D1 / D2) are sought for the floorspace fronting Blackhorse Lane, whilst the floorspace fronting Sutherland Road and the standalone blocks in the centre of the site and in the dog-leg are intended for commercial uses (Use Class B1) with the possibility of some community uses (Use Class D1).

4.23 Regarding the possibility of a nursery (Use class D1) in particular, as mentioned in Section 3, in total, 1,220sqm has the potential for D1 uses (which includes nurseries). The non-residential floorspace would be delivered to shell and core by the applicant. Future occupiers would be selected through a tender process run by the applicant. Viable proposals which accord with the Applicant's vision for the site would be considered. This could include a nursery, either as a standalone use, or as part of a complementary facility within a commercial use. The applicant would welcome a competitive proposal from the Council for part of the floorspace and would consider this alongside any other proposals received.

4.24 The development would be a car-free development (except for the provision of wheelchair accessible car parking spaces associated with the residential element and car club spaces). The proposal would provide the following car parking spaces from the outset, all of which, would be to wheelchair accessible standard:

- 12 residential spaces;
- 1 car club bay;
- 1 commercial bay; and
- 1 workspace bay.

4.25 A further 16 spaces would be made available for future users if demand arises.

4.26 A minimum of 660 cycle spaces would be provided for the residential element, including ten short-stay spaces. At least 52 cycle parking spaces would be provided for the non-residential uses; a minimum of 28 for long-stay, and 24 short-stay spaces.

4.27 Due to ongoing feasibility studies, two energy strategies have been submitted with the planning application; one involving Combined Heat and Power (CHP), and one involving Ground Source Heat Pumps (GSPH). The applicant's preference is to pursue the CHP option.

5 RELEVANT SITE HISTORY

A. Planning

5.1 Table 3 provides a summary of relevant planning history for the application site:

5.2 **Table 3: Relevant Planning History for Application Site**

Reference	Description of Development	Decision
2011/0984/OUT	Outline planning permission for the comprehensive redevelopment of the land known as Webbs Industrial Estate to comprise a mixed use scheme including the demolition of existing buildings and associated structures, the alteration of the highways, engineering and construction of new buildings and structures to provide an indicative total of 26,850 sqm (excluding basement) comprising "Artisan" workshops (Use Class B1), retail (Use Class A1/A2/A3), 235no. residential dwellings (Use Class C3), an energy centre, creation of 143 no. basement and grade car parking spaces, landscaping, creation of new public realm and associated works.	Granted 30th March 2012

B. Pre-Application

5.3 Prior to the submission of this planning application, the applicants have been involved in an extensive programme of pre-application discussions with officers since March 2018. This has included

engagement through a Planning Performance Agreement (PPA). This has included meetings with a number of specialist officers at the Council, including highways, drainage, energy, planning, planning policy, occupational therapy, urban design and waste.

5.4 The applicants have also engaged with the GLA through its formal pre-planning application advice service. This involved two meetings with planning, urban design and energy officers (on 15th May 2018 and 10th July 2018) as well as the provision of formal written advice (dated 31st July 2018 and 24th August 2018). Furthermore, the applicants also met with officers at Transport for London (TfL) on 14th May 2018 who accepted the principle of a car-free development (with the exception of the provision of wheelchair accessible bays), the provision of 3% disabled car parking from the outset; and the provision of 20% active electric vehicle charging points from the outset.

5.5 In addition to the above, officers and the applicants organised a Design Review by Design Council CABE. The site visit and Review was held on 13th June 2018 and was attended by members of the project team, officers and the CABE Design Advice Panel.

5.6 To summarise CABE's response, the provision of affordable housing in a key Growth Area was supported along with the positive landscape design that would provide an east-west link through the site between Blackhorse Lane and Sutherland Road. The architecture and urban design approach throughout the scheme was also considered favourable. Justification was required regarding height, form and location of the tower with further work required to explore the height, massing and form across the scheme. The provision of amenity and play space was also emphasised.

C. Enforcement

5.7 None.

D. Adjacent Sites

5.8 Table 4 provides a summary of relevant planning history for neighbouring sites:

5.9 **Table 4: Relevant Planning History for Neighbouring Sites**

Reference	Description of Development	Decision
2006/0064	**24 Sutherland Road** Mixed use redevelopment comprising an application for (a) Outline planning permission proposing industrial development (3,220sqm) and 37 Live-Work units (3,950sqm) on western part of site adjoining Sutherland Road and part Stirling Road Path and (b) Full planning permission for residential development on remainder of site adjoining Stirling Road, Hillyfield and St Andrew's Road consisting of 241 residential units (105 x 1 bed, 117 x 2 bed, 17 x 3 bed & 2 x 4 bed), involving the erection of buildings ranging between three and six storeys in height, provision of surface parking (22 spaces, plus 4 integral garages) and basement car park (218 spaces).	Granted 6th August 2007
164164	**37 Sutherland Road** Demolition of the existing buildings and the construction of a five storey replacement building and three storey side extension to Sutherland House in connection with the redevelopment of the site to provide 28 residential units (10 x 1 bedroom, 15 x 2 bedroom, 3 x 3 bedroom) and 439sqm of ground floor commercial floor space (Use Class B1), together with associated car parking, cycle parking and landscaping. The approved tenure was 11 shared ownership homes and 17 private homes (40% affordable by unit).	Granted 14th March 2018
142304	**71-81 Sutherland Road & 8 St. Andrews Road** Demolition of existing industrial buildings and construction of four new blocks (from two to five storeys in height) comprising a health centre (643sqm), 59 residential units (12 x 1 bed, 40 x 2 bed) and 7 x 3 bedroom three storey houses with associated landscaping. Provision of parking, cycle and refuse areas.	Granted 27th March 2015

171334	**71-81 Sutherland Road & 8 St. Andrews Road** Non-Material Amendment to planning permission 142304 to allow for change of description of approved proposal to read 13 x 1 bedroom and 39 x 2 bedroom instead of 12 x 1 bedroom and 40 x 2 bedroom. This was approved in July 2017.	Granted 13th July 2017

6 PUBLIC CONSULTATIONS

6.1 The consultation to residents took place on 18th October 2018. 360 addresses were notified of this planning application comprising of the following:

- Blackhorse Lane: 73-96 [all], 98-108 [evens], 112 [Highams Lodge Business Centre Units 1-16]
- Blackhorse Mews: Units 1, 1A, Units A-H, Units J and K
- Blenheim Road: 1-85 [all], 87, 89, 93-139 [odd]
- Century Road: 73, 76
- Hookers Road: 11, 12, 14, 15; Units 1, 2- 3, 4-6a, 7
- King Edward Road: 73, 74, 75
- Pembar Avenue: 46
- Priestley Way: Units 1, 5, 9-11, 13, 17 Forest Trading Estate
- Stirling Road: 59-81 [odd]
- Sutherland Road: 2A, 22, 22B [1-14 all St. Claude House], 22C, 33, 35, 37, 39, 43, 47, 49, 55-57, 59, 63, 65, 67-69, 71 [1-20 all Britains Apartments]
- Unity Place: 1-9 [all]
- Wigmore Place: 41-98 [all]

6.2 Site notices dated 19th October 2018 were displayed around the site.

6.3 The application was advertised in Waltham Forest News on 12th November 2018 (Issue 215).

6.4 The application consultation process resulted in a total of 44 representations received; 16 of which were objections, with 28 in support of the planning application. The relevant objection comments are summarised in 'Table 5: Objections Received'. The objections, which were received where street addresses could be confirmed are listed below:

- Blackhorse Lane;
- Blenheim Road;
- Forest Road;
- Shakespeare Road;
- Stirling Road; and
- Sutherland Road.

6.5 The representations relating to the issues of concern raised are detailed in the Table below, and are also matters which are addressed within Section 10 'Assessment' of this report.

6.6 **Table 5: Objections Received**

Objection Received	Response
Planning Policy	
100% affordable housing and whether it creates mixed and balanced communities.	The level of affordable housing is supported and has been designed to provide an affordable tenure with dwellings of different types and sizes.
Design	
The proposed building would not blend in with the character and appearance of the surrounding area and the 15-storey tower would appear incongruous and out of scale with surrounding residential terrace houses.	The proposed 15-storey element would retain an acceptable separation distance from neighbouring residential properties. The proposed building would have a stepped building form that would be seen as a key element for integrating the building with its context and neighbouring terrace houses at Blenheim Road.
Density / Overdevelopment	
Development would be too dense and would therefore put pressure on local amenities and services.	Although the proposed density is marginally above policy guidance set by Table 3.2 of the London Plan (2016), the proposed development should be assessed in terms of the emerging context of the site and the fact that it is positioned within a key Growth Area, where a further increase in density is in principle appropriate and the strategic aim to intensify the residential density is sought. The proposal therefore seeks

	to respond to the physical and environmental context of the surrounding area.
Housing Mix	
The proposed housing mix is not in line with policy requirements and the development would provide insufficient family-sized units.	There is a level of flexibility in terms of the preferred housing mix for the site, in which a higher proportion of one and two-bedroom units would be acceptable, by reason that these units can increase levels of affordability. Whilst the percentage of family-sized units is not entirely consistent with policy requirements, the GLA's Housing SPG (2016) encourages flexibility in terms of housing mix on higher density developments.
Overlooking and Loss of Privacy	
Development would harm the residential amenity of neighbouring residents in terms of overlooking and loss of privacy.	The proposed buildings would provide an acceptable separation distance from neighbouring properties and therefore any ability to overlook habitable windows at neighbouring properties at Blenheim Road in particular would be within acceptable limits.
Daylight and Sunlight	
Development would harm the sunlight / daylight of neighbouring properties by reason of excessive height and proximity to neighbouring residential properties.	The Daylight, Sunlight and Overshadowing Report was submitted with the application. An assessment of residential amenity is provided in Section 10 of this report.
Impact on Public Transport	
The development would have an effect on the current transport network and could result in overcrowding at travel times.	The development is conceived in a way that maximises sustainable modes of travel and would not materially affect the current transport network capacity for the site due to future demand. There would also be a Section 106 financial contribution of £224,375 for

	Transport for London towards improvement to capacity, connectivity and accessibility of the local bus network.
Parking	
Development would cause additional demand on parking within an area of little capacity for parking.	The development would be largely car-free and therefore aims to reduce vehicle traffic within the local road network.
Air and Noise Pollution	
The development would have a harmful impact due to additional traffic and noise generation. Moreover, proper consideration with reference to impact on pollution during the construction phase of the development should be reviewed.	Conditions to any planning permission requiring a Construction Method Statement and a Construction Logistics Plan are recommended in order to ensure that appropriate mitigation measures are taken into consideration in order to safeguard residential amenity and safety. There would also be a Section 106 financial contribution of £61,590 towards implementation of the Air Quality Action Plan.
Trees and Wildlife	
The development should secure that existing trees along the boundary of the site are protected.	A condition to any planning permission requiring details of existing trees and hard and soft landscaping works is recommended, in order to ensure that the development has no detrimental impact on existing trees around the site and that these are adequately safeguarded. Loss of trees would require a Section 106 financial contribution for the equivalent CAVAT value.
Flood Risk	
The existing run off soaks into the wooded area at the rear of existing gardens at Blenheim Gardens. Adequate provisions should therefore be ensured in	A Condition to any planning permission is recommended that seeks to reduce any risk from sources of flooding.

order to ensure that water soaks into porous surfaces.	
Hoarding Backing On To Blenheim Road / Boundary Fencing	
The existing hoarding and any replacement should be lowered and enhanced in terms of visual appearance. Information would be required for proposed boundary fencing between the site and neighbouring properties.	A condition to any planning permission is recommended in order to ensure that appropriate details of boundary treatment are provided around the site.
Lack of Infrastructure / Impact on Existing Infrastructure	
The development should respond to community facilities that are needed within the area, particularly health centres, nurseries and primary school.	The expected increase in demand for community facilities, which would result from the development, would be adequately catered for. There are adequate infrastructure facilities within the local area to cater for future residents within the development. This is acknowledged in Section 3 and 4 of this report.
Light Pollution	
The surrounding areas are residential and lit by traditional street lighting, which is considered adequate. There is no need for light to trees, roof terraces, seats, bridges etc. to be specifically lit.	A condition to any planning permission requiring details of external lighting on the building and around the site is recommended in order to protect the living conditions of neighbouring residents and address any concerns over light pollution.
Refuse Collection	
Concern raised regarding possible increase to already strained local council services, such as refuse collection.	Officers consider that a condition to any planning permission requiring a Waste Management Strategy with details of the physical disposal of refuse is recommended in order to ensure that the collection of waste is appropriately managed. Whilst in principle, the proposal is acceptable in Waste Management

	terms, the finer details such as the arrangement of bin collection areas can be addressed as a planning condition.
Open Space	
Development would fail to provide sufficient open space for residents.	The proposed private and communal amenity spaces are considered acceptable and would incorporate accessible, secured and high quality private and communal amenity areas, with an emphasis on high quality public realm and a through route for pedestrians and cyclists. Additionally, there would be a Section 106 contribution of £89,000 towards links to and / or Higham Hill Park improvements to ensure the neighbouring park benefits from this development.

6.7 The representations relating to support for the application are detailed below, which all form the same text.

6.8 **Table 6: Support Received**

Support Received
Application would provide 359 affordable homes for shared ownership; new space for artists and small business; a new green link for pedestrians and cyclists; and new retail along Blackhorse Lane. I hope planning permission is granted for the proposed development.

7 OTHER CONSULTATIONS

7.1 **Internal and External Representations Received**

7.2 'Table 6: LBWF Consultation Responses' lists the responses received from Waltham Forest Council consultees.

7.3 **Table 6: LBWF Consultation Responses**

LBWF Consultees	Comments
Urban Design & Conservation	No objection in principle subject to comments in relation to storey heights requiring justification. The applicant has sought to address this through the Design and Access Statement and Town Planning Statement, which is addressed in Section 10 of this report. An opportunity to achieve an exemplary standard of urban and architectural design. The layout including the culvert proposal and the inclusion of a pedestrian / cycle link is supported. Planning conditions should be secured to any planning permission that would achieve high quality development including hard and soft landscaping.
Business, Investment & Employment	No objection subject to the following provisions: Procure a percentage of all jobs available for the construction or fit-out of the development during the Construction Phase are offered to Local Residents. To provide a minimum of 47 apprentice posts in the construction trade during the construction phase of the development. To provide a minimum of 17 Work Placements in the construction trade during the Construction Phase of the Development with such posts being first offered to Local Residents. Procure a minimum of 20% Local Suppliers during the Construction Phase of the Development.
CCTV	Recommend that CCTV is planned for all public pathways and areas around the site and inside the planned area. Ground floor blocks to have coverage including all bin areas and potential fly tipping locations. All cameras linked, maintained and managed by and from the Ops centre at the Council. Any

	maintenance costs to be covered for 5 years under the Agreement.
Children's Services	Applicant to explore if there was any possibility of the Local Authority achieving its statutory duty to provide Early Years childcare in this location. This is acknowledged in Sections 3 and 4 of this report.
Education	For Primary (school), the proposal would likely result in an additional 15-20 pupils per year group and in Secondary (school) around 10 per year group. In the short term, the Council has sufficient places to cope with this potential increase. This is acknowledged in Sections 3 and 4 of this report.
Environmental Health	No objection subject to the recommendation of conditions and informatives to any planning permission. Air Quality: To secure proposed mitigation measures for impact on air quality and dust emissions, in the form of an Air Quality and Dust Management Plan (AQDMP). Should the development have CHP or biomass, the CHP and or biomass boilers must not exceed the Band B Emission Standards for Solid Biomass Boilers and CHP Plant as listed in Appendix 7 of the London Plan's Sustainable Design and Construction SPG document and further recommended associated conditions. Noise: To secure Construction / Demolition Method Statement. Regarding sound insulation between residential and commercial, the recommendations in the Environmental and Intrusive Noise Study (dated October 2018, ref: P1798-REP02-TSL Rev B) are found to be satisfactory. The development to be carried out in accordance with the approved scheme. An hours of operation condition for A3-A5 and supermarkets is recommended. Deliveries condition is recommended.

	Contaminated Land: A contaminated land condition is recommended in the interests of future health of occupiers of the development and to protect pollution of groundwater. Section 106 contributions are also requested in accordance with the Council's Planning Obligations (2017) SPD, which involves implementation of the Air Quality Action Plan.
Highways	• The site will open up a former closed industrial site, creating a new pedestrian and cycle link from Sutherland Road to Blackhorse Road and the station. • S278 works will be required on the western frontage to provide a stepped cycle track in each direction on Blackhorse Lane, and on the eastern frontage at Sutherland Road. • Proposed changes and works to the culvert. These comments are provided on the basis that the developer will carry out and fund these works however if, for any reason, the developer does not progress the upgrade of the culvert under the Blackhorse Lane then a S106 contribution will need to be sought for the borough to do these works. • Further detail is required regarding the location and management of the access control system using removable bollards, including the size of vehicles and number of vehicles expected to be allowed through the site. • The site will be car-free; residents shall not be entitled to permits for a CPZ. • A S106 contribution is requested for sustainable transport and local walking, cycling safety and accessibility improvements. • A S106 contribution of £33,000 is requested towards flooding and drainage inspections during and post-construction over a 30 year period. • Highways will require an Approval in Principle for any structural amendments

	to the culvert under Blackhorse Lane.
Housing	Officers support the application as it will provide much needed affordable housing. Although it does not meet the preferred policy tenure mix, bearing in mind that developers are housing associations who are being required to provide 100% affordable housing, then the Council supports a recommendation for permission subject to the application meeting other planning requirements.
Nature & Conservation	No comment to make on this, as the heritage impact is negligible. There are no designated heritage assets within the immediate context of the application site, and those that are within its vicinity but further afield are unlikely to be affected in any considerable way.
Occupational Therapist	36 (10%) wheelchair accessible units are provided in the form of two- and three-bedroom units although there is a preference for one-bedroom units.
Parks	If T18 London Plane tree (fronting Blackhorse Lane) is to be removed, CAVAT value of £9,392 will apply.
Planning Policy	There is a general recognition that affordable housing has been historically under-delivered and that currently affordable housing makes up 65% of London's current housing need. Subject to a viability mechanism that ensures the delivery of the scheme in its optimum form and given the context of the borough's London Plan target of 1,794 units per year, the scheme is supported in terms of its contribution to the delivery of affordable housing in the borough.
Waste	Further details of waste / management strategy required, secured as a condition to any planning permission.
Regeneration	Support the application and recommend public realm measures are secured as part of any planning permission: • Protect and control green link / culvert to ensure it is publicly accessible. • PD restriction to proposed land uses.

	• Retail and Commercial Strategy. • S106 Contributions: £89,000 towards links to and / or Higham Hill Park improvements.
Sustainability and Energy	No objection subject to conditions and required Carbon Offset Payment of £74,007.
Transport Policy	No objection although wheelchair accessible parking provision should be increased to policy requirement.
Higham Hill Ward Councillors	No response received at the time of writing.
William Morris Ward Councillors	No response received at the time of writing.

7.4 'Table 7: LBWF Consultation Responses' lists the responses received from Waltham Forest Council consultees.

7.5 **Table 7: External and Statutory Consultation Responses**

External & Statutory Consultees	Comments
Environment Agency	No objection subject to planning conditions in the interest of prevention of water pollution.
Greater London Authority	The application does not comply with the London Plan and draft London Plan, for the reasons set out below. However, the resolution of those issues could lead to the application becoming compliant with the London Plan and draft London Plan: • The applicant should provide details of the affordable workspace offer; • The applicant should provide full details of the affordability of the shared ownership units; • The applicant should provide additional views of the scheme from Blenheim Road; • The applicant has proposed two alternate energy strategies, a Combined Heat and Power solution (the energy strategy now proceeding

	with) and a Ground Source Heat Pump led solution. Given it is the preferred approach, GLA officers have assessed the GSHP strategy; however, should an alternate strategy be developed, a revised assessment will be required. For the GSHP strategy, further information is required on all parts of the energy hierarchy, as set out in London Plan Policy 5.2 and draft London Plan Policy S12; and • Further discussion is required regarding the Blackhorse Road frontage, including the requirement for pedestrians to deviate from an existing desire line, narrowing of the footway and pedestrian / vehicular conflicts. In addition, a financial contribution towards improving bus services should be secured within any Section 106.
Historic England (Greater London Archaeological Advisory Service)	On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.
Lee Valley Regional Park Authority	No response received at the time of writing.
London Borough of Haringey	No objection.
London Fire and Emergency Planning Authority	No response received at the time of writing.
Metropolitan Police – Design Out Crime Prevention Officer	No objection subject to the recommendation of a condition to secure a Certificate of Compliance to the relevant Secured by Design Guide(s) or alternatively achieve Crime Prevention Standards. An informative is also recommended that the applicant seek the advice of the Metropolitan Police Service Designing Out Crime Officers.

Natural England	No objection subject to appropriate mitigation being secured to address the effect on the integrity of Epping Forest Special Area of Conservation. The development is within the Zone of Influence and may contribute to increased recreational pressure, therefore mitigation may be required. Advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.
Thames Water	No response received at the time of writing.
Transport for London	Trip Generation: TfL still maintains there should be zero allowance for the last use of the site and thus have based comments only on proposed trip rate figures and have taken no account of the existing trip rates supplied by the applicant. Buses: TfL could not justify a service level improvement to local bus services. However, TfL notes that the Blackhorse Lane Area Action Plan requires that 'adequate provision for buses and taxis to meet the needs of the proposed development, which may include financial contributions', should be secured. We therefore consider that a contribution towards enhancements is justified as necessary mitigation to help provide additional capacity to address cumulative impacts arising from this development and others in the area but also improve links with Walthamstow town centre and other local facilities not within walking distance. Car Parking: 12 on-site blue badge parking spaces are being proposed from the outset for the residential element of the development. The applicant must also provide a minimum of 1 blue badge parking space for the non-residential land uses proposed in this development. 20% of parking spaces will provide electrical charging facilities from the outset. However to fully comply with the draft

	London Plan all remaining spaces should have passive provision. A car free development is compliant with draft London Plan policy T6.1 requirements and is therefore welcomed by TfL. The 12 disabled parking bays (3.3% of dwellings) proposed from the outset adheres to the draft London Plan requirement and is therefore welcomed by TfL. The applicant has provide evidence of providing a further 16 spaces for future use if demand requires it. The total provision equivalent to 8% of dwellings is slightly below draft London Plan requirements; However on balance it is acceptable to TfL subject to addressing concerns about bus services noted above which provide a good transport option for people with mobility constraints. Cycle Parking: A total of 660 cycle parking spaces (650 long stay plus 10 short stay) are proposed for the residential element of the development, which meets draft London Plan requirements. TfL welcomes this. 52 cycle parking spaces (28 long stay plus 24 short stay) are proposed for the non-residential element of the development, which meets draft London Plan requirements. Healthy Streets Review: TfL would like to know how the Healthy Streets scores will be improved with this development in place. Microclimate and Streetscape: We strongly encourage re-thinking the balance between the building height (eight stories) and footway space provision facing Blackhorse Lane. Additional defensible space would be beneficial for the residential units facing the road, mitigating potential noise from traffic including the 158 bus route. A 'canyon' effect should be avoided in case the plot to the west of Blackhorse Lane will be re-developed in the future up to their site boundary. This would negatively impact the microclimate, creating a narrow, overshadowed and potentially windy road, with little future opportunity for greening

	and flexibility of using of space. This issue is acknowledged in Section 10D of this report. Vehicular Access: We estimate that for 359 residential units the frequency of home deliveries could be significant, around 13 vehicles per hour, about 4 per hour being larger vehicles. Consideration should be given to ensure that the carefully designed on site landscape and public spaces are not downgraded by the traffic. Further details of landscaping is recommended as a condition to any planning permission. Cycle Access and Storage: Consideration to be given to potential shared footpaths. Construction: The applicant has provided an outline Construction Logistics Plan, as suggested by TfL at the pre-application stage. We recommend that the Council ensures that the commitments in the draft Construction Logistics Plan (CLP) are included in the detailed CLP. A detailed Construction Logistics Plan should be secured by condition. Deliveries: The applicant has provided a draft Delivery Servicing Plan, as suggested by TfL at the pre-application stage. We recommend that the Council ensures that the commitments in the draft Delivery and Servicing Plan (DSP) are included in the full DSP. A full Delivery and Servicing Plan should be secured by condition. Travel Plan: The applicant has provided a framework Travel Plan, as suggested by TfL at the pre-application stage. The Council should secure, enforce, monitor, review and ensure the funding of the Full Travel Plan through the Section 106 Agreement to ensure conformity with draft New London Plan Policy T4.
London Underground Infrastructure	No comment to make.

Protection	
Rail for London	No comment to make.

8 DEVELOPMENT PLAN

National Planning Policy Framework (2018)

8.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. It contains a presumption in favour of sustainable development, described as at the heart of the framework.

8.2 For decision-taking the NPPF states that the presumption means *"approving development proposals that accord with an up-to-date development plan without delay"* and where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless *"…any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".*

8.3 The NPPF gives a centrality to design policies; homes should be locally led, well-designed, and of a consistent and high quality standard. Local planning authorities (LPAs) are to make sure that the quality of approved developments does not materially diminish 'between permission and completion, as a result of changes being made to the permitted schemes'.

8.4 The specific policy areas of the NPPF considered to be most relevant to the assessment of this application are as follows:

- Delivering a sufficient supply of homes
- Building a strong, competitive economy
- Promoting healthy and safe communities
- Promoting sustainable transport
- Making effective use of land
- Achieve well-designed places
- Delivering a wide choice of high quality homes

The London Plan (2016)

8.5 The London Plan (2016) is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. The London Plan was formally amended in 2016 incorporating alterations, since initial adoption in 2011.

8.6 The policies relevant to this application are considered to include and not limited to:

- 1.1 Delivering the strategic vision and objectives for London
- 2.1 London in its global, European and United Kingdom context
- 2.2 London and the wider metropolitan area
- 2.3 Growth areas and co-ordination corridors
- 2.5 Sub-regions
- 2.6 Outer London: vision and strategy
- 2.7 Outer London: economy
- 2.8 Outer London: transport
- 2.13 Opportunity Areas and Intensification Areas
- 2.14 Areas for regeneration
- 2.16 Strategic outer London development centres
- 2.18 Green infrastructure: the multi-functional network of green and open spaces
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.7 Large residential developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.15 Coordination of housing development and investment
- 3.16 Protection and enhancement of social infrastructure
- 4.1 Developing London's economy
- 4.3 Mixed use development and offices

- 4.4 Managing industrial land and premises
- 4.9 Small shops
- 4.10 New and emerging economic sectors
- 4.11 Encouraging a connected economy
- 4.12 Improving opportunities for all
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.16 Waste net self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach [to transport]
- 6.2 Providing public transport capacity and safeguarding land for transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.7 Better streets and surface transport
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion

- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.14 Improving air quality
- 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands
- 7.30 London's canals and other rivers and waterspaces
- 8.1 Implementation
- 8.2 Planning obligations
- 8.3 Community infrastructure levy
- 8.4 Monitoring and review

The Draft London Plan (2017)

8.7 There is a Draft London Plan, published on 29th December 2017, which was the subject of public consultation between 1st December 2017 and 2nd March 2018. However, until this document is formally adopted, it does not carry as much weight as the adopted London Plan (2016) in terms of assessing the current application. It should also be noted the general principles further reinforce the provisions of the London Plan (2016), and the changes proposed are considered to raise only minor new policy considerations pertinent to the assessment of the proposal under consideration.

Waltham Forest Local Plan Core Strategy (2012)

8.8 The Waltham Forest Core Strategy (2012) was adopted on 1st March 2012.

8.9 The Core Strategy contains 16 policies designed to deliver the Council's vision for the physical, economic, environmental and social development of the Borough. These policies will be used to direct and manage development and regeneration activity up to 2026.

8.10 The policies considered relevant to this application are as follows:

- CS1: Location and Management Growth
- CS2: Improving Housing Quality and Choice
- CS4: Climate Change
- CS5: Enhancing Green Infrastructure and Biodiversity
- CS6: Promoting Sustainable Waste Management and Recycling
- CS7: Developing Sustainable Transport
- CS8: Making Efficient Use of Employment Land
- CS10: Creating More Jobs and Reducing Worklessness
- CS13: Promoting Health and Well Being
- CS15: Well Designed Buildings, Places and Spaces
- CS16: Making Waltham Forest Safer

Waltham Forest Local Plan Development Management Policies (2013)

8.11 The Local Plan Development Management Policies Document was adopted in November 2013. This sets out the borough-wide policies that implement the Core Strategy and delivering the long term spatial vision and strategic place shaping objectives. There is an emphasis on collaboration and a positive proactive approach to reaching a balance agreement that solves problems rather than a compromise that fails to meet objectives. The following policies are relevant in this case:

- DM1: Sustainable Development and Mixed Use Development
- DM2: Meeting Housing Targets
- DM3: Affordable Housing Provision
- DM5: Housing Mix
- DM7: External Amenity and Internal Space Standards
- DM10: Resource Efficiency and High Environmental Standards
- DM11: Decentralised and Renewable Energy
- DM13: Co-ordinating Land use and Transport
- DM14: Sustainable Transport Network
- DM15: Managing Private Motorised Transport
- DM16: Parking
- DM17: Social and Physical Infrastructure
- DM18: Strategic Industrial Locations
- DM19: Borough Employment Areas
- DM21: Improving Job Access and Training

- DM23: Health and Well Being
- DM24: Environmental Protection
- DM27: Night Time Economy Uses
- DM29: Design Principles, Standards and Local Distinctiveness
- DM30: Inclusive Design and the Built Environment
- DM31: Tall Buildings
- DM32: Managing Impact of Development on Occupiers and Neighbours
- DM33: Improving Community Safety
- DM34: Water
- DM35: Biodiversity and Geodiversity
- DM36: Working with Partners and Infrastructure

9 MATERIAL PLANNING CONSIDERATIONS

- Department for Communities and Local Government Technical Housing Standards – Nationally Described Space Standard (2015)
- The Upper Lee Valley Opportunity Area Planning Framework (2013)
- The London Plan Housing Supplementary Planning Guidance (2016)
- Waltham Forest Local Plan Blackhorse Lane Area Action Plan (2015)
- Waltham Forest Local Plan Urban Design Supplementary Planning Document (2010)
- Waltham Forest Local Plan Planning Obligations Supplementary Planning Document (2017)
- Waltham Forest Local Plan Affordable Housing and Viability Supplementary Planning Document (2018)
- Waltham Forest Local Plan Shop Front Design Supplementary Planning Document (2016)

<u>Natural England – Epping Forest Special Area of Conservation</u>

9.1 Natural England issued interim advice on 20th September 2018 in relation to the Epping Forest Special Area of Conservation (SAC) Mitigation Strategy and the Habitats Regulations. The advice applies to all residential development within the extended Zone of Influence, which includes the Local Planning Authority's area. The development is

therefore liable to mitigation measures on any impact on the Epping Forest SAC.

Local Finance Considerations

9.2 Local Finance Considerations are a material consideration in the determination of all planning applications. Local Finance Considerations can include either a grant that has been or would be given to the Council from central government or money that the council has received or will or could receive in terms of Community Infrastructure Levy (CIL).

i) There are no grants which have been or will or could be received from central government in relation to this development.

ii) The Council has not received but does expect to receive income from LBWF CIL in relation to this development.

iii) The Council has not received but does expect to receive income from Mayoral CIL in relation to this development.

10 ASSESSMENT

10.1 The main issues for consideration, in relation to the proposed development are as follows:

A. Principle of Development and Employment Use;

B. The Provision of Affordable Housing;

C. The Proposed Housing Mix;

D. The Density of Development;

E. The Standard of Residential Accommodation;

F. The Design of Development;

G. The Impact on Visual and Residential Amenity;

H. Transport and Highways;

I. Waste Management;

J. The Environmental Impact of the Development;

K. Sustainable Design and Energy Efficiency;

L. Trees and Landscaping;

M. Flood Risk;

N. Security Measures;

O. Education and Healthcare Provision; and

P. Planning Obligations.

A. Principle of Development and Employment Use

Principle of Development

10.2 Paragraph 11 of the National Planning Policy Framework (NPPF) (2018) places a presumption in favour of *'sustainable development'* which it states should be a *'golden thread'* running through plan and decision making. The general thrust of national, regional local planning policy and guidance is to secure sustainable patterns of development and regeneration through the efficient re-use of previously developed urban land, and through concentrating development in accessible locations.

10.3 In the context of making effective use of land, Paragraph 117 of the NPPF (2018) states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses. Paragraph 118 goes on to state that planning policies and decisions should encourage multiple benefits from both urban and rural land (including through mixed use schemes), should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

10.4 The site is located within the Upper Lea Valley Opportunity Area. Policy 2.13 of the London Plan (2016) states that development proposals within opportunity and intensifications areas should seek to optimise residential and non-residential output and densities, provide necessary social and other infrastructure to sustain growth, and where appropriate, contain a mix of uses. Policy 2.13 of the London Plan (2016) also states that development proposals within opportunity and intensification areas should support wider regeneration (including particular improvements to environmental quality) and integrate development proposals to surrounding areas, especially areas for regeneration.

10.5 In accordance with the Waltham Forest Local Plan Development Management Policies (2013), the site is located within the Sutherland Road Borough Employment Area (BEA9). As such, Policy DM19 of the Waltham Forest Local Plan Development Management Policies (2013) is relevant. Policy DM19 looks to safeguard existing employment generating uses (Use Classes B1, B2 and B8) within Borough Employment Areas. However, Policy DM19 further states that:

Other uses such as housing and social infrastructure will only be permitted in the borough's key growth areas, where they act as a

facilitator to an improved and intensified employment offer on site, secure other regeneration benefits, and are considered acceptable in all other respects.

10.6 Policy CS1 of the Waltham Forest Local Plan Core Strategy (2012) states that growth will be distributed and managed within the borough by focusing regeneration activities within the Key Growth Areas. Policy CS1 further states that, within these areas, the Council will seek to accommodate growth in housing and jobs, especially for local people. With regards to the Blackhorse Lane Growth Area specifically, Policy CS1 states that the Council will seek to provide up to 2,500 new homes and about 1,000 new jobs within this area.

10.7 The Waltham Forest Local Plan Blackhorse Lane AAP (2015) seeks to guide a comprehensive mixed-use redevelopment of the Blackhorse Lane area. The Waltham Forest Local Plan Blackhorse Lane AAP (2015) aims for the provision of high quality, higher density development with active street frontages that address public realm, particularly towards Forest Road and Blackhorse Lane. The site is within the Blackhorse Lane Growth Area and is identified as an Opportunity Site (BHL6) within the Waltham Forest Local Plan Blackhorse Lane AAP (2015).

10.8 Policies BHL2 and BHL6 of the Waltham Forest Local Plan Blackhorse Lane AAP (2015) state that the new homes and jobs that the Council is looking to provide in the area will be met by bringing forward mixed-use schemes on the opportunity sites.

10.9 Whilst Policy DM19 of the Waltham Forest Local Plan Development Management Policies (2013) is relevant, this should be read alongside the more-up-to-date Area Action Plan opportunity site allocation for mixed-use development. Due consideration should also be given to the specific regeneration objectives set out within the adopted policy documents and the site specific development brief. Based on these objectives, there is a clear objective for mixed-use redevelopment at the site. The proposed development (comprising a mix of residential and employment uses) therefore accords with this objective and is considered acceptable in principle.

10.10 Due regard is also given to the (now expired) outline planning permission at the site (Planning Permission Ref: 2011/0984/OUT). This outline permission was for a mixed-used development including a significant number of new homes and employment floorspace. The principle of such a development has therefore already been considered acceptable at the site. Indeed, the supporting text to Opportunity Site BHL6 states that the outline permission established the appropriate uses for the site.

10.11 In addition, the increase of residential units would contribute in meeting the housing target as set out in Policy 3.3 of the London Plan (2016). The residential element with integrated public and private amenity spaces, when added to the provision of flexible commercial floor space, would contribute to the delivery of the masterplan as set out in Policy DM1 of the Waltham Forest Local Plan Development Management Policies (2013) by encouraging mixed use forms of development within the Blackhorse Lane Growth Area.

10.12 The site is currently cleared and ready for redevelopment. The site lies within the area of the Blackhorse Lane Area Action Plan (BHL AAP) (2015), the Upper Lee Valley Opportunity Area and a GLA Housing Zone. Although not implemented, outline planning permission Ref: 2011/0984/OUT established the principle of mixed-use development on this site. This is reflected in the Waltham Forest Local Plan Blackhorse Lane AAP (2015) and the site is allocated for this purpose.

10.13 Overall, the proposed mixed-use, residential-led development would be compatible with the surrounding area, considering that the proposed commercial units would provide active frontages and would respond to a new public realm and streetscape, particularly along Blackhorse Lane and there would be a clear distinction between residential and commercial floor space. The development therefore raises no concerns in terms of land use and would contribute in delivering the objectives under the Council's broader masterplan for the Blackhorse area, with the provision of strategically important connections and permeability, in accordance with Policies 2.7, 3.3 and 4.3 of the London Plan (2016), Policies CS1, CS2, CS3 and CS10 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM1, DM2 and DM26 of the Waltham Forest Local Plan Development Management Policies (2013).

Employment Use

10.14 In terms of employment space, the provision of approximately 2,565sqm would comply with the requirements of Policy CS8 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM19 of the Waltham Forest Local Plan Development Management Policies (2013), having regard to the Borough Employment Area designation of the site.

10.15 The applicant has taken steps prior to submission of its planning application to identify and secure occupiers for the non-residential space in the proposed development. This has involved engaging with the Council's Regeneration team and interested investors / occupiers, while recognising the area's emergence as a location for creative enterprise and independent business.

10.16 In August 2018, the applicant worked with the Council to prepare a brief and undertake market testing to understand the commercial interest in taking on all the non-residential space on a long lease basis. The market testing also allowed interested occupiers to express interest in taking space within the scheme, highlighting the opportunity for flexible and affordable workspace, studios, retail and complementary uses such as nursery, community or youth space. The market testing also acknowledged that meanwhile or *'worthwhile'* uses can beneficially be used to occupy space prior to a longer-term use being secured. The non-residential space is programmed for phased completion from late 2021 to late 2022.

10.17 The submitted Economic Statement, which accompanies the planning application, states that the scheme is looking to provide:

- Significant increases in employment generation on the site;
- Commercial spaces suitable for SMEs and key growth sectors such as creatives and tech; and
- Affordable workspace which will allow local small start-ups to access quality space at below market rents.

10.18 The submitted Economic Statement also confirms that the proposals would include:

- Low-cost business space;
- Flexible workspace suitable for a range of cultural and creative businesses; and
- Small-scale office development suitable for small and local businesses.

10.19 These commitments would be secured through any Section 106 Agreement, where the applicant would be required to develop a Retail and Commercial Space Strategy. The Strategy would need to be approved by the Council prior to commencement of the development and would include:

- Process for securing a commercial investment partner to own and manage the non-residential space;
- Preparation of detailed design briefs for the non-residential space;
- Marketing and letting strategy to secure occupiers in the target sectors, including local Waltham Forest businesses, as described above;

- Process for delivering the fit out of the non-residential space beyond 'shell and core';
- Commitments on the Affordable Workspace, including the quantum of space, rental levels and lease terms, letting and management strategies;
- Approach to phasing and the delivery of meanwhile / 'worthwhile' uses on a temporary basis prior to longer-term lettings;
- Coordination of uses with those coming forward in other developments in the Blackhorse Lane / Sutherland Road area; and
- Process for providing the Council with regular updates on and monitoring of the Strategy.

B. The Provision of Affordable Housing

10.20 Policy 3.11 of the London Plan (2016) seeks to maximise affordable housing provision to ensure an average of at least 17,000 additional affordable homes per year across London.

10.21 Policy 3.11 also promotes a strong and diverse intermediate housing sector and sets out that 60% of affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale. The policy also requires local authorities to set an overall target for affordable housing provision as well as separate targets for social rented and intermediate housing. The policy sets a standard affordable housing provision threshold of sites with capacity to provide 10 or more units.

10.22 Policy CS2 of the Waltham Forest Local Plan (2012) seeks to maximise the number of quality affordable homes in the borough by aiming to provide at least 50% affordable housing over the Plan period, with a tenure split of 40% shared ownership and 60% social / affordable rented sought as set out in Policy DM3 of the Waltham Forest Local Plan Development Management Policies (2013).

10.23 Policy CS2 of the Waltham Forest Local Plan Core Strategy (2012) provides flexibility in assessing the level of affordable housing on a site-by-site basis to achieve the maximum available. In addition as the land is publicly owned, a high level of affordable housing is appropriate on this site.

10.24 The proposed level of 100% affordable housing provision for the current 359 residential unit scheme exceeds the policy requirement of

50% and is therefore not only considered to be acceptable, but is welcomed.

10.25 In terms of tenure, Policy DM3 of the Waltham Forest Local Plan Development Management Policies (2013) applies a 60% social rent and 40% shared ownership tenure split. However, Policy BHL5 of the Waltham Forest Local Plan Blackhorse Lane AAP (2015) prioritises shared ownership as its preferred intermediate product within the AAP area. Taken with the forecast in the Waltham Forest Strategic Housing Market Assessment (2017) that net future annual affordable housing need is 61% for intermediate tenures, there is a rationale for the delivery of such units in this development.

10.26 The proposed development would deliver all of the proposed residential units as intermediate shared ownership. The affordable housing provision has been designed to provide an affordable tenure in accordance with the Developer Agreement. Moreover, the number of family-sized units has been maximised, which would result in 169 two-bedroom units (39%) and 53 three-bedroom units (14.8%).

10.27 Whilst it does not comply with Policy DM3 of the Waltham Forest Local Plan Development Management Policies (2013) in terms of a 60% social / affordable rent and 40% shared ownership tenure split, given the level of affordable housing being offered, indicative policy in the Waltham Forest Local Plan Blackhorse Lane AAP (2015), levels of affordable housing in alternative tenures in the area and the likelihood of social rented housing coming forward on nearby sites in the future, the tenure mix is considered to be acceptable.

10.28 A Financial Viability Assessment has been submitted by the applicant, by virtue that the development although would provide 100% affordable housing, does not accord with the policy tenure mix. The level of affordable housing provision has been assessed by the Council's independent viability assessors who confirm its acceptability, subject to Section 106 financial contributions to mitigate any impacts.

10.29 With regards to affordability, the following examples of affordability have been provided by the applicant in Table 8:

10.30 **Table 8: Affordability**

Unit Type	Market Value (£)	10% Deposit (£)	Monthly Costs (£)	Minimum Annual Required Household Income (£)
1B2P Flat	362,500	9,063	1,245	53,339
2B3P Flat	445,000	11,125	1,466	65,918
2B4P Flat	487,500	12,188	1,547	69,730
3B5P Flat	540,000	13,500	1,602	73,778
3P5P Duplex	565,000	14,125	1,735	74,341
3B6P Triplex	675,000	16,875	1,830	74,793

10.31 An independent assessment of the submitted Financial Viability Assessment was undertaken by BPS Surveyors where affordability was tested. The affordability of the units with up to 35% equity share (except the largest unit which is only affordable with up to 25% equity share) was tested and deemed satisfied that they meet the £90,000 income threshold. It is therefore considered satisfactory that the units are affordable but highlight that the largest unit is contrary to the Mayor Guidance which states, '*For shared ownership properties, to ensure mortgage costs assumptions are reasonable, boroughs, developers and Registered Providers are advised to assume buyers will access a repayment mortgage, with a term of 25 years and a 90 per cent loan to value ratio. The prevailing average interest rate being offered to lenders based on the terms above should be used to calculate the monthly payments'.*

10.32 Generally, shared ownership is considered not to be appropriate where unrestricted market values of a home exceed £600,000. One suggestion would be to request a unit swap to make this as a private unit. Given the requirement of the applicant to provide 100% of the units as intermediate shared ownership in accordance with a Development Agreement, officers consider that the provision of a single tenure of affordable housing would be preferred in this instance rather than for private sale.

10.33 Taking into account the London Strategic Housing Market Assessment and the Mayor's Affordable Housing and Viability SPG (2017), there is a general recognition that affordable housing has been historically under-delivered and that currently affordable housing makes up 65 %

of London's current housing need. Subject to a Section 106 Agreement that ensures the delivery of 100% affordable housing and given the context of the borough's London Plan target of 1,794 units pa, the scheme is considered to be acceptable regarding the provision of affordable housing that would make a significant contribution to affordable housing delivery in the borough.

C. The Proposed Housing Mix

10.34 Paragraph 9 of the NPPF (2018) states that, '*sustainable development involves seeking positive improvements in the quality of the built environment, including widening the choice of high quality homes*'. The NPPF (2018) recognises that in order to create sustainable, inclusive and diverse communities, a mix of housing types, which is based on demographic trends, market trends and the needs of different groups, should be provided.

10.35 Policy 3.8 of the London Plan (2016) states that, *'boroughs should seek to ensure that new developments offer a range of housing choices in terms of the mix of housing sizes and types, taking into account the housing requirements of different groups'*.

10.36 Policy 3.9 of the London Plan (2016) further seeks a more balanced mix of tenures in all parts of London. This is emphasised within the Mayor's Housing SPG (2016), which provides further guidance to aid the delivery of a wide choice of quality homes and a mix of housing that meets local and strategic demand

10.37 Policy CS2 of the Waltham Forest Local Plan Core Strategy (2012) requires mixed and balanced communities and sets out the Council's priority for larger homes (3 bedrooms or more) in new developments. Policy DM5 of the Waltham Forest Local Plan Development Management Policies (2013) sets out the Council's preferred housing mix for mainstream market housing schemes which states that, *'there should be a varied mix of units across the development'*. Policy DM5 reiterates Policy CS2 and sets out the Council's preferred housing mix with the preferred percentage being as follows: 20% 1 bedroom units, 30% 2 bedroom units, 40% 3 bedroom units and 10% 4 bedroom units.

10.38 The proposed development involves the construction of 359 residential units, which would have the following housing tenure mix as illustrated in Table 9:

10.39 **Table 9: Housing Mix**

No. of Bedrooms	1 Bed	2 Bed	3 Bed	4 Bed +
Intermediate Affordable Housing (Policy Compliant)	20%	40%	30%	10%
Intermediate Affordable Housing (Application Proposal)	166 (46.2%)	140 (39%)	53 (14.8%)	0 (0%)

10.40 Whilst the proposed dwelling mix would not be in accordance with the preferred housing mix for intermediate affordable housing type, officers consider a level of flexibility in terms of the preferred mix of housing type, in which a higher proportion of one and two-bedroom units would be acceptable, by reason that these units can increase levels of affordability. Although the percentage of family units is not entirely consistent with the requirements under Policy DM5 of the Waltham Forest Local Plan Development Management Policies (2013), the Mayor's Housing SPG (2016) encourages flexibility in terms of housing mix on high density development. Given that the proposed units would meet the minimum internal space standards and would have access to acceptable levels of internal and external amenity spaces, the provision of an increased number of smaller units would be acceptable in this instance.

10.41 In addition, the proposed dwelling mix follows a detailed assessment of the local characteristics of the site, affordability levels, market trends and demographics. The application provides indicative income thresholds and the proposed type of units and sizes across the development seeks to respond to identified local needs. On balance, the proposed mix of residential units is considered to be acceptable as it would aim to create mixed and balanced communities, in accordance with the objectives of Policies 3.8 and 3.9 of the London Plan (2016), Policy CS2 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM5 of the Waltham Forest Local Plan Development Management Policies (2013).

D. The Density of Development

10.42 Whilst the NPPF (2018) does not set out any prescriptive guidance with regards to residential density, it encourages new proposals for residential development, which optimises the capacity of sites in a manner that is compatible with the use, intensity, scale, and character, the surrounding area and the size of the site.

10.43 Policy 3.4 and Table 3.2 of the London Plan (2016) are applicable when assessing residential density, having regard to the local context. In this instance, the proposed development is mixed use and therefore the density calculation is assessed on a mixed-use basis in accordance with the Mayor's Housing SPG (2016).

10.44 Policy BHL3 of the Waltham Forest Local Plan Blackhorse Lane AAP (2015) mentions how *'the Council will seek to optimise housing densities on sites throughout the Plan area'*. As a general principle, higher density residential development should be concentrated on sites surrounding Blackhorse Road Station. The key considerations when determining appropriate densities are the PTAL level of the site, planned improvements in provision of services and infrastructure and the quality of the design in terms of the size of rooms, storage space and amenity spaces. The minimum requirements set out in Policy DM7 of the Waltham Forest Local Plan Development Management Policies (2013) should be met, which requires proposals to meet the minimum internal space standards and external amenity space standards.

10.45 Although the site is not positioned within 800 metres from a Major Town Centre, the site has relatively good public transport accessibility (PTAL 3). The site is located within a Growth Area and is within reasonable walking distance to the Blackhorse Road station. The proposed development would have a residential density of 204 dwellings per hectare (580 habitable rooms per hectare or HRH), or 220 dwellings per hectare (626 HRH) when using the GLA's mixed-use development calculation.

10.46 Although the proposed density is marginally above the guidance set by Table 3.2 of the London Plan (2016), where up to 450 HRH is stated based on a PTAL of 3 within an urban context, the development should be assessed in terms of the emerging context of the site and the fact that it is positioned within a key Growth Area, where a further increase in density is in principle appropriate and the strategic aim to intensify the residential density is sought.

10.47 Given that the proposed development is considered of high quality design and would provide a good quality of living accommodation, the

development would not present concerns in terms of being perceived as an over-development.

10.48 Due to the above, it is considered that although the density of the development exceeds the Local Plan density matrix, the proposed development responds to the urban context and aspirations to increase the density in the area. As such, the proposed intensification of the site is considered acceptable and consistent with the aims to regenerate the area as a whole, subject to that all other planning considerations are met, particularly in terms of design and quality of residential accommodation, which is reviewed in the Design section of this report.

10.49 Accordingly, the proposal would comply with Standard 24 of the Mayor's Housing SPG (2016), which in turn reflects the Technical Housing Standards – Nationally Described Space Standard and the requirements of Policy DM7 of the Waltham Forest Local Plan Development Management Policies (2013).

E. The Standard of Residential Accommodation

Internal Space Standards

10.50 Policy 3.5 Quality and Design of Housing Developments of the London Plan (2016) and the 'Technical Housing Standards – nationally described space standard' (2015) stipulate the minimum gross internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected for the proposed units. The policy seeks for high quality internal and external design, which should consider the sense of 'arrival' at the building and the 'home as a place of retreat', with acceptable size of rooms and functional room layouts, that meet the minimum spatial requirements stipulated by Table 3.3 of the London Plan (2016).

10.51 In addition, Policy DM7 of the Waltham Forest Local Plan Development Management Policies (2013) requires all new residential development to meet minimum internal and external amenity spaces outlined in Tables 8.1, 8.2 and 8.3 within the Plan and the GLA's Housing SPG (2016).

10.52 Table 10 refers to the proposed size of the residential units:

10.53 **Table 10: Residential Unit Sizes**

No. of Bedrooms	No. of Bed Spaces (Persons)	Minimum Unit Size (Single Storey)	Minimum Unit Size (Two Storeys)	Proposed Development Sample Size (sqm)
1	1P	39*	N/A	N/A
1	2P	50	58	56
2	3P	61	70	69
2	4P	70	79	78
3	4P	74	84	N/A
3 (Duplex)	5P	86	93	132
3 (Duplex)	6P	95	102	106

* Where a 1B1P has a shower room instead of a bathroom, the floor area may be reduced from 39sqm to 37sqm

10.54 All of the proposed residential units would meet or exceed the minimum space standards contain within the 'Technical Housing Standards - nationally described space standard' (2015).

Accessible Units

10.55 Policy 3.8 of the London Plan (2016) requires 90% of dwellings to be designed to Building Regulations requirement M4(2) 'accessible and adaptable dwellings' with the remaining 10% to be designed to Building Regulations requirement M4(3) 'wheelchair user dwellings'. This requirement is also reflected at Standard 11 of the GLA's Housing SPG (2016).

10.56 The proposed development includes 323 units (90%) which are designed to Building Regulations requirement M4(2) and 36 units (10%) which are designed to Building Regulations requirement M4(3) with 18 2B4P wheelchair adaptable units and 18 3B5P wheelchair adaptable units. Since submission of this planning application, a further four 1B2P units have potentially been identified that could be wheelchair adaptable. The applicant is seeking to provide 36 units as wheelchair adaptable to accord with policy so the specific housing mix of the proposed wheelchair accessible / adaptable units would be secured as a condition to any planning permission.

10.57 The proposals would therefore accord with Policy 3.8 of the London Plan (2016) in this regard.

External Amenity Space

10.58 Standard 26 of the GLA's Housing SPG (2016) requires a minimum of 5sqm of private outdoor space for 1-2 person units and an extra 1sqm for each additional occupant. Standard 27 requires the minimum depth and width for all balconies and other private external spaces to be 1.5m.

10.59 Policy DM7 of the Waltham Forest Local Plan Development Management Policies (2013) requires proposals to meet the minimum external space standards set in the document. For flatted development, the document states a requirement for a minimum of 10sqm of amenity space per bedroom. It states that each flat should provide an element of private amenity space, however, the overall provision can be provided in the form of both private amenity space and communal amenity space. Balconies should be a minimum size of 5sqm.

10.60 Based on the proposed housing mix as set out in Table 1 of this report, the proposed development is required to provide 6,340sqm of external amenity space to accord with Policy DM7 of the Waltham Forest Local Plan Development Management Policies (2013).

10.61 All of the proposed dwellings would have direct access to private amenity space. This would be provided in the form of balconies, winter gardens and gardens ranging from 5sqm to 56sqm in area depending on the size of the unit. In total, 3,417sqm of private amenity space would be included within the proposed development. Future residents would also have access to 2,600sqm of communal amenity space as set out in Table 11:

10.62 **Table 11: Proposed Housing Communal Amenity Space**

Area of Development	Amenity Space (sqm)
R/O Blocks A, B and C	1,170
Block A Roof Terrace	186
Block C Roof Terrace	72
Block E Roof Terrace	265
Block E Roof Terrace	95
Front of Blocks G & F	110
R/O Block G	117
Block G Roof Terrace	224
Community Garden	361
Total	**2,600**

10.63 In total, the proposed development would include 6,017sqm of residents' amenity space. This would be in addition to the 2,320sqm of public amenity space within the east-west link through the site.

10.64 The proposed development would provide quality external amenity space to all future residents. The proposals would therefore accord with Standards 26 and 27 of the GLA's Housing SPG (2016). The proposed development would also exceed the overall requirement of Policy DM7 of the Waltham Forest Local Plan Development Management Policies (2013).

F. The Design of Development

10.65 Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

10.66 Paragraph 131 of the NPPF (2018) states that great weight should be given to outstanding or innovative designs, which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

10.67 Policy 7.1 of the London Plan (2016) sets out that the design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability and accessibility of the neighbourhood.

10.68 Policies 7.4, 7.5 and 7.6 of the London Plan (2016) seek for introducing appropriate design guidelines that respond to the context of the site, in order to ensure that a coherent public realm and streetscape is linked to a development with high quality materials that blend in with the character and pattern of development of a site and its surroundings.

10.69 Furthermore, Policy 7.7 of the London Plan (2016) states that *'tall and large buildings should relate well to the form, proportions, composition, scale and character of surrounding buildings, urban grain and public realm'*. This policy seeks to improve permeability of the site and wider area through tall buildings. Any introduction of a tall building should aim to form a sense of place within a site and its wider setting. The policy adds that tall buildings should not have a detrimental impact on the environment and should take proper regards to overshadowing.

10.70 Policies CS2 and CS15 of the Waltham Forest Local Plan Core Strategy (2012) require development to be of a high standard and design quality that responds to the local context and the character of

the surrounding area, while improving the way places function by promoting local distinctiveness and a strong sense of place.

10.71 Policies DM29 and DM30 of the Waltham Forest Local Plan Development Management Policies (2013) seeks for high standard of urban and architectural design principles for all new forms of development.

10.72 Policy BHL8 of the Blackhorse Lane AAP (2015) states that new developments in the area should ensure the highest standards of urban and architectural design which responds positively to local character and context and secures a high quality public realm, including landscaping.

10.73 The design of the proposal would reflect the surrounding industrial landscape. Materials proposed would include brick, masonry and metal cladding with alternating flat and pitch roofs and deep set window reveals, which would reflect a robust industrial aesthetic. It is therefore considered that the proposed new buildings would contribute positively to the local and wider surrounding context.

10.74 The layout of the buildings would generally be orientated in a north-south alignment to maximise daylight and sunlight into the proposed development. There would be nine development blocks with a new public realm through the site. Communal amenity space would be provided to the rear of these blocks. The proposal also seeks to realign the Dagenham Brook culvert, as well as opening it up in parts that would provide significant benefit and interest.

10.75 Officers support the approach to the layout, which would provide good active frontages throughout the scheme and a clear distinction between public and private spaces. The inclusion of a clear, permeable and legible pedestrian / cycle link through the scheme is also considered acceptable.

10.76 The proposal involves a range of building heights from one to 15 storeys with taller elements located in the centre of the site, with heights stepping down towards the boundaries, particularly to the south.

10.77 Regarding the height of the taller 15-storey element of the proposed development (Block E), the proposed development is considered in the context of the new urban grain being established around the Blackhorse Road station and along Forest Road leading west across Walthamstow Wetlands. The newly-established node around the station contains several marker buildings, which would eventually, upon completion of development, provide a distinct character to this area. The proposed development would be seen as an opportunity to create

a link between the various character areas surrounding the site. Hence, massing, the architecture, material and fenestration would form an identity whilst informing the surrounding character. The proposal would result in varying buildings of storey heights and design. In this case, there would be a strong central focal point to draw people into and through the site. In addition, the silhouette of the development, with the centrally placed taller building, would have the potential to mark and highlight the ecological corridor, or green gateway, along the route of the existing culverted stream from the Walthamstow Wetlands to Sutherland Road.

10.78 By locating the tallest building in the centre of the development, it is considered that a natural focal point would be created that would allow a transition in massing from the surrounding streets through into the development. This aims to reinforce a spatial hierarchy both within the design and surrounding townscape, with the aim of improving legibility and wayfinding. The relationship between the base of the tallest building and the public realm has been carefully considered to create an active and engaging interface between the building and public realm.

10.79 In response to the height of buildings and any potential canyon-like effect around Blackhorse Lane with the proposed eight storeys on-site, any neighbouring development would have regard to this to ensure facing buildings on the opposite side of Blackhorse Lane would not result in this effect. Any future proposals to the west of the site on the other side of Blackhorse Lane would therefore need to have regard to this issue. As it stands currently, there would be no canyon-like effect, which would address concerns raised by Transport for London in their consultation response to the planning application.

10.80 A Heritage, Townscape and Visual Assessment was submitted with the application. The Assessment concluded that the proposed development would result in Neutral - Positive impacts. Accordingly, it is considered that the proposal would not adversely affect the character of the surrounding areas as a result of its scale, mass or bulk.

10.81 The proposed development would be acceptable in design, visual and massing terms, in that it would respond to the forms of development that are considered appropriate within this Growth Area. As such, the building would create a sense of place and the proposed 15-storey building would serve as a visual landmark when viewed from public vantage points. The proposal is therefore consistent with the objectives of Policies 7.4, 7.5 and 7.6 of the London Plan (2016), Policies CS2 and CS15 of the Waltham Forest Local Plan Core Strategy (2012) and

Policies DM29, DM31, DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

G. The Impact on Visual and Residential Amenity

Daylight, Sunlight and Overshadowing

10.82 The potential impacts on neighbouring amenity should be considered in the context of Paragraph 123 of the NPPF (2018). This paragraph states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances 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).

10.83 Policy 7.6 of the London Plan (2016) states that buildings and structures should not *'cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate'.*

10.84 Policy DM33 of the Waltham Forest Local Plan Development Management Policies (2013) states that *'when considering the impact of a new development on neighbouring amenity, the Council will have regards to (among other aspects) access to daylight and sunlight and will only find development acceptable where it would not cause an unacceptable loss of amenity to adjoining or future occupiers of the development'.*

10.85 The site is a key allocated brownfield site within an accessible and sustainable location. With regards to daylight, sunlight and overshadowing, an assessment has been undertaken into the effect of the proposed development on the existing surrounding properties. The full results of this assessment are included within the 'Daylight, Sunlight & Overshadowing Report' submitted in support of the application, whilst a summary is provided below.

10.86 At Nos. 94-106 Blackhorse Lane, the vast majority of windows and rooms tested for daylight meet the BRE guidelines for VSC and daylight distribution. No. 106 Blackhorse Lane benefits from being the end of terrace in the existing condition, but this was not always the

case. The proposed development looks to reinstate the terrace and the levels of light this property receives in the proposed condition are consistent with existing levels of daylight to other terraced properties.

10.87 At Nos. 1-51 Blenheim Road the results show good levels of daylight are maintained. Where there are lower levels of daylight they tend to be to the rooms which are blinkered by their own rear extensions which inhibits daylight already. However, the vast majority of rooms tested for daylight distribution meet the BRE guidelines which show good or consistent levels of light will be maintained in the proposed condition, with many rooms being lit to more than 90%.

10.88 For No. 57 Sutherland Road, the nursery / worship area has windows on other aspects, with skylights supplementing the light too. This space will therefore continue to be well served by daylight and sunlight.

10.89 For Taylor House and Wigmore Place, a high level of daylight and sunlight is maintained to the windows and rooms tested. Where windows fall below the BRE guidelines they tend to be located below balconies, which limits light. The daylight distribution results show a high level of adherence and where rooms fall below the BRE guidelines, they do so only just. The majority of windows tested for sunlight meet or exceed the BRE guidelines and the remaining windows have good residual APSH levels i.e. above 20% APSH in the proposed condition compared to the target for 25% APSH.

10.90 Overshadowing of neighbouring amenity areas is considered not to be an issue as such areas, which face the site are to the south of the proposed development. The main obstruction to these areas are the existing terraced houses they serve as they sit to the south of the gardens.

10.91 Overall, it is considered that the proposed development would maintain a good level of daylight and sunlight to neighbouring properties. This is considered especially true given the BRE Guide itself advocates the flexible application of its criteria, the policy directive to make efficient use of this key brownfield site and the flexible approach awarded by the Paragraph 123 of the NPPF (2018) and the Mayor's Housing SPG (2016) in such instances to policies and guidance relating to daylight and sunlight. The proposal is therefore considered to accord with Policy 7.6 of the London Plan (2016) and Policy DM33 of the Waltham Forest Local Plan Development Management Policies (2013).

Privacy and Overlooking

10.92 The Mayor's Housing SPG (2016) states that *'development should maintain a distance of about 18 to 21 metres between habitable*

windows'. The SPG adds how there should be adequate levels of privacy in relation to neighbouring properties, the street scene and other public places.

10.93 To reduce the impact on neighbouring properties, buildings have been set back from the Blenheim Road boundary to respect the existing residential properties to the south, and set back from the north-east boundary to respect the potential development of neighbouring sites in the future.

10.94 In the absence of any significant impact on residential amenity afforded to neighbouring sites, the proposed scheme should also be reviewed in terms of the amenity afforded to future occupiers of the site, in order to ensure that good levels of visual outlook and privacy are provided, as required by Policy 7.6 of the London Plan (2016) and Policy DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

10.95 The potential impacts on the amenity of neighbouring properties and their occupiers have been considered from an early stage in the design development, and the design has been amended where possible to better respond to the surrounding situation. Matters of daylight, sunlight and overshadowing; wind microclimate; outlook and privacy; air quality; noise; and construction have all been taking into consideration by the applicant.

10.96 With regards to outlook and privacy, it is considered that the most sensitive properties are the residential dwellings of Blackhorse Lane to the south-west of the site, Blenheim Road to the south and Sutherland Road to the east. The remaining surrounding properties are industrial / commercial in use.

10.97 The proposed development would include two new terrace houses to the immediate north of No. 106 Blackhorse Lane, continuing the row of existing houses and acting as a transition between the existing properties and the wider proposals. These new houses have would have outlooks to the west (onto Blackhorse Lane) and east (into the Former Webbs Industrial Estate site) so would not impact on the amenity of No. 106 Blackhorse Lane to the south and further the houses beyond.

10.98 With regards to the Blenheim Road properties to the south of the site, careful consideration has been given to layout, scale and massing of the proposed development to reduce any potential impacts. The massing has been pulled back from the boundary so that the minimum separation distance would be 20.6m between habitable room windows. The massing has then been stepped back into the development with

the closest element being two storeys before rising to four storeys (23.6m away) and then eight storeys (28.6m away) between habitable room windows in the centre of the site. Gaps have been incorporated between blocks to break up the massing and allow views through the built form from the south.

10.99 In the east of the site, the proposed development positively responds to the existing residential blocks on the other side of Sutherland Road. The residential dwellings at the end of Block D, which faces the existing Sutherland Road properties, are all dual aspect with their primary outlook facing south-east or north-west, i.e. perpendicular to Sutherland Road and not directly into the existing properties opposite.

10.100 The design approach ensures that sufficient privacy is awarded to the neighbouring properties and their occupiers, and the occupants retain a good level of outlook. With regards to outlook, the surrounding occupants currently benefit from an unnaturally open outlook into the site due to its cleared nature. Given its urban location and its allocation for comprehensive redevelopment, it is unreasonable to use the current situation as the benchmark.

10.101 Given the above, the proposed development would not cause unacceptable harm to the amenity of neighbouring properties and their occupiers with regards to outlook and privacy.

10.102 In summary, due to the above considerations, the proposed development would be acceptable in amenity terms concerning outlook and privacy and would have very limited ability to overlook neighbouring sites or internal windows within the scheme. As such, the development would provide acceptable levels of residential amenity and would accord with Policy 7.6 of the London Plan (2016) and Policy DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

H. Transport and Highways

10.103 Policy 6.1 of the London Plan (2016) encourages development which reduces the need to travel and supports development at locations with high public transport accessibility. The Mayor's overall strategic vision is to encourage development to reduce car borne travel.

10.104 Policy CS7 of the Waltham Forest Local Plan Core Strategy (2012) sets out that the Council will promote sustainable travel by guiding development to accessible locations, including town centres, to reduce the need to travel by car and to encourage walking, cycling and the use of public transport.

10.105 Policy DM14 of the Waltham Forest Development Management Local Plan (2013) states that the Council will encourage sustainable travel. Major developments should be developed and contribute to a well-connected network of streets that optimises permeability and legibility and should have no detrimental impact on the walking and cycling environment.

Car Parking Provision

10.106 Policy DM17 of the Waltham Forest Local Plan Development Management Policies (2013) states that one disabled parking space should be provided for each wheelchair unit within a development (10% of units). The proposed provision of wheelchair accessible bays would be marginally below the policy requirement.

10.107 The proposal would be car-free, with the exception of the provision of wheelchair accessible bays associated with the residential element and car club spaces. The proposal would provide 13 wheelchair accessible bays from the outset (active), which would result in 12 wheelchair accessible bays and one car club space, with a further 16 wheelchair accessible spaces to be made available for future users if demand arises (passive). Accordingly, in total, the proposal could provide 30 wheelchair accessible bays. This would provide an overall allocation of 8.36% parking ratio. Officers are supportive of an active / passive arrangement for parking spaces, and this would broadly comply with Policy DM17 of the Waltham Forest Local Plan Development Management Policies (2013). It should also be noted that nearby schemes have not met 10% wheelchair accessible parking space provision and this proposal would exceed schemes in this locality recently granted by the Planning Committee.

10.108 Any Car Parking Management Plan would set out how residents holding blue badges can apply for, and be allocated disabled parking spaces. This should include how passive parking spaces would be activated to meet demand and would be secured as a condition to any planning permission.

Cycle Parking Provision

10.109 The proposal would provide a minimum of 650 cycle spaces for the residential element, with an additional 10 short-stay spaces. A minimum of 28 long-stay cycle parking spaces are proposed for the non-residential uses, with an additional 24 short-stay spaces. The proposal therefore meets draft London Plan (2017) requirements, which are more stringent than Local Plan policy.

Motor Cycle Parking Provision

10.110 The submitted Transport Assessment states that six motorcycle parking spaces are proposed, which would be secured through a planning condition to any planning permission.

Electric Vehicle Charging Points

10.111 The allocation of active electric vehicle charge points would meet LBWF DM Policies and draft London Plan (2017) requirements. Passive provision should be introduced for remaining car parking spaces, in line with draft London Plan (2017) requirements, which could be secured as a condition to any planning permission.

10.112 The Car Parking Management Plan would detail how electric vehicle charge points would be introduced as demand for these increases. This would also be secured as a condition to any planning permission.

Highways, Access, Servicing

10.113 Vehicular access would be achieved from Blackhorse Lane and Sutherland Road through the provision of two new junction arrangements. The two vehicular accesses would be linked via a central alignment through the green link which is to provide restricted access to unauthorised vehicles. Lockable bollards are proposed to prevent the use of the site as a cut-through or 'rat run'. Access would be possible and encouraged for cycles and pedestrians along this alignment.

10.114 Transport for London does not raise objection to the proposal although a Section 106 financial contribution is requested towards improvement to capacity, connectivity and accessibility of the local bus network.

10.115 Highways officers have considered the application and have advised that no objections are raised in principle, subject to the identified Section 278 works, Section 106 contributions and conditions to include a Car Parking Management Plan and a Construction Logistic Plan. The Section 278 Agreement should include the following works:

Blackhorse Lane

- The removal of the existing crossover and renewal of the footways and cycle track along the frontage

- The realignment of the carriageway to provide a stepped cycle track in both directions; details to be agreed with Highways at the S278 stage
- A new, raised, shared zebra crossing (for cycles and pedestrians)
- S38 adoption of a slither of land on the eastern footway between the existing redline boundary and the colonnade
- Continuous footway / Copenhagen crossing over the new site entrance
- Re-alignment and upgrade of the culvert under Blackhorse Lane / public highway, which could involve strengthening the existing culvert
- Junction treatment at Priestley Way; details to be agreed with Highways at the S278 stage
- Street lighting changes will be required
- Wayfinding

10.116 An outline plan should be provided prior to approval showing the crossing, cycle lanes and nearby bus stops.

Sutherland Road

- Provision of a new vehicle crossover
- Reconstruction of the footway on the site frontage in accordance with the Council design
- Street lighting changes
- Wayfinding

10.117 In light of the above considerations, Highways and Transport Policy officers raise no objections to the proposal, subject that a Section 278 Agreement is secured for the above works, Section 106 financial contributions and conditions. The development would therefore be consistent with Policies 6.3, 6.9 and 6.13 of the London Plan (2016) and Policies DM13, DM14 and DM16 of the Waltham Forest Local Plan Development Management Policies (2013).

I. Waste Management

10.118 Policy DM32 of the Waltham Forest Local Plan Development Management Policies (2013) states that new developments should

ensure that the provision of adequate facilities for the storage, collection and disposal of refuse is well secured.

10.119 All vehicles entering and exiting the site, including waste collection and servicing, will be able to do so in forward gear, utilising turning areas within the site if necessary or undertaking through movements.

10.120 The applicant has provided residential waste storage details, based on the Council's 'Waste & Recycling Guidance for Developers, Storage and Collection Requirements' (2017). The Council does not have specific guidance for non-residential uses so generation rates have been taken from guidance used by other London Boroughs. This ensures a robust assessment of the expected waste generation.

10.121 For the residential units, waste would be moved by residents to the respective bin storage areas located in each block. In most cases, the walking distance for residents from lifts and stairwells to bin stores is less than 25m. Where this is not achievable, the bin stores are located at easily accessible locations in close proximity to the cores, which are to be used to leave the building, to ensure that residents can access the bin stores as part of the journey out of the building therefore any increased distances can be considered acceptable.

10.122 The bin stores would be accessed by waste collection operatives on collection day(s), with bin stores predominantly located within 15m of the central route through the site, which would be used by refuse vehicles to serve the site.

10.123 For the non-residential floorspace, waste would be moved by staff to the respective storage areas located in each non-residential unit. As per the residential waste storage, the walking distance from non-residential access points to bin storage locations within the units is less than 25m and therefore an acceptable distance to carry refuse. The bins would be located in accessible locations on commercial collection day(s), within 15m of the central route through the site, which would be used by commercial refuse vehicles to serve the site.

10.124 Officers consider that the scheme generally accords with the Councils' guidance regarding refuse arrangement and a Waste Management Strategy can be secured as a condition to any planning permission to ensure its agreed operation. Accordingly, the proposal complies with Policy DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

J. The Environmental Impact of the Development

Air Quality

10.125 Policy 7.14 of the London Plan (2016) seeks to tackle air pollution and improve air quality to London's development and the health and well-being of its people. Policy DM24 of the Waltham Forest Local Plan Development Management Policies (2013) states that new developments should neither contribute to, nor suffer from unacceptable levels of air pollution and this should be demonstrated through if necessary, proposed mitigation measures.

10.126 The entire borough is situated within an Air Quality Management Area. Conditions are recommended to secure proposed mitigation measures for the impact of the proposal on air quality and dust emissions, in the form of an Air Quality and Dust Management Plan (AQDMP). A Section 106 contribution of £61,590 towards the implementation of an Air Quality Action Plan is also required, in accordance with the requirements of the Waltham Forest Local Plan Revised Planning Obligations SPD (2017). It is therefore considered that the proposal would seek to comply with Policy 7.14 of the London Plan (2016) and Policy DM24 of the Waltham Forest Local Plan Development Management Policies (2013).

Fire Safety

10.127 Policy D11 of the Draft London Plan (2017) states that all major development proposals should be accompanied by a Fire Safety Statement. Fire Safety Statements should be submitted with all major development proposals. These should be produced by a third-party, independent, suitably-qualified assessor. This should be a qualified engineer with relevant experience in fire safety, such as a chartered engineer registered with the Engineering Council by the Institution of Fire Engineers.

10.128 Planning departments should work with and be assisted by suitably qualified and experienced officers within borough Building Control department and / or the London Fire Brigade, in the evaluation of these statements. Further details in connection to a Fire Safety Statement could be secured as a condition to any planning permission to ensure the London Fire and Emergency Planning Authority (LFEPA) would be satisfied with the fire safety measures proposed as no response was received by the LFEPA at the time of writing this report.

Noise

10.129 Policy 7.15 of the London Plan (2016) requires mitigation measures on existing and potential adverse impacts in terms of noise as a result of new development in order to enhance the acoustic environment of the site and its surroundings.

10.130 One of the aims of Policy CS13 of the Waltham Forest Local Plan Core Strategy (2012) states that the Council will aim to create and develop healthy and sustainable places and communities by requiring all developments to meet appropriate environmental standards that includes minimising noise.

10.131 Policy DM24 of the Waltham Forest Local Plan Development Management Policies (2013) states that all major development should aim to minimise the adverse impacts of noise through sensitive design, management and operation.

10.132 The submitted Environmental & Intrusive Noise Study sets out design guidance based on the results of an Environmental Noise Survey conducted in June 2018 to ensure that suitable noise levels would be achieved within the residential accommodation of the proposed development.

10.133 Additionally, the Study sets out maximum allowable daytime and night time noise levels from commercial units and the environmental noise contribution from M&E plant, to protect the amenity of existing and proposed residential occupiers. M&E in construction refers to mechanical and electrical systems.

10.134 The Study provides construction phase noise and vibration limits based on guidance from BS5228 Parts 1 and 2 to be adopted into the wider Construction Management Plan to minimise any adverse impact from the proposals at the closest noise sensitive receptors and the wider environment. The Study demonstrates that suitable internal noise levels can be achieved within the residential dwellings subject to appropriate glazing and building envelope elements as specified within the document.

10.135 A condition to any planning permission is recommended to secure details of a Construction and Demolition Method Statement.

10.136 Due to the above, the proposed development would be consistent with Policy 7.15 of the London Plan (2016), Policy CS13 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM24 of the Waltham Forest Local Plan Development Management Policies (2013).

Sound

10.137 Following the previous section on 'Noise' and regarding sound insulation between residential and the commercial, the recommendations in the submitted Environmental and Intrusive Noise Study (2018, ref: P1798-REP02-TSL Rev B) are found to be satisfactory. This could be secured as a condition to any planning permission to ensure further details could be requested to satisfy officers this would be the case.

10.138 On this basis, the proposal would accord with Policy 7.15 of the London Plan (2016), Policy CS13 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM24 and DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

Contaminated Land

10.139 Policy 5.21 of the London Plan (2016) sets out the Mayor's support in the remediation of contaminated sites and will work with strategic partners to ensure that the development of brownfield land does not result in significant harm to human health or the environment, and to bring contaminated land to beneficial use. Policy 5.21 goes on to state that appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination.

10.140 Policy CS13 of the Waltham Forest Local Plan Core Strategy (2012) sets out that the Council will aim to create and develop health and sustainable places and communities and developments are required to meet appropriate standards that address the risks arising from contaminated land and hazardous substances.

10.141 Policy DM24 of the Waltham Forest Local Plan Development Management Policies (2013) states that for sites which are potentially contaminated, planning permission will be subject to conditions to ensure the final development is fit for the proposed end use. Policy DM24 also sets out that developers should identify risks to water quality posed by the development and agree a strategy to overcome any risk.

10.142 A Phase 2-3 Geo-Environmental Site Assessment is submitted with the application. This Assessment follows the conclusions and recommendations of a Phase 1 Desk Top Study undertaken in April 2016. The Assessment recommends further investigation, which can be secured by an appropriately worded planning condition. Accordingly, a contaminated land condition to any planning permission is

recommended in the interests of future health of occupiers of the development and to protect pollution of groundwater.

10.143 As a result, the proposal would accord with Policy 5.21 of the London Plan (2016), Policy CS13 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM24 of the Waltham Forest Local Plan Development Management Policies (2013).

Wind and Micro-Climate

10.144 Policy 7.7 of the London Plan (2016) sets out a number of principles for the location and design of tall buildings. The application documents include the submission of a Wind Desktop Assessment, which concludes that the Landscape Strategy would help reduce wind acceleration. With regards to the ground floor entrances, all locations are likely to be suitable for access for all buildings within the proposed development.

10.145 Officers raise no objection to Environmental Health matters and recommend conditions and informatives to any planning permission, including a financial contribution to address air quality matters. Accordingly, the proposal would accord with the requirements of Policy 7.7 of the London Plan (2016).

Epping Forest Special Area of Conservation

10.146 Under The Conservation of Species and Habitats Regulations (2017) (Habitats Regulations), the London Borough of Waltham Forest (along with Epping Forest District Council and London Borough of Redbridge), as a Competent Authority have a duty to ensure that planning applications comply with those Regulations and do not result in adverse effects on the integrity of Epping Forest Special Area of Conservation (SAC).

10.147 In relation to the Natural England's interim advice dated 20th September 2018, which directs Local Authorities to screen new residential development for its impact on Epping Forest SAC and to find that new residential development would have an impact on Epping Forest SAC, the applicant is considered to have identified the possible impacts of the scheme on the Epping Forest SAC and appropriate levels of mitigation.

10.148 The impacts of the proposed development on the Epping Forest SAC need to be identified and assessed and the appropriate level of mitigation to offset the impact of the development on the Epping Forest SAC needs to be agreed and secured.

10.149 The applicant has submitted further information which considers the impact of the development on the Epping Forest SAC. The conclusion of their Ecologist is that the proposed development would not have a detrimental impact on the Epping Forest SAC. The site is currently covered in concrete and hardstanding with little or no vegetation and the culvert enclosed. Therefore the proposed development would provide a significant increase in biodiversity compared to the existing condition of the site and would create a significant net ecological gain.

10.150 In addition, the proposed development would include a significant quantum of on-site public amenity space within the new east-west link between Blackhorse Lane and Sutherland Road. This space would include formal and informal children's play areas and areas of seating. This is in addition to the significant quantum of private and communal amenity space provided for future residents. Together, it is considered that the two would adequately cater for the demand the development creates itself, whilst also catering for existing and future residents in other developments within the local area. This provision would help to mitigate against any potential adverse impacts on the Epping Forest SAC due to increased pressure from residents.

10.151 However, it is also worth noting that from the Sutherland Road access, the closest part of the Epping Forest SAC is a 3.5km walk away. There are instead a variety of other open spaces all located within a 1km walk of the site, e.g. Walthamstow Wetlands, Higham Hill Park, Lee Valley Park and Lloyd Park, which future residents could use. In terms of public transport, the quickest way to get to the closest point of the Epping Forest SAC is to walk 800m from the Sutherland Road access to Higham Hill Road and take the 123 Bus towards Ilford. This would take approximately 25mins one-way and does not take into account any abnormal traffic along Higham Hill Road. As the scheme is a car-free development (except for wheelchair accessible spaces), the number of future residents of the proposed development driving to Epping Forest would be negligible.

10.152 Given the above, it is considered that trips to Epping Forest SAC by future residents of the proposed development would be minimal as it would not be convenient, or quick to get to Epping Forest SAC. However, as set out above, the proposed development would include a significant amount of on-site amenity space, which would mitigate against any potential adverse impacts to Epping Forest SAC.

10.153 In addition to the above, the new east-west link through the site from Blackhorse Lane to Sutherland Road would significantly increase connectively within the local area generally, including access to open spaces for existing and future residents of other developments. It is

considered that this would further reduce any potential adverse impacts to Epping Forest SAC.

10.154 Another mitigating impact on Epping Forest SAC would include the existing culvert, which would be renewed across the central part of the site and the landscape would feature areas where the culvert would be opened up to allow views and access to the water.

10.155 The above on-site mitigation measures would be secured as conditions to any planning permission; either through the submitted drawings or a hard and soft landscaping scheme to be submitted to the Local Planning Authority for approval.

10.156 A Section 106 contribution of £89,000 towards links to and / or Higham Hill Park improvements would also be secured to ensure the proposal would provide additional mitigation measures on Epping Forest SAC in addition to the on-site provision of amenity, play space, the re-opening of the culvert and the east-west link between Blackhorse Lane and Sutherland Road.

10.157 Natural England raise no objection to the proposal subject to appropriate mitigation being secured to ensure the scheme would not have an adverse effect on the integrity of Epping Forest SAC. This would be secured as a Section 106 obligation to any planning permission. Since the Interim Advice was published, Natural England has confirmed that this requirement to address impact on Epping Forest SAC would take effect from 1st April 2019. Essentially, the Section 106 financial obligation would apply if this scheme receives planning permission after 1st April 2019. However, if planning permission is issued after 1st April 2019, then the following paragraph would apply to this scheme. Although planning permissions that are granted before this date would not be captured by the financial requirements for Natural England, it is expected that the mitigating impact on the Epping Forest SAC is still addressed by the applicant.

10.158 Regarding what would be required, a Strategic Access Management Measures (SAMM) is to be delivered by a tariff-based developer contribution for all development. For schemes involving 100+ units, a SAMM contribution and possibly any additional mitigation measures would be required. This would not necessarily include Suitable Alternative Natural Green Space but other mitigation measures on a toolbox basis, which could include additional green infrastructure, contribution to existing greenspace improvements, and improvements to buffer sites.

10.159 For the reasons outlined in Paragraphs 10.151, 10.152 and 10.157 of this report, it is considered the proposal would provide suitable

mitigation measures to address impact on Epping Forest SAC. Accordingly, the proposal complies with Policy 7.19 of the London Plan (2016), Policy CS5 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM35 of the Waltham Forest Local Plan Development Management Policies (2013).

K. Sustainable Design and Energy Efficiency

10.160 Policy 5.2B of the London Plan (2016) sets out a carbon dioxide reduction target, for regulated emissions only of 40% against Building Regulations 2010 and 35% against Building Regulations 2013.

10.161 Policy DM10 of the Waltham Forest Local Plan Development Management Policies (2013) requires development of one or more units or greater than 100sqm to be designed with regards to sustainable development principles.

Carbon Emissions

10.162 Residential developments are now required to achieve the on-site reduction of 35%, but also, to be zero-carbon overall. The residential element of the proposal (which accounts for the greater part of the emissions) shows a saving of 45.9%, substantially exceeding the on-site target. A Carbon Offset Payment is not required for the residential element of the development. However, the non-residential element would be liable to a Carbon Offset Payment. The applicant refers to the GLA's 2016 Energy Statement guidance, in that this allows savings over and above the 35% on the non-residential element, to be offset against the contribution for the residential element, thereby reducing the overall required payment. Based on this, the revised Carbon Offset Payment would be £74,007, secured as part of a Section 106 Agreement.

Energy Demand Reduction

10.163 The GLA have requested that details of energy demand post-occupation and the installation of the demand reduction measures, and the overall fabric efficiency performance, are provided, which could be secured as a condition to any planning permission. It is suggested that this information could be used by the GLA for monitoring purposes.

Energy (Heating and Cooling) Supply Strategy

10.164 A site-wide heating network is proposed. This is to be served via four CHP units, meeting around 50% of the heat demand, with the remainder met via gas-fired boilers, and thermal storage present in the

energy centre. Heating and hot water to the residential element would be provided via Heat Interface Units (HIUs) installed in the properties. For the commercial elements, the applicant has confirmed that point-of-use electric water heaters are to be used, as the commercial element's hot water demand is considered to be minimal.

District Heating and Cooling Networks

10.165 Policy 5.6C of the London Plan (2016) states *'where future network opportunities are identified, proposals should be designed to connect to these networks'*.

10.166 Policy DM7 of the Waltham Forest Local Plan Development Management Policies (2013) states *'all major developments are required to be designed to be able to connect to a Decentralised Energy Network (DEN)'*.

10.167 Policy DM11(A) of the Waltham Forest Local Plan Development Management Policies (2013) states '*Requiring development of one or more units or greater than 100sqm located in the proximity of an existing or committed future Decentralised Energy Network to assess opportunities for, and to implement links into, existing or future committed decentralised energy networks, unless it can be demonstrated that an efficient connection is not feasible in accordance with the following thresholds;*

- *Development of one or more units or greater than 100sqm located within 200m of an existing or committed future Decentralised Energy Network,*
- *Major development located within 500m of an existing or committed future Decentralised Energy Network, and*
- *Development of more than 50 units located within 1000m of an existing or committed future Decentralised Energy Network;*

10.168 The submitted Energy Statement states that consideration was given to the possible connection to an existing or proposed local decentralised energy network. A review of the London Heat Map has established that there are currently no existing district heating networks located in the vicinity. The development is located within the vicinity of a potential future decentralised energy network area, but there are no planned networks in this zone. The possibility of connection could be explored by the applicant, details, which are secured as an obligation to a Section 106 Agreement.

CHP Option

10.169 Policy 5.6 of the London Plan (2016) states *'Development proposals should evaluate the feasibility of Combined Heat and Power (CHP) systems, and where a new CHP system is appropriate also examine opportunities to extend the system beyond the site boundary to adjacent sites'.*

10.170 As part of the proposal, two options were submitted regarding the proposed energy strategy. As mentioned, on-site CHP is proposed by the applicant.

10.171 The GLA has advised that the applicant is strongly encouraged to further review the applicability of the Ground Source Heat Pump (GSHP) strategy and revisit their CHP proposals to align with the GLA Energy Assessment Guidance requirements.

10.172 The applicant has provided justification as to why the GLA's preferred approach requiring GSHP-led system is not considered feasible. The applicant submitted two options as the feasibility of utilising GSHP was ongoing. The feasibility exercise was completed and a number of issues were identified during the feasibility study, including extensive ground contamination and significant challenges of coordinating the large array of boreholes with existing below-ground infrastructure including culverts, and new drainage infrastructure required to minimise surface water flooding risk.

10.173 The above restrictions would force the need for boreholes to be installed underneath the buildings, a type of installation not previously done in the UK. Beyond the significant site complications, the applicant considers the pursuance of the technology at this scale high-risk, with few comparable schemes that are operating effectively and therefore unable to provide the operational certainty required for a project (and investment) of this profile. In addition, dynamic simulation tools are not yet able to effectively represent the technology to give accurate outputs in performance or carbon terms. These include site contamination and particular requirements relating to borehole positioning and ground and drainage issues.

10.174 It is considered that based on the information above, that the CHP option would accord with Policy 5.6 of the London Plan (2016) and is therefore considered acceptable in this instance, notwithstanding emerging draft London Plan policies (which carry limited weight), which seek to promote ground or air source heat pumps as the preferred energy strategy.

Renewable Energy

10.175 The NPPF (2018) encourages Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. Policy 5.2 of the London Plan (2016) states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy:

- Be Lean: Use less energy;
- Be Clean: Supply energy efficiently; and
- Be Green: Use renewable energy.

10.176 Policy CS4 of the Waltham Forest Local Plan Core Strategy (2012) requires new developments to minimise carbon emissions in accordance with the London Plan (2016) energy hierarchy, and requires developers to investigate opportunities for linking into existing or proposed decentralised energy networks.

10.177 Policy DM10 of the Waltham Forest Local Plan Development Management Policies (2013) seeks to secure sustainable management and high environmental standards by requiring development to be designed to achieve the Council's stepped targets towards zero-carbon, in accordance with the London Plan (2016).

10.178 Policy DM11 of the Waltham Forest Local Plan Development Management Policies (2013) sets out that where renewable energy systems are proposed within new developments, these are designed to be appropriate to the location and not significantly adversely affect the development, local amenity or the environment.

10.179 The Energy Statement concludes that the residential element achieves a carbon saving of 35.7% (28.1 tonnes / yr) beyond Part L 2013, following 'lean', 'clean' and 'green' measures. The carbon emissions of this development are further offset by an additional 1.4 tonnes carbon / yr saving from renewable energy at the non-residential elements.

10.180 The non-residential units achieve a 35% reduction over Part L 2013, prior to an additional 1.4 tonnes carbon saved through renewable energy technologies, allocated towards offsetting carbon emissions from the residential development. The proposed development achieves a reduction in carbon emissions of 20% and 32.4% from 'lean' measures respectively.

10.181 Accordingly, the proposal accords with Policy 5.2 of the London Plan (2016), Policy CS4 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM10 and DM11 of the Waltham Forest Local Plan Development Management Policies (2013).

Water

10.182 Policy CS4 of the Waltham Forest Local Plan Core Strategy (2012) requires developments to be designed in a manner that minimises the use of water. Policy DM34 of the Waltham Forest Local Plan Development Management Policies (2013) states that residential development proposals should implement water efficiency measures to achieve usage of less than or equal to 105 litres per person per day.

10.183 The submitted Sustainability Statement indicates that the residential properties would accord with Policy DM34 in this regard and would therefore be compliant with this policy of the Waltham Forest Local Plan Development Management Policies (2013).

L. Trees and Landscaping

10.184 Policy DM35 of the Waltham Forest Local Plan Development Management Policies (2013) requires an Arboricultural Study to be undertaken on the site. Whilst there are no trees of significance within the site, there are trees fronting the site along Blackhorse Lane, which are to be removed and compensated for. Officers raise no objections, subject to conditions requiring details of planting and soft and hard landscaping. If the London Plane Tree T18 on Blackhorse Lane is to be removed, the applicant would be required to pay the CAVAT valuation, which would be £9,392, through the Section 106 Agreement.

10.185 The existing culvert is to be renewed across the central site and the landscape would feature areas where the culvert will be opened up to allow views and access to the water. Historically, the culvert was known as Higham Hill Brook. As it exits the culvert by Maynard Reservoir, it is known as Dagenham Brook. Trees and planting will be native and naturalised species, creating a green corridor that could in future link to the Walthamstow Wetlands. Drainage swales are proposed to collect and attenuate surface water above and below ground prior to discharging into the culvert at greenfield runoff rates.

M. Flood Risk

10.186 Policy 5.12 of the London Plan (2016) seeks to ensure development proposals comply with the Flood Risk Assessment and management requirements. The policy sets out that development should address the issues of flood resilient design and emergency planning. Development should remain safe and operational under flood conditions, and buildings should be designed for quick recovery following a flood. Policy 5.13 of the London Plan seeks to ensure that Sustainable Drainage Systems (SuDS) are included in development proposals.

10.187 Policy CS4 of the Waltham Forest Local Plan Core Strategy (2012) looks to direct development away from areas at high risk from flooding (in line with national and regional policy). Policy CS4 goes on to state that developments should be designed to minimise the potential for flooding, as well as being flood resilient. Policy DM34 of Waltham Forest Local Plan Development Management Policies (2013) requires the submission of a Flood Risk Assessment (FRA) (or drainage strategy) for sites with a known risk of groundwater or surface water flooding. Developments should not cause an increase in flood risk elsewhere and should achieve greenfield runoff rates through the maximisation of SuDS and the use of permeable materials. Policy DM34 also requires development proposals to protect existing water and sewerage infrastructure. Where development increases the demand for off-site infrastructure, it must be demonstrated that sufficient capacity already exists or that extra capacity will be provided.

10.188 The applicant has submitted a FRA and Drainage Strategy. It states that the risk of flooding from tidal, fluvial, groundwater and artificial sources has been assessed and found to be low.

10.189 Environment Agency mapping shows that the site is located in an area with a 'low' to 'high' risk of pluvial flooding and could potentially flood to depths of over 900mm during the 'medium risk' and 'low risk' scenarios.

10.190 To mitigate against the risk of pluvial flooding, the culvert that flows beneath the site would be de-culverted in part to increase capacity and reduce the risk of surcharging and flooding to the site. The current flow routes indicated within the Environment Agency mapping would be maintained so as not to cause any significant blockages or alterations to flow patterns, which could result in increased flood risk to the development and elsewhere. Furthermore, Finished Floor Levels would be raised to between 10.12m AOD and 10.42m AOD, to minimise the risk of flooding.

10.191 Surface water runoff from the proposed development would discharge into the partially open culvert at the greenfield rate of 16.4 l/s, providing a 90% reduction in flows over the existing situation. This would also aid in reducing flood risk in the vicinity.

10.192 Appropriate treatment would be provided through the use of SuDS, to ensure that the quality of water discharged is acceptable. This would be achieved through the use of sub-base storage, swales and rain gardens. In addition, rainwater harvesting butts are proposed for irrigation of the community garden orchard and roof terraces. Blue roofs and below ground attenuation tanks are also proposed to meet the necessary storage requirements. The on-site drainage network and

SuDS would be managed and maintained for the lifetime of the development ensuring that they remain fit for purpose and function appropriately.

10.193 The submitted FRA and Drainage Strategy demonstrates that the proposed development has a low risk of flooding from tidal, fluvial, groundwater and artificial sources. Although the site has a 'low' to 'high' risk of pluvial flooding, the risk can be minimised and managed effectively through the implementation of mitigation measures set out within the document. It also confirms that surface water runoff from the site can be managed sustainably to ensure that flood risk is not increased elsewhere.

10.194 The Environment Agency raise no objection to the proposal subject to planning conditions in the interest of prevention of water pollution.

10.195 Given the above, the proposed development accords with Policy 5.12 of the London Plan (2016), Policy CS4 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM34 of the Waltham Forest Local Plan Development Management Policies (2013).

N. Security Measures

10.196 Policy 7.3 of the London Plan (2016) seeks to ensure community safety by incorporating appropriate design measures that take into account acceptable boundary treatments, well-designed pathways and access to buildings and acceptable levels of external lighting.

10.197 Policy DM33 of the Waltham Forest Local Plan Development Management Policies (2013) seeks to create for a safe environment with appropriate levels of natural surveillance.

10.198 Secured by Design (SBD) is the title for a group of national Police projects focusing on the design and security for new and refurbished homes, commercial premises and car parks as well as the acknowledgement of quality security products and crime prevention projects.

10.199 The Metropolitan Police have been consulted and whilst no objection has been raised, a condition to any planning permission is recommended to ensure that the development achieves a Certificate of Compliance to the relevant Secured by Design Guide or alternatively achieves crime prevention standards. The development seeks to achieve crime prevention standards and this requirement is secured by a condition to any planning permission.

10.200 The safety and security measures, including the identified boundary treatments and form of external illumination as illustrated in the

submitted plans and supporting documentation are considered to be acceptable and would accord with Policy 7.3 of the London Plan (2016). The detailed design would also incorporate provision of handrails and railings to prevent falling, (particularly regarding the culvert), in line Building Regulations, and CCTV would be active. The applicant would be responsible for all management and maintenance within the public realm, including the open culvert. A detailed Maintenance Plan involving safety measures for the culvert would be developed and put in place, and this can be secured as a condition to any planning permission.

10.201 It is considered that concerns from the Designing Out Crime Officer have been addressed or can be resolved through the imposition of appropriately-worded planning conditions to any planning permission. On this basis, the proposal accords with Policy 7.3 of the London Plan (2016) and Policy DM33 of the Waltham Forest Local Plan Development Management Policies (2013).

O. Education and Healthcare Provision

10.202 Policies 3.16 and 3.17 of the London Plan (2016) states development proposals which provide social infrastructure would be supported. Policy CS3 of the Waltham Forest Local Plan Core Strategy (2012) seeks to ensure that appropriate infrastructure is provided to cater for the needs of existing and future populations. Policy DM17 of the Waltham Forest Local Plan Development Management Policies (2013) also seeks to ensure appropriate social infrastructure is provided on development sites, where there is a need.

10.203 Regarding the possibility of a nursery (Use Class D1) in particular, in total, 1,220sqm has the potential for D1 uses (which includes nurseries). Regarding primary and secondary school need, officers have assessed and confirm that for primary (school), the proposal would likely result in an additional 15-20 pupils per year group and in secondary (school) around 10 per year group. In the short term, there would be sufficient places to cope with this potential increase.

10.204 The applicant has submitted a Rapid Health Impact Assessment. There are 13 GP surgeries, located within 2 km of the site, which includes 5 practices within 1km. These surgeries employ 50 doctors and have a total of 88,628 registered patients. It is considered that the proposal would not result in an unacceptable impact on health services as there is currently capacity to accommodate future occupiers of the proposal. This would be determined on a site-by-site basis.

10.205 Accordingly, it is considered that the proposal complies with Policies 3.16 and 3.17 of the London Plan (2016), Policy CS3 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM17 of the Waltham Forest Local Plan Development Management Policies (2013).

P Planning Obligations

10.206 Section 106 Agreements are a material consideration in the determination of a planning application. The purpose of such an Agreement is to make otherwise unacceptable development acceptable and they should only be sought where they meet all of the following tests:

i) Necessary to make the development acceptable in planning terms;

ii) ii) Directly related to the development; and

iii) Fairly and reasonably related in scale and kind to the development.

7.117 In terms of the s106 Agreement, the required Heads of Terms, having regard to planning policy, the Waltham Forest Local Plan Revised Planning Obligations SPD (2017) and the Waltham Forest Local Plan Affordable Housing and Viability SPD (2018), for this development relate to:

Affordable Housing Provision:

- To secure 100% affordable housing by unit numbers delivering 359 units (137 x one-bed, 169 x two-bed, 53 x three-bed) with a tenure arrangement of 100% intermediate shared ownership.

Employment and Training Strategy:

- Procure that 30% of all jobs available for construction or fit-out of the development during the construction phase are offered to Local Residents.
- Provide a minimum of 47 apprentice posts in the construction trade during the construction phase of the development with such posts being offered to Local Residents.
- To provide a minimum of 17 work placements in the construction trade during the construction phase of the development with such posts being first offered to Local Residents.
- To procure a minimum of 20% of Local Suppliers during the construction phase of the development.

Retail and Commercial Space Strategy:

- A Retail and Commercial Space Strategy to be submitted to and approved in writing by the Local Planning Authority at least six months prior to occupation of any part of the commercial element that would seek to ensure diversity in the local offer.

Highways:

- A financial contribution to be agreed towards sustainable transport and walking, cycling safety and accessibility improvements.
- A financial contribution of £33,000 towards flooding and drainage inspections post-construction over a 30-year period.
- Section 278 Agreement for works on the western frontage to provide a stepped cycle track in each direction on Blackhorse Lane, works to the culvert under Blackhorse Lane / public highways and works to the eastern frontage at Sutherland Road.
- Section 38 adoption of a slither of land on the eastern footway between the existing red line boundary and the colonnade.
- Car-Free Development: The development would be car-free, with the exception of the provision of wheelchair accessible bays. Residents would not be eligible to apply for a resident permit for any CPZ.
- Car Club: The provision of a minimum of one car club parking space to be made available to all residents of the proposed development;
- The site must remain a public through route for pedestrians and cyclists at all times.

Air Quality Action Plan:

- A financial contribution of £61,590 towards implementation of the Air Quality Action Plan.

Bus Contribution:

- A financial contribution of £224,375 for Transport for London towards improvement to capacity, connectivity and accessibility of the local bus network.

Sustainability:

- A financial contribution of £74,007 towards a Carbon Offset Fund. The applicant is required to pay 50% of the calculated contribution prior to commencement of development. The remainder of the contribution should become due prior to first occupation of any part of the development, with this final amount based on the findings of a post-construction Approved Carbon Emissions Report.

Trees:

- A financial contribution of £9,392 as the Capital Asset Valuation of Amenity Trees (CAVAT) value if the London Plane T18 on Blackhorse Lane is to be removed or altered as a consequence of the proposed development.

Architects:

- The applicant shall retain the architect during the build phase until completion.

Epping Forest Special Area of Conservation (SAC):

- Financial contribution and / or mitigating impacts of the development on Epping Forest SAC would be required and the total amount of any financial contribution is yet to be confirmed. The financial contribution would only be applicable if planning permission is granted from 1st April 2019.
- A financial contribution of £89,000 towards links to and / or Higham Hill Park improvements to mitigate impacts on Epping Forest SAC.

Legal Fees:

- Payment of the Council's legal fees for the preparation and completion of the Legal Agreement.

Monitoring and Implementation:

- Payment of 5% of the total amount of Section 106 contributions towards monitoring, implementation and compliance of the Section 106 Agreement.

10.207 These requirements are set out in Paragraph 1.1 of the '1 Recommendation' section of this report.

11 CONCLUSION

11.1 The principle of development is acceptable in principle, having regard to the previous outline planning permission and the creation of over 2,500sqm of non-residential floor space. The proposed land uses are therefore considered acceptable.

11.2 The proposed development would provide 359 residential units as 100% intermediate shared ownership that would make a significant contribution to the borough's affordable housing targets.

11.3 The proposal would offer an acceptable housing mix, consisting of 137 x one-bed, 169 x two-bed and 53 x three-bed units, which would make a significant contribution towards providing much needed family housing within the borough.

11.4 Although the density of the development exceeds the density guidance set in the London Plan (2016), the proposed development provides an opportunity to respond to the urban context and aspirations to increase the density in the area.

11.5 The standard of residential accommodation within the proposed development would be acceptable and would meet and exceed the recommended space standards.

11.6 The proposed buildings would have proper regard to scale, height and massing. The design and appearance of the resulting buildings would be of high quality and would complement the locality, as it would provide a satisfactory residential and commercial environment for prospective occupiers of the site and its surroundings.

11.7 The proposed development would have little or no unacceptable harm on the residential or visual amenity of adjoining residential developments. This is in particular consideration of the existing circumstance as a cleared site. In addition, the proposed buildings would provide an acceptable separation distance from neighbouring properties and therefore any ability to overlook habitable windows at neighbouring properties at Blenheim Road in particular would be limited and within acceptable limits.

11.8 The proposed development would be car-free, with the exception of the provision of wheelchair accessible spaces. This would therefore contribute towards an acceptable impact on highway safety and would involve highways works that would aim to enhance the public realm and the pedestrian safety of residents in addition to promoting sustainable modes of transport with less reliance on the private car.

11.9 The development would incorporate the highest environmental standards and would be sustainable, in that it would deliver acceptable energy reduction measures and meet the required carbon dioxide reduction targets through air quality, noise and renewable energy considerations.

11.10 The development would provide in principle adequate bin storage facilities that would be conveniently collected. However, a condition to

any planning permission is required to secure a satisfactory Waste Management Strategy.

11.11 The development would not involve the removal of any protected trees and would provide an acceptable landscaping plan in principle and enhanced public realm through the site that would seek to bring the culvert back into use. This would enhance the green infrastructure of the site and its surroundings through better connectivity and the creation of open spaces.

11.12 The development would achieve appropriate safety and security measures, including appropriate boundary treatment as illustrated in the submitted plans and supporting documents.

11.13 The conditions set out in the agreed Section 106 Heads of Terms would ensure that any adverse impact of the scheme is mitigated against and the positive aspects of the proposal advanced by the applicant are carried out through the implementation.

11.14 All material planning considerations have been taken into account, including responses to consultation, and it is not considered that there are any material planning considerations in this case that would warrant a refusal of the planning application.

11.15 Due to the above considerations and taking into account the merits of the scheme and the consistency of the development when assessed against the Development Plan, the proposed development is considered acceptable in planning policy terms.

12 ADDITIONAL CONSIDERATIONS

Public Sector Equality Duty

12.1 In making your decision you must have regard to the Public Sector Equality Duty (PSED) under Section 149 of the Equality Act (2010). This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

12.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

12.3 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in Section 149 as only one factor that needs to be considered, and may be balanced against other relevant factors.

12.4 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights Act (1998)

12.5 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as the London Borough of Waltham Forest to act in a manner that is incompatible with the European Convention on Human Rights.

12.6 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

13 RECOMMENDATION

13.1 The Planning Committee is requested to grant planning permission subject to conditions and informatives, Stage 2 Referral to the GLA and completion of a Section 106 Agreement with the Heads of Terms and paragraphs as outlined in Section 1 of this report.

13.2 That authority to be given to the Head of Development Management and Building Control in consultation with the Council's Legal Services for the sealing of the Section 106 Agreement and to agree any minor amendments to the conditions or the Section 106 Agreement on the terms set out above. It also seeks additional delegation to officers regarding identifying and assessing impacts of the development on Epping Forest SAC and agreeing appropriate mitigation measures.

13.3 In the event that the Section 106 Agreement is not completed within 12 weeks following the date of Planning Committee, the Head of Development Management and Building Control is hereby authorised

to refuse the application. In the absence of this Section 106 Agreement, the proposed development would not be able to deliver the mixed-use development on the site. The implication of this happening is that the opportunity for securing the provision of affordable housing would be lost. Additionally, financial and non-financial contributions would be lost towards the following are: Employment and Training Strategies; Highways; Air Quality; Bus Contribution; Sustainability; and Epping Forest SAC, which must be secured by the Section 106 Agreement.

CONDITIONS

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

   REASON: In order to comply with the provisions of Section 92 of The Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall be carried out in accordance with the following documents and drawings:

Drawings

BHY-CFM-BA-00-DR-A-1000, BHY-CFM-BA-01-DR-A-1001, BHY-CFM-BA-02-DR-A-1002, BHY-CFM-BA-03-DR-A-1003, BHY-CFM-BA-04-DR-A-1004, BHY-CFM-BA-05-DR-A-1005, BHY-CFM-BA-06-DR-A-1006, BHY-CFM-BA-07-DR-A-1007, BHY-CFM-BA-RF-DR-A-1008, BHY-CFM-BA-XX-DR-A-2001, BHY-CFM-BA-XX-DR-A-2002, BHY-CFM-BA-XX-DR-A-3001, BHY-CFM-BA-XX-DR-A-3002, BHY-CFM-BA-XX-DR-A-3003, BHY-CFM-BA-XX-DR-A-3004, BHY-CFM-BA-XX-DR-A-3101, BHY-CFM-BB-00-DR-A-1000, BHY-CFM-BB-01-DR-A-1001, BHY-CFM-BB-02-DR-A-1002, BHY-CFM-BB-03-DR-A-1003, BHY-CFM-BB-04-DR-A-1004, BHY-CFM-BB-05-DR-A-1005, BHY-CFM-BB-RF-DR-A-1008, BHY-CFM-BB-XX-DR-A-2001, BHY-CFM-BB-XX-DR-A-2002, BHY-CFM-BB-XX-DR-A-3001, BHY-CFM-BB-XX-DR-A-3002, BHY-CFM-BB-XX-DR-A-3003, BHY-CFM-BB-XX-DR-A-3004, BHY-CFM-BB-XX-DR-A-3101, BHY-CFM-BG-00-DR-A-1000, BHY-CFM-BG-00-DR-A-1001, BHY-CFM-BG-02-DR-A-1002, BHY-CFM-BG-04-DR-A-1004, BHY-CFM-BG-05-DR-A-1005, BHY-CFM-BG-06-DR-A-1006, BHY-CFM-BG-07-DR-A-1007, BHY-CFM-BG-08-DR-A-1008, BHY-CFM-BG-09-DR-A-1009, BHY-CFM-BG-RF-DR-A-1010, BHY-CFM-BG-XX-DR-A-2001, BHY-CFM-BG-XX-DR-A-2002, BHY-CFM-BG-XX-DR-A-3001, BHY-CFM-BG-XX-DR-A-3002, BHY-CFM-BG-XX-DR-A-3003, BHY-CFM-BG-XX-DR-A-3004, BHY-CFM-BH-00-DR-A-1000, BHY-CFM-BH-01-DR-A-1001, BHY-CFM-BH-RF-DR-A-1006, BHY-CFM-BH-XX-DR-A-2001, BHY-CFM-BH-XX-DR-A-2002, BHY-CFM-BH-XX-DR-A-3001, BHY-CFM-BH-XX-DR-A-3002, BHY-CFM-BH-XX-DR-A-3003, BHY-CFM-BH-XX-DR-A-3004, BHY-CFM-BH-XX-DR-A-3101, BHY-CFM-BK-XX-DR-A-1000, BHY-CFM-BK-XX-DR-A-3000, BHY-CFM-CD-00-DR-A-1000, BHY-CFM-CD-01-DR-A-1001, BHY-CFM-CD-02-DR-A-1002, BHY-CFM-CD-03-DR-A-1003, BHY-CFM-CD-04-DR-A-1004, BHY-CFM-CD-05-DR-A-1005, BHY-CFM-CD-06-DR-A-1006, BHY-CFM-CD-07-DR-A-1007, BHY-CFM-CD-B1-DR-A-1000, BHY-CFM-CD-RF-DR-A-1008, BHY-CFM-CD-XX-DR-A-2001, BHY-CFM-CD-XX-DR-A-2002, BHY-CFM-CD-XX-DR-A-3001, BHY-CFM-CD-XX-DR-A-3002, BHY-CFM-CD-XX-DR BHY-CFM-CD-XX-DR-A-3003-A-3003, BHY-CFM-CD-XX-DR-A-3004, BHY-CFM-CD-XX-DR-A-3101, BHY-CFM-EF-00-DR-A-1000, BHY-CFM-EF-01-DR-A-1001, BHY-CFM-EF-02-DR-A-1002, BHY-CFM-EF-03-DR-A-1004, BHY-CFM-EF-07-DR-A-1007, BHY-CFM-

EF-08-DR-A-1008, BHY-CFM-EF-09-DR-A-1009, BHY-CFM-EF-RF-DR-A-1016, BHY-CFM-EF-XX-DR-A-2001, BHY-CFM-EF-XX-DR-A-2002, BHY-CFM-EF-XX-DR-A-2003, BHY-CFM-EF-XX-DR-A-3001, BHY-CFM-EF-XX-DR-A-3002, BHY-CFM-EF-XX-DR-A-3003, BHY-CFM-EF-XX-DR-A-3004, BHY-CFM-EF-XX-DR-A-3101, BHY-CFM-XX-XX-SH-A-0001, BHY-CFM-ZZ-00-DR-A-5101, BHY-CFM-ZZ-00-DR-A-5102, BHY-CFM-ZZ-00-DR-A-5103, BHY-CFM-ZZ-03-DR-A-5104, BHY-CFM-ZZ-RF-DR-A-5105, BHY-CFM-ZZ-XX-DR-A-5201, BHY-CFM-ZZ-XX-DR-A-5202, BHY-CFM-ZZ-XX-DR-A-5301 and BHY-CFM-ZZ-XX-DR-A-5302.

Documents

- Air Quality Assessment dated October 2018 by Peter Brett;
- Arboricultural Impact Assessment & Arboricultural Method Statement dated October 2018 by Thomson;
- Archaeological Desk Based Assessment dated October 2018 by CGMS;
- Daylight, Sunlight & Overshadowing Assessment dated October 2018 by Anstey Horne;
- Design & Access Statement dated October 2018 by C.F. Moller Architects;
- Draft Construction, Environmental and Logistics Management Plan dated October 2018 by Swan Commercial Services.
- Economic Statement dated October 2018 by Savills;
- Energy Statement dated October 2018 by Building Design Partnership;
- Environmental and Intrusive Noise Study dated October 2018 by Sol Acoustics;
- Financial Viability Assessment dated October 2018 by Savills;
- Flood Risk Assessment and Drainage Strategy dated October 2018 by Waterman Group;
- Heritage Townscape & Visual Impact Assessment dated October 2018 by Ireland Albrecht Landscape Architect;
- Landscape Statement dated October 2018 by Ireland Albrecht Landscape Architect;
- Outline Fire Strategy Report dated October 2018 by BB7;
- Outline Local Labour Strategy dated October 2018 by Savills;
- Phase 2-3 Geo-Environmental Site Assessment dated October 2018 by OMNIA
- Preliminary Ecological Appraisal and Ground Level Roost Assessment of Trees dated October 2018 by Thomson;
- Rapid Health Impact Assessment dated October 2018 by Savills;
- Sequential and Impact Assessment dated October 2018 by Savills;
- Statement of Community Involvement dated October 2018 by Quatro;
- Sustainability Statement dated October 2018 by Building Design Partnership;

- Thermal Comfort Report dated October 2018 by Building Design Partnership;
- Town Planning Statement dated October 2018 by Savills;
- Transport Assessment dated October 2018 by Waterman Group; and
- Wind Desktop Assessment dated October 2018 by Buro Happold.

REASON: For the avoidance of doubt and in the interests of proper planning.

Materials

3. Prior to commencement of each phase of the development hereby permitted, and notwithstanding any indications shown on the submitted plans, samples and a schedule of materials to be used in the external surfaces of that relevant part of the development (including balconies) 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 thereafter retained as such for the lifetime of the development.

   REASON: To ensure a satisfactory appearance in accordance with Policies CS12 and CS15 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM28 of the Waltham Forest Local Plan Development Management Policies (2013).

Shopfront and Signage Strategy

4. Prior to completion of the development, a proposed shopfront and signage strategy for the commercial units within the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed strategy shall thereafter be included in any sale or lease documents issued in relation of the units and any signage displayed shall accord with the approved strategy and shall be retained in accordance with the strategy for as long as it is displayed.

   REASON: To ensure that the development is not detrimental to the character and appearance of the site in accordance with Policies CS12 and CS15 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM28 of the Waltham Forest Local Plan Development Management Policies (2013).

Highways and Parking

5. Prior to the commencement of the development hereby approved, a Code of Construction Conduct (Construction Environmental Management Plan) and a Demolition and Construction Method Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. Construction of the development shall only take place

in accordance with the agreed code of conduct for that development, which shall comprise:

a) A Construction Method Statement;
b) Measures to minimise the impact of construction activities;
c) Details of construction lighting together with measures to minimise light pollution from construction lights;
d) Identification of areas intended for the placing of contractor's accommodation, open storage and employee vehicle parking; and
e) Details of site security.

The development shall be implemented in accordance with the approved details.

REASON: In the interests of highway and pedestrian safety in accordance with Policies CS7 and CS15 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM14, DM15 and DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

6. Prior to the commencement of the development hereby approved, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority, which include inter alia:

- Journey planning, highlighting access routes;
- Method of access and parking of construction vehicles;
- Measures to prevent deposition of mud on the highway;
- Dust mitigation and suppression measures to control the spread of dust from demolition, disposal and construction;
- Site operation times;
- Loading and unloading locations, taking into consideration existing parking restrictions.

The development shall be implemented in accordance with the approved details.

REASON: In the interests of highway and pedestrian safety in accordance with Policies CS7 and CS15 of the Waltham Forest Local Plan Core Strategy (2012).

7. Prior to occupation of development hereby approved and notwithstanding the submitted Outline Car Parking Management Plan, a revised Car Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Car Parking Management Plan shall include the following:

- Outline the process for the management and maintenance of the restricted vehicle access control and bollard system, including out of hours and emergency

access and number of vehicles expected to be allowed through the site;

- Outline the process for allocating bays to blue badge holders (including passive bays should they be required);
- Details on how enforcement will manage the authorised bays;
- Details on how enforcement will manage unauthorised parking and loading;
- Details on how loading will be managed, including what happens if any parked vehicles become blocked in; and
- Details on how residents will be charged for the use of the electric vehicle charge points, which should be an individual charge for each use of the charge point, in line with other public network charges.

The car parking spaces shall be laid out and allocated in accordance with the approved Management Plan and shall be made available for the purposes of parking private motor vehicles in association with the development and for no other purpose. The development shall be implemented in accordance with the approved details and retained as such for the lifetime of the development.

REASON: In the interests of highway and pedestrian safety in accordance with Policies CS7 and CS15 of the Waltham Forest Local Plan Core Strategy (2012).

8. Prior to the commencement of development on the site, a specification for a highway condition survey to assess the condition of highway before and after construction works shall be submitted to and approved in writing by the Local Planning Authority. The Highway Condition Survey shall then be carried out in accordance with the approved timescales contained within the approved specification and it shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is occupied. Any damage to the highway incurred as a result of the construction works, will have to be re-instated by the Council but funded by the developer, in accordance with the timescales and details agreed as part of the survey.

   REASON: In the interest of pedestrian and highway safety, to comply with Policy CS7 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM14, DM15 and DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

9. Prior to commencement of development and notwithstanding any indication on the submitted drawings, a schedule showing the number and location of all cycle and motor cycle parking

spaces and details of secure and sheltered cycle storage facilities, including details of the commuter cycle hub, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed facilities shall be fully implemented prior to occupation and shall be permanently retained thereafter.

REASON: In the interest of security and sustainable development, in compliance with Policies CS6, CS15 and CS16 of the Waltham Forest Local Plan Core Strategy 2012 and Policies DM13, DM14, DM23 of the Waltham Forest Local Plan Development Management Policies (2013).

10. A Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. The DSP shall make reference to safety measures that will be in place to reduce conflicts between service vehicles manoeuvring in the private car park and other users (cycle stores, disabled parking and any other pedestrians) and shall also include details on how delivery vehicles are restricted during peak periods.

    REASON: In the interests of pedestrian and highway safety, in compliance with Policies CS6, CS15 and CS16 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM13, DM14, DM23 of the Waltham Forest Local Plan Development Management Policies (2013).

11. Prior to commencement of development (other than demolition, enabling and groundworks and development below DPC level) and notwithstanding any indication on the submitted drawings, details of electric charging point locations and technical specifications shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained as such thereafter for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

    REASON: In the interest of effective provision of safe and well-designed parking facilities in accordance with Policies CS7, CS15 and CS16 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM16 of the Waltham Forest Local Plan Development Management Policies (2013).

12. No development shall take place until a Stage 1 and 2 Road Safety Audit of the approved road layout is commissioned and a 'Road Safety Audit Response Report' is submitted to and approved in writing by the Local Planning Authority detailing how the recommendations of the audit have been addressed.

REASON: In the interest of highway and pedestrian safety in accordance with Policies CS7 and CS15 of the Waltham Forest Local Plan Core Strategy (2012).

13. Prior to first occupation of any of the residential or non-residential units hereby permitted, details of how Healthy Streets scores will be improved following completion of the development shall be submitted to and approved in writing by the Local Planning Authority, in conjunction with Transport for London. The approved details shall be implemented within 3 months of firs occupation where applicable and shall be maintained as such for as long as is approved by the Local Planning Authority.

    REASON: In the interest of highway and pedestrian safety in accordance with Policies CS7 and CS15 of the Waltham Forest Local Plan Core Strategy (2012).

Air Quality and Noise

14. Prior to commencement of development, a Construction and Demolition Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include details of the following:
    - Works of demolition and construction shall be carried out during normal working hours, i.e. 08:00 to 18:00 hours Monday to Friday, and 08:00 to 13:00 hours on Saturdays, with no noisy working audible at the site boundary being permitted on Sundays or Bank Holidays.
    - Haulage routes.
    - Likely noise levels to be generated from plant.
    - Details of any noise screening measures.
    - Proposals for monitoring noise and procedures to be put in place where agreed noise levels are exceeded.
    - Where works are likely to lead to vibration impacts on surrounding residential properties, proposals for monitoring vibration and procedures to be put in place if agreed vibration levels are exceeded. Note: it is expected that vibration over 1mm/s measured as a peak particle velocity would constitute unreasonable vibration.
    - A Management Scheme whose purpose shall be to control and minimise emissions of pollutants from and attributable to the demolition and / or construction of the development. (This should include a Risk Assessment and a Method Statement in accordance with the 'Control of dust and emissions from construction and demolition' Best Practice Guidance published by London Councils and the GLA. The scheme shall set out the secure measures, which can, and will, be put in place.

All of the above submissions shall have regard to the Mayor's Sustainable Design and Construction SPG (2014). Reference shall be made to:

- BRE four part Pollution Control Guides 'Controlling particles, vapour and noise pollution from construction sites'; and
- BS5228*:* Code of practice for noise and vibration control on construction and open sites.

The development shall be carried out in accordance with the approved Construction and Demolition Method Statement.

REASON: To ensure considerate construction and to protect the amenities of the nearby residents from excessive noise and dust and to comply with Policies CS7 and CS13 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM14, DM15, DM24 and DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

15. Prior to commencement of development, a Sound Insulation Scheme shall be submitted to and approved in writing by the Local Planning Authority, which will incorporate details of sound insulation to be installed between the commercial premises and the residential premises in order to manage noise and disturbance. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant / engineer and shall demonstrate that the proposed sound insulation will achieve a level of protection which is at least +5dB above the Approved Document E standards (dwelling houses and flats) for airborne sound insulation and -5dB for impact sound insulation. The development shall be carried out in accordance with the approved scheme and shall be fully implemented prior to the development hereby approved first being brought into use and shall thereafter be maintained as such for the lifetime of the development.

    REASON: To protect the amenities of adjoining occupiers and the surrounding area in order to comply with Policies CS13 and CS15 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM24 and DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

16. Prior to commencement of development, an Air Quality Assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority .The development shall be at least 'Air Quality Neutral' and an Air Quality Neutral Assessment for both buildings and transport shall be included in the report. The assessment shall have regard to the most recent air quality

predictions and monitoring results from the Authority's Review and Assessment process and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. This shall include mitigation for when air quality neutral, transport and building assessments do not meet the benchmarks.

The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

REASON: TO ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM24 and DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

17. Should the development have CHP or biomass, the CHP and or biomass boilers must not exceed the Band B Emission Standards for Solid Biomass Boilers and CHP Plant as listed in Appendix 7 of the Mayor's Sustainable Design and Construction SPG (2014). Prior to the development commencing, evidence to demonstrate compliance with these emission limits to be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved CHP or biomass emission standards and shall be retained as such for the lifetime of the development.

    REASON: To comply with the Mayor's Sustainable Design and Construction SPG (2014) and Policy 7.14 of the London Plan (2016) in relation to air quality.

18. Prior to installation, details of the boilers shall be forwarded to the Local Planning Authority for approval. The boilers shall have dry NOx emissions not exceeding 40 mg/kWh (0%).

    REASON: To comply with the Mayor's Sustainable Design and Construction SPG (2014) and Policy 7.14 of the London Plan (2016) in relation to air quality.

19. Prior to the commencement of construction on site (notwithstanding demolition, site clearance and investigation

works and construction to ground level) details of the CHP discharge stack which is to be at least 3m above any openable windows or ventilation air inlets within a distance of 5Um, shall be submitted to the Local Planning Authority for their approval. .The CHP stack shall be constructed in accordance with the approved details and thereafter retained as such for the lifetime of the development.

REASON: To protect the future occupiers and neighbouring residents from pollutant emissions from the energy centre in accordance with Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM24 and DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

20. Within the proposed residential units (with the windows closed) the following internal noise levels shall be achieved; 35dB(A) Leq 16 hours 07.00hrs -23.00hrs in Living rooms, while 30dB(A) Leq 8 hours in Bedrooms and no individual noise event to exceed 45dB(A) max (measured with F time weighting) 23.00hrs - 07.00hrs.

    REASON: To protect the amenities of adjoining occupiers and the surrounding area, in order to comply with Policy CS13 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM24 and DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

21. The noise of all new plant shall be 10dB(A) below the underlying background noise level (LA90) during the time of plant operation at a position one metre external to the nearest noise sensitive premises. The underlying background LA90 shall be determined in the absence of the new plant noise. This assessment must be completed in accordance with BS4142: 2014 Method for rating industrial noise affecting mixed residential and industrial areas.

    REASON: To protect the amenities of adjoining occupiers and the surrounding area, in order to comply with Policy CS13 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM24 and DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

22. No demolition or development shall commence until full details of the proposed mitigation measures for impact on air quality and dust emissions, in the form of an Air Quality and Dust Management Plan (AQDMP), have been submitted to and approved in writing by the local planning authority. In preparing the AQMDP the applicant should follow the guidance on mitigation measures for sites set out in Appendix 7 of the

Control of Dust and Emissions during Construction and Demolition SPG 2014. Both 'highly recommended' and 'desirable' measures should be included. If the development is located in or near an air quality focus area the applicant should follow the guidance on mitigation measures for 'Medium Risk' as a minimum.

REASON: To manage and mitigate the impact of the development on the air quality and dust emissions in the area and London as a whole, and to avoid irreversible and unacceptable damage to the environment in accordance with Policies 5.3 and 7.14 of the London Plan (2016) and the Mayor's Sustainable Design and Construction SPG (2014).

23. Prior to commencement of development, a Ground Gas Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. The full methodology and results of any ground gas monitoring shall be provided. Where the ground gases are found to pose an unacceptable risk for future residential use or in the commercial units, no development shall take place until a detailed remediation scheme has been submitted to, and approved by the Local Planning Authority. The developer shall be required to provide certification on completion of remediation works from the specialist contractor that the works were completed wholly in accordance with the agreed details.

    REASON: In the interests of future health of occupiers / users of the development, in accordance with Policies CS4 and CS13 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM23, DM24 and DM34 of the Waltham Forest Local Plan Development Management Policies (2013).

24. No NRMM shall be used on the site unless it is compliant with the NRMM Low Emission Zone requirements (or any superseding requirements) and until it has been registered for use on the site on the NRMM register (or any superseding register).

    REASON: To ensure that air quality is not adversely affected by the development in accordance with Policy 7.14 of the London Plan (2016).

Hours of Operation

25. The premises shall not be open for the serving of customers before 08:00 on any day or after 22:00 Mondays to Saturdays, or before 10:00 and after 16:00 on Sundays, and all customers shall vacate the premises within 30 minutes of service ceasing.

REASON: To protect the amenities of adjoining occupiers in order to comply with Policy CS13 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM24 and DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

26. No deliveries shall be taken to, or despatched from, the site other than between the hours of 08.00 and 23.00 Mondays to Saturdays, and at no time on Sundays, Bank Holidays or Public Holidays.

REASON: To safeguard the amenities of neighbouring residential properties, in order to comply with Policy CS13 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM24 and DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

Contaminated Land

27. A) Prior to commencement of development, a desk study search of any underground fuel storage tanks on-site shall be submitted to and approved in writing by the Local Planning Authority and if present, their location should be indicated on a plan.

B) The recommendations in the Geo-Environmental Site Assessment report (dated September 2018, Omnia ref: A10986/1.1) shall be undertaken. This work, with the full methodology and detailed results shall be submitted as a supplementary Site Investigation Report.

C) Where contamination is found which poses unacceptable risks, no development shall take place until a detailed Remediation Strategy to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the Local Planning Authority. The strategy must include proposed remediation objectives, a Ground Gas Risk Assessment and remediation criteria.

D) During the course of the construction and carrying out of the approved development, if any unforeseen contamination not previously identified is found at any time during clearance or construction works, it must be reported to the Local Planning Authority. The development shall not proceed further until an assessment of that contamination and the preferred remedial measure to remove or break the relevant pollutant linkage has been submitted to and approved in writing by the Local Planning Authority.

E) Prior to occupation of any part of the development hereby permitted, a Verification Report demonstrating completion of

works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved Verification Plan to demonstrate that the site remediation criteria have been met.

REASON: In the interests of future health of occupiers of the development and to protect pollution of groundwater, in accordance with Policies CS4 and CS13 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM23, DM24 and DM34 of the Waltham Forest Local Plan Development Management Policies (2013).

Environment Agency

28. Prior to each phase of development approved by this planning permission, no development shall commence until a Remediation Strategy to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This strategy will include the following components:

    1. A preliminary risk assessment which has identified:
        - All previous uses;
        - Potential contaminants associated with those uses;
        - A conceptual model of the site indicating sources, pathways and receptors;
        - Potentially unacceptable risks arising from contamination at the site.

    2. A Site Investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

    3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

    4. A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

    Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

    REASON: To prevent new and existing development from contributing to, being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution in

accordance with Paragraph 170 of the NPPF (2018) and Policy CS13 of the Waltham Forest Local Plan Core Strategy (2012).

29. Prior to each phase of development being brought into use a Verification Report demonstrating the completion of works set out in the approved Remediation Strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved Verification Plan to demonstrate that the site remediation criteria have been met.

    REASON: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved Verification Plan have been met and that remediation of the site is complete in pollution in accordance with Paragraph 170 of the NPPF (2018) and Policy CS13 of the Waltham Forest Local Plan Core Strategy (2012).

30. The development hereby permitted may not commence until a Monitoring and Maintenance Plan in respect of contamination, including a timetable of monitoring and submission of reports to the Local Planning Authority has been submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring shall be submitted to the Local Planning Authority for approval.

    REASON: To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures in accordance with Paragraph 170 of the NPPF (2018) and Policy CS13 of the Waltham Forest Local Plan Core Strategy (2012).

31. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a Remediation Strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

    REASON: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in accordance with Paragraph 170 of the NPPF (2018) and Policy CS13 of the Waltham Forest Local Plan Core Strategy (2012).

32. No infiltration of surface water drainage into the ground is permitted, and the development hereby permitted may not commence, until a Construction Management Plan in respect to surface water drainage, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency and other relevant bodies. The development shall be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the development.

    REASON: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in accordance with Paragraph 170 of the NPPF (2018) and Policy CS13 of the Waltham Forest Local Plan Core Strategy (2012).

33. Piling, deep foundations and other intrusive groundworks using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details. In addition, the Thames River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact of contamination leaching and mobilising during the development could prevent the recovery of a protected area [a Drinking Water Protected Area under WFD] in the Greenwich Tertiaries.

    REASON: To ensure that the proposed piling, deep foundations and intrusive groundworks do not harm groundwater resources in accordance with Paragraph 170 of the NPPF (2018) and Policy CS13 of the Waltham Forest Local Plan Core Strategy (2012), and the Environment Agency's approach to groundwater protection, February 2018 Version 1.2: https://www.gov.uk/government/publications/groundwater-protection-position-statements

34. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority prior to any borehole installation. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development

REASON: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies. Groundwater is particularly sensitive in this location because the proposed development site is within Source Protection Zone 1 and 2. This is in accordance with Paragraph 170 of the NPPF (2018) and Policy CS13 of the Waltham Forest Local Plan Core Strategy (2012) and The Environment Agency's approach to groundwater protection March 2017 Version 1.0: https://www.gov.uk/government/publications/groundwater-protection-position-statements

Landscaping

35. Prior to the first occupation of the development, details of boundary treatment (including via Blenheim Road access) and a scheme of hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Soft landscape works shall include: planting plans, and schedules of plants, noting species, plant sizes and proposed numbers/densities within a planting schedule, also the method of planting including soil composition, tying and staking, a maintenance care regime including mulching and watering. The development shall be implemented in accordance with the approved details and retained as such for the lifetime of the development.

    REASON: To ensure a satisfactory appearance and in the interest of local amenity and biodiversity in accordance with Policies CS15 of the Waltham Forest Local Plan Core Strategy (2012), and Policies DM23, DM32, DM35 of the Waltham Forest Local Plan Development Management Policies (2013).

36. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out not later than the first planting and seeding seasons prior to the first occupation of any of the residential units, or the completion of the development, whichever is the sooner. Any new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the Local Planning Authority agrees any variation in writing.

    REASON: To ensure a satisfactory appearance and in the interest of local amenity and biodiversity in accordance with Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012), and Policies DM23, DM32, DM35 of the Waltham Forest Local Plan Development Management Policies (2013).

37. All trees shall be planted in accordance with the details and times stated in the specification required by condition 17 and in accordance with British Standard BS4043 - *Transplanting Root-balled Trees* and BS4428 - *Code of Practice for General.*

REASON: In the interest of biodiversity and local amenity, in accordance with Policy CS5 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM35 of the Waltham Forest Local Plan Development Management Policies (2013).

Waste Management

38. Prior to first occupation of any part of the development hereby permitted, a Waste Management Strategy which sets out a scheme for the storage and disposal of waste and recycling, including details of methods for collection and enclosures, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved details and the refuse stores brought into use prior to the occupation of the dwellings hereby permitted and shall be retained as such together with the approved Waste Management Strategy being operated for the lifetime of the development.

REASON: In the interests of highway and pedestrian safety in accordance with policies CS7 and CS15 of the Waltham Forest Local Plan Core Strategy (2012).

Energy and Sustainability

39. Prior to commencement of development, if any alternative energy strategy is pursed for other than CHP, a revised Assessment is required. For the GSHP strategy, further information is required on all parts of the energy hierarchy; details which are to be submitted to and approved in writing by the Local Planning Authority

REASON: In the interests of the sustainability and energy efficiency of the development and to meet the requirements of Policy 5.2 of the London Plan (2016) and Policy DM10 of the Waltham Forest Waltham Forest Local Plan Development Management Policies (2013).

40. a) Prior to the installation of the District Heating System generation plant (Boilers and CHP engines) as part of the energy centre, details of the plant to incorporate dry NOx emissions not exceeding the Band B Emissions Standards for CHP plant as listed in the Mayor's Sustainable Design and Construction SPG (2014) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details prior

to first occupation of any of the residential units and thereafter retained and managed accordingly.
b) Prior to the commissioning of the CHP plant, details of a two-year, quarterly NOx monitoring regime shall be submitted to and approved in writing by the Local Planning Authority and the regime shall be implemented in accordance with the approved details.

REASON: In the interests of the sustainability and energy efficiency of the development and to meet the requirements of Policy 5.2 of the London Plan (2016) and Policy DM10 of the Waltham Forest Waltham Forest Local Plan Development Management Policies (2013).

41. Prior to commencement of the works for the energy centre, final details of the flue stack including location, height, dimensions and external appearance shall be submitted to and approved in writing by the Local Planning Authority. The flue shall be constructed in accordance with the agreed details prior to commissioning of any generation plant in the energy centre and thereafter retained and managed accordingly.

REASON: In the interests of the sustainability and energy efficiency of the development and to meet the requirements of Policy 5.2 of the London Plan (2016) and Policy DM10 of the Waltham Forest Waltham Forest Local Plan Development Management Policies (2013).

42. Prior to the occupation of the development hereby permitted, a report demonstrating how the scheme reduces the carbon dioxide emissions of the development by at least 35% compared to the 2013 Building Regulations shall be submitted to and approved in writing by the Local Planning Authority. The report shall reference the measures set out in the Energy Statement accompanying the planning application, but shall explain what measures have been implemented in the construction of the development. The development and energy efficiency measures shall thereafter be retained for the lifetime of the development.

REASON: In the interests of the sustainability and energy efficiency of the development and to meet the requirements of Policy 5.2 of the London Plan (2016) and Policy DM10 of the Waltham Forest Waltham Forest Local Plan Development Management Policies (2013).

43. Prior to the commencement of the development (other than demolition, enabling and groundworks and development below DPC level) details of measures to be incorporated into the development to ensure that all new build residential

accommodation achieves an agreed equivalent energy performance criteria to that afforded under the now discontinued Code for Sustainable Homes rating of Level 4, shall be submitted to and approved in writing by the Local Planning Authority. The selection of an alternative rating system (if proposed) shall be agreed in writing by the Local Planning Authority. Prior to the first occupation, a report from a suitably qualified Code Assessor (or equivalent) confirming that the development meets the said standard shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the measures taken shall be maintained fully in accordance with the approved details for the lifetime of the development.

REASON: In the interest of sustainability, energy efficiency and to provide a high quality development in accordance with Policy CS4 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM10 of the Waltham Forest Local Plan Development Management Policies (2013).

44. Upon occupation of the 359th and final residential unit, details of energy demand post-occupation and the installation of the demand reduction measures, and the overall fabric efficiency performance, shall be submitted to and approved in writing by the Local Planning Authority. Such details as approved shall thereafter be maintained for the lifetime of the development.

REASON: In the interest of sustainability, energy efficiency and to provide a high quality development in accordance with Policy CS4 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM10 of the Waltham Forest Local Plan Development Management Policies (2013).

45. Prior to the commencement of groundworks (notwithstanding demolition, site clearance and site investigations works) for development hereby approved , a strategy setting out how the development will connect to an existing or future Energy Centre District Heating System, including details of the plant and equipment to be installed in the energy / plant room and protected / safeguarded pipework routes throughout the application site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details as approved and retained for the lifetime of the development.

REASON: To ensure that the development is sustainable and complies with the requirements of Policies 5.2 and 5.6 of the London Plan (2016).

46. Commercial floor space hereby permitted shall be constructed to achieve not less than BREEAM 'Very Good' in accordance with the submitted Energy Report (or the equivalent standard in such measure of sustainability for non-residential building design which may replace that scheme). The commercial floor space shall not be occupied until formal certification has been issued confirming that not less than 'Very Good' has been achieved and this certification has been submitted to, and approved in writing by, the Local Planning Authority.

    REASON: To ensure the development is sustainable and to comply with Policy 7.14 of the London Plan (2016), Policy CS4 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM10, DM11 and DM24 of the Waltham Forest Local Plan Development Management Policies (2013).

47. The energy efficiency measures / features, as detailed within the submitted Energy Strategy, shall be installed and operational prior to the first occupation of any part of the development. Details of the energy efficiency measures shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on-site. The details shall include:

    a) The overall Part L Fabric Energy Efficiency (FEE) performance of the development for both the baseline and the 'be lean' stages of the energy hierarchy, in MWh/year and kWh/m2; and
    b) The percentage of improvement (%).

    The energy efficiency measures / features and renewable energy technology(s) shall be provided / carried out strictly in accordance with the details as approved and shall be maintained as such thereafter.

    REASON: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO^2 emission reduction targets via energy efficiency measures / features are met in accordance with Policy 5.2 of the London Plan (2016) and Policy DM10 of the Waltham Forest Waltham Forest Local Plan Development Management Policies (2013).

48. Prior to commencement of development, a dynamic thermal modelling analysis shall be submitted to and approved in writing by the Local Planning Authority. The analysis shall be carried out in accordance with CIBSE TM52 methodology using the London Design Summer Year 1 (DSY1) weather file: 2020s, High emission, 50% percentile scenario. The applicant should also investigate the risk of overheating using the DSY 2 & 3 weather files.

The submitted modelling and plans shall demonstrate how overheating of the development shall be prevented, including where necessary any amendments to the design hereby approved in order to prevent and mitigate overheating risk. Any amendments to the design shall be selected with regard to the Cooling Hierarchy outlined within Policy 5.9 of the London Plan (2016).

The development shall be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the development.

REASON: To ensure that the effects of climate change on the development hereby approved are suitably mitigated and to ensure the future residents of the development do not experience overheating, in accordance with Policy 5.9 of the London Plan (2016).

Water

49. The proposed residential part of the development shall meet a target water use of 105 litres or less per person, per day, and shall be constructed in accordance with the approved scheme and thereafter retained as such for the lifetime of the development.

    REASON: To minimise the water use of the development, in accordance with the requirements of Policy 5.15 of the London Plan (2016).

50. Prior to the commencement of development, an updated Drainage Strategy detailing any on- and / or off-site drainage works, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. The development shall be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the development.

    REASON: In the interests of future health of occupiers of the development and to protect pollution of groundwater in accordance with Policies CS4 and CS13 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM23, DM24 and DM34 of the Waltham Forest Local Plan Development Management Policies (2013).

51. Prior to the commencement of development, full specifications of a surface water drainage system based on sustainable

drainage principles shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to first occupation of any part of the development and retained as such for the lifetime of the development.

REASON: In the opinion of the Local Planning Authority, the nature and density of the layout requires strict control over the form of any additional development that may be proposed in the interests of maintaining a satisfactory residential environment, in accordance with Policy CS2 and CS15 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM29 of the Waltham Forest Local Plan Development Management Policies (2013).

52. No properties shall be occupied until confirmation has been provided that either all water network upgrades required to accommodate the additional flows from the development have been completed; Or, a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

    REASON: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the development, in the interest of future residents and to protect pollution of groundwater in accordance with Policies CS4 and CS13 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM23, DM24 and DM34 of the Waltham Forest Local Plan Development Management Policies (2013).

53. No construction shall take place within 5 metres 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, must be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any construction must 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.

    REASON: The proposed works will be in close proximity to underground strategic water main, utility infrastructure. The works have the potential to impact on local underground water utility infrastructure and details in the interest of future residents

and to protect pollution of ground water are required in accordance with Policies CS4 and CS13 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM23, DM24 and DM34 of the Waltham Forest Local Plan Development Management Policies (2013).

Safety and Security

54. Prior to occupation, details of any form of external illumination and / or external lighting on the buildings and around the site including any street lighting shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the first occupation of any of the residential units hereby permitted and retained as such for the lifetime of the development.

    REASON: In the interest of health and to protect the living conditions of existing and future residents in the locality in accordance with Policy CS13 of the Waltham Forest Local Plan Core Strategy (2012).

55. Prior to first occupation of any part of the development hereby permitted, the development shall achieve a Certificate of Compliance to the relevant Secured by Design Guide(s) or alternatively achieve Crime Prevention Standards, details which shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Metropolitan Police. The development shall be carried out in accordance with the approved details and thereafter shall be fully retained and maintained as such for the lifetime of the development.

    REASON: In the interest of health and to protect the living conditions of existing and future residents in the locality in accordance with Policy CS13 of the Waltham Forest Local Plan Core Strategy (2012).

Residential

56. All residential units shall be built to The Building Regulations (2010) Access to and use of Buildings, Approved Document M (2015 as amended), Volume 1:Dwellings, M4(2): Accessible and adaptable dwellings.

    REASON: To ensure inclusive development in accordance with Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM7 and DM9 of the Waltham Forest Local Plan Development Management Policies (2013).

57. A minimum of 10% of the residential units hereby permitted shall be built in accordance with Approved Document M 2015, M4 Category 3: Wheelchair user dwellings, category M4(3)(2)(a) ‘Adaptable’; details which are to be submitted to

and approved in writing by the Local Planning Authority prior to commencement of development. All wheelchair user dwellings must provide sufficient footprint and drawings must demonstrate that they can achieve a fully accessible layout. To ensure compliance with these conditions, contact should be made with the Council's Senior Occupational Therapist in Housing both before and during the build.

REASON: To ensure inclusive development in accordance with Policy CS15 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM7 and DM9 of the Waltham Forest Local Plan Development Management Policies (2013).

58. Prior to commencement of development, a Fire Safety Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement should detail how the development proposal will function in terms of:

- The building's construction: methods, products and materials used;
- The means of escape for all building users: stair cores, escape for building users who are disabled or require level access, and the associated management plan approach;
- Access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these; and
- How provision will be made within the site to enable fire appliances to gain access to the building.

The development shall be implemented in accordance with the approved details and retained as such for the lifetime of the development.

REASON: In order to protect the living conditions and safety and security of the occupants in accordance with Policy 7.13 of the London Plan (2016).

59. The private / communal amenity spaces and children's play areas shall be laid out and implemented in accordance with the approved plans and shall not be used for any other purpose. The balconies and communal amenity spaces shall be retained for the use of the occupiers of the development for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the amenities of adjoining occupiers and the surrounding area in order to comply with Policy CS13 and CS15 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM29 and DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

60. If any unforeseen significant archaeological material is found on site during construction, no further development shall take place within the site until a written scheme of investigation detailing a programme of archaeological work has been submitted to and approved by the Local Planning Authority. The programme of archaeological work shall be secured and implemented prior to the commencement of any of development on site and where applicable measures shall remain in place during the construction phase of the proposal hereby approved.

    REASON: In order to protect historic assets of Archaeological interest that may be present on site, which the Local Planning Authority seeks to ensure investigated and conserved, in compliance with Policy CS12 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM28 of the Waltham Forest Local Plan Development Management Policies (2013).

61. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development which would otherwise fall within Classes A, B, C, D, E and F in Part 1 of Schedule 2 to that Order shall be carried out to the proposed houses without the prior written permission of the Local Planning Authority.

    REASON: In the opinion of the Local Planning Authority, the nature and density of the layout requires strict control over the form of any development or change of use that may be proposed in the interests of residential amenities, in accordance with Policies CS13 and CS15 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

62. Prior to commencement of development, notwithstanding site investigation and clearance works, demolition and construction to slab level, details relating to the entrances, including gates, entry control system, display of postal numbers and position of letter box facilities shall be submitted to and agreed in writing by the Local Planning Authority. The agreed measures shall be fully implemented prior to first occupation of the development and thereafter maintained for the lifetime of the development.

    REASON: In the interest of security and sustainable development, in compliance with Policies CS15 and CS16 of

the Waltham Forest Local Plan Core Strategy (2012) and Policies DM13, DM14, DM29 and DM33 of the Waltham Forest Local Plan Development Management Policies (2013).

63. Prior to commencement of the relevant phase of development, hereby permitted, details of any substation and any enclosure shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To protect the amenities of those living and working in the locality in accordance with Policy CS13 of the Waltham Forest Local Plan Core Strategy (2012) and Policy DM32 of the Waltham Forest Local Plan Development Management Policies (2013).

Commercial

64. Prior to first occupation of any of the non-residential component, details of the amount of floor space per use class across the site shall be submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be implemented in accordance with the approved plans and shall thereafter be maintained unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the scheme is delivered as proposed in accordance with Policies 3.5 and 7.3 of the London Plan (2016), Policies CS15 and CS16 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM29, DM32 and DM33 of the Waltham Forest Local Plan Development Management Policies (2013).

Phasing

65. Prior to commencement of development, details of a Phasing Strategy setting out the delivery of the phases across the whole site shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Strategy shall confirm the order and timing of delivery of each of the phases.

REASON: To ensure the scheme is delivered as proposed in accordance with Policies 3.5 and 7.3 of the London Plan (2016), Policies CS15 and CS16 of the Waltham Forest Local Plan Core Strategy (2012) and Policies DM29, DM32 and DM33 of the Waltham Forest Local Plan Development Management Policies (2013).

INFORMATIVES

1. To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and which offers a pre-planning application advice service. The scheme was submitted in accordance with guidance following pre application discussions and the decision was delivered in a timely manner.

2. Construction and demolition works audible beyond the boundary of the site should only be carried out between the hours of 0800 and 1800 hours Mondays to Fridays and 0800 and 1300 hours on Saturdays, and not at all on Sundays or Public/Bank Holidays.

3. The developer is to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via: www.thameswater.co.uk/wastewaterquality.

4. The proposed development is located within Source Protection Zone 2 of a groundwater abstraction source. These zones are used for potable water sources for public supply for which Thames Water has a statutory duty to protect. Consequently, details will be submitted to the Local Planning Authority in consultation with Thames Water, of how the developer intends to ensure the water abstraction source is not detrimentally affected by the proposed development both during and after its construction. More detailed information can be obtained from Thames Water's Groundwater Resources Team by email at: GroundwaterResources@Thameswater.co.uk or by telephone on 0203 577 3603.

5. The submitted Construction and Demolition Method Statement shall include details of:
    - Site hoarding;
    - Wheel washing;
    - Dust suppression methods and kit to be used;
    - Bonfire policy;
    - Confirmation that all Non-Road Mobile Machinery (NRMM) comply with the Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999;
    - Confirmation if a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation;
    - Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors; and
    - Copy of an Asbestos Survey.

6. For information on the NRMM Low Emission Zone requirements and to register NRMM, visit http://nrmm.london/.

7. The AQDMP shall include the following for each relevant phase of work (demolition, earthworks, construction and trackout):
    - A summary of work to be carried out;
    - Proposed haul routes, location of site equipment including supply of water for damping down, source of water, drainage and enclosed areas to prevent contaminated water leaving the site;
    - Inventory and timetable of all dust and NOx air pollutant generating activities;
    - List of all dust and emission control methods to be employed and how they relate to the Air Quality (Dust) Risk Assessment;
    - Details of any fuel stored on-site;
    - Details of a trained and responsible person on-site for air quality (with knowledge of pollution monitoring and control methods, and vehicle emissions);
    - Summary of monitoring protocols and agreed procedure of notification to the Local Authority; and
    - A log book for action taken in response to incidents or dust-causing episodes and the mitigation measure taken to remedy any harm caused, and measures employed to prevent a similar incident reoccurring.

    Developments assessed to be 'Medium Risk' or greater for any of the steps required in an Air Quality and Dust Risk Assessment (AQDRA) regular or continuous PM10 monitoring should be carried out on site. Baseline monitoring should commence at least six months before the commencement of works and continue throughout all construction phases. Details of the equipment to be used, its positioning, additional mitigation to be employed during

high pollution episodes and a proposed alert system should be submitted to the Council for approval.

8. No demolition or development shall commence until all necessary pre-commencement measures described in the AQDMP have been put in place and set out on site. The demolition and development shall thereafter be carried out and monitored in accordance with the details and measures approved in the AQDMP. The IAQM 'Guidance on Air Quality Monitoring in the Vicinity of Demolition and Construction Sites' details appropriate monitoring for the scale of the site or project.

9. The site lies within an area of the borough that was subject to a moderate-high density bombing campaign during WWII. An Express Preliminary UXO Risk Assessment from 1st Line Defence dated 8th August 2017 has been reviewed and found that a number of bombing incidents were recorded within the general vicinity of the site. The findings of the preliminary report, recommended that further action is taken in the form of a Detailed UXO Risk Assessment.

10. The Air Quality Assessment submitted with the planning application has been reviewed and found to be satisfactory. The requirement is still included as the scheme for air pollution mitigation must still be submitted. Contact LBWF Environmental Health section for further details.

11. The application is subject to both the Mayoral and the Waltham Forest Council Community Infrastructure Levy.

12. It is the Developer's responsibility to ensure all signage associated with the proposed development i.e. street nameplates, building names and door numbers are erected prior to occupation, as agreed with the Council's Street Naming / Numbering Officer.

13. The proposed development is located within 15m of Thames Waters underground assets. As such, the development could cause the assets to fail if appropriate measures are not taken. Please read the guide 'working near our assets' to ensure works are in line with the necessary processes that should be followed if it's considered working above or near Thames Water Pipes or other structures. https://developers.thameswater.co.uk/Developing-a-large site/Planning-your-development/Working-near.or-diverting-our-pipes

14. A detailed Quantitative Risk Assessment (DQRA) for controlled waters using the results of the site investigations with consideration of the hydrogeology of the site and the degree of any existing groundwater and surface water pollution should be carried out. This increased provision of information by the applicant reflects the potentially greater risk to the water environment. The DQRA report

should be prepared by a 'competent person', e.g. a suitably qualified hydrogeologist.

15. Infiltration of surface water has the potential to mobilise contamination present within the soil. Where the proposal involves the discharge of anything other than clean roof water via sealed drainage, within sensitive groundwater locations, a risk assessment and suitable level of treatment may be required. In certain circumstances, the discharge may be classified as a groundwater activity and require an environmental permit.

16. The applicant must seek the advice of the Metropolitan Police Service Designing Out Crime Officers (DOCOs). The services of MPS DOCOs are available free of charge and can be contacted via docomailbox.ne@met.police.uk or 0208 217 3813.

14 BACKGROUND DOCUMENTS

14.1 None.

CD10.1d – 9, 11 & 19 Osiers Road, Wandsworth (2019) – Application Ref: 2018/3709 and GLA Ref: GLA/4558/03

Proof Reference – Paragraphs 5.2.11 – 5.2.12;

Relevant GLA Officer Report Paragraphs – 271 – 275

The site is located within a **PTAL 2** location but proposes a parking provision of 10 spaces (equivalent to a parking ratio of 0.06 spaces per unit) despite not being located within a Controlled Parking Zone. This application was 'called-in' by the Mayor of London albeit not on transport grounds. However, in making his decision on the application, mitigation measures accepted by the Mayor were akin to those already agreed for this Appeal site i.e. car club, contributions for possible CPZ introduction, yet the PTAL was far lower and there was no presence of a CPZ.

GREATERLONDONAUTHORITY

representation hearing report GLA/4558/03

18 October 2019

9, 11 & 19 Osiers Road, Wandsworth Riverside

in the London Borough of Wandsworth

planning application no. 2018/3709

Planning application

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008 ("the Order") and Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The proposal

Demolition of existing buildings, and erection of a mixed use development comprising buildings ranging in height between 10 and 14 storeys, with a two-storey linked element, to provide 3,653 sq.m. (GIA) of business (class B1) floorspace and 152 sq.m. of flexible commercial floorspace for either A1 (retail), A2 (financial and professional services), A3 (restaurant), B1 (business), D1 (non-residential institutions) or D2 (assembly and leisure) use, and 168 residential units (100% of which would be affordable housing) with associated amenity space, including roof terrace and balconies, together with 10 disabled persons car parking spaces at basement level, and 384 cycle parking spaces, with the provision of landscaping and areas of public realm, and other associated works including highway improvements and provision of a new sub-station.

The applicant

The applicant is **Hollybrook Limited** and the architect is **Rolfe Judd**.

Recommendation

The Mayor, acting as Local Planning Authority for the purpose of determining this application;

i. grants conditional planning permission in respect of application 2018/3709 for the reasons set out in the reasons for approval section below, and subject to the prior completion of a section 106 legal agreement;

ii. delegates authority to the Chief Planner and the Executive Director of Development, Enterprise and Environment to issue the planning permission and agree, add, delete or vary, the final detailed wording of the conditions and informatives as required, and authority to negotiate, agree the final wording, and sign and execute, the section 106 legal agreement. The heads of terms are set out in paragraph 289 to 304 of this report;

iii. delegates authority to the Chief Planner and the Executive Director of Development, Enterprise and Environment to agree any variations to the proposed heads of terms for the section 106 legal agreement;

iv. delegates authority to the Chief Planner and Executive Director of Development, Enterprise and Environment to refuse planning permission, if by 18 December 2019, the section 106 legal agreement has not been completed. The refusal reason shall relate to the failure of the applicant to provide the range of infrastructure and environmental improvements necessary to make the proposal acceptable in planning terms;

v. notes that approval of details pursuant to planning conditions imposed on the planning permission will be submitted to, and determined by, Wandsworth Council. The planning conditions are set out in paragraph 4 of this report;

vi. notes that Wandsworth Council will be responsible for the enforcement of the conditions attached to the planning permission.

Drawing numbers and documents

Existing plans	
P6513/LP1 Site Location Plan	
T10P00 Existing site plan	
Proposed drawings[1]	
Floor plans	
T20P00 Level 00 ground floor (rev P7)	T20P07 Level 07 seventh floor (rev P5)
T20P01 Level 01 first floor (rev P4)	T20P08 Level 08 eighth floor (rev P6)
T20P-1 Basement (rev P2)	T20P09 Level 09 ninth floor (rev P6)
T20P02 Level 02 second floor (rev P4)	T20P10 Level 10 tenth floor (rev P5)
T20P03 Level 03 third floor (rev P3)	T20P11 Level 11 eleventh floor (rev P4)
T20P04 Level 04 fourth floor (rev P3)	T20P12 Level 12 twelfth floor (rev P4)
T20P05 Level 05 fifth floor (rev P4)	T20P13 Level 13 thirteenth floor (rev P5)
T20P06 Level 06 sixth floor (rev P5)	T20P14 Level 14 roof floor plan (rev P4)
Elevations and sections	
T20E01 East elevation (rev P5)	T20E07 Communal roof terrace facing east (rev P3)
T20E02 South elevation (rev P5)	T20E08 Communal roof terrace facing east (rev P3)
T20E03 North elevation (rev P4)	T20S01 Site section 1-1 (rev P5)
T20E04 West elevation (rev P5)	T20S02 Site section 2-2 (rev P5)
T20E05 Public realm elevation facing south (rev P5)	T20S03 Site section 3-3 (rev P3)
T20E06 Public realm elevation facing north (rev P3)	T20S04 Site section 4-4 (rev P5)
Landscape drawings	
D2611 L-100-E Landscape drawing	D2611 L-201-C Landscape drawing
D2611 L-200-C Landscape drawing	
Supporting documents	
Original application (June 2018)	
Planning application form	Flood Risk Assessment

[1] All drawings updated following revisions in January 2019, with latest revision number in brackets after each drawing description.

Accommodation Schedule	Geo-environmental and Geo-technical Report
Acoustic Assessment	Historic Environment Assessment
Affordable Housing Viability Assessment	Landscaping Strategy
Air Quality Assessment	Phase 1 desk study report
Bat Survey	Planning Statement
BREEAM Pre-Assessment	Preliminary Ecological Appraisal
CIL form	Outline Remediation Strategy
Construction Management Plan	Stage 1 Road Safety Audit
Controlled Waters Quantitative Risk Assessment	Statement of community involvement
Cultural Approach Strategy	Statement of employment floorspace
Daylight and Sunlight Assessment	Thermal Comfort Report
Delivery and Service Management Plan	Transport Assessment
Design and Access Statement	Travel Plan
Dust and Air Pollution Management Plan	Wind Microclimate Assessment
Energy Statement	Written Scheme of Investigation for a Geoarchaeological Evaluation
Additional and revised documents received by Council committee (April 2019)	
Affordable housing revised offer letter (April 2019)	Energy Statement Addendum (October 2018)
Design and Access Statement Addendum (January 2019)	January submission cover letter (January 2019)
Additional and revised documents for representation hearing (October 2019)	
Affordable Housing Stacker Plan (September 2019)	GLA Energy Comments – Updated Design Response 1 (September 2019)
Accommodation Schedule Updated (August 2019)	GLA Energy Comments – Updated Design Response 2 (September 2019)
BREEAM letter (August 2019)	GLA Energy Comments – Response Appendices
BREEAM pre-assessment (September 2019)	GLA play space cover letter (July 2019)
Density management and service charges letter (September 2019)	Revised CIL questionnaire (October 2019)
GLA Energy Comments – Design Response (August 2019)	Updated water response (September 2019)

Introduction

1 Having assumed authority to determine this planning application, this report sets out the matters that the Mayor must consider in forming a view over whether to grant or refuse planning permission and to guide his decision making at the upcoming representation hearing. This report includes a recommendation from GLA officers, as set out below.

2 The Mayor, acting as the local planning authority, has considered the particular circumstances of this application against national, strategic and local planning policy, relevant supplementary planning guidance and all material planning considerations. He has also had regard to Wandsworth Council's planning committee report dated 25 April 2019, the minutes of that committee setting out one reason for refusal and all consultation responses and representations made on the case.

Officer recommendation – reasons for approval

3 The paragraphs below provide a summary of the key reasons why GLA officers consider this application to be acceptable in planning terms:

I. The proposal represents a high-quality redevelopment scheme which would make a significant contribution towards the continual regeneration of the Wandle Delta. The principle of a residential led, mixed use development is strongly supported by both strategic and local planning policy in the development plan and the site is allocated for residential development within the adopted local plan. The proposed development would conform with the land use principles set out in this adopted policy designation and would provide much needed housing for which there is an identified and well-documented need. The proposals make provision for viable employment with business and retail floorspace which is compatible with the proposed residential uses and suitable for SMEs. The proposal optimises the development density, taking into account the accessible location within walking distance of Wandsworth Town Station. The proposal is therefore supported in land use terms in accordance with the NPPF, London Plan Policies 3.3, 3.16, 4.1, 4.2, 4.3, 4.7, 4.8, 4.10, 4.12, 6.1 and 7.1; GG5, H1, S1, E1, E2, E4, E7, E8, T1 and T2; Wandsworth Core Strategy Policies , PL9, PL12 and IS1; Wandsworth Development Management PolicyDMTS2; Wandsworth Employment and Industry Document Policies EI1, EI2 and EI3 and Wandsworth's Site Specific Allocations Document (2016). It is also consistent with draft London Plan Policies GG2, GG4.

II. The scheme would provide 168 residential units, all of which would be affordable (100%) and of an acceptable tenure mix. The housing proposed is of a high quality, and of an appropriate density and mix for the location. Overall, the scheme would make a significant contribution to affordable housing delivery targets for the borough. The proposal would incorporate time limited GLA grant funding, ensuring the quick delivery of the affordable housing, with delivery further secured through an early stage review mechanism. The proposed offer of affordable housing exceeds the requirements of the Mayor's Affordable Housing & Viability SPG and represents a substantial benefit which should be weighed in the balance of considerations. On this basis, the application accords with London Plan Policies 3.3, 3.4, 3.5, 3.8, 3.9, 3.11 and 3.12; the Mayor's Housing SPG (2016) and the Mayor's Affordable Housing & Viability SPG (2017); Wandsworth Core Strategy Policies PL5 and IS5; Wandsworth Development Management Policies DMH3, DMH4, DMH6, DMH7 and DMH8; and Wandsworth's Housing SPD (2016). It also accords with draft London Plan Policies GG4, D4, D6, H1, H5, H6, H7 and H12.

III. The application consists of tall buildings, defined as over 9 storeys high within Wandsworth Development Management Policy DMS4 and in site allocation 3.3.3 of the Council's Site Specific Allocations Document. GLA officers consider that the proposal complies with the design criteria relevant to proposals for tall buildings and optimises the development of an under-utilised, brownfield site. The proposed development would represent a significant improvement on the existing townscape and would terminate the view along Enterprise Way in immediate views, aiding local wayfinding. The form of the buildings would respond positively to the emerging townscape and landscape features and would not result in significant adverse microclimate conditions that cannot be mitigated. The massing strategy responds to the site characteristics and the existing and emerging context. The height of Block A1 has been reduced during the course of the application process and would be consistent in height with 27 Enterprise Way opposite on the eastern side of Osiers Road. The height of Building B1 is the same height at 10 storeys as the height of the development to the south of Osiers Road. Building B2, the tallest building would be 14 storeys, the same height as the tower under construction at the Linton Fuels site around 50 metres to the south east. The proposal represents high quality architecture and allows for the optimisation of the site for residential and commercial development. The proposal also results in no harm to the significance of any nearby heritage assets and conservation areas. On this basis, the application accords with London Plan Policies 3.5, 3.6, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8; the Housing SPG (2016)Wandsworth Core Strategy Policies PL1, PL3, PL4, PL5, PL9, PL12, IS1 and IS5; Wandsworth Development Management Policies DMS2, DMH4, DMTS12, DMO3, DMO8, DMT1 and DMT2; Wandsworth Employment and Industry Document Policy EI2; and Wandsworth Housing SPD (2016). It also accords with Policies D1, D2, D3, D4, D5, D6, D7, D8, D11 and HC1 of the draft London Plan.

IV. The design and layout principles are well-considered and the scheme achieves high quality placemaking, with well-defined new public routes, increased permeability and a large public space at the centre of the development, enhanced by high quality landscaping. The quality of design, architecture and materials will ensure a distinctive and high quality development which will contribute positively to the regeneration of this part of Wandsworth. As such the proposal complies with Policies 3.5, 3.6, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7 and 7.8 of the London Plan; Wandsworth Core Strategy Policies PL4, IS1, IS2 and IS3; Wandsworth Development Management Policies DMS1, DMS2, DMS4 and DMO3; Wandsworth Employment and Industry Document Policy EI5; and Wandsworth's Site Specific Allocations Document (2016) and Historic Environment SPD (2016). It also accords with draft London Plan Policies D1, D2, D3 and D7.

V. The proposed development has embedded the principles of inclusive access, and will comply with the relevant inclusive design housing standards. As such, the scheme complies with London Plan Policies 3.8, 7.1, 7.2, 7.5 and 7.6 the Accessible London SPG; and Wandsworth Development Management Policies DMS1 and DMH6. It is also consistent with draft London Plan Policies GG1, D3, D5, T6.1, T6.5.

VI. The proposed development would meet the BREEAM "excellent" standard for the non-residential element, ensuring a high standard of sustainable design and construction for this part of the proposal. It is recognised that the development has not adequately considered an alternative for the proposed gas-fired combined heat and power (CHP) plant and, as such, the proposal does not meet the energy hierarchy by minimising carbon dioxide emissions and supplying energy efficiently. However, officers consider that the benefits of the proposed 100% affordable housing offer and the significant contribution towards meeting Wandsworth's affordable housing target carries significant weight and outweighs the failure to fully comply with the energy hierarchy. Furthermore, the development has provided photovoltaic panels in accordance with the energy hierarchy and would deliver sustainable urban drainage, ecology and urban greening benefits over the existing situation at the site.

The environmental impacts of the development, in terms of wind microclimate, minimising exposure to poor air quality, addressing contaminated land and waste management, are acceptable taking into account the proposed mitigation measures. As such the scheme broadly complies with the policies contained within Chapter 5 and Policies 7.7, 7.14 and 7.19 of the London Plan; Wandsworth Core Strategy Policies PL2, IS1, IS2 and IS4; Wandsworth Development Management Policies DMS3, DMS4, DMS5, DMS6, DMO4 and DMO5; and Wandsworth's Refuse & Recyclables SPD (2014).

VII. The development proposals would have an acceptable impact on neighbourhood amenity taking account of its context. Whilst some neighbouring properties experience a severe reduction in light as a result of the development, owing to the current arrangement these buildings currently benefit from more light than would be expected in a high density urban environment and are designed with either recessed balconies or with external framework that currently hinder the ability to see visible sky from the windows/rooms. Any reduction in the height and massing of the proposal to address the neighbouring daylight/sunlight impacts would need to be significant, as minor amendments would not make any material difference to the daylight and sunlight implications of developing the site. As such significantly reducing the height and massing would be a disproportionate response to the daylight/sunlight impacts and would fail to optimise the development potential of the site. Whilst the proposal would have an impact on the daylight/sunlight received by neighbouring properties, this is considered acceptable, on balance, given that the adjacent neighbours currently borrow amenity from the application site the and noting the recent changes to the NPPF which provides greater flexibility when considering day/sunlight standards. In addition, this is an urban location and the redevelopment of the site to potentially include tall buildings of 9 storeys or more has been a long-standing objective of the Local Plan. The proposed neighbouring amenity impacts are therefore acceptable and comply with the NPPF; London Plan Policies 7.6, 7.7, 7.14 and 7.15and Wandsworth Development Management Policies DMS1 and DMS4; and the Mayor's Housing SPG (2016). It is also acceptable having regard to draft London Plan Policies D1B, D4, D8, D12 and D13.

VIII. The proposal for a mixed use development in an accessible location would represent a pattern of development that would reduce the need to travel, particularly by car, and this is reflected in the car free nature of the scheme, except for disabled parking, which is supported by strategic and local planning policy. The proposed car free development is supported subject to a suitable framework of controls including a car parking management plan, provisions for restricting resident parking permits for new residents, electric vehicle charging points, travel plan and car club membership. The proposal strikes an appropriate balance between promoting new development and encouraging cycling, walking and public transport use, providing a large area of public realm that will improve the permeability of the site for pedestrians, and also providing appropriate mitigation as required. As such the proposed development complies with the policies contained with Chapter 6 of the London Plan; Wandsworth Core Strategy Policy PL3; and Wandsworth Development Management Policies DMT1 and DMT2. It also complies with draft London Plan Policies T1, T2, T3, T4, T5, T6, T6.1, T6.2, T6.5 and T9.

IX. Appropriate, reasonable and necessary planning conditions and planning obligations are proposed to ensure that the development is acceptable in planning terms and the environmental, infrastructure and cultural impacts are mitigated, in line with adopted policy and Wandsworth's Planning Obligations SPD (2015). Accordingly, there are no grounds to withhold planning consent on the basis of the policies considered and any other relevant material planning considerations.

X. Accordingly, the proposals are considered to be in overall conformity with the development plan when considered as a whole. As such, it is the views of officers that the proposal should

be granted planning permission and there are no other relevant material considerations to justify a different conclusion.

Section 106 Legal agreement

- Affordable housing: 168 units (100% of units and habitable rooms) to be affordable, 45% of which to be London Affordable Rent and 55% to be London Shared Ownership. Details of affordability (as below), service charges and nominations will be secured.

    - London Affordable Rent levels: 100% of units at London Affordable Rents as updated annually by the GLA (2019/20 rents: £155.13pw for 1 bed, £ 164.24pw for 2 bed, £ 173.37pw for 3 bed, £ 182.49 for 4 bed).
    - London Shared Ownership affordability: average annual housing costs not to exceed 40% of net income for households at the following income levels: 1 bed £55,000, 2 bed £71,000, 3 bed £85,000.
    - An early stage review mechanism.

- Transport: Submission and implementation of an approved travel plan and parking management plan (including EVCP charging points to be provided and details of car park operation; provisions relating to blue badge parking) and residents' free car club membership for two years, two years' free cycle hire membership, resident parking permit restriction, funding of £23,000 for Legible London signage, s.278 agreement to be entered into for altered access to the site and associated works;
- Open space and landscaping: Submission of a management and maintenance strategy for areas of public realm;
- Local employment: Contribution of £83,561 in accordance with the Council's Planning Obligations SPD;
- Energy strategy: Carbon off-setting payment of £241,200 and future connection to a district hearting network;
- Arts and cultural: Implementation of the submitted Arts and Cultural Strategy to be secured; and
- Monitoring contribution.

Planning conditions [2]

4 The conditions considered relevant and necessary to this application proposal are listed below:

- 1. Time limit
- 2. In accordance with approved reports, specifications and drawings
- 3. Details of site levels
- 4. Construction, Environmental Management and Logistics Plan
- 5. Demolition and Construction Waste Management Plan
- 6. Piling Method Statement
- 7. Restriction of the use of the commercial floorspace for B1 office space, except for 152 sq.m. designated for flexible commercial use
- 8. Restriction on primary cooking within the 152 sq.m. flexible commercial use and any ancillary use associated with the B1 office space
- 9. Detailed drawings, external materials and balcony screens

[2] Draft conditions have been prepared and will be published as an appendix to this report; this list provides a summary of the draft notice condition headings

- 10. Detailed drawings and external materials for the proposed commercial uses
- 11. Details of landscaping scheme, including children's play space
- 12. Communal roof top gardens and green/brown roofs
- 13. Unless identified on the approved documents, no use of roof area as a balcony, roof terrace or similar amenity area
- 14. Biodiversity enhancements
- 15. Non-native invasive species
- 16. Restriction on telecommunications equipment
- 17. Details of external lighting within the public realm and on the external facade of the building
- 18. Fire safety
- 19. Accessible and adaptable dwellings
- 20. Archaeology
- 21. Details of sound proofing
- 22. Details of ventilation equipment and external plant
- 23. Limited hours of outside seating
- 24. In accordance with Energy Strategy
- 25. Minimising overheating risk
- 26. BREEAM
- 27. Sustainable Urban Drainage Systems
- 28. In accordance with flood risk assessment
- 29. Water use
- 30. Ground investigation
- 31. Unexpected contamination
- 32. Details of refuse
- 33. In accordance with Air Quality Assessment
- 34. Managing emissions from Combined Heat and Power plant
- 35. Non-road mobile machinery air quality
- 36. Cycle parking details
- 37. Disabled parking to be provided and retained
- 38. Delivery and servicing plan

Publication protocol

5 This report has been published seven days prior to the Representation Hearing, in accordance with the GLA procedure for Representation Hearings. Where necessary, an addendum to this report will be published on the day of the Representation Hearing. This report, any addendum, draft decision notices and the Mayor of London's decision on this case will be made available on the GLA website:

https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/public-hearings/9-11-and-19-osiers-road-public-hearing.

Site description

6 The application site is located within the London Borough of Wandsworth. It comprises 0.41ha, bounded by Osiers Road to the south and east, and partly to the north by Osiers Road 21-23 Osiers Road, with the recently completed mixed-use development at 1-5 Osiers Road to the west, in the London Borough of Wandsworth (1-5 Osiers Road and 21-23 Osiers Road collectively constitute the "Radius" development). The site is an inverted 'L' shape, approximately 75 metres

long east to west and between approximately 40 and 80 metres wide north to south, although it tapers slightly at its western end. The site is occupied by a single storey warehouse and commercial buildings that were previously used for the manufacturing of fabric and wallpaper and a fluid distribution specialist (use classes B1, B2 and B8). The existing buildings comprise approximately 3,740 sq.m. of employment floorspace.

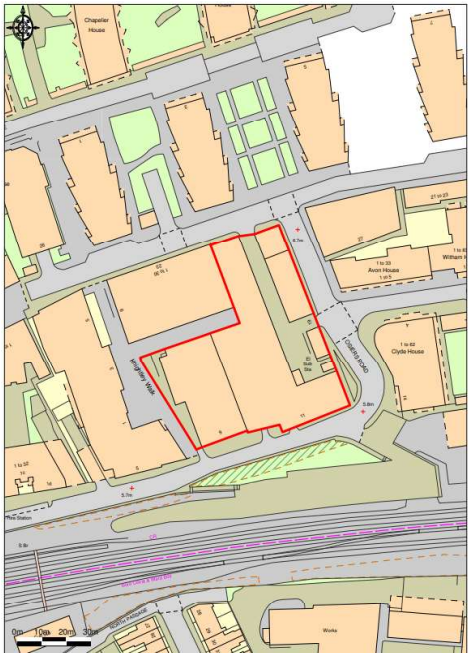


Figure 1: Site location plan (P6513/LP1)

7 The surrounding area predominantly comprises mixed-use residential and commercial development. The sites at Enterprise Way Industrial Estate, the Wandsworth Riverside Quarter and 3-4 Osiers Road, adjacent to the site, have recently been redeveloped to provide residential, mixed-use development ranging in heights up to 15 and 21 storeys. The site adjacent to the railway line, which runs approximately 40 metres to the south of the site, on the opposite side of Osiers Road is currently being developed with a mixed commercial/residential scheme of up to ten storeys. The former Linton Fuels site to the south-east of the subject site (on the opposite side of Osiers Road) has consent for a mixed-use development ranging in height between 10 and 14 storeys. The location of surrounding development is detailed in Figure 2 overleaf.

8 The River Thames is approximately 250 metres to the north and there are a number of recently constructed residential developments fronting the River. The Western Riverside Waste Authority Recycling Facility and the Smugglers Way Waste Transfer Station (designated as a safeguarded wharf) is located to the north-east of the site, across the River Wandle. The site is within the Thames Policy Area and Flood Zone 3a. On the southern side of the railway is a low rise industrial estate, designated as the Central Wandsworth Locally Significant Industrial Area. To the south of this is Wandsworth Major Town Centre.

9 The closest conservation area is Wandsworth Town Conservation Area, some 150 metres to the west and 350 metres to the south. Prospect House, a Grade II listed building, is close by in Point Pleasant and Wandsworth Park, listed on the register of Historic Parks and Gardens, lies further to the west.

10 Wandsworth Town railway station is located approximately 840 metres east of the site and there are also three bus routes (270, 220 and 485) within an acceptable walking distance of the site, with the closest stop located on Putney Road. The majority of the site has a public transport accessibility level (PTAL) of 2 on a scale of 1 to 6 where 6b is most accessible.

Key

Completed developments
A – 1-5 Osiers Road (Radius development)
B – 21-23 Osiers Road (Radius development)
C – 1 Eastfields Avenue
D – 3 Eastfields Avenue
E – 5 Eastfields Avenue
F – 1-33 Avon House
G – Witham House
H – 27 Enterprise Way
I – 1-62 Clyde House

Developments under construction
J – Osiers Point

Developments with planning consent
K – Linton Fuels site



Figure 2 – Site plan showing surrounding development with building heights

Site specific designations

11 The site is located within the Wandsworth Riverside / Wandsworth Delta Focal Point as defiend by Wandsworth Development Management Plan Document Policy DMO8 and the Councils' Employment and Industry Document. The site is also identified within the Wandsworth Site Specific Allocations Document 2016 (Site 3.3.3 - 9, 11 and 19 Osiers Road) which allocates the site for mixed-use development including replacement employment floorspace, residential and improved links with the Town Centre. The site allocation forms part of the wider Area Spatial Strategy for the land north of the railway in the Wandle Delta, as shown in Figure 3 below. The site allocation also notes that the site is partly located within an area of Open Space Deficiency and that the Community Infrastructure Levy will be used to contribute to strategic infrastructure for this site.

12 The site does not lie within any strategic views as identified within the Mayor's London View Management Framework SPG. The site is within an archaeological priority area.

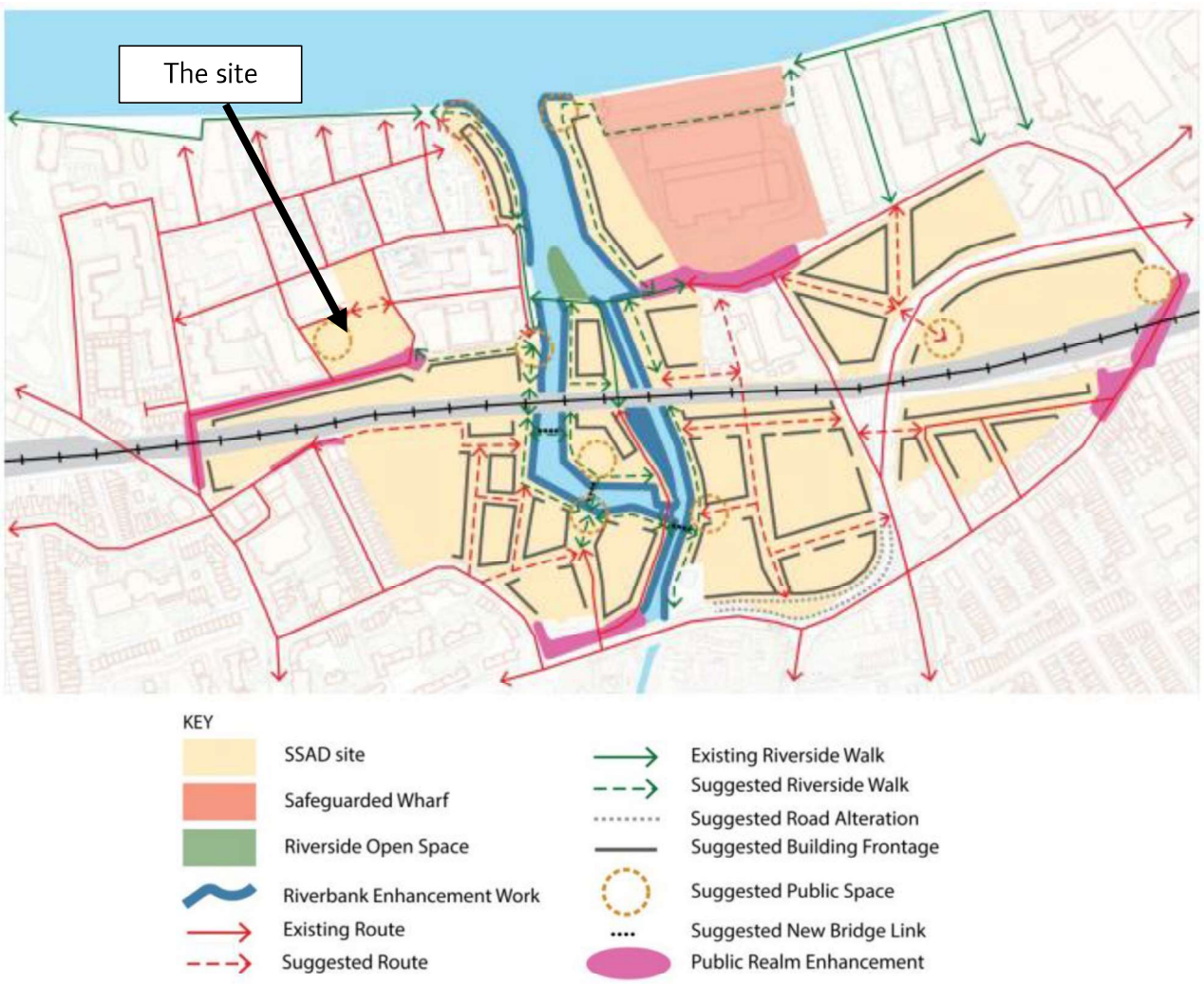


Figure 3: Area Spatial Strategy – Wandle Delta (December 2018, Wandsworth Employment and Industry Document Document, London Borough of Wandsworth)

Details of the proposal

13 The application as originally submitted to the Council in July 2018 sought full planning permission for the demolition of all buildings on the application site and the construction of three buildings of 11 to 14 storeys comprising 175 residential units, 34.6% affordable by habitable room, and 3,805 sq.m. of employment floorspace, including managed B1 office workspace and flexible retail/commercial/community/leisure floorspace with associated works.

14 During the course of the Council's consideration of the application, some changes were made to the residential unit mix and the number of residential units was reduced from 175 to 168 as a result in the reduction of the height of Building A1 from 11 to 10 storeys. The proposal was also amended to add two storeys onto the lower west facing wing of Block B2 increasing this from 8 storeys to 10 storeys high and to reduce the height of the northern part of Block B1 from 9 storeys to part-3 and part-5 storeys in height. The number of affordable intermediate units was increased by seven to 33, increasing the affordable housing offer by habitable room unit mix to 39%.

15 Following the Mayor's decision to take-over and act as local planning authority for the determination of this application, the applicant has made the following amendments to the scheme.

- An increased provision of 100% affordable housing, comprising 93 intermediate London Shared Ownership units (55%) and 75 London Affordable Rent units (45%).

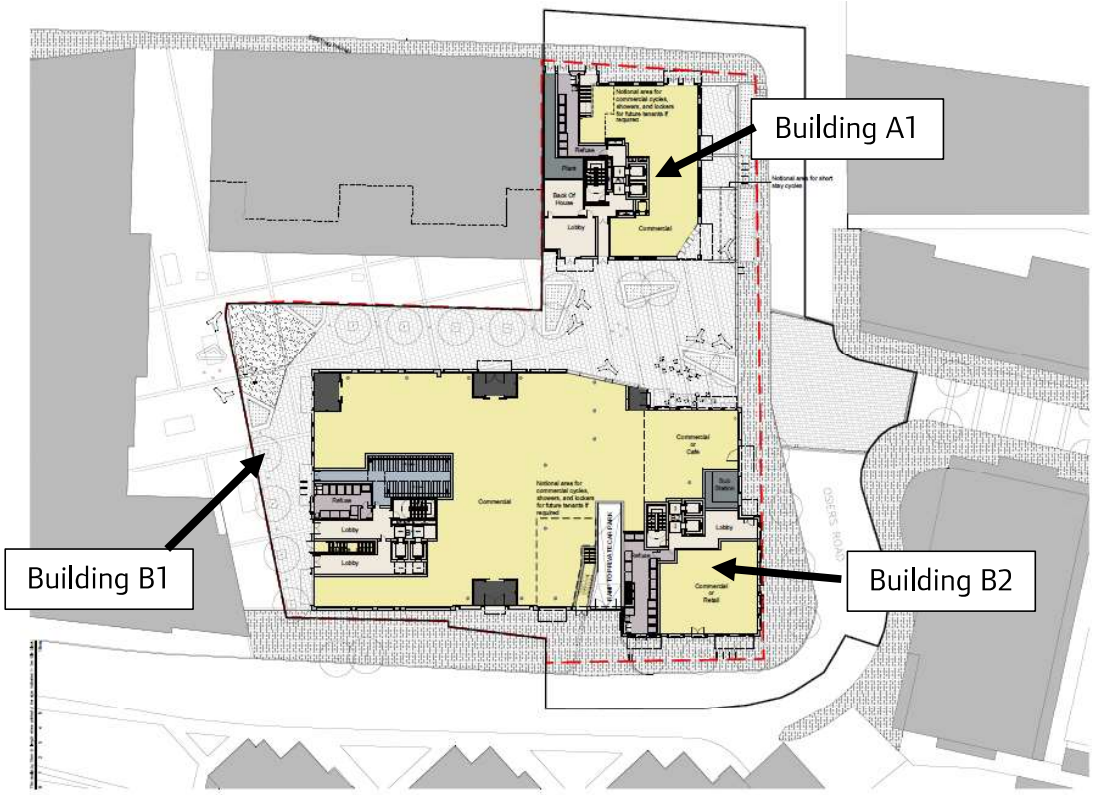


Figure 4: proposed site block plan (T20P00)

16 As shown in Figure 4, above, the development would comprise one stand-alone building (Building A1) and two connected buildings (Buildings B1 and B2). A shared basement running north to south connects Building A1 and Building B2 but not Building B1. Building A1 is located at the northern end of the site and would be 10 storeys in height. Refuse storage and plant areas would be located at ground floor level, as well as lift and stair access to the shared basement where cycle and disabled parking is located. Building A1 would be separated from Buildings B1 and B2 by a new public square bisecting the centre of the site and running east to west to align with Enterprise Way located to the east. Building B1 would be 11 storeys high, dropping to 2 storeys where Buildings B1 and B2 connect, with a roof terrace above, and rising to 14 storeys within Building B2. The elevations of the proposed buildings are shown in Figures 5 and 6 below.



Figure 5: south elevation of Building B1 and B2 (T20E02)



Figure 6: east elevation of Building B2 and A1 (T20E01)

17 Each building would contain office space at ground and first floor, with residential units above. The distribution of the 168 units within the blocks is shown in Table 1 below. The commercial space would be separated at ground floor for cafe and retail space, presenting active frontages onto the public space and onto Osiers Road. Space has been allocated within the offices in Blocks A1 and B2 for cycles, showers and lockers for future tenants. Building B1 does not have access to the shared basement, so residential cycle storage is provided at ground floor. Building B2 has a substation and refuse at ground floor, with access to the shared basement. The basement contains 10 disabled car parking spaces, cycle parking for Buildings A1 and B2, plant for the commercial and residential elements and the energy centre, as well as a vehicle access ramp to the south within Building B2, and lifts and stairs to each building.

	1 bed	**2 bed**	**3 bed**	**4 bed**	**Total**
Block A1 units	7	27	5	0	39
Block B1 units	12	24	8	1	45
Block B2 units	18	60	6	0	84
Total	37	111	19	1	168

Table 1: distribution of housing across each building (August 2019, Osiers Road Accommodation Schedule Updated, Rolfe Judd)

18 The proposal includes a new public space bisecting the site east to west, connecting Osiers Road and Knightley Walk and aligning with Enterprise Way located to the east. The proposed public space includes new tree planting and plant boxes, seating and formal and incidental play space. The public space is intended to join up with and share a similar material palette to that within the adjacent new public realm along Knightley Walk.

19 The scheme proposes 10 car parking spaces for Blue Badge users. Vehicle access to the car parking and servicing area would be from Osiers Road to the south via a ramp crossing a shared surface on the pavement, with access from Old York Road over the public realm through a shared surface. A total of 328 residential and 48 commercial cycle parking spaces are proposed, as well as 8 visitor cycle stands in the public realm.

Relevant planning history

20 The site has a limited planning history including a determination that prior approval is not required for the demolition of former industrial buildings (2016/6873) in December 2016 and an Environmental Impact Assessment (EIA) Scoping Opinion request, where an EIA was determined not to be required (2018/2890) in July 2018. There is no other relevant planning history associated with this site.

Background to current application

21 Stage 1: On 9 August 2018, Wandsworth Council notified the Mayor of London that a planning application of potential strategic importance had been submitted, referring it under Categories 1A and 1C of the Schedule to the Order:

- *1A "Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats."*

- *1C(a) "Development which comprises or includes the erection of a building that is more than 25 metres high and is adjacent to the River Thames."*

22 On 1 October 2018 the Mayor considered a GLA planning Stage 1 report with a reference GLA/4558/01. This report advised Wandsworth Council that the principle of a redevelopment of the site for residential and commercial accommodation was supported. The quantum of affordable housing (which was then proposed to be 35% of the scheme) needed to be verified as the maximum reasonable amount through viability work as it did not meet the 50% affordable housing threshold for development on industrial land set out in draft London Plan Policy H6. The high-quality design was supported in line with strategic policy. Although an increase in cycle parking was required, the development was largely in accordance with London Plan and draft London Plan transport policies, subject to conditions and S106 obligations.

23 On 25 April 2019, Wandsworth Council's Planning Applications Committee resolved to refuse planning permission for the application, contrary to officers' recommendation, and on 27 May 2018 the Council advised the Mayor its decision. The minutes of the committee meeting propose the following reasons for refusal:

> "The proposed development by reason of its scale, siting, mass, and layout would be an inappropriate and unneighbourly development, resulting in an unduly dominant proposal which would be out of keeping with the surroundings and detrimental to the streetscape, resulting in undue harm to the amenity of neighbouring properties, including a sense of enclosure and a loss of light and outlook. The proposal is therefore contrary to Core Strategy IS3 and Policy DMS1 and DMS4 of the DMPD adopted March 2016."

24 Stage 2: On 10 June 2019, Jules Pipe, Deputy Mayor for Planning, Regeneration and Skills, acting under delegated authority from the Mayor, considered a GLA planning Stage 2 report reference GLA/4558/02. The report concluded that having regard to the details of the application, the development was of such a nature that it would have a significant impact on the implementation of the London Plan, and there were sound planning reasons for the Mayor to intervene in this case and issue a direction under Article 7 of the Order that he would act as the Local Planning Authority for the purpose of determining the application. The report identified that there were outstanding matters that needed to be resolved, including the energy strategy, sustainable drainage and transport matters. The Deputy Mayor for Planning, Regeneration and Skills agreed this recommendation and on 10 June 2019 issued a direction that the Mayor would act as local planning authority for the purpose of determining the application.

25 Since the Mayor issued this direction, GLA officers have worked with the applicant to resolve the outstanding issues on this case and improve the affordable housing offer. An increase in affordable housing to 100% by habitable room has now been secured.

26 Site visit: The Mayor will undertake an accompanied site visit with GLA and TfL officers, representatives from the Council, and the applicant's team. Third party supporters and objectors of the application will not attend. The site visit will comprise a circuit of the development site, including external examination of the buildings affected by potential changes to daylight and sunlight.

Relevant legislation, policies and guidance

27 This application for planning permission must be determined by the Mayor in accordance with the requirement of s.70(2) of the Town and Country Planning Act 1990 and s.38(6) of the Planning and Compulsory Purchase Act 2004 which confirms that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the area comprises the 2016 London Plan (consolidated with alterations since 2011), Wandsworth Council's Core Strategy (March 2016), Development Management Policies Document (March 2016), Site Specific Allocations Document (March 2016) and Employment & Industry Document (December 2018).

28 On 1 December 2017, the Mayor published his draft London Plan for public consultation. Consultation on the plan closed on 2 March 2018. On 13 August 2018, the Mayor published a version of the draft Plan that includes his minor suggested changes. The draft London Plan was subject to an Examination in Public (EiP), which was undertaken between 15 January and 22 May 2019; however, the Inspector's report has not been published. On 16 July 2019, the Mayor published the Draft London Plan – Consolidated Suggested Changes Version, which incorporates the suggested changes put forward by the Mayor before, during and after the EiP sessions. Paragraph 48 of the NPPF advises that the weight attached to the draft London Plan should reflect the stage of its preparation; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. It is important to recognise that the draft London Plan is not part of the development plan and pending receipt of the EiP report it remains the subject of as yet unresolved objection. The policies of the draft London Plan are referred to as material considerations but these should be regarded as of less weight than the development plan policies in the determination of the application.

29 The Mayor is also required to have regard to national planning policy in the form of the NPPF (and, where material, guidance reflected in the NPPG). Supplementary planning documents are referred to below where material. These are material considerations but not part of the development plan.

National planning policy and guidance

30 The National Planning Policy Framework (NPPF) provides the Government's overarching planning policy, key to which, is a presumption in favour of sustainable development. The NPPF defines three dimensions to sustainable development: an economic role contributing to building a strong, responsive and competitive economy; a social role supporting strong, vibrant and healthy communities; and, an environmental role contributing to protecting and enhancing our natural, built and historic environment. The relevant components of the NPPF are:

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes

- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

31 A key component of the NPPF is the presumption in favour of sustainable development. In terms of decision making, this means approving applications that accord with the development plan without delay; or, where there are no relevant development plan policies, or where such policies are out-of-date, granting permission unless either: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or where NPPF policies that protect areas or assets of particular importance provide a clear reason for refusing a proposed development.

32 The National Planning Practice Guidance (NPPG) is also a material consideration.

Regional planning policy and guidance

33 The London Plan 2016 is the Spatial Development Strategy for Greater London. The relevant policies within the London Plan are:

- Policy 1.1 Delivering the strategic vision and objectives for London;
- Policy 2.9 Inner London;
- Policy 2.18 Green infrastructure;
- Policy 3.3 Increasing housing supply;
- Policy 3.4 Optimising housing potential;
- Policy 3.5 Quality and design of housing developments;
- Policy 3.6 Children and young people's play and informal recreation facilities;
- Policy 3.8 Housing choice;
- Policy 3.9 Mixed and balanced communities;
- Policy 3.10 Definition of affordable housing;
- Policy 3.11 Affordable housing targets;
- Policy 3.12 Negotiating affordable housing;
- Policy 3.13 Affordable housing thresholds;
- Policy 3.16 Protection and enhancement of social infrastructure;
- Policy 4.1 Developing London's economy;
- Policy 4.2 Offices;
- Policy 4.3 Mixed use development and offices;
- Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment;
- Policy 4.7 Retail and town centre development;
- Policy 4.8 Supporting a successful and diverse retail sector;
- Policy 4.10 New and emerging economic sectors;
- Policy 4.12 Improving opportunities for all;
- Policy 5.1 Climate change mitigation;
- Policy 5.2 Minimising carbon dioxide emissions;
- Policy 5.3 Sustainable design and construction;

- Policy 5.4A Electricity and gas supply;
- Policy 5.5 Decentralised energy networks;
- Policy 5.6 Decentralised energy in development proposals;
- Policy 5.7 Renewable energy;
- Policy 5.9 Overheating and cooling;
- Policy 5.10 Urban greening;
- Policy 5.11 Green roofs and development site environs;
- Policy 5.12 Flood risk management;
- Policy 5.13 Sustainable drainage;
- Policy 5.14 Water quality and wastewater infrastructure;
- Policy 5.15 Water use and supplies;
- Policy 5.17 Waste capacity;
- Policy 5.18 Construction, excavation and demolition waste;
- Policy 5.21 Contaminated land;
- Policy 5.22 Hazardous substances and installations;
- Policy 6.1 Strategic approach;
- Policy 6.2 Providing public transport capacity and safeguarding land for transport;
- Policy 6.3 Assessing the effects of development on transport capacity;
- Policy 6.5 Funding Crossrail and other strategically important transport infrastructure;
- Policy 6.7 Better streets and surface transport;
- Policy 6.9 Cycling;
- Policy 6.10 Walking;
- Policy 6.12 Road network capacity;
- Policy 6.13 Parking;
- Policy 6.14 Freight;
- Policy 7.1 Lifetime neighbourhoods;
- Policy 7.2 An inclusive environment;
- Policy 7.3 Designing out crime;
- Policy 7.4 Local character;
- Policy 7.5 Public realm;
- Policy 7.6 Architecture;
- Policy 7.7 Location and design of tall and large buildings;
- Policy 7.8 Heritage assets and archaeology;
- Policy 7.13 Safety, security and resilience to emergency;
- Policy 7.14 Improving air quality;
- Policy 7.15 Reducing noise and enhancing soundscapes;
- Policy 7.19 Biodiversity and access to nature;
- Policy 7.21 Trees and woodlands;
- Policy 7.29 The River Thames;
- Policy 8.2 Planning obligations; and
- Policy 8.3 Community Infrastructure Levy.

34 As set out above, policies in the draft London Plan - Consolidated Suggested Changes Version (July 2019) are material considerations in in the determination of the application. As set out above in paragraph 28 the weight attached to these will vary in accordance with the criteria set out in paragraph 48 of the NPPF. Given that the EiP report has not been received, the draft London

Plan should be accorded less weight than the development plan policies. The following policies in the draft London Plan are considered to be relevant:

- Policy GG1 Building strong and inclusive communities;
- Policy GG2 Making best use of land;
- Policy GG3 Creating a healthy city;
- Policy GG4 Delivering the homes Londoners need;
- Policy GG5 Growing a good economy;
- Policy GG6 Increasing efficiency and resilience;
- Policy SD10 Strategic and local regeneration;
- Policy D1A London's form and characteristics;
- Policy D1B Optimising site capacity through the design-led approach;
- Policy D2 Delivering good design;
- Policy D3 Inclusive design;
- Policy D4 Housing quality and standards;
- Policy D5 Accessible housing;
- Policy D7 Public realm;
- Policy D8 Tall Buildings;
- Policy D10 Safety, security and resilience to emergency;
- Policy D11 Fire Safety;
- Policy D13 Noise;
- Policy H1 Increasing housing supply;
- Policy H5 Delivering affordable housing;
- Policy H6 Threshold approach to applications;
- Policy H7 Affordable housing tenure;
- Policy H12 Housing size mix;
- Policy S1 Developing London's social infrastructure;
- Policy S3 Education and childcare facilities;
- Policy S4 Play and informal recreation;
- Policy E1 Offices;
- Policy E2 Low-cost business space;
- Policy E4 Land for industry, logistics and services to support London's economic function;
- Policy E7 Industrial intensification, co-location and substitution;
- Policy E8 Sector growth opportunities and clusters;
- Policy E9 Retail, markets and hot food takeaways;
- Policy E11 Skills and opportunities for all;
- Policy HC1 Heritage conservation and growth;
- Policy HC3 Strategic and local views;
- Policy HC5 Supporting London's culture and creative industries;
- Policy G5 Urban greening;
- Policy G6 Biodiversity and access to nature;
- Policy G7 Trees and woodland;
- Policy SI1 Improving air quality;
- Policy SI2 Minimising greenhouse gas emissions;
- Policy SI3 Energy infrastructure;
- Policy SI4 Managing heat risk;
- Policy SI5 Water infrastructure;
- Policy SI7 Reducing waste and promoting a circular economy;

- Policy SI12 Flood Risk Management;
- Policy SI13 Sustainable drainage;
- Policy SI14 Waterways – strategic role;
- Policy T1 Strategic approach to transport;
- Policy T2 Healthy streets;
- Policy T3 Transport capacity, connectivity and safeguarding;
- Policy T4 Assessing and mitigating transport impacts;
- Policy T5 Cycling;
- Policy T6 Car parking;
- Policy T6.1 Residential parking;
- Policy T6.2 Office parking;
- Policy T6.3 Retail parking;
- Policy T6.5 Non-residential disabled persons parking;
- Policy T7 Freight and servicing;
- Policy T9 Funding transport through planning; and
- Policy DF1 Delivery of the plan and planning obligations.

35 The following published supplementary planning guidance (SPG), strategies and other documents are also relevant:

- Affordable Housing and Viability SPG (August 2017).
- Housing SPG (March 2016);
- Crossrail Funding SPG (March 2016);
- Social Infrastructure SPG (May 2015);
- Accessible London: achieving an inclusive environment SPG (October 2014);
- The control of dust and emissions during construction and demolition SPG (July 2014);
- Shaping Neighbourhoods: character and context SPG (June 2014);
- Sustainable Design and Construction SPG (April 2014);
- Shaping Neighbourhoods: play and informal recreation SPG (September 2012);
- All London Green Grid SPG (March 2012);
- Mayor's Transport Strategy (March 2018);
- Mayor's Environment Strategy (May 2018); and
- Mayor's Housing Strategy (May 2018).

Local planning policy and guidance

36 Wandsworth Council's Core Strategy (March 2016), Development Management Policies Document (March 2016), Site Specific Allocations Document (March 2016) and Employment & Industry Document (December 2018) provide the local policy approach for the Borough. The relevant policies are:

Wandsworth Core Strategy

- Policy SSAD1 Identified sites;
- Policy PL1 Attractive and distinctive neighbourhoods and regeneration initiatives;
- Policy PL2 Flood risk;
- Policy PL3 Transport;
- Policy PL4 Open space and the natural environment;

- Policy PL5 Provision of new homes;
- Policy PL9 River Thames and the riverside;
- Policy PL12 Central Wandsworth and the Wandle Delta;
- Policy IS1 Sustainable development;
- Policy IS2 Sustainable design, low carbon development and renewable energy;
- Policy IS3 Good quality design and townscape;
- Policy IS4 Protecting and enhancing environmental quality;
- Policy IS5 Achieving a mix of housing including affordable housing; and
- Policy IS7 Planning obligations.

Wandsworth Development Management Policies Document

- Policy DMS1 General development principles;
- Policy DMS2 Managing the historic environment;
- Policy DMS3 Sustainable design and low carbon energy;
- Policy DMS4 Tall buildings;
- Policy DMS5 Flood risk management;
- Policy DMS6 Sustainable drainage systems;
- Policy DMS7 Consultation with the Environment Agency;
- Policy DMH3 Unit mix in new housing;
- Policy DMH4 Residential development including conversions;
- Policy DMH6 Residential space standards;
- Policy DMH7 Residential gardens and amenity space;
- Policy DMH8 Implementation of affordable housing;
- Policy DMTS2 Out of centre development;
- Policy DMTS12 Arts, culture and entertainment;
- Policy DMO3 Open spaces in new development;
- Policy DMO4 Nature conservation;
- Policy DMO5 Trees;
- Policy DMO8 Focal points of activity;
- Policy DMT1 Transport impacts of development; and
- Policy DMT2 Parking and servicing.

Wandsworth Employment and Industry Document

- Policy EI1 Encouraging sustainable economic growth
- Policy EI2 Locations for new employment floorspace
- Policy EI3 Protected employment land and premises
- Policy EI4 Affordable, flexible and managed workplaces
- Policy EI5 Requirements for new employment development
- Policy EI6 Managing land for industry and distribution
- Policy EI7 Redundancy of employment premises
- Policy EI8 Waste
- Policy EI9 Protected wharves

37 The Wandsworth Employment and Industry Document and the Council's Site Specific Allocations Document designates the site at 9, 11 and 19 Osiers Road as suitable for a mixed-use development including replacement employment floorspace, residential and improved links with the town centre, subject to the outcome of a flood risk assessment. The allocation sets out design

objectives for the provision of new connections providing public access through the site including a north-south link and an east-west link through the middle of the site, defined by active frontages. The allocation indicates that tall buildings require sensitive design. On this site tall buildings are those above 9 storeys.

Supplementary planning guidance (SPG) and supplementary planning documents (SPD)

38 These are material considerations but not part of the development plan. The following adopted SPDs are also relevant to the proposal:

- Wandsworth Housing SPD (November 2016);
- Wandsworth Historic Environment SPD (November 2016);
- Wandsworth Planning Obligations SPD (March 2015);
- Wandsworth Town Centre Uses SPD (March 2015);
- Wandsworth Refuse & Recyclables SPD (February 2014);
- Wandsworth Local Views SPD (February 2014);
- Draft Wandsworth Town Conservation Area Appraisal.

Wandsworth Community Infrastructure Levy

39 London borough councils are able to introduce Community Infrastructure Levy (CIL) charges which are payable in addition to the Mayor's CIL (MCIL). Wandsworth Council's draft CIL examination hearing took place on 3 and 4 April 2012. The Inspector's report on the Council's proposed charging schedule was published on 23 May 2012, and was found to be sound. Wandsworth Council's CIL came into effect on 1 November 2012. The Wandsworth CIL charging schedule for "all other areas" of the borough (where the application proposal is located) sets a rate of £250 per sq.m. for housing and a nil charge for offices, retail and all other development. Following the adoption of a new charging schedule, MCIL 2 rates now apply to planning permissions granted from 1 April 2019. Accordingly, a MCIL rate of £80 per sq.m. would apply to the residential and commercial floorspace proposed.

40 However, CIL liability would be subject to relief for affordable housing. As the proposal is 100% affordable housing the residential element would not generate a CIL charge.

Response to consultation

41 As part of the planning process Wandsworth Council has carried out statutory notification on the application. The application was publicised by sending notifications to approximately 1,300 addresses in the vicinity of the site, as well as posting site notices close to the site and press notices. At the first re-notification following submission of revisions in September 2018 the Council sent a further 218 letters and at the second re-notification following submission of further revisions in January 2019 an additional 298 letters were sent. Consultations of all relevant statutory bodies also took place. All consultation responses received in response to Wandsworth Council's local consultation process, and any other representations received by Wandsworth and/or the Mayor of London in respect of this application at the time of writing this report, are summarised below. All comments received have been considered in forming the officers' recommendation set out in this report. The Mayor has been briefed on the amount and content of all consultation responses and has copies of these made available to him in either electronic or hard copy for consideration.

Consultee responses to Wandsworth Council

42 Greater London Authority (including Transport for London): The Mayor's consultation stage comments (GLA report ref: GLA/4558/01) and the Mayor's stage 2 decision (GLA report ref: GLA/4558/02) are set out in those reports and summarised in the 'Relevant case history' section above.

43 Environment Agency: No objection subject to the imposition of conditions relating to risk assessment and site investigation; submission of verification report; action if unexpected contamination is found; and no use of penetrative methods without express consent. The previous use of the proposed development site presents a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Secondary Aquifer. Without these conditions the EA would object to the proposal in line with the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

44 Wandsworth Council Environmental Services:

- Noise: No objections subject to addition of suitable conditions to ensure suitable soundproofing is installed between second floor residential units and the commercial floorspace below. Conditions should also be added to any consent restricting the hours of operation of any outside seating associated with any A3 use, and to require details of any ventilation equipment or plant to be submitted for approval to ensure it has satisfactory noise attenuation to avoid disturbance to residential occupiers.
- Contamination: No objections subject to the addition of suitable conditions relating to ground investigation and any Japanese Knotweed that may be on the site.
- Air Quality: Satisfied with the updated Air Quality Assessment. The mitigation measures proposed should be integrated within the design of the building and required through a condition. The "Method Statement for the reduction of emissions from construction vehicles" is satisfactory and should be secured by condition. The "Construction Environmental Management Plan (CEMP)" is not complete and should also be subject to approval by condition prior to commencement of development.

45 Lead Local Flood Authority: The submitted FRA and drainage strategy appear acceptable, however, the plans do not show any drainage design yet, also two options are indicated as means to protect the ground floor from flooding. Accordingly it is recommend if consent is granted conditions are added to the permission requiring: 1) the provision of full drainage and SuDs plans; 2) provision of details of flood mitigation measures to ground floor and to basement car park.

46 Transport for London: Commented as part of the Mayor's stage 1 and 2 reporting above, and also provided a separate detailed response to Wandsworth Council, setting out issues in relation to car parking, walking and cycling, trip generation and modal split, buses, cycle parking and cycle hire, pedestrian and cycle access, Crossrail, travel plan, servicing and construction. Specific issues relating to cycle parking were set out, along with a number of suggested conditions and s106 obligations. The detailed consideration of these points is set out in the Transport section below.

47 Historic England (Greater London Archaeological Advisory Service): The assessment has identified potential for prehistoric archaeology but given the depth of modern made ground, it is recommended that appropriate mitigation can be achieved through a suitable programme of strip-map-record site work in respect of the anticipated basement excavation. If permission is granted the archaeological interest should be conserved by attaching a condition requiring that no ground disturbance greater than a depth of 2m from existing land surface shall take place until a stage 1

written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing, and the programme and methodology of site mitigation and the nomination of a competent person(s) or organisation to undertake the agreed works. It is concluded that the above condition wording permits development activity to commence and therefore cannot be deemed to be pre-commencement. Approval of the WSI before works below the specified depth from existing provides clarity on what is required, and their timing in relation to the development programme.

48 Council ecology consultants (Enable): Having assessed the biodiversity baseline for this application there are no objections subject to the addition of appropriate conditions. The design narrative begins well with the link to Osiers which is nice as it reflects the marshland that would have existed here, close to the River Thames and River Wandle. However, it does not follow through in the landscape planting or green links. The species selected have no marshy character and have limited value to native wildlife, nor do they provide any functional ecological links to habitats in the local vicinity. There is also limited wildlife value of private garden spaces and no information provided on roof habitats. A condition requiring approval of a revised landscape planting scheme that provides a stronger link to ecological character of area should be provided to ensure that the biodiversity value of the borough is protected and enhanced Policy DM04. Details of the management of the public realm, plus the roof level amenity areas, should also be provided before occupation. Conditions relating to details of external lighting, and a revised Construction Management Plan that takes into consideration the potential impacts on nesting birds and light pollution during construction are also recommended.

49 Council arboricultural advisor (Enable): No objections. There are no nearby trees of note. Details of proposed landscaping, including any new tree planting should be submitted for approval.

Individual neighbourhood responses

50 At the time of reporting the application to its planning committee, Wandsworth Council reported that it had received 362 responses (to the initial, first and second consultations) from local residents, of which 360 were objections and 2 were in support. All responses were provided to the GLA subsequent to the decision to take over the application. Following the Mayor´s decision to take over the application, 13 responses in objection and 1 response in support of the development have been received. All representations submitted have been taken into account in the consideration of this application and have been made available to the Mayor in advance of the hearing.

51 The relevant material planning considerations raised in objection to the proposals can be summarised as follows:

Scale and height

- Inappropriate for size and nature of development;
- Inappropriate for the site and area;
- Will dwarf existing buildings;
- No rationale for proposed height;
- Tall buildings should be limited to Central Activities Zone;
- A lower, smaller development would be more appropriate;
- Building should be the height of those directly surrounding it, so should be no more than 8 floors;

- Exceeds the 9 storeys which the Council set as the acceptable upper limit for riverside development;
- The scale and massing given the narrowness of the street would impinge on quality of the street environment;
- Is not offset by enough public space for a development of such a size;
- Exceeds the London Plan density guidelines;
- Resident dissatisfaction with overall size of development in area;
- Overpopulation;
- Proposed height only for financial benefit of the developer.

Layout

- Does not fit in with the spatial strategy of the area;
- Does not follow the principles expected on this part of the site when Knightley Walk flats were developed as an 'L' shaped development on one half of the SSAD site;
- Should provide a synergy to the adjoining Taylor Wimpey built Radius development in terms of height, layout and appearance, as this development 'squares off' that development;
- Spoils potential symmetry of the block as a whole and encroaches upon potential, central community space;
- Narrowness of proposed public realm;
- Buildings should be more widely spaced/inadequate separation distances;
- Want the neighbourhood to be as green and light as possible;
- Would change the unique character of our neighbourhood to its detriment;
- Proposed trees are "tick-box" to meet environmental requirements and is not in keeping with the green spaces between buildings of the adjacent riverside quarter development.

Design

- Out of keeping with surrounding development;
- Becoming an "architectural zoo" with an impoverished environment at street level;
- Unflattering mix of architectural styles;
- Dull and uninspired development;
- Of little architectural merit;
- Will significantly impact on visual amenity;
- Piecemeal/chaotic;
- The design objectives for the scheme are unclear, which has resulted in a chaotic approach to massing and layout;
- Clouded by a desire to fit to as much as possible on the site rather than responding to context;
- Lack of amenity space provision;
- No balance of greenery to offset the development;

- The open areas provided will receive limited sun;
- Will take away the last bit of history and normality from the area rendering the whole space 'plastic'.

Amenity impacts

- Significant loss of daylight and sunlight to existing properties;
- Will block out a huge amount of existing light;
- Increased overshadowing;
- Increased sense of enclosure/claustrophobic/feeling boxed-in;
- Loss of outlook;
- Will see no visible sky just a wall of buildings in close proximity;
- Loss of privacy;
- Increased overlooking of windows and balconies/terraces at close distance;
- Would create an even bigger drain on existing resources;
- Existing infrastructure cannot cope;
- Increased noise and disturbance from intensification of use on the site;
- Noise, smells and disturbance from the commercial units;
- Will add to pollution levels;
- Never ending noise dust and pollution from constant construction works in the area;
- Will significantly impact on quiet enjoyment of home;
- Complete loss of amenity for existing residents.

Transport impact

- Insufficient parking provision;
- 10 parking spaces for 168 flats does not cater for increased population and traffic for residents and visitors;
- Very limited parking available and an unrealistic expectation of how people live with too few parking spaces;
- Parking is already a significant problem in the area;
- No visitor parking;
- Unrealistic to think no one living, working or visiting the site will need access to a car;
- It is not possible for all visitors to use public transport;
- The lack of sufficient parking space will likely increase vehicles parked on the street and attract more taxi drivers to linger around the development;
- Transport links are not prepared for such an influx of people from this and other recently approved developments;
- Will worsen traffic flows;
- Additional strain on limited road capacity;

- Will add to congestion to the single route into and out of the area;
- Will exacerbate already overburdened transport facilities;
- Public transport usage is already at a maximum and getting on a train in peak hours is impossible;
- Need new transport links including new bus route;
- Should be more direct pedestrian access from the Point Pleasant site to Wandsworth Town railway station;
- Submitted framework travel plan is a joke;
- No allowance made for deliveries or visiting commercial vehicles;
- Have the safety risks to children in the area from increased parking on the streets been mitigated;
- Consideration should be given to fire access.

Housing and affordable housing

- Enough homes have been built in the area;
- Unproven demand for this additional increase in capacity of housing types which are already over-supplied in the area;
- Many of the newest apartments in the area are being withheld from sale because developers cannot sell the ones they have on the market, so there is no pressure to squeeze even more into an overbuilt community;
- Will be investment properties instead of family homes which is depriving our area from having any sense of community.[3]

Other issues

- Inappropriate density of people is the primary cause of unhealthy environment, morbidity and death;
- Increased crime;
- Noise and disturbance from building works/constant building works for years on end damaging to residents' health;
- Public realm spaces do not support air quality improvement;
- Increased pressure on existing infrastructure including public transport, schools etc.;
- An insensitive intrusion into the area;
- Proposed development fails to meet standards in Wandsworth policies, draft London Plan and the basic principles of the NPPF;
- Need to breathe life into the area;
- The site would be better turned into communal space rather than for additional buildings;
- A step too far;
- Need to wholly re-consider;
- Amendments made to the scheme do not go far enough/minor changes;

[3] Officers note that the proposal is now 100% affordable housing, so the sale of market housing is not an issue.

- Slight 'tweaking' of the original planning application is an insult to all the strong and valid objections that have been raised;
- Derisory revisions/insignificant/the revisions are a joke;
- A cynical attempt to suggest to planners that they have listened to angry local residents;
- Completely ignores the content of the objections and the sentiment of the community;
- Developers have not listened to neighbours objections;
- The revised plans do nothing to address the issues that were raised and are merely a mediocre effort to appear to be working with the local community;
- Revisions ignore a large number of residents' concerns;
- The actual overall size of the development remains the same, not addressing the second main objection of residents which is density of the area;
- The concession of 7 flats in the revised scheme is laughable;
- While the developers have amended their plans, they are still woefully below that of the reasonable expectations of those living in this are;
- At risk of developing for the sake of developing and not thinking about the long-term ramifications for local residents;
- The Planning Committee should bear in mind that the development will be here for hundreds of years, so it is vital it is done right.

52 The relevant material planning considerations raised in support of the proposal can be summarised as follows:

- Overall believe that this is a high quality development which will complete the area and make a positive enhancement to public realm;
- Existing condition of the site is detrimental to the local area;
- The scheme is entirely appropriate to compete the regeneration of the area with needed houses, especially affordable homes;
- Design is appropriate and height comparable to other buildings in the area;
- There is ample public green space in the area;
- Finish the jigsaw and let's enjoy a completed residential area in a few years.

Other responses to the Council, including residents' groups and elected members

53 Radius Wandsworth Residents Association: Objects due to concerns relating to the excessive height and consequent impact on living conditions; lack of justification for the proposed tall buildings; poor urban design; inadequate assessment of the site and its surroundings; and lack of justification for the proposed excessive density, when considered against the characteristics of the area and Wandsworth and London Plan policies. Does not object to the principle of redevelopment but the present proposals amount to over-development which would be harmful the area.

55 Riverside Quarter Residents Association: Objects. Height and density is excessive as it is over 30% more dense than any other development on Riverside. Provision of social housing supported but a reduction in height would have minimal loss of units. No provision for resident, visitor or commercial parking, which will put pressure on surrounding roads. The Riverbus is full at peak times

and it is difficult to catch trains at Wandsworth Town and East Putney due to overcrowding. Inadequate provision for health and education infrastructure. The open space on site is inadequate. There no material change in the height or the density of the development following consultation. The revisions do not properly address any of the objections from local residents on privacy, light, lack of fit with the existing buildings, inadequate open space, high level views/impact on the skyline and excessive density versus the guidelines for a site of this nature. No Urban Design Analysis has been carried out. The site should be developed but the applicant is not responsible. The Council should turn the proposal down as presented.

56 Justine Greening MP: Raised concerns on behalf of herself and her constituents. The latest amendment to the plans does little to resolve residents' concerns that this will overdevelop the site, with an impact on the privacy and light of residents living in Knightley Walk and Osiers Road. The changes will have little effect on the extent to which the new development will impact current residents' quality of life. With the proposed 168 units it is still almost 40% more dense than any other development on Riverside. The development is too high compared to the existing buildings and will impact negatively on the skyline, particularly for residents of Sudlow Road and Eastfields Avenue. Generally, the design does not fit spatially with surrounding buildings or the existing open area at the centre of the Radius development. Residents have made clear how concerned they are about the impact on school places, GP and dental surgeries, and on local transport links, particularly at Wandsworth Town and the District Line. Very few disabled parking bays and no visitor parking which will undoubtedly add pressure on parking in surrounding streets. The developer has not adequately engaged with residents. The Planning Applications Committee should give full consideration to residents' concerns.

Representations summary

57 All the representations received in respect of this application have been made available to the Mayor in printed form; however, in the interests of conciseness, and for ease of reference, the issues raised have been summarised in this report as detailed above.

58 The main issues raised by the consultation responses, and the various other representations received, are addressed within the material planning considerations section of this report, and, where appropriate, through the proposed planning conditions, planning obligations and/or informatives outlined in the recommendation section of this report.

Material planning considerations

59 Having regard to the site and the details of the proposed development, relevant planning policy at the local, regional and national levels; and, the consultation responses and representations received, the principal planning issues raised by the application that the Mayor must consider are:

- Land use principles (including mixed use development, employment, residential uses);
  - Loss of industrial land
  - Principle of residential use
  - Employment
  - Social infrastructure and funding
  - Conclusions
- Housing (including delivery of affordable housing, tenure, mix, density, quality);
- Design (including urban design, public realm, play space, views, heritage, designing out crime);
- Inclusive design;
- Residential amenity of neighbouring and future occupiers (including daylight and sunlight, overshadowing, privacy/overlooking and noise/disturbance);

- Sustainable development (including climate change mitigation and adaption, microclimate, ecology, trees and urban greening, flood risk and sustainable urban drainage);
- Other environmental issues (including air quality, contaminated land, noise impact and waste management);
- Transport, highway safety and car parking provision;
- Arts and culture; and,
- Mitigating the impact of development through planning obligations
- Public Sector Equality Duty (PSED) and Human Rights

60 These issues are considered within the following sections of the report.

Land use principles

61 The principle of redevelopment must be considered in the context of the London Plan and borough policies, as well as the NPPF, together with other policies relating to mixed-use development, housing, employment and retail uses. The NPPF identifies a set of core land-use planning principles which should underpin both plan-making and decision-taking when making effective use of land. Those of particular relevance to the application site are that planning should:

- encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains;
- give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land; and
- promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).

62 The site is not within an Opportunity Area, but it does comprise previously developed land in an accessible and sustainable location. Wandsworth Core Strategy Policy IS1 seeks to maximise the use of previously developed land on sites that are located close to public transport links. The existing buildings are not noted for their historical or architectural merit, so their demolition is acceptable in principle. Therefore, a residential-led, mixed use development on the site is consistent with the aims of strategic and local planning policy. Specific land use considerations are outlined further below.

Loss of industrial land

63 London Plan Policy 4.4 and draft London Plan Policy E7 seek to manage London's industrial capacity through the managed release and/or intensification of industrial land. London Plan Policy 4.4 states that there should be restricted with exceptional planned release of industrial land in Wandsworth. Draft London Plan Policy E4 sets Wandsworth a revised policy to provide capacity for industrial floorspace. Draft London Plan Policy E7 states that proposals for mixed-use redevelopment of non-designated industrial land will be supported where there is no reasonable prospect of industrial re-use, where it has been allocated for mixed-use development or where intensification of floorspace is proposed.

64 Wandsworth Core Strategy Policy PL9 and Employment and Industrial Document (EID) Policies EI1, EI2 and EI3 support the provision of employment floorspace (specifically B1, B2, B8 and related Sui Generis) particularly in accessible locations and at Focal Points of Activity. The site

is located within the Wandsworth Riverside/Wandsworth Delta Focal Point of Activity as defined by Wandsworth DMPD Policy DMO8, which the applicant proposes to redevelop into employment and retail uses and housing. The site has been allocated for a mixed use commercial / residential development in the Council's EID and the Site Specific Allocations Document (SSAD) (reference 3.3.3) and the loss of industrial uses within this site, and the wider area, has already been fully tested through the plan making process. Policy EI2 states that mixed use development, including residential is appropriate in Focal Points of Activity and Policy EI3 requires that employment floorspace is replaced by an equivalent level of new employment floorspace.

65 The existing site has 3,740 sq.m. of industrial floorspace that would be replaced with 3,805 sq.m. of flexible commercial floorspace. This would replace the existing floorspace as required by Wandsworth EID Policy EI3 and the site allocation. In addition, as the site benefits from a site allocation that states that industrial floorspace should be replaced with commercial floorspace, it meets the requirements of draft London Plan Policy E7 on the loss of non-designated industrial land. As such the loss of the industrial land on the site is acceptable in accordance with Wandsworth Core Strategy PL9, DMPD Policy DMO8 and EID Policies EI1, EI2 and EI3 and draft London Plan Policy E7, subject to consideration of the replacement commercial floorspace which is discussed further below.

Principle of residential use

66 The NPPF sets out the Government's priority to deliver a sufficient supply of new homes to meet housing requirements and states that planning policies and decisions should seek to make effective use of land and support the redevelopment of under-utilised land and buildings. In line with paragraph 118 of the NPPF, substantial weight should be given to the value of developing brownfield land in meeting housing need.

67 London Plan Policy 3.3 seeks to increase the supply of housing within London and sets Wandsworth Council a target to deliver a minimum of 18,123 homes in the Plan period 2015-2025, an annualised average housing target of 1,812 homes per year. Draft London Plan Policy H1 proposes to increase the housing target to 23,100 homes, an average of 2,310 units per year between 2019/20 and 2028/29. Wandsworth Council's Core Strategy Policy PL12 states that development in central Wandsworth and the Wandle Delta should provide at least 1,363 new homes by 2029-2030, and the SSAD site allocation is reflective of the local policy support for residential redevelopment of this site.

68 To meet housing targets, London Plan Policy 3.3 emphasises the particular importance of mixed-use redevelopment of surplus commercial capacity. Similarly, Policy H1 requires boroughs to optimise housing delivery on all suitable and available brownfield sites. This carries forward the Mayor's overarching objective to meet London's housing need by making the best use of potential capacity on brownfield land within the capital, whilst safeguarding the Green Belt and other designated open spaces, as set out in London Plan Policy 1.1 and Policy GG2 of the draft London Plan.

69 The GLA's Stage 2 report assessed Wandsworth's affordable housing delivery based on the London Plan target of 17,000 homes per annum, which equates to 40% of the London Plan overall housing target. This resulted in an affordable housing target of 725 homes per year in Wandsworth, or 3,625 homes over the five years between 2013 and 2018, and Wandsworth was shown to have delivered only 40% of this target. It is recognised that Wandsworth Local Plan Core Strategy Table 4.7 sets a different target of 1,470 affordable homes between 2015 and 2020 as shown in Table 3 below. For the purposes of this report the Wandsworth Local Plan target is used to reflect local affordable housing requirements.

70 The proposed scheme would provide 168 homes (of which 100% would be affordable), which, if completed, would equate to 9% of Wandsworth's housing monitoring target in the current London Plan and 7% of the draft London Plan target, on an annualised basis as per Tables 2 and 3 below. Notably, the proposal comprises 100% affordable housing, of which 45% (75 units) would be London Affordable Rent and 55% (93 units) would be London Shared Ownership. This proposal would therefore provide 12% of Wandsworth's total affordable housing target between 2015 and 2020 and would be equivalent to 83% of the total number of affordable homes completed in Wandsworth during the most recent year of monitoring (2017/18). The proposal would also contribute towards meeting strategic affordable housing need in London as per Table 4 below.

Total completions	**2013-2014**	**2014-2015**	**2015-2016**	**2016 - 2017**	**2017 – 2018**	**Total**
Homes target	1,812	1,812	1,812	1,812	1,812	9,060
Net homes delivered	**1,201**	**940**	**2,876**	**2,643**	**2,092**	**9,752**
Vacant homes returning to use	56	174	40	88	-41	317
Net total housing (all forms of supply)	**1,257**	**1,114**	**2,916**	**2,731**	**2,051**	**10,069**
Percentage of target	**69%**	**61%**	**161%**	**151%**	**132%**	**111%**

Table 2 – LB Wandsworth net housing completions (both conventional and non-conventional supply and long-term vacant homes returning to use)

	2013-2014	**2014-2015**	**2015-2016**	**2016 - 2017**	**2017 - 2018**	**Total**
Net conventional housing completions	977	806	2,357	1,895	1,908	7,943
Affordable homes target (Local Plan)	294	294	294	294	294	1,470
Affordable homes delivered	**224**	**134**	**519**	**378**	**202**	**1,457**
Affordable homes as a percentage of supply	**76%**	**46%**	**177%**	**129%**	**69%**	**99%**

Table 3 – LB Wandsworth net affordable housing completions as a percentage of conventional housing completions

	2013-2014	**2014-2015**	**2015-2016**	**2016 - 2017**	**2017 – 2018**	**Total**	**Delivery**
Homes target	42,388	42,388	42,388	42,388	42,388	211,940	**77% of target**
Net conventional housing completions	**26,749**	**28,738**	**35,358**	**40,560**	**31,851**	**163,256**	
Affordable homes target	17,000	17,000	17,000	17,000	17,000	85,000	**37% of target**
Affordable homes delivered	**6,855**	**6,237**	**7,007**	**6,890**	**4,703**	**31,692**	
Affordable homes as a percentage of supply	**26%**	**22%**	**20%**	**17%**	**15%**	**19%**	

Table 4 – London-wide net affordable housing completions as a percentage of conventional housing completions

71 Therefore, in line with the principles of encouraging the re-use of previously developed land and in light of the Council's local policy designations and site allocation, the principle of the housing-led redevelopment of this site is supported and would make a significant contribution

towards the achievement of the Council's housing targets and in meeting local and strategic pan-London need for conventional and affordable housing. The affordable housing element of the proposals is discussed in further detail in paragraphs 79 to 99 of this report.

Employment

72 London Plan Policy 4.2 and draft London Plan Policy E1 support the development of new office provision in London to improve London's competitiveness and support the provision of further office space including locally oriented, town centre office provision to meet local needs. The application site is within the Wandsworth Riverside/Wandsworth Delta Focal Point of Activity. Wandsworth's Local Plan Policies PL9, EI1, EI2 and EI3 support the provision of employment floorspace (specifically B1, B2, B8 and related Sui Generis) and promote employment floorspace as part of mixed-use development, particularly at Focal Points of Activity. Policy EI2 states that applications for developments that would result in a net increase in employment floorspace will need to be justified by a sequential test. The Wandsworth Employment and Industry Document and the Council's SSAD allocates the site under Schedule 3.3.3 for mixed-use residential and employment development, requiring the replacement of employment floorspace and allowing the development of town centre uses, subject to the criteria set out in Policy DMO8. Development Management Policy DMO8 states that the mixed-use development of focal points will be encouraged with town centre uses for up to 300 sq.m. of retail floorspace considered appropriate.

73 The proposals would deliver 3,805 sq.m. of commercial floorspace. 3,653 sq.m. of office floorspace would be located across the ground and first floors of Blocks A and B and will be suitable for occupation by SMEs, flexible co-working space or larger tenants depending on market demand. In addition, the separate 152 sq.m. unit on the south east corner of Block B2 would be suitable for use by SMEs for a range of flexible uses and will activate the frontage in this location. The proposal would result in a modest overall net increase of 65 sq.m. in employment floorspace compared to the existing situation. The net uplift is considered minimal and insufficient to justify a sequential test as per Wandsworth Local Plan Policy EI2; as such the proposed office space accords with the Council's SSAD requirement to provide replacement employment floorspace. The proposals therefore comply with the Wandsworth Local Plan policies noted above, which encourage new employment floorspace within mixed-use development in the Wandsworth Riverside Focal Point of Activity.

Use Class	Existing sq.m. (GIA)	Proposed sq.m. (GIA)	Net change (sq.m.)
Class B1, B2 and B8 industrial uses	3,740	0	**-3,740**
Class B1 office floorspace (with ancillary Class A3 cafe)	0	3,653	**+3,653**
Flexible Class A1, A2, A3, B1, D1 or D2 use	0	152	**+152**
Total	**3,740**	**3,805**	**+65**

Table 5: Existing versus proposed employment floorspace (GIA)

74 The employment and retail space proposed also assists in mitigating the flood risk impacts of the scheme, which restricts housing at ground level, and provides active frontages to the public realm areas. These aspects are discussed in more detail in the flood risk and urban design sections of this report.

75 In line with the Council's Planning Obligations SPD, the applicant will make a contribution of £83,651 towards the provision of employment and training initiatives in the borough, which will be secured within the section 106 agreement.

Social infrastructure and funding

76 London Plan Policy 3.16 and Policy S1 of the draft London Plan support the provision of adequate social infrastructure as part of new developments and states that facilities should be accessible by walking, cycling and public transport. Since the introduction of the borough's community infrastructure levy (CIL), CIL receipts from new development are expected to take the place of traditional individual S106 contributions towards the provision of necessary additional social infrastructure such as school places, healthcare facilities and leisure facilities. The Borough CIL receipt from this development is expected to be up to £309,280. The proposed affordable housing is exempt from CIL under the Planning Act 2008 and the office space is only liable for Mayoral CIL as it has a CIL chargeable rate of £0 at borough level. Site specific works, such as highway infrastructure, landscaping and public realm to mitigate the impacts of the development, are recoverable via the S106 agreement, as set out in paragraphs 289 to 304 below.

Principle of development conclusion

77 As set out above, given the site's context as a previously developed site in a highly accessible location, its allocation for mixed use residential and commercial development in Wandsworth Council's Local Plan, and the strategic priority afforded to housing in the London Plan, the principle of the housing-led redevelopment of this site is strongly supported. The application includes the provision for new employment space and small-scale retail in accordance with the site allocation and the Thames Policy Area designation. Therefore, the proposal accords with London Plan Policy 1.1, 3.3, 4.2 and 4.4 and Wandsworth Local Plan Policies IS1, PL9, EI1, EI2, EI3 and DMO8. It is consistent with the development plan. It is also consistent with draft London Plan Policy GG2, H1, E1, E4 and E7. No reasons for refusal are cited by Wandsworth Council in relation to land use principles.

78 Having regard to the above, the proposal would make a significant contribution towards the wider policy and regeneration objectives of Wandsworth's Local Plan, including housing and employment, and will deliver a number of public benefits, including new high quality public realm. The principle of the proposed development therefore accords with the development plan and the NPPF.

Housing

Affordable housing

79 London Plan Policy 3.11 states that the Mayor will, and boroughs should, seek to maximise affordable housing provision and ensure an average of at least 17,000 more affordable homes per year in London up to 2031, of which 60% should be social/affordable rent and 40% intermediate. Wandsworth Core Strategy Policy IS5 seeks the maximum provision of affordable housing with a target of at least 4,402 new affordable dwellings to be delivered during the plan period, 60% of which should be for social or affordable rent and 40% intermediate tenure in line with the strategic target set out in the London Plan. For individual planning applications, at least 33% of homes should be affordable and a financial viability assessment should be submitted where schemes propose less than 50% affordable housing.

80 London Plan Policy 3.12 requires that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed-use

schemes, taking into account a range of factors including: the requirement for affordable housing; affordable housing targets; the need to promote mixed and balanced communities; specific site circumstances; development viability; public subsidy and the resources available to fund affordable housing; and the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation ('contingent obligations'), and other scheme requirements.

81 In August 2017, the Mayor published his Affordable Housing and Viability Supplementary Planning Guidance (SPG) which sets out his preferred approach to maximising the delivery of affordable housing and introduced the 'Fast Track Route' for applications that meet or exceed the Mayor's threshold for affordable housing (by habitable room). In addition, to qualify for the 'Fast Track Route', an applicant must have explored the potential to increase the level of affordable housing using grant funding and an early stage review mechanism must be secured, which seeks to incentivise the early implementation of any planning permission. Applications which are considered eligible for the 'Fast Track Approach' are not required to submit a financial viability assessment or be subject to a late stage viability review mechanism (as is required for applications which follow the 'Viability Tested Route').

82 The threshold approach to affordable housing is also set out in Policies H5, H6 and H7 of the draft London Plan. Policy H5 of the draft London Plan sets a strategic target that 50% of new homes should be affordable. Policy H6 sets a minimum threshold of 35% affordable housing (by habitable room) to follow the Fast Track Route, with a threshold of 50% applied to public sector owned sites and industrial land (where development results in a net loss of industrial capacity). Given that the site comprises light industrial uses, it is subject to the 50% affordable housing threshold set out in the draft London Plan.

83 Policy H7 of the draft London Plan confirms the Mayor's priority to deliver genuinely affordable housing and sets out minimum expectations in relation to tenure split. The preferred tenure split for market housing schemes is at least 30% low cost rent (social or London Affordable rent), at least 30% intermediate (with London Living Rent and shared ownership being the preferred tenures), and the remaining 40% to be determined by the local planning authority taking into account relevant Local Plan policy.

84 When the Mayor considered the application at Stage 1, the scheme proposed 175 residential units, of which 59 units (34.5% by habitable room) would be affordable, split 58% Wandsworth Capped Rent (WCR) and 42% shared ownership by habitable room, as per Table 6 below. Whilst the tenure mix was noted to comply with the Mayor's SPG and draft London Plan Policy H6, the overall offer did not accord with the 50% threshold for the Fast Track Route for applications on industrial land. The Mayor also raised concerns about the affordability of the Wandsworth Capped Rent units. As such, the financial viability assessment submitted by the applicant would be robustly scrutinised.

85 Following Stage 1, in response to concerns raised by the Council, the height of Block A1 was reduced from 11 to 10 storeys and the northern shoulder height of Block B1 was reduced from a 9-storey building to a part 3 and part 5 storey building. This resulted in a reduction in the number of units by 7 to 168 total units, with the blocks reconfigured through a loss of 4 two bed homes, 3 three bed and 3 four bed homes and an increase of 3 one bed homes. As a result of this and the GLA's Stage 1 comments, the proposed affordable housing offer was revised down by two units to 57 units, but with a similar proportion of 34.6% affordable by habitable room, with 14 London Affordable Rent units.

86 Following independent review of the applicant's viability assessment by consultants appointed by the Council (GL Hearn), the Council concluded that the offer of 57 affordable housing units was the maximum reasonable offer. This process also resulted in an increase in the number of London Affordable Rent units from 14 to 16 and a reduction in the Wandsworth Capped Rent units

from 19 to 17. However, on the day of Wandsworth Planning Applications Committee the applicant offered a further 9 shared ownership units, increasing the affordable housing offer to 39% by habitable room, with an overall tenure split of 50% LAR/WCR and 50% shared ownership. As part of this, a private tenure 3 bedroom unit was converted to a shared ownership 2 bedroom unit.

87 At Stage 2, the 39% affordable housing offer was strongly supported and met tenure split requirements but did not meet the 50% threshold for the Fast Track Route for industrial land. As such the Mayor made clear that all options for increasing on-site affordable housing must be explored, including fully exploring grant funding. Since the Mayor's decision to take over the application in June 2019, the applicant has increased its affordable housing offer to 100% affordable housing with grant funding, split 45% London Affordable Rent and 55% London Shared Ownership. The evolution of the affordable housing offer from the initial submission to date is summarised in Table 6 below.

	Initial submission (July 2018)	**Revised offer before Wandsworth Planning Committee (April 2019)**	**Revised offer at committee (April 2019)**	**Current proposal (October 2019)**
London Affordable Rent	0	14	16	75
Wandsworth Capped Rent	31	19	17	0
London Shared Ownership	28	24	33	93
Total	**59** (34.5% by habitable room)	**57** (34.6% by habitable room)	**66** (39% by habitable room)	**168** (100% by unit and habitable room)
Notes:	*Considered by the Mayor at Stage 1 (October 2018)*	*As presented in the Wandsworth Planning Committee report (April 2019)*	*Considered at Wandsworth Planning Committee (April 2019)*	*Current proposal*

Table 6: affordable housing history

88 The proposed affordable housing offer exceeds the threshold target of 50% by habitable room as set out within the draft London Plan Policy H6 and exceeds Wandsworth Council's Local Plan requirement for individual sites to deliver at least 33% affordable housing. As such, the proposed 100% affordable housing offer is strongly supported and should be given significant weight in the determination of this application.

Proposed tenure split

89 Overall the scheme proposes a tenure split of 45% London Affordable Rent and 55% shared ownership. The Mayor's SPG and draft London Plan Policy H7 state that schemes providing 75 per cent affordable housing or more can be considered under the Fast Track Route whatever the tenure mix where supported by the Mayor and the borough where relevant.

90 The tenure split meets the requirement in the Affordable Housing and Viability SPG and draft London Plan Policy H7 that a minimum of 30% affordable housing should be provided as low cost rent and 30% as intermediate housing, with the remaining 40% to be decided by the Council.

The Council's Core Strategy Policy IS5 sets an overall target of 50% affordable housing, with a target split of 60% social rent/affordable rent and 40% intermediate. The policy states that a degree of flexibility may be appropriate to maintain a continued housing supply and to promote deliverability, having regard to various factors including the need to maximise the delivery of affordable housing. The provision of 75 London Affordable Rented Units exceeds the requirement for low cost rent housing that would apply under the Local Plan tenure split for a 50% affordable housing Fast Track compliant scheme. As the applicant is proposing a significantly increased offer of 100% affordable housing, nearly half of which will be London Affordable Rent it is considered to be appropriate in this case. This affordable housing commitment will be secured in the S106 agreement and comprises the following:

affordable units	number of units	number of habitable rooms	% by unit	% by habitable room
London Affordable Rent	75	221	44.6%	45.2%
London Shared Ownership	93	268	55.4%	54.8%
total (% of scheme)	168	489	100%	100%

Table 7: affordable housing breakdown

91 As such, the application accords with the tenure mix requirements set out in London Plan Policy 3.11, Policy H7 of the draft London Plan, the Mayor's Affordable Housing & Viability SPG and Wandsworth Core Strategy Policy IS5. As set out above, it is also consistent with Policy H7 of the draft London Plan.

Affordability

92 The Mayor's Affordable Housing & Viability SPG and draft London Plan Policy H7 make clear that in determining tenure, homes are to be genuinely affordable. Paragraph 4.7.4 of the draft London Plan confirms that London Affordable Rent should constitute a low cost rent product for households on low income, with rent levels based on social rent and set in relation to the GLA's published benchmarks set out int the Mayor's Affordable Homes Programme 2016-21 Funding Guidance and updated annually. The London Affordable Rented housing would be let at levels set annually by the GLA and would be secured at this level in the Section 106 Agreement. This equates to between 25% and 45% of market rent in the area based on the London Rents Map. Eligibility for LAR units would be restricted based on local need and subject to nominations agreement.

Unit size	2018/19[4]	% of market rent[5]
One bedroom	£155.13	45%
Two bedrooms	£164.24	39%
Three bedrooms	£173.37	32%
Four bedrooms	£182.49	25%

Table 8: London Affordable Rent benchmarks

[4] London Affordable Rents are exclusive of service charges.
[5] Market rents based on GLA London Rents Map, which is based on 2018/19 Valuation Office Agency data. To enable comparison, monthly market rents shown in the GLA Rents Map have been multiplied by 12 and divided by 52 to provide estimated weekly rents.

93 London Shared Ownership units would be subject to the eligibility and household income requirements as set out in the draft London Plan to ensure that annual housing costs (including mortgage payments, rent and service charge) do not exceed 40% of net household income, assuming a maximum household income of £90,000 (as updated in the London Plan Annual Monitoring Report - 14, 2018). The applicant has stated that these units would be affordable to households at the following income levels depending on the unit size, as set out below. The proposed housing costs accommodate those on a range of incomes as set out in the Affordable Housing and Viability SPG up to £90,000 (as per the Annual Monitoring Report), which is acceptable.

unit type	Shared ownership maximum income threshold
1 bed	£55K
2 bed	£71K
3 bed	£85K
4 bed	-

Table 9: Proposed shared ownership income thresholds

The criteria in the latest London Plan Annual Monitoring Report (September 2018) has been met with London Shared Ownership provided at a range of income thresholds below the upper limit to ensure the housing is genuinely affordable, in accordance with the Mayor's Affordable Housing & Viability SPG and Draft London Plan Policy H7.

Grant funding

94 To be eligible for the 'Fast Track Route' the applicant must also have sought grant to increase the level of affordable housing, taking into account the Mayor's strategic target of 50% affordable housing, in line with Policy H6 of the draft London Plan and the Mayor's Affordable Housing and Viability SPG. As the revised application would provide in excess of 40% affordable housing, all of the proposed London Affordable Rent and London Shared Ownership units would be eligible for GLA grant (£28,000 per unit) under the 'Developer led Route', in line with the Mayor's Affordable Homes Programme Funding Guide.

95 The increase in affordable housing from 39% to 100% is achieved through GLA grant as part of the Mayor's 2016-21 funding programme. The grant funding is time limited and requires a start on site in financial year 2019/20 to expedite the delivery of affordable housing. The proposed affordable housing would be sold to and managed by Peabody as the Registered Provider.

Review mechanisms

96 The Affordable Housing and Viability SPG and Draft London Plan Policy H6 set out requirements for viability review mechanisms, which are necessary to secure the maximum public benefit from schemes and to incentivise delivery. Fast Track Route schemes are required to provide early stage review mechanisms to increase the provision of affordable housing where these do not reach substantial implementation two years from the grant of planning permission.

97 An early stage review has therefore been secured within the draft S106 agreement. The early stage review includes a potential extension to the substantial implementation trigger date arising from an unforeseen force majeure event, archaeological find or contamination beyond the applicant's control. This is acceptable in this instance due to the scheme providing 100% affordable housing.

Conclusion on affordable housing

98 In response to concerns raised by the Mayor at both Stage 1 and Stage 2, the applicant has increased the affordable housing offer to 100% by unit and habitable room, which represents a significant improvement on the 39% proposed at Stage 2 and is strongly supported. The increased affordable housing offer exceeds the affordable housing threshold of 50% and represents a 61% proportionate increase since the Council determined the application. The proposed tenure split accords with the requirements set out in the draft London Plan and Mayor's Affordable Housing & Viability SPG and the affordability levels proposed across each tenure would comply with the relevant requirement set by the NPPF, London Plan, draft London Plan and the Wandsworth Local Plan. The scheme is fully compliant with the criteria set out in Policy H6 of the draft London Plan and the Mayor's SPG for following the Fast Track Route. The affordable housing will be secured in the Section 106 agreement including the terms of eligibility and affordability and an early stage review mechanism, should permission be granted.

99 On this basis, the application accords with London Plan Policies 3.3, 3.4, 3.5, 3.8, 3.9, 3.11 and 3.12and Wandsworth Core Strategy Policy IS5. It is consistent with Mayor's Housing SPG (2016) and the Mayor's Affordable Housing & Viability SPG (2017). It is accords with draft London Plan Policies GG4, D4, D5, D6, H1, H5, H6, H7 as set out above.

Housing mix

100 The application, as amended, would provide 168 residential units, 75 of which would be London Affordable Rent and 93 of which would be London Shared Ownership. The housing mix would be as follows:

unit type	London Shared Ownership	London Affordable Rent	total	percentage
one-bed	19	18	37	22%
two-bed	66	45	111	66.1%
three-bed	8	11	19	11.3%
four-bed	0	1	1	0.6%
total	93	75	168	

Table 10: housing mix

101 London Plan Policy 3.8 and the Mayor's Housing SPG state that new development should provide a mix of housing sizes and types, taking into account local and strategic housing requirements, the needs of different groups, the strategic priority for affordable family housing provision and the need to support the private rented sector. London Plan Policy 3.11 states that priority should be accorded to the provision of affordable family housing. Draft London Plan Policy H12 states that schemes should generally consist of a range of unit sizes and sets out a number of factors which should be considered when determining the appropriate housing mix on a particular scheme. This includes housing need and demand, the nature and location of a site and the requirement to optimise housing potential and deliver mixed and inclusive neighbourhoods. For low cost rent, boroughs should provide guidance on the size of units required to ensure affordable housing meets identified needs.

102 Wandsworth Core Strategy Policy IS5 requires new developments to include a mix of types and sizes of dwellings, having regard to the particular location and nature of individual sites.

Wandsworth Development Management Policies Document Policy DMH3 sets out indicative borough level proportions for affordable housing tenures, as shown below.

Dwelling size	Intermediate	Social/Affordable Rent
1 bed	45%	15%
2 bed	45%	45%
3 bed	10%	30%
4 bed	N/A	10% (of which up to 2% should be 5 bedroom)

Table 11: Wandsworth Development Management Policies Document Policy DMH3 indicative unit size proportions

103 The affordable housing mix does not fully meet the Wandsworth DMPD Policy DMH3 indicative mix, with a greater proportion of one-bed and two-bed units and a lower proportion of three-bed units. The three- and four-bed unit proportions are 16% London Affordable Rent and 8% London Shared Ownership, which is below the indicative proportions of 30% social/affordable rent and 10% intermediate as set out in Table 11 above. However, more generally Wandsworth DMPD Policy DMH3 is clear that housing mix should be informed by the particular characteristics of individual sites. In this instance, the site is considered more suited for high density development with predominantly small units, in view of the constrained nature of the site, in particular the limited space to provide sufficient play and outdoor amenity space to meet the needs of families. The affordable housing unit mix proportions are similar to the 34.6% affordable housing scheme assessed in the Council's committee report, which the Council considered to be acceptable.

104 As such, having regard to the local indicative mix within Policy DMH3, and the particular characteristics of this site, notably the appropriateness of high density development and the site's constrained environment limiting amenity provision, the housing mix is acceptable and in accordance with the London Plan Policy 3.8 and 3.11 and Wandsworth Core Strategy Policy IS5 and DMPD Policy DMH3. On the same basis, it is considered to be consistent with draft London Plan Policy H12.

Housing quality and residential standards

Density management

105 Table 3.2 of London Plan Policy 3.4 includes a sustainable residential quality (SRQ) density matrix which sets out broad density ranges by Public Transport Accessibility Level (PTAL) and setting. Paragraph 1.3.51 of the Housing SPG (2016) states that it may be acceptable for schemes to exceed the ranges in this matrix in appropriate circumstances, such as where management concerns are addressed. Policy D1B of the draft London Plan sets out a notional density threshold of 350 units per hectare, above which any application that is referable to the Mayor needs to submit a management plan. The design implications of higher density development are considered in paragraphs 124 to 127 below.

106 The site has a PTAL level of 2 and is classified as 'urban' for the purpose of applying the density matrix, in line with the advice notes set out within Table 3.2 of the London Plan. This would suggest an indicative guideline density range up to 170 residential units per hectare / 450 habitable rooms per hectare. The proposed density is assessed below on the basis of its context, design and

management in line with London Plan Policy 3.4 and draft London Plan Policy D1B. Taking into account the site area (0.41 ha) the application has a net residential density of 410 units per hectare / 1,193 habitable rooms per hectare which exceeds the relevant guideline density range. As such, whilst this density is acceptable in design terms, as discussed further below, a management plan is required as set out in Draft London Plan Policy D1B.

107 In lieu of a management plan the applicant has provided a letter setting out the service charges for the proposal, which will be around £25 per week for the London Affordable Rent units and £30 to £45 per week for the London Shared Ownership units inclusive of an estate charge and a building charge, which is acceptable. The submission of details of the final service charge levels is secured in the S106 agreement. As it is a 100% affordable housing development it will be uniformly managed by one registered provider with its own on-site maintenance team and dedicated neighbourhood manager. A moving in strategy will be produced to coordinate logistics and dates for moving into the new development. Given the efficiency of external and internal layout shown in the submitted drawings, further management details are not required. As such, the proposed density can be appropriately managed on the site without adverse effects on future residents.

Standard of accommodation

108 London Plan Policy 3.5 seeks to ensure that housing developments are of the highest quality both internally and externally and sets out minimum space standards for dwellings, which are based on the nationally described space standards. The 2016 Housing SPG provides further detailed guidance on residential design quality and sets baseline standards covering units per floor per core ratios, private open space provision, dual aspect and single aspect dwellings and recommended floor to ceiling heights. Draft London Plan Policy D4 carries forward the adopted minimum space standards and confirms that these apply to all tenures of self-contained residential accommodation. It sets out a requirement to avoid single aspect units and minimum requirements for private open space, ceiling height and requires developments to maximise the provision of dual aspect dwellings.

109 Wandsworth Local Plan Policies DMH6 and DMH7 set out minimum standards for new residential development and also refer to the Mayor's Housing SPG standards. The Council's Housing SPD provides further guidance on the implementation of Local Plan policy on housing standards.

110 Internal and external space standards: All units will meet the London Plan, Mayor's Housing SPG and Local Plan internal space standards, and 2.5 metre floor-to-ceiling heights will be achieved. All units, except for one 3 bed unit at the north west corner of Block B1, would have access to private outdoor amenity areas in the form of terraces or projecting balconies of between 5 sq.m. and 9.5 sq.m. which meet or exceed the Mayor's Housing SPG external space standards. The balcony size for the 3rd floor 3 bed unit at the north west corner is only 7 sq.m. in size, whereas it should be 8 sq.m. However, residents in this unit would have level access to the partly south facing communal 3nd storey roof terrace. This would result in a total provision of 3,204 sq.m. of private and communal amenity space, exceeding the 1,880 sq.m. requirement of Local Plan Policy DMH7.

111 Layout and aspect: There are no single aspect predominantly north facing units and 84% of the total units are dual aspect. 27 single aspect units are proposed, 16% of the total with 20 facing eastwards and 7 facing westwards, which is acceptable. The scheme would provide 3-8 units per core, with dual lifts and natural light/ventilation to the whole of the core of Block B1 and above the tenth storey for the core of Block B2. This meets the standards set out in the Mayor's Housing SPG and in draft London Plan Policy D4, which aim for a maximum of eight units per core.

112 Noise: London Plan Policy 7.15, draft London Plan Policy D13 and Local Plan Policy DMH4 seek to ensure an acceptable environment in new residential developments with regard to noise.

There is potential for the proposed development to be exposed to noise and vibration from nearby transportation along the railway to the south although there is intervening development. The applicant has carried out an acoustic assessment which has identified that with suitable mitigation measures, including acoustically specified facade materials as part of detailed design, an acceptable internal level of noise can be achieved. A condition is imposed requiring the applicant to submit for approval detailed design for materials of the building facades. The plant and machinery and ground and first-floor uses proposed as part of the scheme are also unlikely to unduly impact on residential amenity, subject to conditions requiring detailed specification of equipment and internal sound insulation measures between the first and second floors to be approved. A further condition restricts the hours of operation of any outside seating associated with any cafe use.

113 Outlook and privacy for future occupiers: The Council's Local Plan Policy DMH4 requires a satisfactory environment for housing to be provided, and the Council's Housing SPG seeks to ensure that visual privacy and personal security is safeguarded, particularly from undue overlooking of ground floor accommodation. No specific building separation distance is established. The Mayor's Housing SPG notes that "in the past, planning guidance for privacy has been concerned with achieving visual separation between dwellings by setting a minimum distance of 18-21 metres between habitable rooms. Whilst these can still be useful yardsticks for visual privacy, adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density."

114 The distances between units within the proposal will be around 20 metres across the central public realm, which is acceptable. There is a minimum distance of 10.5 metres from the 3rd storey to the 10th storey between units overlooking the podium in Buildings B1 and B2. However, none of the windows facing each other in these units are bedrooms and balconies face out to the south, and as such the internal design of the proposal does not compromise internal privacy in line with Wandsworth DMPD Policy DMH4 and the Council's Housing SPD.

115 The closest point of the development to external development is at the southwest corner, where the distance between the balconies on the development and 1-5 Knightley Walk is between 8 and 11 metres. However, the development would not be overlooked from balconies on the other side, except at the 11 metres point; however, the applicant has included a balcony at this point which would offer some privacy from overlooking from the unit opposite. The proposal is within 16 metres of 21-23 Osiers Road and within 15.5 metres of both 3 Eastfields Avenue and Osiers Point but this is typical of development in this area and is considered sufficient distance to provide privacy when the additional protection provided by balconies is included. The proposal is at least 18 metres away from all other development. As such, the privacy of occupants of the development is considered to be safeguarded and undue overlooking is avoided.

116 Play space: London Plan Policy 3.5 sets out expectations in relation to quality and design of housing development, to include public, communal and open spaces. Draft London Plan Policy D7 further supports an engaging public realm for people of all ages. London Plan Policy 3.6 and draft London Plan Policy S4 seek to ensure that development proposals include suitable provision for play and recreation, and incorporate good-quality, accessible play provision for all ages. Draft London Plan Policy S4 further states that play space should not be segregated by tenure. The provision for play and informal recreation should be based on the expected child population generated by the scheme and an assessment of future needs. Guidance on the application of this policy is set out in the 'Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation SPG'. This sets a benchmark of 10 sq.m. of useable child play space to be provided per child, with under-fives' play space provided on-site as a minimum (within 100 metres walking distance from a residential unit). Provision for 5 to 11-year olds should be provided within 400 metres of residential units and provision for over-12s should be provided within 800 metres. Wandsworth Local Plan Policy DMO3 and Planning Obligations SPD requires new developments to

provide new public open space, or make enhancements to existing areas of open space, particularly in areas of deficiency.

117 The development proposes two main amenity spaces comprising a large public square running through the centre of the site and a second-storey podium deck play space connecting Blocks B1 and B2. This totals 2,017 sq.m. of communal amenity space, meeting the requirements of the Wandsworth Planning Obligations SPD, of which 580 sq.m. would be play space. Since the scheme was sent to committee at Wandsworth, the applicant has taken the welcome step of raising the affordable housing offer from 39% to 100%. However, this increases the population yield of the development and so the level of play space required according to the GLA's play space calculator. The level of play space required would be 887.2 sq.m., with the development providing a 307.2 sq.m. shortfall. However, it is noted that the proposal is located on a highly constrained site within safe walking distance of Wandsworth Park, which offers a wide variety of play space. The proposed play space caters entirely for the 0 to 5-year olds on site and provides a shortfall of 102 sq.m. for 6 to 11-year olds. However, this shortfall is compensated for by a large equipped playground within safe walking distance at Wandsworth Park within 400 metres of the site. Children aged 12+ also have access to extensive playing fields at Wandsworth Park, which are within 400 metres of the site, and to St George's Park less than 800 metres away to the south. The majority of the proposed play space would be located within the public realm and would be accessible to all residents. However, the 70 sq.m. of 0-5 year olds doorstep play would only be accessible to residents in Blocks B1 and B2, although both blocks are a mix of LAR and London Shared Ownership units. As such, the play space would not be segregated by tenure. The Arts and Cultural Strategy, which will be secured in the section 106 agreement, states that local children will be involved in the design of the play space, which is supported. The design of the play space will be secured by condition.

118 In summary, the scheme would deliver high quality residential accommodation, and the standard of the units is in broad compliance with London Plan and draft London Plan policy and guidance, and Local Plan policies. The Council's assessment of the application concluded that an acceptable residential environment would be created and GLA officers concur with this assessment.

Urban design

119 The NPPF (at paragraph 124) states that good design is a key aspect of sustainable development. Paragraph 127 of the NPPF sets out a number of high level design objectives for new development, including the need to optimise the potential of a site; provide appropriate and welcoming layouts and landscaping; good architecture; establish a strong sense of place; and be sympathetic to local character while not preventing or discouraging appropriate change. Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

120 Chapter 7 of the London Plan and Chapter 3 of the draft London Plan include a range of design principles and requirements which apply to new development and are set out within specific policies on: inclusive design (London Plan Policy 7.2/ draft London Plan Policies D3 and D5); designing out crime (London Plan Policy 7.3/ draft London Plan Policy D10); local character (London Plan Policy 7.4/ draft London Plan Policy D1); public realm (London Plan Policy 7.5/ draft London Plan Policy D7); architecture (London Plan Policy 7.6 and draft London Plan Policy D2); tall and large scale buildings (London Plan Policy 7.7 and draft London Plan Policy D8); heritage assets (London Plan Policies 7.8 and 7.9 and draft London Policies HC1 and HC3).

121 Wandsworth Council's Core Strategy Policy IS3 (Good quality design and townscape) sets out a number of criteria in relation to layout, heritage, building scale and visual impact. Development Management Policies Document (DMPD) Policy DMS1 (General development

principles) seeks to ensure that new developments, amongst other things, integrate and are in keeping with their surroundings, are designed to minimise car use, provide a safe and inclusive environment and deliver high quality public realm.

122 The Council's DMPD Policy DMS4 sets out that within the Thames Policy Area buildings above 9 storeys are defined as tall buildings, and this is reinforced in the site allocation for this site. Policy DMS4 also sets out criteria that proposals for tall buildings will need to address. The Council has also adopted a Local Views SPD, although it is noted that this development will not impact on any of the designated views identified. In relation to heritage, DMPD Policy DMS2 requires proposals to be in accordance with the NPPF and only be granted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of the heritage asset itself, and the surrounding historic environment.

123 This scheme was considered in detail at pre-application stage, during the initial Stage 1 considerations by the Mayor, and by the Council in reporting the application to Committee. The scheme was presented to Wandsworth's Design Review Panel (DRP) in March 2017. The DRP suggested the reduction in height of Block A1 due to the sensitivity of the northern fringe to height and provided feedback on balcony materials, quality of public realm and commercial workspace. The applicant subsequently reduced the height of Building A1 and concentrated height instead at Building B2 and made significant changes to the facade design from a banded white facade to a brick and osier weave panel facade.

Density

124 London Plan Policy 3.4 requires new development to optimise housing output, having regard to site context and character, urban design principles and public transport capacity. Table 3.2 of the London Plan includes a sustainable residential quality (SRQ) density matrix which sets out broad density ranges by Public Transport Accessibility Level (PTAL) and setting. These are advisory and paragraph 3.28 of the London Plan clarifies that the density matrix should not be applied mechanistically to individual applications. Paragraph 1.3.51 of the Housing SPG (2016) states that it may be acceptable for schemes to exceed the ranges in the density matrix in appropriate circumstances, providing qualitative design and management concerns are addressed. Policy D1B of the draft London Plan places a greater emphasis on optimising the density of a site through a design-led approach, whilst also having regard to the above factors in terms of context, public transport access and infrastructure capacity. It states that the higher the density of a development, the greater the level of design scrutiny is required.

125 The proposal exceeds the London Plan guideline density range of 170 residential units per hectare / 450 habitable rooms per hectare at 410 units per hectare / 1,193 habitable rooms per hectare. However, it is noted that other recently approved developments in the immediate local area recorded similar densities, with the Radius development recording a density of 1,118 habitable rooms per hectare, Building 6B at Wandsworth Riverside Quarter with a density of 1,391 habitable rooms per hectare, the development to the south of Osiers Road with a density of 951 habitable rooms per hectare and Osiers Gate on Enterprise Way with a density of 1,067 habitable rooms per hectare. All these densities are above the guideline thresholds set out in Table 3.2 of the London Plan but were not considered too dense so as to warrant refusal of the respective applications for these developments.

126 The current scheme was subject to pre-application advice from Wandsworth Council and GLA design officers and has been submitted to a Design Review Panel. In addressing concerns about the height of Block A1 the applicant has reduced the number of units from 175 to 168, reducing the density from 427 units per hectare to 410 units per hectare. As such the design has been robustly scrutinised and officers consider that the applicant has reduced the density of the proposal to an appropriate level given the high-density local context and the high quality design of

the scheme. The management of the scheme has been considered in paragraphs 105 to 107 and also found to be acceptable.

127 As such, it is considered that the proposal has been subject to an appropriate level of design scrutiny and, subject to the conditions and obligations set out above being secured in relation to pedestrian, cycle and inclusive access, residential and environmental quality, design, landscaping, play space and management, the application accords with London Plan Policy 3.4, draft London Plan Policy D1B, as well as the Mayor's Housing SPG.

Layout

128 The site allocation (reference 3.3.3) in the SSAD states that any development should support the wider urban design objectives of the spatial strategy for the area, including allowing for the provision of new connections, providing public access through the site through an east-west route running through the site connecting to Osiers Road and Knightley Walk and aligning with Enterprise Wat. The site allocation further states that these links, including the existing frontages to Osiers Road should be defined by active building frontages. The site allocation forms part of the Area Spatial Strategy for the land north of the railway line in the Wandle Delta in the SSAD. This strategy sets out that the site would form part of a wider series of east-west connections in the area.

129 The existing site layout of the light industrial units has a poor relationship with Osiers Road, with large areas of blank frontage backing onto the street. The quality of the existing buildings is low and the activities on site are wholly obscured from the street. The proposed layout responds well to the site allocation brief. The applicant has provided a generous area of public realm running through the heart of the site, which responds well to the local street patterns and allows for greater permeability through the site. The proposed landscaping will expand upon and reinforce the adjacent public realm and create an interesting and vibrant place for members of the public and future occupiers to enjoy. The ground floor of the blocks provides a number of active frontages, with cafe, office and retail uses providing active frontages in all directions, which will assist in creating a lively and active public realm. Block B1 and B2 also tapers slightly outward, providing an inviting entrance to the public square. The Osiers Road frontage has a consistent commercial character with residential entrances accessed from the quieter east and west flanks of the blocks. This corresponds with the commercial provision at lower storeys prevalent within Wandsworth Riverside.

130 Vehicle access to the basement would be provided from Osiers Road to the south via a ramp leading to the basement, through a shared surface across the pavement. Bollards would prevent vehicle access to the public realm at the centre of the site. This design, coupled with the low number of vehicle trips expected, would ensure that the public realm prioritises pedestrians and cyclists.

131 The Council's reason for refusal states that the layout of the proposal results in an inappropriate and unneighbourly development. Several objections relate to the failure to effectively mirror the "Radius" development. However, GLA officers consider that the layout proposed is wholly appropriate and responds well to the surrounding context and site allocation. A mirrored proposal does not form part of the site allocation for the site and so the developer is not required to provide a such a scheme. In any case, it is noted that the applicant's daylight and sunlight assessment shows that a mirrored scheme would result in a similar or worse situation than proposed at present. Furthermore, it is noted that the applicant is proposing two (appearing as three in elevation) buildings of varying heights, that addresses the limits of the site boundaries, which is considered to be a logical approach to development. The applicant has made revisions to the massing over the course of the application process of these buildings to avoid a 'wall'- like appearance along Osiers Road. The proposed layout is considered to be an appropriate response to

the site allocation and local context. The applicant has therefore provided an effective layout which provides a high-quality public realm in accordance with London Plan Policy 7.5 and Policy D7 of the draft London Plan.

Landscaping

132 The site allocation in the SSAD states that the site suffers from a deficiency in access to nature. In response to this the scheme provides a good level of planting for an urban development in line with the objectives of London Plan Policy 5.10, including tree planting and raised planters within the public spaces. There are no existing trees on site and the proposal offers an uplift of 25 trees as part of the landscaping proposals. Appropriate provision is also made for street furniture providing spaces for people to linger, including lighting, seating and visitor's cycle storage. The proposed second-storey podium would provide further urban greening through multi-stem shrub planting, shrubbery and perennial planting and climbing plants. Subject to details of planting, hard surface treatments and street furniture, this would ensure a high-quality setting for the buildings proposed. The planting here will also help to address air quality and urban greening objectives.

Summary of layout

133 The proposed building layout and landscaping proposals optimise the development capacity of the site whilst responding well to its constraints and the aspirations and objectives outlined in Wandsworth Council's site allocation, notably providing active frontage, a high-quality public realm, urban greening and connections to the wider street patterns. The proposed site layout is therefore supported in line with the policy context set out above.

Height and massing

Tall buildings policy

134 London Plan Policy 7.7 states that tall buildings[6] should be part of a plan-led approach and not have an unacceptably harmful impact on their surroundings. In terms of location, Policy 7.7 states that tall buildings should be generally limited to the Central Activities Zone, opportunity areas, and areas of good access to public transport but leaves scope for tall buildings to be considered in other locations outside of these areas, subject to urban design analysis and compliance with the criteria set out in Policy 7.7. To accord with these criteria, tall buildings should:

- be located in areas whose character would not adversely be affected;
- relate well to the surrounding buildings, urban grain and public realm, particularly at street level;
- improve the legibility of an area and enhance the skyline;
- incorporate the highest standards of architecture and materials;
- provide active ground floor activities that provide a positive relationship to the surrounding streets;
- contribute to improving the permeability of the site and wider area, where possible;
- incorporate publicly accessible areas on the upper floors where appropriate;
- make a significant contribution to local regeneration;
- not adversely affect their surroundings in terms of microclimate, wind, overshadowing, noise, glare, or give rise to interference with aviation or telecommunication infrastructure; and,

[6] Tall buildings are defined in paragraph 7.25 of the London Plan as buildings that are substantially taller than their surroundings or cause significant change to the skyline.

- not adversely impact local or strategic views.

135 This policy approach is broadly carried forward in Policy D8 of the draft London Plan, which states that applications for tall buildings that are referable to the Mayor should be subject to design review and encourages boroughs to proactively identify locations where tall buildings will be considered suitable.

136 The site is identified in Wandsworth's Local Plan as a location where tall buildings should be sensitively designed having regard to the surrounding context. A tall building is defined in this location by Policy DMS4 and the site allocation as 9 storeys and over. The tallest building is Block B2 at 14 storeys high and situated in the south-eastern corner of the site. The heights then drop down to Block B1 to the west at 11 storeys and Block A1 to the north at 10 storeys. All of the buildings are therefore considered to be tall buildings for the purposes of Policy DMS4.

137 The Council's Core Strategy Policy IS3 requires applications for tall buildings to be justified in terms of the benefits they may bring for regeneration, townscape and public realm and be of high architectural quality, respect local context and the historic environment. DMPD Policy DMS4 requires applications for tall buildings to address 15 criteria in order to demonstrate compliance with policy. These criteria include providing improved access to public transport, ensuring an acceptable visual impact, integrating the massing into the surrounding context and streetscape and providing high quality public space.

Tall building and massing analysis

138 A detailed assessment against the relevant criteria set out in DMPD Policy DMS4 is set out below. Whilst not directly cited, criteria (iv), (vii), (viii) and (ix) are particularly relevant to the Council's reason for refusal.

139 Criteria (i): the contribution to social inclusion, environmental health and economic viability: As stated above, the scheme would provide a net uplift in employment floorspace of 65 sq.m. from 3,740 sq.m. to 3,805 sq.m., together with new and improved public realm and play space for residents. New planting and urban greening would be provided to enhance the streetside environment. New housing would be delivered, 100% of which would be affordable at a strategic and local policy compliant tenure split, which would help to support low to intermediate income households in the borough. Council officers considered that this criteria was satisfied in relating to the offer of 39% affordable housing, an offer that has greatly improved to 100% since the application was called in by the Mayor. GLA officers have secured an additional 102 affordable homes including on-site London Affordable Rent units, which is a significant additional benefit for social inclusion. GLA officers consider this criteria to be satisfied.

140 Criteria (ii): a sustainable approach towards transport: The proposed car-free development would minimise car trips and encourage the use of sustainable transport modes. Despite a low PTAL, the site is located within walking distance of Wandsworth Town Station, Wandsworth Town Centre, bus routes and the Riverboat service and as such is considered suitable for high density residential development. Other measures will be secured to encourage sustainable transport, including resident permit restrictions, cycle parking and free car club membership. This criteria is therefore satisfied.

141 Criteria (iii): microclimatic effects: A daylight and sunlight report, an air quality assessment, a flood risk assessment, a wind microclimate study, and a noise and vibration assessment report have been undertaken, and are discussed in more detail in the relevant sections of this report. These demonstrate that whilst the development would have some impact compared to the existing situation due to the increase in scale and massing of development on the site, there would be no substantial adverse climatic effects as a result of the proposal which could not either be mitigated

against, or which are not commensurate with the urban location of the site. GLA officers consider this criteria to be satisfied.

142 Criteria (iv): an acceptable visual impact: The Council's reason for refusal stated that the proposal would be of a scale, siting, massing and layout that would be unduly dominant. The proposal would represent a clear increase in the quantum of development on this site, which immediate CGI views show would have a visual impact on the local area. Massing models provided in the Design and Access Addendum show that the development would be marginally taller than the development immediately surrounding the site but would be located in an area where there are a range of building heights, including taller buildings. It is the view of GLA officers that the proposal would not impact on any strategic or local designated views and would cause no harm to nearby heritage assets and conservation areas. Distant views have been provided that show that only part of the tallest element would be visible from a distance. These views would show the proposal within a wider urban townscape that includes a range of building styles and scales. Furthermore, CGI views and a VuCity visual from the local area show that the proposal would be consistent with the overall built form and scale of development. As such, the visual impact on the surrounding area is considered to be acceptable and GLA officers consider this criteria to be satisfied.

143 Criteria (v): impact on the historic environment: The site is not located in the vicinity of a listed building and is not within a conservation area. The nearest listed building is the Grade II listed Prospect House, which is located approximately 200 metres to the north west, and Wandsworth Town Conservation Area is located some 150 metres to the west and 350 metres to the south. The applicant has provided an Historic Environment Assessment but has not submitted a townscape and visual impact assessment. However, as noted in the heritage section below, the proposal would largely be obscured by surrounding development and so would not be visible from nearby listed buildings or from Wandsworth Conservation Area. As such the proposal would cause no harm to the setting or special architectural or historic interest of any listed buildings and would not harm the character of Wandsworth Town Conservation Area. The proposals would therefore not have an adverse impact on the setting or historic interest of heritage assets. GLA officers consider this criteria to be satisfied.

144 Criteria (vi): the land use mix: The proposal is residential-led with commercial space at ground and first floor. This responds effectively to the requirement to replace the existing commercial floorspace and provide a mix of uses in the site allocation. The employment floorspace would be flexible, including potential provision of retail and cafe uses, providing workspace suitable for small and medium enterprises. The residential units would be entirely affordable, contributing towards affordable housing targets and towards overall housing delivery. Council officers considered this criteria satisfied and GLA officers consider that the proposal optimises the development potential of this brownfield site in accordance with the land use mix set out in the Council's site allocation. GLA officers consider this criteria to be satisfied.

145 Criteria (vii): massing and scale that is well integrated into surrounding development: The Council in its reason for refusal stated that the scale and massing of the proposal contributes to an inappropriate and unneighbourly development, resulting in an unduly dominant proposal. However, the view of GLA officers is that the proposal is of an appropriate massing and scale for its local context. The 14-storey Block B2 tower would mark the entrance to the site on the route along Enterprise Way to and from Wandsworth Town Station, which would help to aid wayfinding within the local area. As is shown in the Design and Access Addendum (Figure 7 below), this tower would be the seventh tallest building within the development and is similar in height to the 14-storey tower under construction at the Linton Fuels site around 50 metres to the south east (reference 2016/6164) and shorter that the completed 21-storey Witham House around 50 metres to the east. It is further noted that the shoulder height of Block B2, at 10 storeys, is equivalent to the development to the south of Osiers Road, with the taller element set back. The height of Block A1 has been reduced during the course of the application process and would be consistent in height

with 27 Enterprise Way opposite on the eastern side of Osiers Road. Block B1 would be broadly consistent with the buildings under construction to the south of Osiers Road. The scale, massing and height of the proposed buildings is therefore similar and responds well to that within the surrounding area.

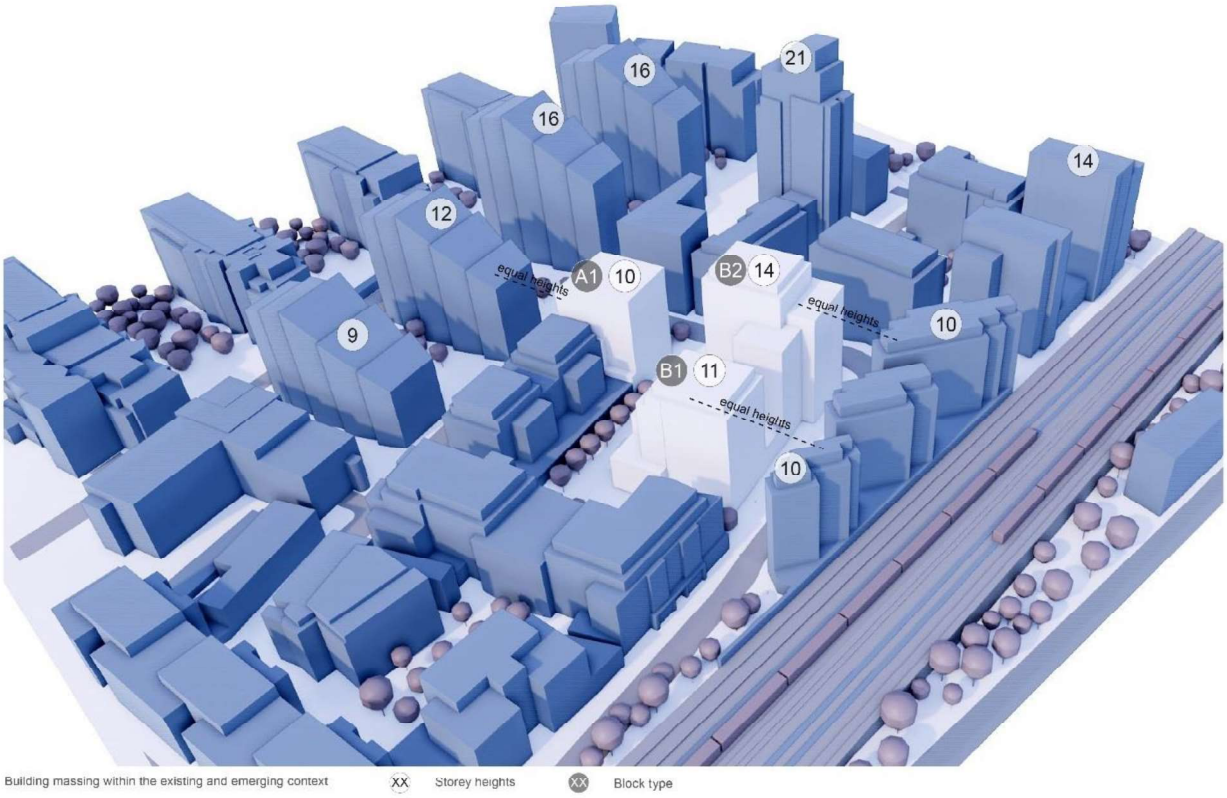


Figure 7: aerial view of the massing with heights of surrounding buildings (October 2019, Rolfe Judd)

146 The variation in height between the blocks ensures that the massing is not overly dominant and maintains the distinctiveness of each building. Officers consider that to optimise effectively development on the site the proposed variation in height and massing is necessary to avoid a ´wall-like´ massing provided by a lower-rise development with a similar density and layout. The architecture and materials of the proposed buildings is of a high quality and is broadly consistent with the prevailing architecture of the surrounding area and references the mansion block typology that is common across Wandsworth. GLA officers consider this criteria to be satisfied.

147 Criteria (viii): how the proposal sits within the existing townscape and landform: The Council in its reason for refusal stated that the proposal would be out of keeping with the surroundings. The application is accompanied by several CGIs illustrating its appearance in the context of neighbouring buildings, streets and spaces. These demonstrate that the scheme would not have a detrimental impact on the existing townscape and landscape, despite the increase in height now proposed. The new public routes and spaces would complement and enhance the connectivity of the wider neighbourhood, particularly the route through the site as set out in the site allocation. It is further noted that the proposal would be largely invisible outside of Wandsworth Riverside as it would be obscured by surrounding development. Council officers considered that the proposal would not have a significant impact on townscape and would enhance the network of public routes and spaces in the area. GLA officers do not consider the proposal to adversely impact on the existing townscape and landform and consider this criteria to be satisfied.



Figure 8: view from Enterprise Way looking west into the site (January 2019, Design and Access Statement Addendum, Rolfe Judd)

148 Criteria (ix): positive contribution to the streetscape including active frontage: The Council in its reason for refusal states that the proposal would be detrimental to the streetscape. As discussed in paragraph 151, the proposals will significantly improve the quality of the streetscape around the site, including through the introduction of a vibrant public realm at the centre of the site. This public realm would provide a safe through route for residents walking towards Wandsworth Town Station and the proposed office and retail space would provide significant areas of active frontage. The entrances to the buildings would be well-defined and large areas of fenestration would provide natural surveillance around the whole site. The proposed public realm is a generous space which would provide a number of new trees, and hard and soft landscaping that would greatly enhance the greening and appearance of the area, as shown in Figure 8 above.

149 Objectors to the proposals have noted the potential of the proposal to create a narrow streetscape along Osiers Road. However, any proposal along this street would have to be located close to Osiers Road to allow for a sufficiently generous public realm and appropriate distances between the development and the Radius development. The distances between buildings is considered acceptable and such relationships are common within urban locations such as the application site. It is further noted that the distances between buildings across Osiers Road are approximately 16 metres, more than the 13 metres between buildings across the western end of Enterprise Way immediately opposite the site to the east, and so would not be narrow in the local context. The proposal would also improve the paving along Osiers Road and bring active frontages to the street. GLA officers therefore consider this criteria to be satisfied.

150 Criteria (x): positive response to characteristic alignment and set back in the area: The proposal is located on an irregular L-shaped site and has a site allocation requiring a route through the centre of the site connecting Osiers Road at the junction with Enterprise Way and Knightley Walk. Therefore, in order to effectively optimise this site development must be located around the edges of the site. Objections note that the proposal would not provide a mirror to the existing buildings in the "Radius" development; however, the daylight and sunlight analysis clearly show that such a mirror would result in worse conditions for existing residents than the proposed development. The existing buildings are located close to Osiers Road, providing little room for pedestrian movement. The proposed development improves this by setting back the proposal from the road, particularly along the southern side of the development, allowing for appropriate pavement widths to allow inclusive pedestrian movement. The proposed development would in any case correspond to the overall pattern of closely-placed buildings characteristic of the immediate area. GLA officers consider this criteria to be satisfied.

151 Criteria (xi): provision of high quality public space: As set out above, the scheme makes a significant contribution to the network of public routes in the area, providing a generous public square that takes up 40% of the site area and creating a route through from Knightley Walk to Osiers Road. These spaces would all be clearly defined and of the highest quality, providing new landscaping and seating areas, and receiving acceptable levels of light and wind conditions. GLA officers therefore consider this criteria to be satisfied.

152 Criteria (xii): provision of public access: The public accessibility of the site would be significantly enhanced, with a new route through from Knightley Walk to Osiers Road with a shallow gradient suitable for wheelchair users. Local people would be further encouraged to come to the site by the proposed commercial units and by the attractive design of the proposed public square. The proposal would also provide ground level play spaces that would be accessible for all children in the local area to use. Whilst the second floor podium gardens and roof terraces would not be publicly accessible, this is to ensure an acceptable level of amenity for residents and is acceptable. GLA officers therefore consider this criteria to be satisfied.

153 Criteria (xiii): long term maintenance and management of public spaces: Details of long term maintenance of communal and public areas would be secured through the s106 agreement attached to any planning permission. It is anticipated that these areas would be maintained by the affordable housing Registered Provider and funded by the service charges shared by residents and tenants. GLA officers therefore consider this criteria to be satisfied.

154 Criteria (xiv): management plan for the residential element: The development would include management in the form of an on-site maintenance team who would be responsible for arranging day to day operations and overseeing maintenance, ensuring buildings are well kept, and cleaned internally and externally. A draft construction management plan and a draft delivery and service management plan have been submitted with the application and it is recommended that conditions are attached to any planning permission to ensure the principles of these are implemented. GLA officers consider this criteria to be satisfied.

155 Criteria (xv): financial and technical credibility of the design: The architect for the proposal has worked on a variety of similar proposals and the Design and Access Statement demonstrates strong a level of detail. The construction of the scheme would be conventional and therefore there is no reason to believe that the proposals would not be technically credible. GLA officers therefore consider this criteria to be satisfied.

156 The tall buildings are also consistent with the criteria set out in London Plan Policy 7.7. The site is well located for public transport (Criteria C(a)) and the buildings would have an acceptable massing and relationship to the surroundings (Criteria C(b) and (c)). The 14-storey Block B2 tower would act as an immediate landmark along the route towards Wandsworth Town Station, aiding

wayfinding and enhancing the skyline through high quality architecture and use of materials (Criteria C(d) and (e)). A good level of active frontage will be provided on the ground floor, as well as new routes and spaces to enhance the permeability of the site (Criteria C(f) and (g)). Given the location and residential nature of the proposals, it is not considered appropriate to provide publicly accessible areas on the upper floors (Criteria C(h)). The scheme would provide new employment space, retail and housing, as well as public realm, for the benefit of existing and new residents (Criteria C(i)). In accordance with the technical assessments discussed in the relevant sections of this report and subject to mitigation recommended through conditions, the development would not impact adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation or telecommunication interference (Criteria D(a)). The development would not impact on local or strategic views (Criteria D(b)).

Summary of height and massing

157 In summary, in terms of the visual impact of the height and massing on the identified townscape and visual receptors, the proposals would have a noticeable impact on immediate views within the local townscape. However, the proposals would involve the redevelopment of low-quality industrial units with a high-quality mixed-use residential development including a large and attractive area of public realm. As such the proposed development would represent a significant improvement on the existing townscape and will continue the regeneration of Wandsworth Riverside.

158 The proposed scale and massing is considered appropriate in townscape terms and the height of the proposed buildings is comparable to that found within the immediate context. Therefore, subject to detailed design and architectural quality, which is considered below and will be secured by condition, the principle of height, scale and massing is acceptable in line with the policy context set out above. The impact on heritage is considered separately in paragraphs 171 to 182 below.

Detailed design and architecture

159 London Plan Policy 7.6 requires buildings to be of the highest architectural quality and comprise materials which complement rather than necessarily replicate local architectural character. Draft London Plan Policy D1B further states that a design-led approach should be used for optimising site capacity through attention to the form and layout, experience and quality and character of a development. Draft London Plan Policy D2 also details the approach to design scrutiny, including design review panels, to ensure good design.

160 The development demonstrates an excellent quality of architectural design. The ground and first floors would benefit from floor-to-ceiling fenestration separated by brickwork columns. From the 3nd storey of each block the proposal features a grid-like pattern of inset frames, with one part occupied by windows and the other part by an osier weave pattern panel or brickwork. This pattern is varied across the site, with Building A1 and part of Building B1 using a lighter tone of brickwork with osier weave columns at the corners and glass balcony balustrades. Building B1 and one of the shoulders of Building B2 partly alternates this pattern of osier weave and brickwork and consists of a lighter coloured inset frame and darker materials with greater amounts of brickwork, with dark metal balcony balustrades. Building B2 uses a lighter material than Building B1, but is otherwise broadly similar in materials. The proposed materials create a cohesive development, with a high quality and well-integrated design for the projecting balconies. This approach provides a robust and distinctive character to each of the buildings, whilst also breaking up some of the massing, and appearing refined and consistent with the local character.

161 It is noted that the applicant has responded positively to the recommendations of Wandsworth Council's Design Review Panel. Through this process the applicant has significantly reduced the massing of Block A1, with the height transferred to Block B2 due to the sensitivity of the northern fringe of the site to taller buildings. The proposed facade was also altered by removing banded elements and replacing it with a more grid-like form with osier weave and brickwork. The applicant also removed one of the shoulders of Block B1 and slightly reduced the height of Block A1 during the course of the application. Council officers concluded that the design and architecture was acceptable, and GLA officers concur with this assessment.

Employment floor space design

162 Wandsworth EID Policy EI5 requires that applications for new employment development provide adequate floor-to-ceiling heights, sufficient room for internal movement, level thresholds and access throughout the building, natural light and ventilation and good telecommunications connectivity where appropriate. In mixed-use developments applicants should also identify: conflicting uses and sensitive receptors; the positioning of servicing; noise, vibration, dust, light and other pollutants; overlooking, privacy and visual disturbance; and access arrangements.

163 The proposed employment floorspace would have a floor-to-ceiling height of 2.7 metres, with void space above for building services, which is considered sufficient. The office space would have level access throughout and would be naturally ventilated by floor-to-ceiling windows. According to the London Connectivity Map the site is located in an area of full fibre broadband connectivity. As the proposed employment floor space is shell-only and so not fitted out, it is not possible to assess the internal movement within the building and the positioning of internal services such as toilets. Servicing for waste is already integrated into the development and is considered in paragraph 260 below. Conditions are recommended to manage any ventilation equipment, provide soundproofing and restrict outdoor seating for the proposed cafe use. Vibration, dust and light are not considered to be relevant to the proposed office space. As the office space is located at ground and first floor it does not raise any privacy concerns for residents. Access is provided through entrances onto the public realm and onto Osiers Road and space has been allocated within the office space for cycle parking and shower and locker facilities, which are recommended to be secured by condition.

Designing out crime

164 Policy 7.3 of the London Plan seeks to ensure that the principles of designing out crime are integrated in the design of new development to promote a sense of security without being overbearing or intimidating. The criteria in Policy 7.3 requires new development to provide legible, convenient and well-maintained movement routes and spaces which are well-overlooked and benefit from an appropriate level of activity, with private and communal spaces clearly defined to promote a sense of ownership. Wandsworth Local Plan Policy DMS1 requires proposals to provide a safe and inclusive environment which maximises personal safety and minimises opportunities for crime and antisocial behaviour.

165 Draft London Plan Policy D10 further states that development proposals should be designed to ensure that measures to design out crime are inclusively and aesthetically integrated into the public realm.

166 There is no ambiguity about access to the proposed amenity spaces as the public realm has no barriers to pedestrian access and the private podium amenity space is only accessible to residents, ensuring its security. Vehicular access to the central public realm is prevented by bollards, providing safety whilst allowing pedestrian and cycle access including by disabled people. Residential core entrances would be well distributed and whilst there are some areas of servicing,

cycle and refuse storage on the ground floor, these would be minimised and broken up by residential entrances and commercial uses to ensure that the public realm feels vibrant and safe to use. The commercial uses fronting onto the public realm at the centre of the site and Osiers Road will encourage activity during the day, whilst at night the public realm would be well-lit and well overlooked by residential properties. The maintenance plan for the public areas will form part of the requirements of the S106 agreement for any planning permission.

167 As such, the proposals are acceptable with respect to designing out crime and comply with London Plan Policy 7.3 and Wandsworth Local Plan Policy DMS1, as well as draft London Plan Policy D10.

Fire safety

168 Policy D11 of the draft London Plan seeks to ensure that development proposals achieve the highest standards of fire safety and to ensure the safety of all building users. In line with this objective, should planning permission be granted a condition would be included to require the submission of a fire statement outlining the measures to reduce fire risk, provide means of escape and ensure access for emergency services.

Conclusion on urban design

169 The Council resolved to refuse the application on the grounds of scale, siting, mass and layout, with resultant adverse impact on the neighbouring amenity and surrounding townscape and streetscape. It is the view of GLA officers that the proposed massing and height has been carefully considered by the applicant and are wholly appropriate for this site, responding well to the local townscape and context. The proposed buildings have a similar massing and height to the surrounding development. The development optimises the potential for a generous and enhanced public realm whilst providing increased surveillance, permeability and active frontages.

170 The excellent design of the proposed buildings will promote an enhanced built and public environment and, whilst they are classed as tall buildings for the purposes of Wandsworth DMPD Policy DMS4, they meet and address all the relevant design criteria. The quality of the design, architecture and materials will ensure a distinctive and high-quality development which will contribute positively to the regeneration of this part of Wandsworth. The development will thus comply with the relevant development plan policies set out in paragraphs 119 to 122 above and be consistent with the draft London Plan.

Heritage

171 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should *"should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"* and in relation to conservation areas, special attention must be paid to *"the desirability of preserving or enhancing the character or appearance of that area"*.

172 The NPPF states that when considering the impact of the proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Significance is the value of the heritage asset because of its heritage interest, which may be archaeological, architectural, artistic or historic, and may derive from a heritage asset's physical presence or its setting. Where a proposed development will lead to 'substantial harm' to or total loss of the

significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

173 The Barnwell Manor Wind Farm Energy Limited v East Northamptonshire District Council case tells us that "Parliament in enacting section 66(1) did intend that the desirability of preserving listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given *"considerable importance and weight" when the decision-maker carries out the balancing exercise."* The case also makes it clear that there is a strong presumption against granting planning permission that would harm the character and appearance of a conservation area.

174 London Plan Policy 7.8 and draft London Plan Policy HC1 state that development should conserve heritage assets and avoid harm, which also applies to non-designated heritage assets. Development that affects the setting of heritage assets should be of the highest quality of architecture and design and respond positively to local context and character. New development should also make provision for the protection of archaeological resources, landscapes and significant memorials. Wandsworth Local Plan Policy DMS2 requires applications affecting a heritage asset or its setting to be in accordance with the NPPF, the London Plan, Historic England guidance and local Conservation Area Appraisals and Management Strategies.

175 The site does not lie within a conservation area and there are no listed buildings either within or in close proximity to the site. The closest conservation areas are Wandsworth Town Conservation Area, some 150 metres to the west and 350 metres to the south, and Hurlingham and Sands End Conservation Areas approximately 300 metres to the north across the River Thames in the London Borough of Hammersmith & Fulham. Prospect House, a Grade II listed building, is located 250 metres to the north west in Point Pleasant and Wandsworth Park, listed on the register of Historic Parks and Gardens, lies further to the west. The site does not lie within any strategic views as identified within the Mayor's London View Management Framework SPG. The nearest locally listed building is the Cat's Back pub, located approximately 150 metres north west of the site. The site is within an archaeological priority area (APA). The applicant has prepared a Historic Environment Assessment for archaeological resources but has not produced a townscape and visual impact assessment (TVIA).

176 Historic England provided a response only on archaeological matters, raising no objections and considering that the archaeological interest at the site could be conserved by the attachment of suitable conditions to any permission. Apart from archaeology, the Council committee report did not consider the heritage impacts of the proposal.

177 The following sections of this report consider the impact of the development on the significance of both conservation areas, having regard to the statutory duties and local, strategic and national policy tests set out below.

Conservation areas

178 Wandsworth Town Conservation Area is the closest to the site, but the proposal may be visible behind intervening development from Hurlingham and Sands End Conservation Areas (within LB Hammersmith & Fulham). The special character of Wandsworth Town Conservation Area is derived from its surviving street pattern, historic buildings and townscape, which reflect the history of Wandsworth as one of the oldest and most important settlements in the borough. The proposal site would be largely obscured from the conservation area by ten-storey intervening development at

Osiers Point to the south of Osiers Road, currently under construction. Although, the proposal would be slightly taller at 14-storeys high, it would be marginally taller and would appear within the context of this and surrounding development at Wandsworth Riverside. As such, the proposal would not harm the significance of the Wandsworth Town Conservation Area. Similarly, the proposal would be largely obscured by intervening development when viewed from the Hurlingham and Sands End Conservation Areas and appear within the context of Wandsworth Riverside; as such no harm is caused to the significance of these conservation areas.

Listed buildings

179 As the proposal is not within a conservation area or near to a listed building, the applicant has not carried out a townscape, heritage and visual impact assessment. It is noted that the proposal would not be visible from within the setting of the Grade II listed Prospect House, as the setting in which the historic building is best appreciated is facing west, away from the proposal. As such no harm is caused to the setting of Prospect House, and as the heritage asset is otherwise unaffected by the proposal, no harm is caused to its significance. Other listed buildings in Wandsworth are located some distance from the site so the proposal would not be visible from the settings of these heritage assets.

Locally listed buildings and Registered Parks and Gardens

180 The proposal is located east of Wandsworth Park, which is a Registered Park and Garden (Grade II). The proposal would likely be obscured by existing and emerging developments at Wandsworth Riverside. The buildings would be seen in the context of other large-scale development and would not harm the significance of this heritage asset. Similarly, the proposal would not be visible from the setting of the Cat's Back pub and officers are satisfied that there would be no harm to the significance of any other locally listed buildings as a result of the proposals.

Archaeology

181 Historic England (Archaeology) recommends a condition requiring a staged process of archaeological investigation, with further details of ground investigation initially to be approved before ground disturbance works greater than 2 metres below existing ground level occurs is recommended.

Conclusion on heritage assets

182 GLA officers conclude that the proposals would not harm the setting or historic interest, and so the overall significance of heritage assets. In coming to these conclusions, GLA officers have taken account of the statutory duties contained in the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals comply with London Plan Policy 7.8 Wandsworth Local Plan Policies IS3 and DMS2. It also complies with draft London Plan Policy HC1.

Inclusive design

183 London Plan Policy 7.2 and draft London Plan Policy D3 require all future development to meet the highest standards of accessibility and inclusion, and that the design process has considered how everyone, including those with disabilities, older people, children and young people, will be able to use the places and spaces that are proposed. London Plan Policy 7.6 demands that buildings and structures meet the principles of inclusive design; and London Plan Policy 3.8 and draft London Plan Policy D5 require that ninety percent of new housing meets Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and ten per cent of

new housing meets Building Regulation requirement M4(3) 'wheelchair user dwellings', that is, designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.

184 Wandsworth Council's Local Plan Policies IS3 (Good quality design and townscape) and DMS1 (General development principles) also promote accessible and inclusive design.

185 Details of accessible and inclusive design have been provided within the Design & Access Statement which focuses on the inclusive design measures within the public realm and buildings. The application drawings and landscape drawings also show how key inclusive design features would be incorporated.

Accessible homes

186 All residential units would meet Building Regulation requirement M4(2). A total of 18 units would meet Building Regulation M4(3), representing over 10% of the units. These are split proportionally by tenure and unit sizes. Detailed layouts for the M4(3) units are included as part of the submitted drawings and will ensure that the scheme delivers accessible homes of an acceptable standard in accordance with London Plan and Local Plan policy. A condition is recommended that will ensure that the units meet the relevant Building Regulations requirement in consultation with the Council's occupational therapist. Through this condition, the London Affordable Rent units would meet the M4(3)(2)(b) accessible standard, which is strongly supported a more inclusive approach.

Public realm

187 The submitted drawings and landscape drawings demonstrate that appropriate levels and gradients can be provided across the site to ensure an inclusive environment throughout. The wider public realm has been designed to be inclusive to all users, including adequate illumination and tactile and visual aids for navigation. Level access would be provided to all commercial uses.

Car parking

188 The overall development is car-free apart from 10 Blue Badge accessible parking spaces in the basement for the residential units, equating to 6% of the total units. The car parking management plan, secured through the S106 agreement, will set out measures to monitor and increase this provision up to 10% in compliance with draft London Plan Policy T6.1. This will be secured within the S106 agreement.

Inclusive design conclusion

189 The application would achieve a high level of accessible and inclusive design and would comply with London Plan Policies 3.8, 6.13, 7.1, 7.2, 7.5 7.6, draft London Plan Policies GG1, D3, D5, T6.1, T6.5, the Accessible London SPG and Wandsworth Local Plan Policies IS3 and DMS1.

Neighbouring amenity impacts

190 London Plan Policy 7.6 states that the design of new buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings in relation to privacy, overshadowing, wind and microclimate. This is particularly relevant where tall and large-scale buildings are proposed. London Plan Policy 7.15 and Policy D13 of the draft London Plan state that development should manage noise to improve health and quality of life.

191 Wandsworth Council's Local Plan Policy DMS1 seeks to ensure that development does not harm the amenity of nearby properties through unacceptable noise, vibration, traffic congestion, air pollution, overshadowing, overbearing, poor outlook, privacy or daylight and sunlight. This policy also requires development to take into account the operational needs of existing businesses and not impact on existing uses and their operations. Policy DMS4 specifically addresses the impacts of tall buildings, including their impact on microclimate.

192 There are a number of surrounding residential properties at 1-5 Knightley Walk, 21-23 Osiers Road (referred to as 6 Knightley Walk within the report), 27 Osiers Road, 2 and 3 Eastfields Avenue, 27 Enterprise Way, 1-33 Avon House, 1-62 Clyde House and Blocks A, B and C of the under-construction site south of Osiers Road. The surrounding residential properties are of a similar scale and massing to the proposed development, with taller buildings at 2 and 3 Eastfields to the north. It should be noted at the outset that the Council has had a long-term ambition in the Wandle Delta spatial strategy set out in the SSAD and the Employment and Industry Document for the application site to come forward for development alongside those adjacent to it. This is one of the last sites to be developed and the developments on adjacent sites should have been designed to ensure that the development potential of the application site was not restricted. As such, any impact on adjacent residential amenity arising from the proposal should be considered in this context.

Daylight and sunlight assessment

193 The applicant has submitted a full daylight/sunlight assessment which considers the impact of the proposal upon existing nearby properties. GLA officers commissioned an independent daylight/sunlight analysis from TFT consultancy to review the findings of the applicant's report, which forms the basis for GLA officers' assessment below. The analysis is based on Building Research Establishment (BRE) Guidelines with specific reference to Vertical Sky Component, No Sky Line and Average Daylight Factor for assessing daylight and Annual Probable Sunlight Hours (APSH) for assessing sunlight. Both the Vertical Sky Component and No Sky Line assessment methods have been used to evaluate the effect the proposed development may have on the neighbouring residential properties.

194 When considering the BRE guidelines it is important to note that paragraph 123 of the NPPF states that local authorities should take a flexible approach to policies and guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site. The Mayor's Housing SPG also states that the BRE guidelines should be applied sensitively taking into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time.

195 Vertical Sky Component (VSC): This method of assessment quantifies the amount of skylight available at a reference point on a window, taken at the mid-point of a window. That area of visible sky is expressed as a percentage of an unobstructed hemisphere of sky and therefore represents the amount of daylight available for that particular window. The maximum potential VSC if unobstructed is marginally under 40%. The BRE suggests that if the VSC is less than 27%, and is less than 0.8 times its former value, then the neighbouring buildings will experience a noticeable reduction in the amount of skylight they receive.

196 No Sky Line (NSL): The NSL calculates the daylight distribution within a room by plotting points on working plane which can or cannot see visible sky. Following construction of a new development, a room is likely to experience a noticeable reduction if a significant area of the room is beyond the NSL or is less than 0.8 times its former value. It should be noted that consideration will need to be given to the depths of single aspect rooms. If the room is greater than 5 metres deep, then an adverse infringement may be unavoidable.

197 Average Daylight Factor (ADF): The ADF measures the overall amount of daylight in a space. The calculation considers the VSC value, the size and number of windows serving the space, the overall size of the room and its intended use to give an overall percentage value. BS 8206-2 *Code of practice for daylighting* recommends ADF values of 2% in kitchens, 1.5% in living rooms and 1% in bedrooms. It is common for this method to be used to show that neighbouring properties will maintain sufficient levels of light in the proposed condition.

198 Average Probable Sunlight Hours (APSH): When considering the impact on the amount of sunlight to neighbouring buildings, the BRE report recommends that all main living rooms should be considered if they have a window facing within 90^0 of due south. Direct sunlight to kitchens and bedrooms is considered less important. To calculate this the BRE has produced sunlight templates for London establishing the Annual Probable Sunlight Hours (APSH) unobstructed light. Following the construction of a new development, a living room window facing within 90^0 due south will experience a noticeable reduction in direct sunlight if it receives less than 20% of APSH, including less than 5% of APSH during the winter months (between 21 September and 21 March), and receives less than 0.8 times its former sunlight hours during either period, and for existing buildings has a reduction in sunlight received over the whole year greater than 4% of APSH.

199 To confirm, the BRE Guidance is intended for building designers, developers, consultants and local planning authorities. The advice it gives is not mandatory and should not be used as an instrument of planning policy. Of particular relevance, the Guidance states: *"This guide is a comprehensive revision of the 1991 edition of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice. It is purely advisory and the numerical target values within it may be varied to meet the needs of the development and its location."* As stated above, the Guidance is based on a suburban model, and in urban areas such as this one, VSC values of less than 27% would be considered to maintain reasonable daylight conditions.

200 Having regard to the flexible approach outlined in the NPPF and the Mayor's Housing SPG the following target values have been used to assess the daylight and sunlight implications of the proposed scheme. These targets are considered to be reasonable standards for the redevelopment of sites in urban locations.

- VSC: 15% VSC or within 20% of the existing baseline condition;
- NSL: 50% of the room area or within 20% of the existing baseline condition; and
- APSH: 15% annually and no target for the winter months.

201 Given the location and surroundings, 9 residential properties with the potential to be most impacted as a result of the proposal are listed below:

- Rooms on the eastern face of 1 to 5 Knightley Walk (part of Radius development);
- Rooms on southern face of 6 Knightley Walk (part of Radius development);
- Rooms on the southern faces of 1, 3 and 5 Eastfields Avenue;
- Rooms on the western face of 27 Enterprise Way;
- Rooms on the western and southern face of 1-33 Avon House;
- Rooms on the western face of 1-62 Clyde House; and
- Rooms on the northern face of Osiers Point (to the south of Osiers Road).

202 1-5 Knightley Walk: There are several windows/rooms situated under balconies which will experience a significant reduction in light in the proposed condition. This is generally caused by the

layout of the property and design on the recessed balconies that limited the potential for light to be received from the upper parts of the sky. The applicant has undertaken an assessment showing the VSC levels with the balconies removed, which indicates that without the obstructions in place, the windows would generally maintain adequate levels of sky visibility in the proposed condition. The NSL results indicate that an adequate amount of sky will be seen from the buildings, with only two rooms – a living/kitchen/dining room and a bedroom – failing to comply and the ADF results show that only 4 additional rooms will fail to comply with the BRE target values in the proposed condition. Overall, there will be a large reduction in light to some of the rooms which are already poorly lit, however due to the design of the building a loss of light exceeding the BRE guidelines would be unavoidable if the development potential of the site is to be optimised in line with planning policy and the site allocation.

203 6 Knightley Walk: This property has several windows/rooms located under recessed balconies which hinder their ability to see visible sky in the proposed condition. Currently the property has a relatively open outlook across the development site but still has 25 rooms that do not meet the BRE target values and this will almost double in the proposed condition. Again, the applicant has carried out an assessment with the balconies removed that shows that the rooms would maintain adequate levels of sky visibility in such a scenario. The NSL results show that an adequate proportion of sky will be seen from within the room, with all rooms remaining within 20% of the existing condition or maintaining an NSL coverage of at least 50% in the proposed condition. Overall, this building will experience a significant reduction in light as a result of the development proposals, although this is mainly due to the large recessed balconies hindering the windows/rooms ability to see sky. In addition, the results indicate that 43 of the windows that qualify for assessment will not meet the sunlight target values. As such, this building is expected to be left with light levels which are low but not uncommon in a regeneration area.

204 1, 3 & 5 Eastfields Avenue, 27 Enterprise Way and 1-33 Avon House: Due to the relatively open outlook these properties currently enjoy, 1, 3 & 5 Eastfields Avenue will see a noticeable reduction in VSC to some windows. However, all of these properties will be left with sufficient levels of daylight and sunlight in the proposed condition.

205 1-62 Clyde House: This building has several windows directly facing the development site that are located under either balconies or a very large recess hindering their ability to see visible sky. This is shown in the ADF results where 46 rooms do not currently comply with the BRE target values even though the site has a relatively open outlook across the development site. Overall, there will be a noticeable reduction in light to this property and some of the rooms will be poorly lit in the proposed condition. The design of this building restricts the buildings ability to see sky and as a result any additional massing being added to the site will result in daylight and sunlight losses that exceed the BRE guidelines.

206 Osiers Point (development to the south of Osiers Road): Due to the location of this property in relation to the development site, there will be VSC reductions that exceed that BRE target values. However, all rooms meet the ADF requirements and therefore these blocks are expected to benefit from adequate levels of light in the proposed condition.

207 In summary, 1-5 Knightley Walk, 6 Knightley Walk and 1-62 Clyde Walk would experience a severe reduction in light as a result of the development. However, these buildings currently benefit from more light than would be expected in a high density urban environment and this adjacent building has been designed with either recessed balconies or with external framework that hinder the ability to see visible sky from the windows/rooms. When the existing light levels are low a small reduction in the VSC often results in a disproportionate percentage difference. In addition, the applicant has provided a BRE compliant and VSC-compliant massing diagram that shows that the proposal would need to be around 2 to 3 storeys in height in order to meet either of these standards, which would fail to effectively optimise the site. It is further noted that a proposal that a

scheme that mirrors the massing of surrounding developments, as proposed by some objectors, would result in similar or worse daylight/sunlight conditions compared to the proposed development.

208 On the basis of its review of the applicant's findings, GLA officers consider that any reduction in the height and massing of the proposal to address daylight and sunlight impacts would need to be significant, as minor amendments would not make any material difference to the daylight and sunlight implications of developing the site. There is a need to adopt a flexible approach to daylight/sunlight in an urban location, as outlined in the NPPF and Mayor's Housing SPG. As such officers consider that significantly reducing the height and massing would be a disproportionate response to the daylight/sunlight impacts and would fail to optimise the development potential of the site. Whilst the proposal would result in some harm to some windows within adjacent properties, on balance, this is considered acceptable noting the other substantial benefits of the proposal, the fact that the redevelopment of this site to include tall buildings has been a long standing objective of local policy and given the urban location of the site with recent neighbouring developments that have actually borrowed amenity, to some extent, from the application site. In addition, the surrounding development has been constructed and occupied in the full knowledge that the site would come forward for development in the near future.

Noise

209 London Plan Policy 7.15 and Policy D13 of the draft London Plan state that development should manage noise to improve health and quality of life by: avoiding significant adverse noise impacts on health and quality of life; mitigating and minimising existing and potential adverse noise impacts within the vicinity of new development; separating new noise sensitive development from major noise sources through the use of screening, internal layout, set back distances; and where this is not possible, adverse effects should be controlled and mitigated by incorporating good acoustic design principles. The Mayor's London Environment Strategy aims to reduce the number of people adversely affected by noise and includes a wide range of policies and proposals to support this aim.

210 Wandsworth Local Plan Policy DMS1 states that development proposals should not harm the amenity of users and/or occupiers through unacceptable noise and vibration.

211 The applicant has provided an acoustic assessment that reports the likely noise and vibration effects of the proposed development. The assessment considers noise from road traffic, railway noise along the embankment to the south and noise from aircraft from Heathrow Airport. Road traffic surveys were taken over a two day period in June 2018 and show that noise was around 67dB during the day and 61dB at night. Although passing trains will generate substantial noise, the development is well-screened from the railway line by the buildings under construction to the south of Osiers Road. Aircraft noise would generate around 54dB during the day and 48dB at night. As such, road traffic is likely to be the biggest source of noise, particularly around the frontage on Osiers Road. The acoustic assessment recommends that sound insulating materials are used on the facades of buildings and shows that this would be effective at reducing sound levels to around or below 30dB during the day and night for most of the facade, with a maximum noise level of 40dB. It would not be possible to effectively mitigate noise on balconies, which would be up to 67dB; however, this level of noise would be intermittent and would affect only a small number of units looking over the road where increased noise levels would be expected in any case. Given the urban location, this level of noise is acceptable, subject to conditions as below.

212 A condition is recommended to ensure that details of sound insulating facade insulating facade materials and suitable soundproofing is installed between second floor residential units and the commercial floorspace below is provided. Conditions should also be added to any consent restricting the hours of operation of any outside seating associated with the potential flexible A3

cafe use and requiring details of any ventilation equipment or plant to be submitted for approval to ensure it has satisfactory noise attenuation to avoid disturbance to residential occupiers.

Outlook and sense of enclosure

213 The Council's reason for refusal cites undue harm to the amenity of neighbouring properties, including a loss of outlook and a sense of enclosure. The proposal would affect the outlook of several existing residential properties in the local area and would reduce the current openness of the site as perceived from the middle and upper storeys of surrounding buildings. Notably the proposal would be within the near outlook of residential properties within the Radius development to the west and north, those in Clyde House to the east of the application site and 3 Eastfields to the north. The development would serve to foreshorten the outlook from many of these existing units. However, these units are effectively borrowing a good outlook at present from the site, and as the site has a site allocation there is no reasonable prospect of this outlook being maintained in its entirety. Furthermore, the proposal cannot be said to cause an adverse sense of enclosure given that it is following the site allocation by providing a wide area of public realm at the centre of the site, with a 20 metre distance between buildings. It is acknowledged that Block B1 is located 7 to 11 metres from 1-5 Knightley Walk; however, the distance between the two buildings in the Radius development, 1-5 Knightley Walk and 21-23 Osiers Road, is also 7 to 11 metres across Knightley Walk. As such, the proposal would mirror the existing level of enclosure along Knightley Walk, creating a uniform and well-defined north-south route.

214 The applicant has made amendments to address concerns around outlook and sense of enclosure. Notably it has reduced the height of an extruding section of Block B1, which has served to reduce the impact on outlook when compared to the original scheme. This change also significantly reduces any adverse sense of enclosure provided by the proposal by stepping back Block B1 away from surrounding buildings, increasing the space between existing development and the proposal across the central public realm. Whilst the proposal would represent a reduction in outlook to some properties and would create a more enclosed space that existing, it is considered that this impact is acceptable noting that this is a well-designed scheme within an urban location which provides much needed affordable housing. Importantly, the surrounding development has been constructed and occupied in the full knowledge that the site would come forward for development in the near future. It would be unreasonable to expect this proposal to account for neighbouring amenity that is currently being borrowed from this site. For these reasons, GLA officers conclude that the proposal would not have an unacceptable impact on outlook and would not cause an adverse sense of enclosure to neighbouring occupiers.

Privacy

215 Wandsworth Council's policies do not specify minimum privacy distances between existing and proposed units but require developments to avoid overlooking and loss of privacy. The Mayor's Housing SPG (March 2016) notes that commonly used minimum separation distances between habitable rooms of 18-21 metres are yardsticks but advocates a more flexible approach to managing privacy.

216 In terms of privacy, the proposal provides a range of balconies and windows to create active facades within the development. The applicant has introduced fins to angle views away from sensitive terrace areas within the Radius development, which would reduce the loss of privacy in this area. It is noted that the shortest distance between the proposal and neighbouring development is 10 metres between the edge of Block B1 and 1-5 Knightley Walk. However, it is noted that this is partly due to the fact that Knightley Walk angles towards the development and the developers of Knightley Walk would have been aware that the windows would have looked out onto any development proposal on this site. Indeed, the drawings for 1-5 Knightley Walk show that

the proposal was designed with the 'indicative masterplan' for the current proposal in consideration and show a similar distance between the buildings as currently proposed. Moving the proposal to allow an 18-metre distance between the windows would severely restrict development on the site and likely necessitate taller buildings than proposed to optimise the site. It is further noted that the amount of space between the development and 1-5 Knightley Walk mirrors the amount of space between the Radius development buildings at the northern end of Knightley Walk.

217 The remainder of the proposal is separated by at least 15 metres from neighbouring development, with separation distances of 20 metres within the development, which is considered an acceptable distance and does not raise significant privacy concerns. The separation distances, along with the fins proposed are sufficient to protect privacy of neighbouring residents in this urban setting.

218 The impact on privacy to the proposed units within the scheme itself has been addressed at paragraphs 113 to 115 above.

219 In summary, the separation distances provided between windows are considered to be sufficient to ensure that no significant harm would arise to the amenity of neighbouring occupiers. In addition, as above, the site is within an urban location which has been allocated for redevelopment for some time.

Neighbouring amenity impacts conclusion

220 It is concluded that, on balance, the proposal would have an acceptable impact on neighbourhood amenity. Whilst some neighbouring properties experience a severe reduction in light as a result of the development, owing to the current arrangement these buildings currently benefit from more light than would be expected in a high density urban environment and are designed with designed with either recessed balconies or with external framework that hinder the windows/rooms ability to see visible sky. Any reduction in the height and massing of the proposal to address the neighbouring daylight/sunlight impacts would need to be significant, as minor amendments would not make any material difference to the daylight and sunlight implications of developing the site. As such significantly reducing the height and massing would be a disproportionate response to the daylight/sunlight impacts and would fail to optimise the development potential of the site. Whilst the proposal would have an impact on the daylight/sunlight received by neighbouring properties, this is considered acceptable, on balance, given that the adjacent neighbours currently borrow amenity from the application site the and noting the recent changes to the NPPF which provides greater flexibility when considering daylight/sunlight standards. In addition, this is an urban location and the redevelopment of the site to potentially include tall buildings of 9 storeys or more has been a long-standing objective of the Local Plan. The proposed development would not cause unacceptable loss of privacy due to the separation gaps and fins provided and any impact from noise and disturbance would be adequately mitigated through planning conditions. In addition, the proposal would not result in an unacceptable impact on outlook and would not result in an adverse sense of enclosure. The impact of the proposals on the residential amenity of existing residents close to the site would be acceptable, and the proposals therefore comply with London Plan Policies 7.6, 7.7 and 7.15 and Wandsworth Policies DMPD Policies DMS1 and DMS4. It would also comply with draft London Plan Policies D8 and D13.

Sustainability and climate change

221 London Plan Policy 5.2 and Policy SI2 of the draft London Plan, require development proposals to minimise carbon dioxide (CO_2) emissions to meet the Mayor's targets, in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

222 Wandsworth Council's Local Plan Policies IS2, DMS3, DMS5 and DMS6 set out the borough's approach to climate change and requires developments to meet the highest standards of sustainable design, including sustainable drainage and the conservation of energy and water and meeting London Plan carbon reduction standards.

Energy

Energy strategy

223 The applicant has submitted an energy strategy for the site. This sets out measures to reduce carbon dioxide emissions beyond the 2013 Building Regulations of 35% for the residential element of the development and 37% for the non-residential element of the development, in compliance with the London Plan target. In reporting the application at Stage 1, it was observed that the scheme broadly followed the London Plan energy hierarchy, with a range of passive design features and demand reduction measures proposed, together with the potential for a district heating connection, combined heat and power (CHP) and renewable energy sources, and that the carbon savings were in excess of the London Plan's targets. There remained outstanding issues that required resolution before it could be confirmed that the scheme was fully in accordance with the London Plan and since that time further discussion has taken place. This related to details of measures to reduce overheating, the investigation of air source heat pumps as an alternative to CHP and maximising photovoltaic (PV) panel provision.

224 Energy efficiency (Be Lean): A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by Building Regulations. Other features include low energy lighting. The demand for cooling will be minimised through solar control glazing and shading by balconies. A condition is recommended to ensure that the overheating analysis considers extreme weather events using the CIBSE weather files DSY2 and DSY3 and that sufficient measures are proposed to manage the overheating risk associated with these events.

225 District heating (Be Clean): The site is within a district heating opportunity area, as set out in Wandsworth's Local Plan. The applicant is proposing to install a site heat network connecting all the proposed uses, served by an energy centre at basement level. This system would enable future connection to an area wide district heating network and the applicant will be required to continue to prioritise connection through a S106 obligation. The applicant is proposing to install a gas fired CHP unit as the lead heat source, which is considered inappropriate for small and medium sized residential developments as set out in the Energy Assessment Guidance 2018. This was communicated to the applicant in the GLA's Stage 1 report on 1 October 2018 and the applicant was required to consider alternative heat sources, such as air source heat pumps (ASHPs). However, in the time since then the applicant has not adequately assessed the feasibility of re-designing the proposal to accommodate ASHPs, and therefore officers have an outstanding objection to the use of CHP within this proposal. Given the time sensitive nature of the associated grant funding, any delay caused by a re-design of the development at this point would very likely have a negative impact on the 100% affordable housing offer. Therefore, in the exceptional circumstances of this application, officers consider that the objection to the use of CHP is outweighed by the need to ensure the timely delivery of affordable housing. A condition is recommended requiring air quality mitigation measures for the proposed CHP plant.

226 Renewable technology (Be Green): The applicant has investigated the feasibility of a range of renewable energy technologies. The development would also use ASHPs to service the commercial element of the proposal, resulting in a 24% saving on 2013 Building Regulations from this element alone, which is supported. The applicant has also identified photovoltaics (PV) as the most suitable renewable technology, to be located on all higher-level roof spaces with an output of 48kWp, resulting in a 13% saving on 2013 Building Regulations. Whilst it is noted that there is still lower-level roof space available that could potentially accommodate PV, officers consider that this would likely worsen daylight/sunlight levels within the development to minimal energy generation benefit. As such the proposal is considered to maximise the available roof space for PV.

227 Overall savings: Based on the energy assessment submitted, a reduction of 73 tonnes of carbon dioxide per year in regulated emissions is expected, compared to a 2013 Building Regulations compliant development for the residential element, equivalent to an overall saving of 35%. For the non-residential element, the savings would be 25 tonnes per annum, or 37%. The carbon dioxide savings respectively meet and exceed the target set within Policy 5.2 of the London Plan for the commercial element of the scheme, but not for the residential zero-carbon requirement. A contribution is therefore required to make up for this deficit, which has been estimated at £241,200 and will be paid into Wandsworth's carbon offset fund, to be secured in the S106 agreement. A condition is also recommended requiring that the proposal is carried out in accordance with the approved energy strategy dated July 2018 and energy strategy addendum dated October 2018.

228 In summary, the development includes a gas-fired CHP that has not been justified through adequate assessment of the feasibility of ASHPs. As such the proposal does not fully comply with the energy hierarchy set out in London Plan Policy 5.2 and draft London Plan Policy SI2. However, officers consider that the timing limitations on grant funding for the 100% affordable housing offer outweigh the objection to the use of CHP in the exceptional circumstances of this case. The development is otherwise in accordance with London Plan Policy 5.2, draft London Plan Policy SI2, Wandsworth Core Strategy Policy IS2 and Wandsworth DMPD DMS3, subject to provisions secured as recommended conditions and within the draft S106 agreement.

Flood risk and drainage

229 London Plan Policy 5.12 (Flood risk) seeks to ensure that developments address flood risk and incorporate flood resilient design. Policy 5.13 (Sustainable drainage) states that developments should use sustainable urban drainage systems (SUDS) and should ensure that surface water run-off is managed as close to its source as possible in line with the London Plan drainage hierarchy.

230 Draft London Plan Policy S12 also requires that developments address flood risk through a flood risk assessment and Policy SI13 further states that proposals should aim to achieve greenfield run-off rates.

231 Wandsworth Local Plan Policy DMS5 (Flood risk management) requires applicants to demonstrate that schemes will be unaffected by all forms of flood risk, having regard to the provisions in the NPPF. Policy DMS6 requires all new developments to incorporate Sustainable Urban Drainage Systems (SUDS).

Flood risk

232 The application is supported by a Flood Risk Assessment (FRA) which assesses any likely significant effects of flooding and drainage. The site is mostly within Flood Zone 2, with a small area of the south eastern corner external area located in Flood Zone 3a, in an area benefitting from River Thames tidal defences. The FRA considers the risk of flooding from a range of sources and

provides a Sequential Test and Exception Test for the development, as required by the NPPF. The Sequential Test notes that lower vulnerability uses are proposed on lower floors, with more vulnerable uses on higher floors.

233 The FRA proposes a range of flood resilience and mitigation measures. These include two possible measures to protect the ground floor from flooding: setting floor levels of 'more vulnerable' uses a minimum of 300mm above the modelled flood level from a tidal defence breach in 2100 or providing flood barriers to prevent flood water ingress to ground floor areas and the basement. The FRA also proposes mitigation measures including: an emergency response and evacuation plan; using water-resistant materials in ground floor areas; water proofing of the basement to protect against groundwater ingress; installation of electrical fittings and cabling at high level; and providing additional surface water flood storage volume to avoid increasing surface water flood levels.

234 The Environment Agency and Wandsworth Council's flood officer have reviewed the FRA and have no objections, subject to conditions requiring final details of the flood mitigation measures to the ground floor and basement car park and ensuring the implementation of the proposed mitigation measures. GLA officers have assessed the submitted FRA and concur that the development would be at low risk from flooding and that the development is appropriate. The development thus complies with London Plan Policy 5.12 and Policy SI12 of the draft London Plan and Wandsworth's Policy DMS5.

Drainage

235 The site is currently largely impermeable, and the development would introduce a range of sustainable drainage and water attenuation measures. The applicant's proposed drainage strategy would attenuate surface water discharge to 2.3 litres/second through a permeable paving sub-base and below ground geocellular tanks. This is above the greenfield run-off rate of 0.6 litres/second but the applicant proposes SuDS measures, including blue roofs at podium level to attenuate rainwater and green roofs at roof level. Large scale rainwater harvesting is not considered practicable for the development. In line with the drainage hierarchy in the London Plan and draft London Plan, the applicant has demonstrated why the provision of infiltration and open water features are not appropriate, given the constraints of the site and the impermeability of the ground on which the development is located. The applicant has included a maintenance plan showing the maintenance and inspection frequency and activities for each SuDS measure proposed. The applicant has also provided an assessment of exceedance flow paths.

236 The attenuation tank volume has been estimated to be 228m^3 for a design discharge rate of 1.9 litres/second in a 1 in 100 year storm event with 40% climate change allowance. The applicant also proposes 100m^3 of permeable paving and 8m^3 of blue roof. These measures would restrict peak surface water flows to the public sewer network for the 1 in 100 year flood event plus climate change to slightly below the greenfield run-off rate of 2 litres/second in such an event in line with London Plan Policy 5.13. Council officers were generally satisfied with this approach subject to a condition requiring full drainage and SuDS plans for final approval, which GLA officers recommend is attached to any consent. As such, the application accords with London Plan Policy 5.13, Policy SI13 of the draft London Plan and the relevant sections of Wandsworth DMPD Policy DMS6.

Sustainability strategy

237 The applicant has submitted a BREEAM pre-assessment and construction management plan for the site, which set out a number of sustainability measures proposed in the design and construction process, as follows:

238 BREEAM: Wandsworth DMPD Policy DMS3 sets out that from 2019 developments should meet the BREEAM "outstanding" rating for non-residential floor space. The applicant is targeting a BREEAM "excellent" shell-only rating for the non-residential floor space, with a BREEAM "excellent" rating at tenant fit-out. Although the "excellent" rating would be below the "outstanding" rating required by Wandsworth DMPD Policy DMS3, it is noted that the original application was submitted in 2018 and it would be unreasonable to retrospectively apply a higher standard intended to apply from 2019 onwards. This approach and the commitment relating to BREEAM is secured by way of planning condition, in line with the requirements of Wandsworth DMPD Policy DMS3.

239 Water use demand: London Plan Policy 5.15 states that development proposals should incorporate water saving measures and equipment and should be designed so that mains water consumption would meet a target of 105 litres per head per day. This target is retained in draft London Plan Policy SI5, with the further requirement that commercial development achieves at least the BREEAM "Excellent" standard for water consumption.

240 The applicant has set out the measures that would be incorporated into the scheme to reduce the water demand of the development, including water metering and use of water efficient appliances and fittings. This would result in the residential element meeting the water consumption target of 105 litres per head per day, which is in line with London Plan Policy 5.15 and draft London Plan Policy SI5. The implementation of these measures will be secured by condition. The BREEAM "excellent" standard for water consumption is not achievable in a shell-only scheme and so is not required in this instance.

241 Materials and construction waste recycling: The BREEAM pre-assessment sets out commitments by the applicant to specify products with an environmental product declaration and to use FSC certified timber for construction through a sustainable procurement plan. A site waste management plan would be implemented, with targets to be agreed for recycling waste and reduced waste to landfill. The commitments within the site waste management plan would be secured by condition. Council officers considered this acceptable and this is in line with Wandsworth DMPD Policy DMS3.

Conclusion on climate change and sustainability

242 The proposed development would minimise carbon dioxide emissions to meet London Plan targets and local policy regarding climate change. The development would not increase flood risk and would deliver sustainable urban drainage benefits over the existing situation at the site. The development has committed to achieve high standards in sustainable design and construction. In these respects, the development is in compliance with relevant planning policies regarding sustainability and adapting to climate change.

Natural environment

Trees

243 There are no existing trees on site. The applicant proposes the planting of 25 new trees within the public realm at ground floor and 8 new trees at podium level between Blocks B1 and B2. Conditions are therefore recommended to require a full landscaping and maintenance scheme to be submitted and approved. Subject to this, the proposals are compliant with London Plan Policy 7.21, draft London Plan Policy G7 and Wandsworth DMPD Policy DMO5 on trees.

Biodiversity

244 Paragraph 170 and 175 of the NPPF state that planning decisions should contribute to enhancing the natural environment by minimising biodiversity impacts and avoiding or mitigating harm and providing net gains. London Plan Policy 7.19 promotes the protection and enhancement of biodiversity, including green corridors and states that new development should realise the opportunities for positive biodiversity gains. Draft London Plan Policy G6 further states that proposals that create new or improved habitats that result in positive gains for biodiversity should be considered positively. Wandsworth DMPD Policy DMO4 seeks to ensure all developments provide net gains for biodiversity.

245 The site does not fall within the boundaries of any statutory or non-statutory sites of nature conservation and is not designated for any nature conservation purposes. A preliminary ecological assessment has been carried out by the applicant, which concluded that there are no notable habitats within the site or immediately adjacent to the site that are of value to wildlife, with the site only having the potential for providing suitable breeding habitats for bats and for common nesting birds. The applicant has carried out emergence/re-entry bat surveys that recommends best practice external lighting to avoid unnecessary light spill onto nearby vegetation or boundary features and a condition to this effect is recommended. It is recommended that the application is conditioned to provide a scheme of biodiversity improvements including bird and bat boxes to secure a net gain in biodiversity.

246 The proposed tree planting and landscaping will greatly enhance the ecology of the site attracting a variety of bats, birds and other species. As such the proposal enhances the biodiversity of the site, providing a net gain in line with the NPPF, London Plan Policy 7.19, draft London Plan Policy G6 and Wandsworth DMPD Policy DMO4.

Urban greening

247 London Plan Policy 5.10 and draft London Plan Policy G5 state that developments should provide new green infrastructure that contributes to urban greening. Policy G5 also sets out a new Urban Greening Factor (UGF) to assess the quality of urban greening proposed in new developments, with a recommended target score of 0.4 for predominantly residential developments. Wandsworth Local Plan Policy IS2 states that the Council will use the NPPF and London Plan policies on green infrastructure to ensure the overall sustainability of a site. The applicant has proposed a wide variety of urban greening, including trees, hedge, fern and shrub planting, mixed grass planting, perennial planting, climbing plants and green roofs. The UGF score for the development is 0.2, which is below the 0.4 target score. However, the landscape drawings show that the applicant has clearly balanced optimising urban greening with the need to provide an open and accessible public realm and as such the UGF score of 0.2 is acceptable. A condition requiring a full landscaping and maintenance scheme to be submitted and approved that will secure the proposed urban greening is recommended.

Other environmental issues

Air quality

248 A core priority of the Mayor's London Environment Strategy (2018) is to improve London's air quality and protect public health by reducing exposure to poor air quality, particularly for the most disadvantaged and those in priority locations such as Air Quality Focus Areas, and outlines a range of initiatives which seek to improve the capital's air quality over time, including the Ultra Low Emission Zone (ULEZ). London Plan Policy 7.14 and Policy SI1 of the draft London Plan state that London's air quality should be significantly improved and exposure to poor air quality should be

reduced, especially for vulnerable people and makes provision to address local problems of air quality (particularly within Air Quality Management Areas (AQMAs)) and be at least "air quality neutral". Policy SI1 states that development proposals should not create unacceptable risk of high levels of exposure to poor air quality and should ensure design solutions are incorporated to prevent or minimise increased exposure to existing air pollution. Wandsworth Local Plan Policy IS4 requires measures to be taken to improve air quality and ensure major developments are air quality neutral. Policy DMS1 seeks to ensure that the amenity of occupiers and neighbours is not harmed by air pollution.

249 The whole of Wandsworth, including the application site, is within an AQMA. The applicant has submitted an assessment of the proposal's impact on air quality. This looks at the impacts of demolition and construction, and traffic generated by the scheme. An Air Quality Neutral Assessment has been submitted.

250 Construction Phase. The applicant's air quality assessment stated that dust sensitive receptors will potentially experience increased levels of dust and particulate matter before using any mitigation and control measures. However, these are predicted to be short term and temporary impacts. Throughout this period, the potential impacts from construction on air quality will be managed through site specific mitigation measures, including through a construction dust management plan. With these mitigation measures in place, the effects from the construction phase are not predicted to be significant. Implementation of the construction dust management plan is recommended to be secured by condition. Compliance with the Non-Road Mobile Machinery Low Emission Zone is also recommended to be secured by condition.

251 Operational Phase. The main polluting operations associated with the proposed development once built include emissions from traffic movements and the CHP plant. The development proposes a small reduction in overall traffic compared to the "do nothing scenario", with a consequent small improvement in air quality, which is strongly welcomed. The development as proposed would meet the Transport Emissions Benchmark aspect of the Air Quality Neutral policy. The development would also meet the Building Emissions Benchmark aspect of the Air Quality Neutral policy, however this is based on a notional arrangement of CHP and boiler units. The direct impact of stack emissions within the development and surrounding buildings (including tall buildings) has not been assessed and is recommended to be secured by condition.

252 Mitigation and ventilation: The development is subject to levels of air pollution above legal limits for Nitrogen Dioxide at units on the lower floors. As mitigation the developer has proposed the provision of Mechanical Ventilation with Heat Recovery (MVHR), including additional NO_2 filters. However, passive ventilation (openable windows) will be the primary means of ventilation. All units up to the 10th floor will be fitted with mechanical ventilation and openable windows, so that residents have the option to both access cleaner air and to effectively cool their property. Further details of the MVHR are recommended to be secured by condition.

253 Having reviewed the applicant's air quality assessment, it is considered that impacts can be suitably mitigated via the proposed design interventions, which will be secured by condition.

Wind

254 London Plan Policy 7.7 states that tall buildings should not affect their surroundings adversely in terms of (amongst other things) microclimate and wind turbulence. The Mayor's Sustainable Design and Construction SPG identifies the Lawson Criteria as a means for identifying suitability of wind conditions. Draft London Plan Policy D8 further states that wind conditions around tall buildings must be carefully considered and not compromise comfort. Wandsworth DMPD Policy DMS4 requires tall buildings to address climatic effects on their surroundings, including wind conditions.

255 The applicant produced a wind microclimate assessment with the original application. This has not been updated as a result of the revised submission; however, as the height of the proposal has decreased since the original application it is unlikely to significantly affect the results of the assessment. The assessment is based on a qualitative desk-based methodology that has tested the wind impacts of the proposal using meteorological data, the Lawson pedestrian comfort criteria and the occurrence of strong winds.

256 Wind conditions at all points modelled in pedestrian thoroughfares and building entrances are acceptable for their intended use, with no mitigation required. The ground level public realm areas are generally acceptable for sitting, although the southern entrances to Block A, the southern end of the podium and the pavement to the south and west of Block B have some instances of 'standing' conditions. 'Strolling' conditions would be experienced at the south west corner of Block B1 and at one point towards the centre of the southern face of this block. However, the landscaping has been carefully designed to position seating areas in the calmer part of the public realm at the centre of the site and towards the northern end of the podium. Most of the private balconies are classified as acceptable for sitting use during the summer season, when they are likely to be in use. Wind conditions for some of the upper-level balconies on the southern facade of Blocks B1 and B2 would experience 'standing' conditions. However, it is considered that the introduction of trellises or other mitigating measures to these units would detract from the overall design with minimal benefit. As such, the proposals are not likely to have an adverse impact on wind conditions for people on the site or using surrounding areas.

Waste

257 London Plan Policy 5.17 requires adequate provision for waste and recycling storage and collection facilities as part of new developments. In relation to waste generated through demolition, groundworks and construction, Policy 5.18 requires applicants to produce site waste management plans to arrange for the efficient handling of construction, excavation and demolition waste and materials. Draft London Plan Policy SI7 seeks to reduce waste and increase material reuse and recycling and promotes a circular economy. The policy also sets several waste targets including a strategic target of zero biodegradable waste or recyclable waste to landfill by 2026.

258 Wandsworth DMPD Policy DMS1 requires development proposals to make appropriate provision for waste management. Policy DMS3 requires developments to consider re-using waste from the demolition process and to use recycled materials where possible.

259 Construction waste: The applicant has submitted a framework construction management plan which identifies how waste will be managed during construction of the development. This states that the applicant will obtain necessary certification, establish a dedicated waste management contractor team and implement a waste segregation and recycling scheme. The applicant proposes to segregate the following materials for recovery: timber; plastics; metal; plasterboard; pallets and cable drums; glass; concrete; bricks; and blocks. The waste would be carried away from site by a licensed waste carrier. The applicant has also set out targets for directing construction waste away from landfill. Planning conditions are recommended to provide a more detailed Construction Environment Management and Logistics Plan prior to commencement and to ensure that contractors adhere to it.

260 Operational waste: The applicant has provided detail about the operational waste strategy for the site in the Design and Access Statement. This has the following key themes:

- Each residential block would be provided with a dedicated bin store at ground floor accommodating communal bin storage for each waste stream;
- The stores would be located adjacent to cores, so in a convenient location for all residents, and would be of an appropriate size for required the 34 bins;

- The entrances to the stores would be located within 10 metres of Osiers Road, allowing easy access from refuse vehicles to collect the waste; and,
- Adequate provision is made for commercial waste, with separate bin stores distributed across the scheme and access for collection vehicles via Osiers Road.

261 GLA officers are satisfied with this assessment, subject to the recommended condition for a detailed Construction Environment Management and Logistics Plan and the submission details of a refuse scheme.

Contaminated land

262 London Plan Policy 5.21 requires the investigation and, where appropriate, remediation of contaminated sites, with appropriate mitigation to ensure contaminated land is brought back into beneficial use and to avoid harm to the environment or human health. Wandsworth Local Plan Policies IS4 and DMS1 requires measures to be taken to ensure that development is safe regarding the re-use of land.

263 A geoenvironmental report has been submitted as part of the application. This included a desk-based assessment, on-site survey, intrusive site investigations through a ground investigation and laboratory testing. The assessment concludes that the potential risks arising from contamination in terms of soil contamination, ground gas, controlled waters, aggressive ground conditions including hydrocarbon contamination, and contamination of water supply pipes represent a low to medium risk of causing harm to human health. These can be mitigated appropriately via remediation to address risk to controlled waters, provision of tree planters and pits, provision of ground gas and vapour protection measures, use of appropriate water supply materials, a watching brief and discovery strategy and materials management. Accordingly, an appropriately worded planning condition is recommended to require a further assessment to be undertaken in relation to land contamination to determine the level of contamination in more detail, with full details of the proposed mitigation measures to be set out by the applicant for approval by the Local Planning Authority. A condition requiring a halt to development on discovery of unexpected contamination is also recommended.

Transport

264 Chapter 9 of the NPPF sets out the Government's aim to promote the use of sustainable modes of transport. When considering the transport implications of development proposals, the NPPF states that decision-makers should ensure that site specific opportunities available to promote sustainable transport modes have been taken up; safe and suitable access to site would be achieved for all users; and any significant impacts from development on transport network (in terms of capacity or congestion) or highways safety can be mitigated to an acceptable degree. Paragraph 109 of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or where residual cumulative impacts on the road network would be severe. Paragraph 110 of the NPPF sets out additional criteria which should be addressed which includes pedestrian, cycle and inclusive access.

265 London Plan Policy 6.1 sets out a strategic approach for transport in London. This includes the aim to encourage patterns of development that reduce the need to travel, especially by car, through the use of maximum car parking standards; seeking to improve the capacity and accessibility of public transport, walking and cycling infrastructure; encouraging shifts to more sustainable modes of travel and promoting walking and safe and step-free access. Policy 6.3 states that the impact of development proposals on transport capacity and network should be fully assessed and not adversely affect safety, with schemes appropriately phased where transport capacity is insufficient to allow for the expected trip generation. Other relevant transport policies

are Policies 6.9, 6.10, 6.11 and 6.13 which cover cycling, parking and traffic congestion. Policy 8.2 of the London Plan sets out the Mayor's priorities for planning obligations and states public transport improvements should be given the highest importance, alongside affordable housing.

266 The Mayor's Transport Strategy (2018) (MTS) seeks to promote sustainable mode shift, reduce road congestion, improve air quality and assist in the development of attractive, healthy and active places. The MTS aims to ensure that by 2041, 80% of all Londoners' trips will be made on foot, by cycle or by public transport. Policy T1 of the draft London Plans requires development proposals to support this overarching aim, as do a range of other policies in the draft London Plan on 'Healthy Streets' (Policy T2), cycling (Policy T5), parking (Policy T6, T6.1-T6.5) and funding necessary transport mitigation measures (Policy T9). Policy T4 of the draft London Plan requires transport impacts to be assessed and mitigated and avoid road danger.

267 Wandsworth Core Strategy Policy PL3 states "Sustainable development, as referred to in Policy IS1, will be supported through the management of freight, servicing and parking, and the use of transport assessments, travel plans and the use of the river." The Council's Development Management Policies Document (DMPD) policies DMT1 and DMT2 are also relevant.

268 Issues with respect to transport were considered by the Council as having been satisfactorily addressed, subject to agreement of appropriate planning conditions and section 106 obligations to secure necessary mitigation measures. Transport does not feature in the Council's reason for refusal. The Mayor's Stage 1 comments concluded that an uplift in cycle parking provision was required to accord with London Plan minimum standards, conditions requiring 2 years cycle hire membership for new residents and a signage strategy using the Legible London system, a Construction Management Plan and a Delivery and Servicing Plan should be secured and a Travel Plan, car club membership, electric vehicle charging points, a car parking design and management plan and resident exclusion from parking permits should be secured in the S106 agreement.

269 These matters have been satisfactorily resolved subject to planning conditions and section 106 obligations.

Trip generation

270 The applicant has provided a transport assessment including a trip generation assessment undertaken using the industry standard TRICS database. This concludes that the proposed development is likely to generate an additional 84 person movements during the weekday morning peak (0800 to 0900), and around 99 additional movements during the evening peak (1700 to 1800) compared with the existing uses on the site. This is considered to be an underestimate; however, a more robust assessment of the uplift in trips generated by this development is unlikely to lead to a significant impact on the strategic road network or the public transport network. The majority of these additional movements would be public transport trips, given the relatively good public transport provision nearby, notwithstanding the low PTAL. The trip assessment also concludes that net increase in vehicle trips would be negligible, particularly given the limited car parking provision, and as such would have a minimal impact on the existing highway network.

Car parking

271 The development is car free with the exception of ten disabled person's car parking spaces which is in accordance with both the London Plan and draft London Plan standards. It is noted that all of the proposed disabled spaces will include electric vehicle charging points. The transport assessment includes a swept path analysis of the vehicular access to the underground car park from Osiers Road. The Council has assessed this analysis and considers it is acceptable, and that turning traffic to and from the car park ramp would have no detrimental impact on existing traffic

movements. All vehicles would be able to enter and leave the car park in forward gear without impacting the existing operation of Osiers Road, with adequate visibility available for vehicles exiting the car park onto Osiers Road. A Car Parking Management Plan, detailing how the disabled car parking spaces will be managed, will be secured though the section 106 agreement.

272 The draft London Plan requires that disabled person's parking should be provided for 3% of dwellings, with up to 10% provided if the demand arises. The car parking management plan to be secured via S106 agreement will be required to include a mechanism whereby demand for disabled parking is monitored and should demand arise the provision will need to be increased by up to 7 spaces.

273 Concerns have been expressed by a number of objectors that any demand for car parking from the development cannot be met on local roads as the site is not located within a Controlled Parking Zone. The applicant's transport assessment notes that the proposal would result in fewer vehicle trips than the previous permitted uses, with the majority of movements being public transport trips. Officers have reviewed this assessment and concluded that the development is unlikely to lead to a significant impact on the road or public transport network. As such, the proposal is unlikely to generate significant demand for car parking and any demand would be mitigated by the provision of two years free car club membership, which will be secured through the S106 agreement.

274 Should a Controlled Parking Zone come forward in the future, the development will be subject to an appropriate legal planning restriction whereby occupiers will be exempt from parking permits. This will be secured within the S106 agreement. However, the development is considered acceptable even if a CPZ were not to come forward in the future. As such, this clause within the s106 has been given no weight in the planning balance but is a welcome offer from the applicant.

275 The car parking provision accords with London Plan Policy 6.13 and Wandsworth Local Plan Policy DMT2. It also accords with Policies T6, T6.1, T6.3 and T6.5 of the draft London Plan.

Healthy Streets

276 The proposed development will see an increase in pedestrian and cycle trips to / from the site and the local area. Public realm improvements are proposed along the entire site boundary on Osiers Road, including a raised table to facilitate pedestrian movement to and from Wandsworth Town Station. The layout of the development provides a significant amount of new public realm and will allow permeability through the site for pedestrians and cyclists following natural desire lines, and is a significant improvement to the existing situation. These improvements will contribute to the Mayor's "Healthy Streets" agenda for encouraging active travel and mode shift away from the private vehicle. Subject to the proposed pedestrian improvements being secured within the s106 agreement, GLA officers consider that the application would comply with London Plan Policies 6.9 and 6.10 and Policies T2 and T4 of the draft London Plan.

277 It is recommended that a signage strategy using the Legible London system is provided. A contribution of £23,000 towards Legible London signage is secured through the S106 agreement.

Cycling

278 The applicant is proposing a total of 328 residential cycle parking spaces on site, including 5 short-stay spaces. This quantum slightly exceeds the London Plan Policy 6.9 and draft London Plan T5 standards. The applicant is also proposing 48 long-stay and 8 short-stay spaces for the commercial element. The applicant has set out areas within the commercial element that would provide sufficient space for these facilities and for up to 5 showers and 32 locker spaces. Visitor

parking is located within the central public realm and to the south of Blocks B1 and B2, which is convenient for access to both the residential and commercial cores. A condition requiring details of the location and number of cycle parking spaces and the provision of shower and locker facilities is recommended. This should also ensure that cycle parking is designed and laid out in accordance with the guidance contained in Chapter 8 of the London Cycling Design Standards (LCDS).

279 An existing 30 point cycle hire docking station is located to the west of the site on Osiers Road near its junction with Point Pleasant. Whilst the development will increase demand for hire bicycles in the area, the uplift is likely to be accommodated by the exiting provision. The provision of two years free cycle hire membership will be secured through the section 106 agreement.

Public transport

280 There are three bus routes within walking distance of the site: the 270, 220 and 485. The proposed development will increase pressure on existing nearby transport facilities. However, this will be partly mitigated by the re-routing of bus route 485 via Osiers Road planned for 2020, adjacent to the development. It is noted that there is sufficient spare capacity on the routes which directly serve the development site. The proposal is also within walking distance of Wandsworth Town Station, operated by and served by trains from South Western Railway. Given the range of public transport options in this area and having regard to the predicted demand from these proposals, the development would not have a site specific effect on public transport capacity that will require mitigation.

281 The applicant is proposing the provision of a raised table at the Osiers Road/Enterprise Way junction. However, the design of this raised table will require approval from TfL as it will be on the route of the re-routed bus route 485. The applicant is therefore required to engage with the Council and TfL to carry out any necessary footway and highway reconstruction works immediately adjacent to the site boundaries, including the provision of a raised table, through a S278 agreement for highway works associated with the development, which will be secured through the S106 agreement.

Delivery, servicing, construction and travel planning

282 The proposed development would be serviced from Osiers Road via a new loading bay. This has been introduced during the course of the application process following concerns raised by Council officers and objectors about the impact of on-street servicing from the development. The applicant's transport assessment anticipates that the number of service deliveries would be low, typically limited to weekly collection of refuse plus occasional home delivery services, with the expected deliveries to the proposed commercial use also likely to be limited and infrequent, comprising mostly of office supply deliveries or parcel couriers. The applicant has carried out a Road Safety Audit for the proposed loading bay, which raised some minor safety issues, although these were considered acceptable by Council officers as they could be resolved during detailed design.

283 Both the Council and TfL agree that the deliveries and servicing arrangement proposed are acceptable and accord with London Plan Policies 6.3, 6.13D, 6.14 and 2.15C and draft London Plan Policy T7. The proposals are also in accordance with Wandsworth Local Plan Policy DMT2. Furthermore, a Deliveries and Servicing Plan (DSP) is secured by condition. The DSP would set out how delivery and servicing movements will be controlled, managed and adhered to by all occupiers.

284 London Plan Policy 6.14B and draft London Plan Policy T7 promote the provision of Construction Logistics Plans (CLP) and membership of the TfL Fleet Operators Recognition Scheme (FORS), to minimise the impact and safety risks of construction activities on people and the

transport network. A Construction Environment Management and Logistics Plan will be secured by pre-commencement condition.

285 A site wide framework Travel Plan has been submitted as part of the application, which will be used as the basis for a full Travel Plan prepared for the development prior to occupation. This will be secured, monitored, reviewed and enforced through the S106 agreement.

Conclusion on transport

286 The proposals would minimise the need to travel, particularly by car and make acceptable alterations to the public realm in order to accommodate the expected pedestrian demand encouraging sustainable travel. The proposed parking provision is considered acceptable in this urban location and the proposal would not result in any highway or pedestrian safety concerns subject to conditions and the completion of a s106 agreement.

287 Subject to a suitable framework of controls and mitigation as identified above being secured through the S106 agreement and use of appropriate planning conditions, the transport impacts of this development are in accordance with strategic and local transport policies in the London Plan (Policies 6.1, 6.3, 6.5, 6.9, 6.10, 6.12, 6.13, 6.14, 8.2 and 8.3Wandsworth Core Strategy Policy PL3 (Transport); and Wandsworth Development Management Policies Document (DMPD) Policies DMT1 and DMT2. On the same basis, the development accords with draft London Plan (Policies T1, T2, T4, T5, T6, T6.1, T6.2, T6.3, T6.5 and T7).

Culture

288 In accordance with the Wandsworth Local Plan Policy DMTS12 and the Council's Planning Obligations SPD, the applicant has submitted a Cultural Strategy. This proposes to engage local schoolchildren in designing the hoarding for the site, provide a range of seating and street furniture designs and engage with local children on the design of the play space. Council officers welcomed this approach and the implementation of the Cultural Strategy should be secured within the S106 agreement.

Mitigating the impact of development through planning obligations

289 Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that a section 106 planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. These are statutory tests.

290 The NPPF states that "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

291 At the regional level, London Plan Policy 8.2 sets out the Mayor's priorities for planning obligations, and states that affordable housing; supporting the funding of Crossrail where this is appropriate; and other public transport improvements should be given the highest importance.

292 At the local level Wandsworth Council's Planning Obligations SPD (2015) provides the basis for determining planning obligations when considering planning applications for development in the borough.

293 Pursuant to the consideration within the previous sections of this report, and in line with the policy context set out above, GLA officers propose to secure a number of planning obligations required to appropriately mitigate the impact of this development. A full list of the obligations is provided under paragraph 3 above, and where appropriate there is detailed consideration given in the relevant topic section of the report. Where appropriate, GLA officers have provided an additional commentary below to support the consideration within this report and to inform the detailed drafting of a section 106 legal agreement.

Affordable housing

294 As discussed in the housing section of this report, 168 affordable units will be secured, comprising 93 London Shared Ownership units and 75 London Affordable Rent units. Details of affordable housing definitions, fit out, transfer/lease to a Registered Provider, service charge levels, the income thresholds for the intermediate accommodation, rent levels for the affordable rented units and the retention of the affordable units at the proposed rent levels, would be set out in the section 106 agreement, as set out in this report.

Transport infrastructure

295 The Council's Planning Obligations SPD states that development may be expected to contribute to improvements to the quality of the public realm and public highways improvements. Several other obligations have been secured to mitigate the transport impacts of the development.

296 A car park management plan, which should include identifying space for further disabled parking provision should demand arise, will be secured, in order to ensure that the needs of disabled residents living within the M4(3) wheelchair accessible units are adequately met. Provision of active Electric Vehicle Charging Points prior to occupation will also be secured to promote low emissions modes of transport.

297 As required by the Council's Planning Obligations SPD, a Travel Plan including an obligation of contribution towards Green Travel Modes for first occupiers in the form of 2 years car club membership will be secured. The contribution is to comprise £100 for the first household in occupation of each residential unit. In addition, 2 years free cycle hire membership has been secured to support sustainable travel behaviour. An obligation excluding residents and staff from being eligible to apply for parking permits in any existing or future CPZs in the locality (unless registered disabled) will also be secured in line with the car free nature of the development and to reduce any car use associated with residents, visitors or commercial occupants.

298 Highways works (under a section 278 agreement) to carry out any necessary footway and highway reconstruction works immediately adjacent to the site boundaries and including the provision of a raised table and a loading bay in Osiers Road will be secured within the S106 agreement. Furthermore, to aid wayfinding through the development, an obligation requiring a £23,000 contribution towards Legible London signage will be secured within the S106 agreement.

Open space and landscaping

299 As required by London Plan Policy 7.5, draft London Plan Policy D7 and Wandsworth DMPD Policy DMO3, provision of public realm within the scheme as publicly accessible, including maintenance and management arrangements, will be secured.

Employment and training

300 A local employment contribution of £83,651 will be secured to promote local labour and apprenticeships during construction and operation, in accordance with the Council's Planning Obligations SPD.

Sustainability

301 The Council's Planning Obligations SPD sets out that all developments will be required to make a contribution to the Council's carbon off-set fund where carbon reduction targets are not met. A carbon off-set payment will be payable into the Council's fund. This is estimated to be £241,200, including the cost of independent review, but could change depending on the final energy strategy, to be approved by condition.

302 The Planning Obligations SPD further states that developments are expected to connect to a decentralised energy network where one is available and that S106 agreements will be used to secure details of how the development will be able to connect to any such network. As there is no current network to connect to, provisions to future proof the site to enable connection to a future district heat network will be secured in the S106 agreement.

Arts and culture

303 In accordance with the Wandsworth DMPD Policy DMTS12 and the Council's Planning Obligations SPD, the implementation of the Arts and Cultural Strategy will be secured.

Council's costs

304 The costs to the Council of monitoring and enforcing the section 106 legal agreement will be secured, amounting to up to 4% of total contributions.

Legal considerations

305 Under the arrangements set out in Article 7 of the Order and the powers conferred by Section 2A of the Town and Country Planning Act 1990 the Mayor is the Local Planning Authority (LPA) for the purposes of determining this planning application ref: 2016/7356.

306 Section 35 of the Greater London Authority Act 2007 inserts section 2F into the Town and Country Planning Act 1990 a requirement that for applications the Mayor takes over, the Mayor must give the applicants and the LPA the opportunity to make oral representations at a hearing. He is also required to publish a document setting out:

- who else may make oral representations;
- the procedures to be followed at the hearing; and,
- arrangements for identifying information, which must be agreed by persons making representations.

307 The details of the above are set out in the Mayor's Procedure for Representation Hearings which reflects, as far as is practicable, current best practice for speaking at planning committee amongst borough councils.

308 In carrying out his duties in relation to the determination of this application, the Mayor must have regard to a number of statutory provisions. Listed below are some of the most important provisions for this application.

309 In determining any planning application and connected application, the Mayor is required by section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine the application in accordance with the Development Plan (i.e. the London Plan and the adopted Local Plan) unless material considerations indicate otherwise.

310 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that in dealing with such an application the authority shall have regard to:

a) The provisions of the development plan, so far as material to the application;
b) Any local finance considerations, so far as material to the application; and
c) Any other material consideration.

311 Section 70(4) defines "local finance consideration" as:

a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or

b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

312 In this context "grants" might include the Government's "New Homes Bonus" - a grant paid by Central Government to local councils for increasing the number of homes and their use.

313 These issues are material planning considerations when determining planning applications or planning appeals.

314 National policy is a material consideration. Other guidance, which has been formally adopted by Wandsworth Council and the GLA (e.g. Supplementary Planning Documents and Supplementary Planning Guidance), will also be material considerations. Those that are relevant to this application are detailed in this Representation Hearing report. It is important to appreciate that these are not parts of the development plan.

315 Officers are satisfied that the current report to the Mayor has had regard to the relevant provision of the Development Plan. The proposed section 106 package has been set out and complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

316 As regards Community Infrastructure Levy (CIL) considerations, the Mayoral CIL payment associated with this development is estimated to be up to £1,925,524, whilst the Wandsworth CIL payment is estimated to be £8,585,971. Both figures take into account the expected relief from the affordable housing floorspace.

317 In accordance with his statutory duty in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Mayor shall have special regard to the desirability of preserving Listed Buildings, their settings and any features of special architectural or historic interest which they possess. The Mayor is also required to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas which may be affected by the proposed development (section 72 of the of the Planning [Listed Buildings and Conservation Areas] Act 1990).

318 Where the Mayor takes over an application, he becomes responsible for the section 106 legal agreement, although he is required to consult the relevant borough(s). In this instance, there have been a series of lawyer led meetings to discuss the section 106 content, and it has progressed

on a number of key issues, whilst others remain outstanding at this point in time. Both the Mayor and the borough are given powers to enforce planning obligations.

319 When determining these planning applications, the Mayor is under a duty to take account of the provisions of the Human Rights Act 1998 as they relate to the development proposal and the conflicting interests of the applicants and any third party affected by, or opposing, the application, in reaching his decision. Planning decisions on the use of land can only be taken in line with the Town and Country Planning Acts and decided in accordance with the development plan unless material considerations indicate otherwise.

320 The key Articles to be aware of include the following:

(a) Article 6 - Right to a fair trial: In the determination of his civil rights and obligations... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
(b) Article 8 - Right to respect for private and family life: Everyone has the right to respect for his private and family life, his home and his correspondence.
(c) Article 1 of the First Protocol - Protection of property: Every person is entitled to the peaceful enjoyment of his possessions.

321 It should be noted, however, that article 8 and article 1 of the first protocol are not absolute and set out circumstances when an interference with a person's rights is permitted i.e. necessary to do so to give effect to the Town and Country Planning Acts and in the interests of such matters as public safety, national economic well-being and protection of health, amenity of the community etc. In this case this Representation Hearing report sets out how this application accords with the Development Plan. Whist there are impacts on neighbours these are justified in the public interest as described in the planning analysis above. Accordingly, they represent a proportionate and justified interference with convention rights (article and article 1 of the first protocol).

322 Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that a section 106 planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. These are now statutory tests.

323 The Equality Act 2010 and the Public Sector Equality Duty provides that in exercising its functions (which includes the functions exercised by the Mayor as Local Planning Authority), that the Mayor as a public authority shall amongst other duties have due regard to the need to a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

324 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

325 Officers are satisfied that the application material and officers' assessment has taken into account the equality and human rights issues referred to above. Particular matters of consideration have included provision of accessible housing and parking bays, the provision of affordable and

family housing. In officers' view the grant of planning permission would be compatible with the Mayor's duty under s149 of the Equality Act 2010.

Conclusion and planning balance

326 As detailed above Section 38(6) of the Planning and Compensation Act 2004 requires matters to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

327 When assessing the planning application the Mayor is required to give full consideration to the provisions of the Development Plan and all other material considerations. He is also required to consider the likely significant environmental effects of the development and be satisfied that the importance of the predicted effects and the scope for reducing them, are perfectly understood. As set out in paragraph 3 above, GLA officers' consider that the proposal is in overall conformity with the development plan.

328 When considering the proposals, GLA officers have applied the approach required in section 16 of the NPPF and had regard to the statutory duties relevant to the protection of heritage assets.

329 In preparing this report, officers have taken into account the likely environmental impacts and effects of the development and identified appropriate mitigation action to be taken to reduce any adverse effects. In particular, careful consideration has been given to the proposed conditions and planning obligations which would have the effect of mitigating the impact of the development.

330 This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy, and has found that the proposed development is acceptable in terms of land use principles (including mixed use development, loss of industrial land, employment uses and residential uses); housing (including delivery of affordable housing, tenure, mix, density, quality); design (including urban design, tall buildings, public realm, play space, historic environment, views); inclusive design; residential amenity (including daylight and sunlight, overshadowing, privacy/overlooking; noise/disturbance); sustainable development (including climate change mitigation and adaption, microclimate, ecology, trees and urban greening, flood risk and sustainable urban drainage); other environmental issues (including air quality, contaminated land and waste management); transport, including parking provision; socio-economic issues (including arts and culture); and; mitigating the impact of development through planning obligations and conditions.

331 Accordingly, the recommendations set out at the beginning of this report are proposed. A summary of the key planning considerations which support the grant of planning permissions is contained in paragraph 3 above.

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CD10.1e – Former Site of Sebastian Court, Barking (2019) – Application Ref: 19/00624/FUL

Proof Reference – Paragraphs 5.2.13 – 5.2.14;

Relevant Officer Report Paragraphs – 7.6.1 – 7.6.4

Located in a **PTAL 3** and within a Controlled Parking Zone (CPZ), a parking ratio of 0.08 spaces per unit (all blue badge spaces) has been agreed and deemed appropriate for the location. The mitigation package secured for this PTAL 3 location offers the same mechanisms as intended for agreement at this Appeal site, despite the lower PTAL level.

Barking and Dagenham Council Planning Committee		**Date:** 3 June 2019
Application No:	19/00624/FUL	**Ward:** Eastbury
Reason for Referral to Planning Committee as set out in Part 2, Chapter 9 of the Council Constitution:	The proposal is a major application submitted by the Council and additionally is a major development which is of a scale and importance that should be determined at Planning Committee.	
Site Address:	Former Site of Sebastian Court, Meadow Road Barking	
Proposed Development:	Redevelopment of the site involving the construction of three x 7-storey buildings comprising a total of 95 residential units (58 x 1-bedroom units and 37 x 2-bedroom units); a 133 sqm Class D1 community room; and ancillary works.	
Applicant:	London Borough of Barking and Dagenham	
Link to Application Documents:	Planning Application File	
Contact Officer: Nasser Farooq	**Title:** Principal Development Management Officer	**Contact Details:** 020 8227 5834 nasser.farooq@befirst.london

RECOMMENDATION

1. That the Planning Committee grant planning permission subject to the conditions set out in full at section 10 of this report and summarised below (with any amendments that might be necessary up to the issue of the decision, including any other conditions) and the completion of a S106 Agreement securing:

   Sub-market Housing
   Secure 100% sub-market housing comprising low cost rented units (30%); affordable rented units (35%) and shared ownership units (35%).

   Local Labour / Local Supply
   Secure a commitment to local labour/local supply so that residents and businesses in the Borough will benefit from the proposed development.

   Restrictions on Controlled Parking Zone (CPZ) Permits
   Secure restrictions preventing future residents from obtaining parking permits for any controlled parking zone (CPZ).

Energy and Carbon Offset
The development shall achieve a minimum 35% reduction in carbon emissions over Part L of the Building Regulations 2013 through on-site provisions and the remaining carbon emissions to zero-carbon should be offset through a monetary contribution to the Local Authority's carbon offset fund calculated on the basis of £60 per tonne over 30 years.

S106 Legal Fees
Pay the Council's professional fees associated with the preparation and completion of the S106 Agreement.

Summary of Conditions

1. Time limit – 3 years to commence development
2. In accordance with approved drawings
3. Crime prevention measures
4. Contaminated land
5. Noise and vibration controls
6. Community use controls
7. Construction related controls
8. Provision and retention of cycle spaces and refuse stores
9. Samples of all materials
10. Full details of any signage
11. Tree protection measures
12. Full details of landscaping and children's playspace
13. Archaeology
14. Piling impact
15. Building Regulations 10% units M4 (3) and 90% units M4 (2)
16. Water conservation
17. Implementation of energy strategy
18. Implementation of drainage strategy
19. Blue badge and electric vehicle charging points
20. Travel Plan implementation
21. Communal television and satellite system.

KEY PLANNING CONSIDERATIONS

Neighbour Consultation *(see section 4.4)*

- 8 objections and 2 general comments have been received as follows:
  - All the comments raised concerns over lack of parking within the development and resulting impacts on street parking. Some residents raised concerns over theft of vehicles not parked outside their house and an increase in tension within the community as a result.
  - Other comments, primarily from two of the objectors, relate to noise from the play area, anti-social behaviour, privacy, loss of sunlight and hours of construction.

• These matters have been considered as part of the assessment within the transport and amenity sections of the report.
Principle of Development *(see section 7.1)*
• 95 residential units (Use Class C3). • 133 sqm community room (Use Class D1). • The principle of the development is considered to be acceptable.
Housing *(see section 7.2)*
• Mix: 58 x 1-bed units (61%) and 37 x 2-bed units (39%). • Tenure: 100% sub-market housing comprising 30% London Affordable Rent, 35% Affordable Rent and 35% Shared Ownership. • All units designed to London Plan internal space standards. • 10% of units will meet Building Regulations M4 (3) 'wheelchair adaptable units' and 90% will meet M4 (2) 'accessible/adaptable units'. • Overall, the provision of 100% sub-market housing and the mix and tenure split above are strongly supported.
Design *(see section 7.3)*
• 3 x 7-storey buildings. • Core external material – brick. • Proposed design is considered an appropriate site-specific response that is well conceived and would result in a high-quality built environment.
External Amenity Space and Playspace *(see section 7.4)*
• All units have private amenity space designed in accordance with the Mayor of London's Housing Supplementary Planning Guidance (SPG). • 174 sqm of communal amenity space proposed. • 348 sqm of children's playspace proposed which is in keeping with policy. • The provision of amenity space within the development overall accords with the London Plan.
Amenity Issues *(see section 7.5)*
• Sunlight, daylight, outlook and privacy have been fully considered and the proposal will not have an unduly detrimental impact on the amenity of neighbouring residents. • Noise – satisfactory internal noise level to residential units and control of noise from the community use and plant will be imposed to preserve residential amenity. • Overall, officers are satisfied the proposal will not have an unduly detrimental impact on the amenity of local residents.
Transport / Parking *(see section 7.6)*
• Public transport accessibility level (PTAL) of site = 3 (moderate). • 8 residential car parking spaces proposed (ratio 0.08), all blue badge spaces.

Potential for 2 additional spaces on Meadow Road should additional need arise. • Dedicated residential cycle parking = 162 spaces. • Visitor and commercial cycle parking = 10 spaces. • Electric vehicle charging points = 25% active (2 spaces) and 25% passive (2 spaces). Not fully compliant but considered acceptable in this instance. • With the exception of the 8 blue badge spaces, the development is to be secured as permit free (restriction on permits to park on the public highway). • Overall, with the exception of the electric vehicle charging points, the proposal fully accords with the London Plan and Local Plan.
Energy and Sustainability *(see section 7.7)*
• Minimum 35% reduction in carbon dioxide emissions through on-site provision and remainder to zero-carbon target to be secured through a carbon offset payment. This accords with the London Plan and Local Plan.
Other Considerations: **Drainage and Flooding *(see section 7.8)*** **Ecology *(see section 7.9)***
• The proposal incorporates below ground storage to attenuate surface water run-off. • The development proposals include a comprehensive landscape scheme to encourage biodiversity. • The matters are acceptable and accord with policy.

1.0 SITE AND SURROUNDINGS

1.1 The application site is the site of a recently demolished 7-storey residential building (known as Sebastian Court) located within the Eastbury Ward.

1.2 The site is bounded by Meadow Road to the north, Meadow Close to the east, Ripple Road to the south and Upney Lane to the west.

1.3 Ripple Road to the south connects onto the A13, a major connection between London and Essex.

1.4 The surrounding area consists of primarily low-rise residential properties. Other uses nearby include several small convenience shops, circa 550 metres to the west of the site on Ripple Road, the Rippleside Cemetery (circa 50 metres to the east of the site) and Mayesbrook Park (circa 350 metres to the north-east of the site). To the south-east, there are a number of industrial uses within the Barking Industrial Park.

1.5 Upney Station is located around circa 300 metres to the north of the site. The station serves the District Line and is one stop to Barking Station.

1.6 Outside the site on Upney Lane and Ripple Road are a number of bus stops including route 62 towards Marks Gate and Barking, route 287 towards Rainham and route 368 towards Chadwell Heath.

2.0 THE PROPOSAL

2.1 The application proposes the construction of three x 7-storey buildings comprising a total of 95 residential units (58 x 1-bedroom units and 37 x 2-bedroom units), a 133 sqm Class D1 community room; and ancillary works.

3.0 RELEVANT HISTORY

3.1 Prior Approval for the demolition of the existing building was approved in March 2018 (application reference: 18/00293/PRIOR4).

3.2 A planning application submitted concurrently with this application for a substation is currently under consideration (application reference: 19/00623/FUL).

4.0 CONSULTATIONS

Applicant's Own Consultation

4.1 The application was accompanied by a Statement of Community Involvement (SCI) which outlines the applicant's consultation event which took place at Eastbury Manor House on Wednesday 6th March 2019 from 2pm to 8pm. A total of 436 invites to the consultation event were posted to local households. The responses are covered within the SCI.

Statutory Consultation

4.2 Publicity

Site Notice	Yes – 15 April 2019
Press Notice	Yes – 17 April 2019

4.3 Neighbouring Properties

Date of consultation	10 April 2019
Total letters sent	201
Total responses received	12
Number of objections	10
Number in support	0
Number of other representations (neither objecting nor supporting)	2

4.4 Summary of Responses

- All the comments referenced the lack of parking within the development and resulting impacts on street parking. Some residents raised concerns over theft of vehicles not parked outside their house and an increase in tension within the community as a result.
- Other comments, primarily from two of the objectors, relate to noise from the play area, anti-social behaviour, privacy, loss of sunlight and hours of construction.

Officer Comment: *All the above points are considered within sections 7.5 and 7.6 of this report, with the exception of motor theft, as officers are unable to control where residents park and are not able to substantiate a concern over where residents currently park. In relation to noise from the play area, this is considered acceptable.*

External and Internal Consultation

4.5 A summary of responses received from external and internal consultees is set out below:

Consultee response	**Officer response**
London Fire Brigade – Water Team No additional hydrants are required, and no further action is required by our office.	Noted.
London Fire Brigade - Safety The Commissioner will be satisfied with the proposals subject to access for fire and rescue service vehicles being in compliance with the sections of the JGA Technical Note regarding fire-fighting shafts, fire appliance access (including Fig. 6) and the provision of fire hydrants.	Noted.
Designing Out Crime Officer A condition has been recommended and 10 site-specific concerns were raised during consultation.	The concerns have been addressed by the applicant. See condition 3.
Environment Agency (EA) The culvert survey provided would suffice to show location and condition of the culvert for planning. However, the EA would still need to see this survey used to Illustrate distances of the development from the culvert and also a loading assessment.	This information has been provided to the EA.
Environmental Health No objections subject to conditions relating to contaminated land; noise mitigation; specific controls on D1 community use; lighting; air quality and construction.	See conditions 4 to 7.
Transport Development Management There are no apparent major adverse highway safety implications. No objection.	Noted.
Urban Design Officer Comments received on layout, height, scale, massing, appearance, internal design, amenity space, landscape and public realm. The proposals are supported and no	Noted.

objections raised.	
Arboricultural Officer The tree survey provided with the application correctly identifies the highway chestnuts outside as potentially impacted in the root zone. The survey identifies protection measures.	See condition 11.
Historic England Archaeology Deeply buried prehistoric and palaeo-environmental remains are likely at the site given its location along the Mayesbrook. Some impact can be expected and agree with the approach in the applicant's desk- based archaeological assessment which recommends a condition securing geoarchaeological borehole evaluation and then a second stage of appropriate mitigation.	See condition 13.
Thames Water The proposed development is located within 15 metres of a strategic sewer. Thames Water request a piling impact condition. Prior approval from Thames Water Developer Services will be required to discharge to a public sewer.	See condition 14.
Access Officer Provided a list of comments that have been relayed to the applicant.	Noted.
Essex & Suffolk Water **Refuse Team** No comments received from the above consultees.	Noted.

5.0 LOCAL FINANCIAL CONSIDERATIONS

5.1 The developer would be liable for the Mayoral Community Infrastructure Levy (CIL) and the Borough's CIL. However, as the development comprises 100% sub-market housing, full social housing relief would be applicable.

6.0 PLANNING DOCUMENTS AND GUIDANCE

National Planning Policy Guidance

National Planning Policy Framework (NPPF) (February 2019)
Planning Practice Guidance

The London Plan (March 2016)

Local Plan

Core Strategy (2010)

Borough Wide Development Policies Development Plan Document (2011)

Other

Draft new London Plan showing Minor Suggested Changes (August 2018)
Technical Housing Standards – Nationally Described Space Standard (2015)
Planning Advice Note - Waste and Recycling Provisions in New and Refurbished Residential Developments (2013)

Mayor of London's Supplementary Planning Guidance:

Shaping Neighbourhoods: Character and Context (2014)
Accessible London – Achieving an Inclusive Environment (2014)
Sustainable Design and Construction (2014)
Housing (2016)
Shaping Neighbourhoods: Play and Informal Recreation (2012)
Affordable Housing and Viability (2017)

7.0 ANALYSIS

7.1 Principle of Development

PROPOSED USE	FLOORSPACE (GIA)
Residential use	
95 units	7,691.5 sqm
Non-residential uses	
Commercial floorspace (Use Classes D1)	133 sqm

ASSESSMENT AGAINST KEY POLICIES
The previous 59 social rented units have been demolished and previous occupants re-housed elsewhere within the Borough. The redevelopment of the site to increase the level of housing in a much better-quality development is supported in principle.
The proposal will provide much needed new homes and will contribute to the Borough's annual target of additional new homes per year, and specifically sub-market housing. *(London Plan policy 3.3 and draft policy H1)*
The provision of a community facility to support residential use and the surrounding neighbourhood is considered acceptable. The community facility will be managed by the Council. *(Local Plan policy CM1)*
CONCLUSION Overall the principle of development on the site is welcomed and supported and accords with the above-mentioned planning policies.

7.2 **Housing**

Mix and Tenure

Unit Size	LAR (30%)	AR (35%)	S/O (35%)
1-bedroom	19	20	19
2-bedroom	10	13	14
Total units	**29**	**33**	**33**

LAR = London Affordable Rent; AR = Affordable Rent (up to 80% of Market Rent); S/O = Shared Ownership.

ASSESSMENT AGAINST KEY POLICIES
Housing Mix The proposed lack of family-sized units (contrary to Policy CC1) is acceptable given the flatted nature of the development and given it provides 100% sub-market housing. Furthermore, Be First has a pipeline of developments coming forward which, when considered, will be providing larger units to meet locally identified needs and to off-set the loss of the three-bedroom units on this site. (*Local Plan policy BC1)*
Sub-market Housing The development will deliver 100% sub-market housing. Accordingly, no viability report was required to accompany the application. The 100% sub-market housing is strongly supported. The tenure split as outlined above is acceptable and will ensure a mixed and balanced community. *(London Plan policy 3.12)*
Internal Design All units have been designed to meet London Plan space standards which is supported and have very good access to daylight. Furthermore, the units are at least dual aspect and have adequate separation distances. Whilst the closest distances between habitable rooms is around 8 metres, officers are satisfied these are secondary windows with limited outlook. *(London Plan policy 3.5)*
Accessible Housing 10% of the residential units will meet M4 (3) of the Building Regulations 'wheelchair adaptable units' and 90% will meet M4 (2) 'accessible/adaptable units'. *(London Plan policies 3.8 and 7.2)*
Density The exemplar design quality of the proposal (see below for details) and the good public transport accessibility (level 3) of the site justifies the nature of the development. *(Local Plan policy BP10 and London Plan draft policy 3.4)*

CONCLUSION
The proposed housing mix, tenure, density and internal standard of design are acceptable. A condition will secure the provision of 10% of the units as M4 (3) and 90% of the units as M4 (2) which will ensure the proposed development will be designed to be accessible to all.

7.3 **Design**

ASSESSMENT AGAINST KEY POLICIES

Height, Scale and Massing
The proposed 7 storey buildings are marginally taller than the former Sebastian Court building which was also 7 storeys in height. The scale and massing is considered to be well thought out. The evolution of the asymmetrical roof form which exaggerates the corners and marks the prominent 'gable ends' creates an appropriate response to local contextual cues and the characteristics of the site. *(London Plan policy 7.4 and Local Plan policy BP11)*

Design and Appearance
The proposed replacement of Sebastian Court, a poor-quality prominent building of little design merit (now demolished), and the redevelopment of the site to provide additional residential units, landscaping and a community room is supported.

The design and appearance with the predominant use of brick is of a high quality and will make a positive contribution to the streetscene. This is also the view shared by the Design Review Panel who reviewed the scheme at the pre-application stage.

Additional architectural detailing in the form of corduroy brickwork to mark the entrances and chequerboard patterned brickwork to mark the cores and upper floor windows (as a visual reference to the original Sebastian Court building) is welcomed. The bespoke balcony balustrades designed to provide a balance of privacy and openness, as well as subtlely referencing the design of the roof form, contributes to the high-quality feel of the development.

(London Plan policy 7.6 and Local Plan policy BP11 and CP3)

Residential Amenity
The internal design principles are well considered with adequate daylight to the cores and dual or triple aspect units ensuring that all future occupants benefit from good standards of daylight/sunlight provision.

Crime Prevention Measures
The proposal has taken on board secure by design principles in the design following discussions with the Designing Out Crime Officer. *(Local plan policies CP3 and BC7)*

Landscaping
The landscape strategy, which seeks to reinforce the existing green frontage to Upney Lane and includes a play area to the north and a community

growing garden to the south, with permeable links from Meadow Close to Upney Lane, is supported.

The retention of existing trees and the planting of an evergreen hedge to create a consistent boundary treatment along Upney Lane are welcomed.

The inclusion of an informal 'play on the way' route leading to the main play area to the north is a welcomed addition and will help activate the green 'buffer' space.

The hard and soft landscaping proposals provide an opportunity to significantly improve the public realm, particularly the shared space with Meadow Close, with the potential to help merge these 'separate' developments both visually and functionally.

(Local Plan policies BP11, CP3 and BR7 and London Plan policy 7.6)

CONCLUSION
Overall, the proposed design is considered an appropriate site-specific response that is well conceived and would result in a high-quality built environment.

7.4 **External Amenity Space and Playspace**

7.4.1 In addition to private gardens for the ground floor units and private balconies for the upper floor units, the proposal includes a dedicated children's playspace of 230 sqm between Blocks A and B, an informal 'play on the way' link in front of Blocks B and C and a community gardening area measuring 174 sqm to the south of Block C.

ASSESSMENT AGAINST KEY POLICIES

Private Amenity Space
All residential units have private amenity space comprising of a balcony or garden designed in accordance with the Mayor's Housing SPG. *(Local Plan policy BP5)*

Communal Space
The proposal provides adequate and dedicated provision of communal amenity space. *(Local Plan policy BP5)*

Children's Playspace
The proposed provision of 348 sqm of children's playspace meets the playspace requirement of 339 sqm set out in the Mayor's Shaping Neighbourhoods: Play and Informal Recreation' SPG. *(London Plan policies 3.6 and Local Plan policy BP5)*

CONCLUSION
The proposed external amenity space and playspace provision are acceptable. Details of the playspace will be secured by condition.

7.5 **Amenity Issues**

7.5.1 The surrounding area consists of several residential properties, including those located at Meadow Road, Meadow Close, Upney Lane, Dawson Avenue, Clarke Mansions and Brook Court.

7.5.2 Given the existing site has been cleared for redevelopment, it is considered unreasonable to assess the cleared site as a benchmark for assessing loss of daylight/sunlight. As such, the previous building on the site has been used instead.

ASSESSMENT AGAINST KEY POLICIES

Daylight/Sunlight and Overshadowing

Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).

For calculating daylight to neighbouring properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. These tests measure whether buildings maintain most of the daylight they currently receive.

BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.

In relation to VSC, the proposed development would result in a noticeable loss of daylight to 7 windows out of 159 windows tested nearby. The 7 windows serve 3 properties all located opposite the site to the north:

1 Meadow Road:
Two windows would see a VSC loss of between 20-30% and one window 30-40%. The NSL results show there will not be a greater than 20% loss of daylight distribution within the rooms. As such, the overall impact is relatively minor and considered acceptable.

209 Upney Lane:
2 windows would see a VSC loss of between 20-30%.

211 Upney Lane:
2 windows would see a VSC loss of between 30-40%.

In relation to 209 and 211 Upney Lane, the windows affected are all the eastern bay windows which face the application site. All four rooms have south and west-facing bay windows which ensure the rooms will remain well

lit. This is demonstrated by the NSL results which show a less than 20% drop in daylight distribution.

Overall, the proposal will not result in an unduly detrimental impact on the daylight of existing properties.

The sunlight results show that all windows apart from one will meet the BRE recommendations for sunlight hours. The window which doesn't meet the BRE recommendations forms part of a bay window, which is also served by two other windows. Overall, the impact to the room is therefore considered minor and acceptable.

None of the amenity areas of neighbouring properties will suffer a detrimental loss of sunlight as a result of the development.

(Local Plan policy BP8 and London Plan policy 7.6)

Privacy/Overlooking

The separation distances to neighbouring properties are 19 metres and above with the exception of the flank wall of 1 to 2 Meadow Close which is around 16 metres. Given the flank wall of 1 to 2 Meadow Close contains one small window it is considered that overall adequate separation distances have been provided within the development and the proposal will not have an adverse impact on the privacy of neighbouring properties.

In relation to the separation distances between the blocks, there are separation distances of around 8 metres. However, in these instances the windows are offset to avoid direct overlooking and in most cases, the windows are secondary windows added to provide visual interest to what would otherwise be blank elevations. Therefore, this is considered acceptable.

(Local Plan policy BP8 and London Plan policy 7.6)

Microclimate

The surrounding microclimate has been tested and it is considered that, with the proposed development in place, the proposal will not result in an adverse impact on the surrounding environment. *(Local Plan policy BP8 and London Plan policy 7.6)*

Construction Related Noise and Air Quality

Construction impacts will be temporary and are considered acceptable, subject to conditions including restrictions on hours of work, dust suppression and a Construction Management Plan. *(Local Plan policy BP8 and London Plan policy 7.6)*

CONCLUSION

Overall, in accordance with policy BP8 of the Local Plan, the proposal will not have an unduly detrimental impact on the amenity of neighbouring properties.

7.6 **Transport / Parking**

7.6.1 The application site is well served by public transport with Upney Station being located approximately 300 metres to the north of the site. The station provides District Line services.

7.6.2 The public transport accessibility level (PTAL) of the site is 3 on a scale of 1-6 where 6 indicates excellent accessibility.

7.6.3 The main concern throughout the consultation process was the lack of car parking within the development and the parking area surveyed by the applicant as part of the Transport Statement. In relation to parking, future occupiers of the development will not be able to obtain a permit to park on the public highway within the Control Parking Zone (CPZ). Officers are aware of plans to extend CPZ times and this would need to occur outside the scope of this application should the parking situation outside CPZ times deteriorate as a result of this development.

7.6.4 In relation to the parking area surveyed as part of the application, this was determined following advice from the Transport Development Management Officer and was considered appropriate.

ASSESSMENT AGAINST KEY POLICIES

Car Parking

The proposed level of car parking (8 blue badge spaces) is appropriate for this location as part of the approach taken in the draft London Plan which seeks to increase development in areas of good public transport.

A S106 Agreement will secure a restriction on future occupiers applying for permits to park vehicles on the public highway. This is considered acceptable and supported by the Transport Development Management Officer.

No parking is proposed for the community facility. However, given its size and location this is considered acceptable.

Two of the proposed on-site blue badge parking spaces are to be fitted with active electric vehicle charging points and a further two will have passive provision. The passive provision is below policy requirements which require 80% provision. In this instance, this is considered acceptable as the blue badge parking requirement in the draft London Plan is 3 spaces and these will all have active or passive provision. The additional provision of blue badge parking is a benefit of the scheme. Also given the parking is provided solely for blue badge holders, there is also less likely to be a requirement for the full 80% passive provision.

A Travel Plan has been submitted with the application and this will be secured by condition to ensure sustainable modes of transport are promoted and encouraged.

(London Plan policy 6.3 and Local Plan policy BR9)

Cycle Parking
The application proposes dedicated cycle spaces for the residential use and additional spaces for visitors and the community use in keeping with draft London Plan standards. This will be secured by the imposition of condition and is considered acceptable. *(London Plan draft policy T5)*

Emergency Access
The application was accompanied by a Transport Statement which confirms access to the site in emergencies will continue from Meadow Road as per the existing situation.

Refuse Servicing
The application has been designed to incorporate dedicated refuse areas which can easily be accessed. This is acceptable.

CONCLUSION
The proposal is considered to be acceptable in terms of transport/parking matters. A S106 Agreement will secure the development as permit-free (aside from the on-site blue badge parking) and conditions will secure the cycle and refuse facilities, the Travel Plan and the electric vehicle charging points.

7.7 **Energy and Sustainability**

ASSESSMENT AGAINST KEY POLICIES

Energy
The submitted Energy Statement confirms that a 35% reduction in carbon dioxide (CO2) emissions against Part L of the Building Regulations will be achieved. The Mayor's Energy Hierarchy has been followed to reduce CO2 emissions as follows:

- Be Lean: 5.5% - achieved through improved U-value performance, reduced thermal leakage and incorporation of solar control glazing;
- Be Clean: 19% - achieved through use of combined heat and power (CHP) generation; and
- Be Green 10.5% - achieved through the use of 150 sqm of photovoltaic (PV) panels mounted on roofs.

This approach is acceptable.

To achieve the zero-carbon target, 67 tonnes per annum of regulated CO2 needs to be off-set off site. This is equivalent to 2,010 tonnes over 30 years. The remaining regulated CO2 emissions, to 100%, are to be off-set through a cash in-lieu contribution to the Council, to be ring-fenced to secure delivery of CO2 savings elsewhere. The overall approach is considered acceptable.

(London Plan policy 5.2 and draft policies GG6 and SI2, the Mayor's Sustainable Construction SPG and Local Policies CR1, BR1 and BR2.)

CONCLUSION Subject to conditions securing the energy strategy and a S106 obligation to off-set carbon, the proposed development accords with the above-mentioned policies.

7.8 **Drainage and Flooding**

ASSESSMENT AGAINST KEY POLICIES
Sustainable Drainage The proposed sustainable drainage strategy aims to treat rainwater at source, to reduce the burden on existing Thames Water infrastructure and minimise the risk of flooding elsewhere. The proposal incorporates below ground storage to attenuate any additional surface water run-off as a result of the proposed development, before the water leaves the site via a flow control device. This is considered acceptable. *(London Plan policies 5.12 and 5.13 and Local Plan policies CR4 and BR4)*
Flood Risk The site is located in Flood Zone 1 and is not at risk of flooding. As such, a site-specific Flood Risk Assessment is not required.
CONCLUSION Subject to a condition securing the drainage strategy, the proposed development accords with the above-mentioned policies.

7.9 **Ecology**

ASSESSMENT AGAINST KEY POLICIES
Ecology The site is currently a demolition and construction site and therefore comprises 100% hardstanding and buildings which currently have no ecological value. The development proposals include a comprehensive landscape scheme to encourage biodiversity. The landscape proposals include: • A tree strategy with new tree planting; • The replacement of the existing yew hedge with evergreen New Zealand privet; and • Mixed species planting beds including shrubs and herbaceous plants. This will ensure there is a net ecological gain. *(London Plan policy 7.19 and Local Plan policies BR3, CM1, CR1 and CR2.)*

CONCLUSION
Subject to conditions securing the soft landscaping proposals, the development accords with the above-mentioned policies.

7.10 **S106 Developer Contributions**

7.10.1 Having regard to Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and Policy CC3 of the Core Strategy, a S106 Agreement is required to secure:

Sub-market Housing
Secure 100% sub-market housing comprising low cost rented units (30%); affordable rented units (35%) and shared ownership units (35%).

Local Labour / Local Supply
Secure a commitment to local labour/local supply so that residents and businesses in the Borough will benefit from the proposed development.

Restrictions on Controlled Parking Zone (CPZ) Permits
Secure restrictions preventing future residents from obtaining parking permits for any controlled parking zone (CPZ).

Energy and Carbon Offset
The development shall achieve a minimum 35% reduction in carbon emissions over Part L of the Building Regulations 2013 through on-site provisions and the remaining carbon emissions to zero-carbon should be offset through a monetary contribution to the Local Authority's carbon offset fund calculated on the basis of £60 per tonne over 30 years.

S106 Legal Fees
Pay the Council's professional fees associated with the preparation and completion of the S106 Agreement.

8.0 EQUALITIES

8.1 The Equality Act 2010 requires the Council to advance equality of opportunity in the exercise of its functions. In this respect, conditions are proposed to ensure that the residential units are accessible and adaptable, with 10% of residential units having a layout and size specifically enabling ease of use by a wheelchair user. The community use unit would also be fully accessible.

9.0 CONCLUSION

9.1 The proposed development would replace an under-utilised, poorly designed and now demolished building, with three high quality 7-storey buildings. The development is considered to be of exemplar design quality to justify its location, height and residential density.

9.2 The proposed development would provide 95 high-quality residential units (all of which will be sub-market housing), as well as a ground floor community use. The proposed sub-market housing offer is strongly supported by policy and

would provide affordable homes for local residents. Overall the development is considered to have significant regeneration benefits for the Borough.

9.3 The proposal generally complies with the relevant policies set out in the National Planning Policy Framework, the London Plan and the Local Plan.

9.4 It is recommended that the Planning Committee grants planning permission subject to a S106 Agreement to secure the matters set out in Section 7.10 of this report and the conditions listed in this report (with any amendments that might be necessary up to the issue of the decision).

10.0 PLANNING CONDITIONS

Time Limit

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

Plan Numbers

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

SEB-PTE-1A-ZZ-DR-A-10300, SEB-PTE-1A-ZZ-DR-A-10501,
SEB-PTE-1B-ZZ-DR-A-10100, SEB-PTE-1B-ZZ-DR-A-10301,
SEB-PTE-1C-ZZ-DR-A-10100, SEB-PTE-1C-ZZ-DR-A-10302,
SEB-PTE-XX-ZZ-DR-A-10200, SEB-PTE-XX-ZZ-DR-A-10300,
SEB-PTE-XX-ZZ-DR-A-10301, SEB-PTE-XX-ZZ-DR-A-10500,
SEB-PTE-XX-ZZ-DR-A-10501, SEB-PTE-XX-ZZ-DR-A-10502,
SEB-PTE-XX-ZZ-DR-A-10503, SEB-PTE-XX-ZZ-DR-A-10504,
SEB-PTE-ZZ-00-DR-A-10001, SEB-PTE-ZZ-00-DR-A-10002,
SEB-PTE-ZZ-00-DR-A-10003, SEB-PTE-ZZ-00-DR-A-10005,
SEB-PTE-ZZ-01-DR-A-10001, SEB-PTE-ZZ-ZZ-DR-A-10002,
SEB-PTE-ZZ-ZZ-DR-A-10003, SEB-PTE-ZZ-ZZ-DR-A-10004,
SEB-PTE-ZZ-ZZ-DR-A-10100, SEB-PTE-ZZ-ZZ-DR-A-10101,
SEB-PTE-ZZ-ZZ-DR-A-10102, SEB-PTE-ZZ-ZZ-DR-A-10103,
SEB-PTE-1A-ZZ-DR-A-10100 A and SEB-PTE-ZZ-00-DR-A-10000 A

Reason: For the avoidance of doubt and in the interests of proper planning.

Crime Prevention Measures

3. The development hereby permitted shall not be occupied until a scheme showing the provisions to be made for external lighting, CCTV coverage, access control and any other measures to reduce the risk of crime, has been submitted to and approved in writing by the Local Planning Authority. The external lighting of the development is to be designed, installed and maintained so as to fully comply with The Association of Chief Police Officers Secured by Design publication “Lighting Against Crime – A Guide for Crime Reduction Professionals”, ACPO SPD, January 2011. The design shall satisfy

criteria to limit obtrusive light presented in Table 1, p25 of the guide, relating to Environmental Zone E3 – medium district brightness areas.

The development shall not be occupied until the approved scheme has been installed. Thereafter the approved measures shall be permanently retained.

Reason: In the interests of security and safety, to avoid light pollution and safeguard neighbouring amenity and in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

Contaminated Land Risk Assessment

4. a) No development shall commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;
(ii) an assessment of the potential risks to human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments; and
(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b) No development shall commence until a detailed remediation scheme, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared and submitted to the Local Planning Authority for approval in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

d) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately

to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 4a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 4b), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: Contamination must be identified prior to commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy BR5 of the Borough Wide Development Policies Development Plan Document and policy 5.21 of the London Plan.

Noise and Vibration Controls

5. a) The development shall be carried out in accordance with the mitigation measures specified within section 6 (p11) of the Road Traffic Noise Assessment prepared by Acoustic Associates Sussex Ltd, issue 3 dated 05/04/2019, unless otherwise agreed in writing by the Local Planning Authority.

b) The combined rating level of the noise from any plant installed pursuant to this permission (other than plant which is only to be operated in emergency circumstances) shall not exceed the existing background noise level outside the window to any noise-sensitive room. Any assessment of compliance with this condition shall be made according to the methodology and procedures presented in BS4142:2014.

c) Any machinery and equipment installed pursuant to this permission shall be designed and installed to ensure that structure borne (re-radiated) noise emissions shall not exceed 35 LAeq dB (5 min) when measured in any habitable room in adjoining residential premises.

d) If piling or other ground improvement work is undertaken pursuant to this permission then the 5% level of vibration attributable to these activities shall not exceed a peak particle velocity of 1.5mm/sec when measured at the point of entry to any adjoining residential development. In the event of reasonable complaint of vibration nuisance and at the request of the Local Planning Authority monitoring to evaluate compliance with this condition is to be carried out and the results submitted to the Local Planning Authority.

Reason: In order to reduce the impact of construction and development on the amenities of neighbouring residents, and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

Community Use Controls

6. The community use as identified on drawing No. SEB-PTE- 1A-ZZ-DR-A-10100 Rev A shall be carried out in accordance with the following requirements:

a) The handling of bottles and/or the movement of bins and rubbish associated with the community use is not permitted to take place outside the premises between the hours of 23.00 hrs on one day and 07.00 hrs the following day.
b) The delivery/collection of goods is only permitted to take place between the hours of 07.00 hrs and 21.00 hrs on any day.
c) The proposed community use is permitted to trade between the hours of 07.00 and 23.00 on any day and at no other time.
d) Noise from the community use, including, but not limited to, live and amplified music shall be controlled so as to be inaudible inside adjoining and other noise-sensitive premises in the vicinity of the use. The initial test for compliance with the 'inaudibility' criterion will be that noise should be no more than barely audible outside those noise-sensitive premises. In the event there is disagreement as to whether such noise is or is not audible the following numerical limits shall be used to determine compliance with this condition:

- the LAeq (CUAN) shall not exceed LA90 (WCUAN); and
- the L10 (CUAN) shall not exceed L90 (WCUAN) in any 1/3 octave band between 40Hz and 160Hz.

CUAN = Commercial Use Activity Noise Level, WCUAN = representative background noise level without commercial use activity noise, both measured 1 metre from the façade of the noise-sensitive premises.

Reason: To prevent any undue disturbance to residential occupiers and occupants of neighbouring properties at unreasonable hours and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

Construction Management Plan &Site Waste Management Plan and Hours of Operation

7. a) No development shall commence, until a Construction Environmental Management Plan (CEMP) and a Site Waste Management Plan (SWMP) have been submitted to and approved in writing by the Local Planning Authority. These Plans shall incorporate details of:

I. construction traffic management;
II. the parking of vehicles of site operatives and visitors;
III. loading and unloading of plant and materials;
IV. storage of plant and materials used in constructing the development;
V. the erection and maintenance of security hoarding(s) including decorative displays and facilities for public viewing, where appropriate;
VI. wheel washing facilities;
VII. measures to control the emission of dust, dirt and emissions to air during construction; such measures to accord with the guidance provided in the document "The Control of Dust and Emissions during Construction and Demolition", Mayor of London, July 2014; including but not confined to, non-road mobile machinery (NRMM) requirements;
VIII. noise and vibration control;
IX. a scheme for recycling/disposing of waste resulting from demolition and construction works;
X. the use of efficient construction materials;
XI. methods to minimise waste, to encourage re-use, recovery and recycling, and sourcing of materials; and

XII. a nominated Developer/Resident Liaison Representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer's representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.

b) Demolition and construction work and associated activities are to be carried out in accordance with the recommendations contained within British Standard 5228:2009, "Code of practice for noise and vibration control on construction and open sites". Parts 1 and 2. The approved the Plans shall be adhered to throughout the construction period.

c) Demolition and construction work and associated activities, other than internal works not audible outside the site boundary, are only to be carried out between the hours of 08.00 and 18.00 Monday to Friday and 08.00 and 13.00 Saturday, with no work on Sundays or public holidays without the prior written permission of the Local Planning Authority. Any works which are associated with the generation of ground borne vibration are only to be carried out between the hours of 08.00 and 18.00 Monday to Friday.

Reason: The CEMP and SWMP are required prior to commencement of development in order to reduce the environmental impact of the construction and the impact on the amenities of neighbouring residents, and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

Provision and retention of cycle parking and refuse facilities

8. The development hereby permitted shall not be occupied until the 162 cycle parking spaces within the buildings, 10 cycle spaces outside the buildings and refuse stores as shown on drawing Nos. SEB-PTE-1A-ZZ-DR-A-10100 Revision A and SEB-PTE-ZZ—00-DR-A-10000 Revision A have been fully implemented. Thereafter, the cycle parking facilities and refuse stores shall be permanently retained for the duration of the development.

Reason: In the interests of promoting cycling as a safe, efficient and non-polluting mode of transport and sustainable waste management and in accordance with policies BR11 and BR15 of the Borough Wide development Policies Development Plan Document.

Samples of materials

9. No above ground new development shall commence until full details, including samples (brick with mortar), specifications, annotated plans and fire safety ratings, of all external facing materials have been submitted to the Local Planning Authority for approval in writing. The development shall only be implemented in accordance with the approved details and to the satisfaction of the Local Planning Authority.

Reason: To protect or enhance the character and amenity of the area and to ensure an exemplar finish to the building in accordance with policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document and policies 7.1, 7.4 and 7.6 of the London Plan.

Full details of any signage

10. Prior to the occupation of the relevant part of the development, full details of any signage for the buildings and/or the community use shall be submitted to the Local Planning Authority for approval in writing. The development shall only be implemented in accordance with the approved details and to the satisfaction of the Local Planning Authority.

Reason: To protect or enhance the character and amenity of the area and to ensure an exemplar finish to the building in accordance with policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document and policies 7.1, 7.4 and 7.6 of the London Plan.

Tree Protection Measures

11. The trees identified to be retained shall be protected during construction in accordance with the Arboricultural Method Statement found within section 6.0 of the Tree Survey BS 5837:2012, Trees in relation to design, demolition and construction – Recommendations prepared by Cedar Land Management dated February 2019.

Reason: To ensure a high-quality environment in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

Landscaping and Play Design

12. The development shall not be occupied until:

a) The implementation of the Landscape Design as set out within document D-002 dated March 2019. The development shall be maintained in accordance with the details provided.

b) Until a Recreation and Play Strategy has been submitted to and approved in writing by the Local Planning Authority. The scheme should include details of the play equipment and how the communal areas will be managed. The development shall be carried out in full prior to first occupation and maintained in accordance with the details provided.

Reason: To ensure the amenity spaces are well-used and well-designed, in accordance with Policy 3.6 of the London Plan and the Mayor's Shaping Neighbourhoods Supplementary Planning Guidance.

Archaeology

13 a) No development, other than site clearance and demolition to existing ground level, shall take place until the developer has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted to and approved in writing by the Local Planning Authority and a report on that evaluation has been submitted to the Local Planning Authority.

b) If heritage assets of archaeological interest are identified by the evaluation under a), then before development commences, other than site clearance and demolition to existing ground level, the developer shall secure the implementation of a programme of

archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted to an approved in writing by the Local Planning Authority.

c) No development, other than site clearance and demolition to existing ground level, shall subsequently take place other than in accordance with the Written Scheme of Investigation approved under Part b).

d) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part b), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest may survive on the site. The Local Planning Authority wishes to secure appropriate archaeological investigation prior to development, followed by the publication of results, in accordance with policies BP2 and BP3 of the Borough Wide Development Policies Development Plan Document.

Piling Impact

14. 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, 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 must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to, and have the potential to impact on, local underground sewerage utility infrastructure.

Building Regulations 10% units M4 (2) and M4 (3)

15. 10% of the residential units hereby permitted shall meet Building Regulations Approved Document M Volume 1 (2015 Edition) M4 (3) 'wheelchair adaptable dwellings' and 90% of the residential units hereby permitted shall meet Building Regulations Approved Document M Volume 1 (2015 Edition) M4 (2) 'accessible and adaptable dwellings'. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure that sufficient accessible housing is provided in accordance with policy BC2 of the Borough Wide Development Policies DPD and policy 3.8 of the London Plan.

Water conservation

16. The development hereby permitted shall comply with the water efficiency optional requirement in paragraphs 2.8 to 2.12 of the Building Regulations Approved Document G. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To minimise the use of mains water in accordance with policy BR4 of the Borough Wide Development Policies Development Plan Document and policy 5.15 of the London Plan

Implementation of energy strategy

17. The development hereby permitted shall be carried out in accordance with the submitted Energy and Sustainability Assessment for Planning, 27th March 2019, Issue 3. Minor amendments to the Energy Strategy may be agreed in writing from time to time by the Local Planning Authority. The development shall not be occupied until the approved details have been implemented.

Reason: In the interests of safeguarding the environment and providing sustainable development in accordance with policies BR1 and BR2 of the Borough Wide Development Policies Development Plan Document and policies 5.2, 5.3, 5.5, 5.6 and 5.7 of the London Plan.

Surface Water Drainage

18. No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the Drainage Strategy Report prepared by Price and Myers. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To prevent an increased risk of flooding and to prevent pollution of the water environment and in accordance with policy BR4 of the Borough Wide Development Policies Development Plan Document.

Blue Badge and Electric Vehicle Charging Points

19. The 8 blue badge car parking spaces shall be constructed and marked out prior to the occupation of the development as accessible parking bays (to be clearly marked with a British Standard disabled symbol). Two blue badge car parking spaces shall be fitted with active electric vehicle charging points and the two shall have passive provision.

Reason: To ensure and promote easier access for disabled persons, to ensure sufficient off-street parking, and to encourage the use of electric cars in order to reduce carbon emissions, in accordance with policies BC2, BR9 and BR10 of the Borough Wide Development Policies Development Plan Document and policy 6.13 of the London Plan.

Travel Plan

20. The development shall be carried out in accordance with the objectives (set out in section 5) and Travel Plan Management (set out in section 6) of the submitted Travel Plan prepared by Price & Myers dated March 2019, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with the requirements of policies 6.3 and 6.11 of the London Plan.

Communal Television and Satellite System

21. The development hereby permitted shall not be occupied until details of a communal television and satellite system have been submitted to and approved in writing by the Local Planning Authority. The approved system shall be provided prior to occupation and be made available to each residential unit. No antennae or satellite dishes may be installed on the exterior of the building, with the exception of a single antennae or satellite dish per block to support the communal television and satellite system. The proposed antennae or satellite dishes shall be designed to minimise their visual impact and shall not be mounted on any publicly visible façade.

Reason: To safeguard the external appearance of the building in accordance with policy CP3 of the Core Strategy and policy BP11 of the Borough Wide Development Policies Development Plan Document.

CD10.1f – The Arches, Merrick Road, Southall (2018) – Application Ref: 181380FUL

Proof Reference – Paragraphs 5.2.15 – 5.2.16; Relevant Officer Report Reference – Pages 58 – 60

This site, which is completely car-free (including no blue badge spaces) is located in a **PTAL of 3-4**, which is classified as moderate/good with the nearest railway station approximately 100m from the site. There was no objection from LBE highways officers subject to a number of mitigation measures being secured including securing the Travel Plan via S106 and local pedestrian improvements amongst other more localised small-scale measures. Thus, there are strong similarities with this Appeal scheme given the sites PTAL, which is lower, but the permitted Merrick Road scheme offers completely car-free development without even blue badge spaces.

Ref :	**181380FUL**
Address:	**THE ARCHES SITE, MERRICK ROAD, SOUTHALL, UB2**
Ward:	**NORWOOD GREEN**
Proposal:	**Application for demolition of existing structures and residential-led, mixed use redevelopment to provide four buildings ranging in height from 15 to 23 storeys comprising residential (575 units), 2,100 sq m of B1a office floorspace, 424 sq m of flexible commercial floorspace (Use Classes A1, A2, A3, B1a and D1), erection of a boundary wall along the railway line, along with landscaping, play and amenity space, cycle parking, servicing bays, plant and refuse areas, and new access arrangements.**
Drawing numbers:	**DR-A-0011-Existing Site Plan, DR-A-2010-Existing Elevations, DR-A-0100-Proposed Site Plan Rev P1, DR-A-1000-GA Plan - Level 00 Rev P1, DR-A-1001-GA Plan - Level 01 Rev P1, DR-A-1002-GA Plan - Level 02 Rev P1, DR-A-1003-GA Plan - Level 03 Rev P1, DR-A-1007-GA Plan - Level 07 Rev P1, DR-A-1012-GA Plan-Level 12 Rev P1, DR-A-1017-GA Plan - Level 17 Rev P1, DR-A-1020-GA Plan - Level 20 Rev P1, DR-A-1023-DR-A-1023-GA Plan - Level 23 Rev P1, DR-A-2100-GA Elevation North Rev P1, DR-A-2101-GA Elevation South Rev P1, DR-A-2102-GA Elevation East Rev P1, DR-A-2103-GA Elevation West Rev P1, DR-A-2104-GA Elevation Building 1 East_West Rev P1, DR-A-2105-GA Elevation Building 2 East_West Rev P1, DR-A-2106-GA Elevation Building 3 East_West Rev P1, DR-A-2107-GA Elevation Building 4 East_West Rev P1, DR-A-3111-GA Section–Long Section Rev P1, 1305-HED-SW-02-DR-L-0002 Rev P01 Landscape Masterplan–2nd Floor, 1305-HED-SW-GF-DR-L-0001 Rev P01 Landscape Masterplan – Ground Floor, 1305-HED-SW-ZZ-DR-L-0003 Rev P01 Landscape Masterplan – Roof, DR-A-4101 Rev P2, DR-A-4102 Rev P1, DR-A-4103 Rev P1, DR-A-4104 Rev P1, DR-A-4105 Rev P1, DR-A-4121, DR-A-4122, DR-A-4123, DR-A-4124, DR-A-4125, DR-A-4126, DR-A-4127, DR-A-4128, DR-A-4129, DR-A-4130, DR-A-4131.**
Supporting Documents:	**Updated Schedule of Accommodation Rev 6 (September 2018), Design & Access Statement (March 2018), Design & Access Statement Addendum (August 2018), Updated Townscape and Visual Impact Assessment (August 2018), Heritage Statement (March 2018), Archaeology Report (March 2018), Commercial Assessment (March 2018) and Affordable Workspace Letter (August 2018), Aviation Assessment (March 2018), Noise Assessment (March 2018), Updated Flood Risk Assessment (August 2018), Updated Transport Assessment (August 2018), Updated Travel Plan (August 2018), Updated Delivery and Servicing Plan (August 2018), Updated Construction Logistics Plan (August 2018), Updated Energy and Overheating Assessment (October 2018), Updated Sustainability Report**

(August 2018), Utilities Statement, (March 2018), Fire Strategy (March 2018), Updated Air Quality Assessment, (August 2018), Updated Daylight, Sunlight and Overshadowing Assessments (internal) (August 2018), Daylight, Sunlight and Overshadowing Assessments (external) (January 2018), Wind and Microclimate Report (March 2018) and Update Note (August 2018), Ground Investigation Report (March 2018), Extended Phase 1 Habitat Survey Report (March 2018), Fire Strategy (March 2018), Utilities Statement (March 2018), Aviation Safeguarding Assessment (March 2018), Updated Arboricultural Impact Assessment (August 2018).

Type of Application: **Full Major**

Application Received: **29/3/2018** **Revised: 03/8/2018**

Report by: John Robertson

Recommendation: Grant with conditions subject to Stage II referral to the Mayor of London, completion of a S106 agreement, a Section 278 agreement and a Section 38 agreement, and subject to conditions of consent. This permission would also be subject to a Community Infrastructure Levy payment to the Greater London Authority (GLA).

Executive Summary:

This application seeks permission for mixed use redevelopment of this existing employment site. The site is designated as a development site SOU6 in the adopted local plan and it falls within an opportunity area identified by the Southall Opportunity Planning Framework.

The application proposes demolition of existing, locally listed structures on the site and redevelopment to provide 575 residential units, 2,100 sq m of B1a office space and 318 sq m of flexible commercial floorspace within a development comprising four separate buildings of between 15 and 23 storeys. The development would be car free but with 926 cycle parking spaces and two dedicated servicing bays on Merrick Road. Communal gardens and public realm space would be provided on the Merrick Road frontage and landscaping, play and amenity space areas within the site. 35% of all residential units by habitable rooms would be affordable, with a tenure split of 70% shared ownership and 30% London Affordable Rent. Following negotiations, the final affordable housing offer is supported by the GLA.

The current scheme is the result of extensive pre-application consultation with officers of Ealing Council, the GLA and TfL. It was significantly revised in August 2018 to address comments in the GLA Stage 1 Report. This resulted in an increase in affordable housing units, and an increased proportion of affordable rented units. The number and size of commercial units and the active ground floor street frontage of the scheme were also increased. In addition, important design changes included a more vertical emphasis to the main elevations, greater variety of facade material colours and textures, changes to the tops of the buildings to give a better termination at high level and more variety between buildings, changes to balcony locations and designs to give more transparency and lightness to side elevations and greater differentiation between buildings, different colours and different fenestration to buildings 1/4 and 2/3 to give greater distinction in the building facades.

The site has an accessible location and the development would be car-free. A planning obligation will restrict car parking permits in any future CPZ, which would contribute towards the use of more sustainable modes of transport by occupiers of the development.

The scheme would provide shops, cafes and other commercial units on the ground floor frontage to Merrick Road, high quality office space on the first floor and residential units that comply with current standards. It would contribute to meeting housing demand and to regenerating this opportunity area of Southall. It would not, as a result of its scale, bulk and massing, be harmful to adjoining developments and occupiers, to visual amenity or to the local environment.

The external design of the building would respect its urban context and have a positive relationship with the streetscene, neighbouring buildings and the surrounding area as a whole. Following comments from the GLA, the design has been significantly revised to give a more vertical emphasis to the buildings, a greater active ground floor frontage, greater variety in facade material colours and textures, better termination to the tops of the buildings, changes to balcony designs and positions to give more transparency and lightness to side elevations and greater differentiation between buildings, as well as changes to the colours of buildings and different fenestration to give greater distinction between building facades. Following this, the scale of the building and the design approach are considered to be of good quality, and to complement other developments in this area.

The development would not have significant impacts on the amenity and living/working conditions of the great majority of adjoining occupiers due to the distances involved between it and both proposed and existing developments in the surrounding area. Subject to further measures required by planning conditions, the proposed residential units would provide adequate environmental conditions and adequate living conditions in terms of floor space, layout and visual outlook.

While the development lies within an area of open space deficiency and, because of its large number of units and limited site area, is unable to provide sufficient outdoor amenity space to meet required standards, S106 contributions towards improvement of local open space and children's play space will be secured to mitigate this deficiency.

The proposed development would provide high standards in terms of sustainable design and construction including high energy and water efficiency measures, low emission levels, and a Central Heating & Power (CHP) plant. Potential impacts with regard to air quality, noise and land contamination can be adequately dealt with by the conditions proposed.

Transport Services have assessed potential implications of the development for the highway network in the locality, and consider it acceptable subject to conditions and financial contributions towards the pedestrian/cycle bridge, review and potential extension of existing CPZs, public realm improvements to the South Road/Merrick Road junction, and pedestrian safety improvements to Merrick Road/Healum Avenue.

The site is located in an area of good public transport accessibility and, with the conditions and planning obligations agreed, including a restriction on resident parking permits, any potential impacts arising from the proposal will be satisfactorily mitigated.

Overall, the scheme will provide a number of planning and regeneration benefits including a large increase in the housing stock, 174 affordable units, and in excess of £4.4 million in S106 and CIL contributions towards infrastructure and open space in the area.

In light of the above considerations, it is considered that the proposed development is consistent with the aims of the relevant policies of the adopted the Ealing Core Strategy (2012), The London Plan

(2016), Relevant Supplementary Planning Guidance, the National Planning Policy Framework (2018), the Ealing Development Management Development Plan Document (2013), the Development Sites DPD (2013) and the Southall Opportunity Planning Framework (2014). As such, it is recommended for conditional approval subject to S106, S38 and S278 legal agreements.



Plan of Surrounding Context



Arches Development - North Elevation

Recommendation:

That the committee **GRANT** planning permission subject to Stage II referral to the Mayor of London, and the satisfactory completion of:

i) a Section 278 Agreement and section 38 Agreement under the Highways Act 1980 to secure:

- reinstatement of all vehicle crossovers in front of the site to footway;
- transfer of land to the Council to facilitate continuation of the public footway along the southern perimeter of the site;
- funding by the applicant of maximum stay limits on the proposed loading bays.

ii) a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in order to secure the items set out below:

Heads of Terms

The proposed financial contributions to be secured through a S106 Agreement are set out below.

Financial Contribution Heading	Proposed Contributions
Education infrastructure	£700,000
Healthcare provision	£800,000
Air Quality Monitoring	£19,000
Bus Service Improvements	£500,000
Pedestrian & Cycle Bridge	£600,000
South Road/Merrick Road Public Realm Improvements	£300,000
Merrick Road/Healum Avenue Pedestrian Safety Improvements	£100,000
CPZ Review and Extension	£20,000
Pedestrian and cycle safety improvements including Quietway routes	£100,000
Travel Plan Monitoring	£5,000
Tree planting	£50,000
Open space	£100,000
Children's Playspace	£49,130
Apprentice and Local Labour Scheme	£40,000
Renewable and Low Carbon Energy Monitoring	£9,295
Free car club membership to residents of the development for a minimum period of two years	£75,333
Total Contributions	£3,467,758*

** Excludes the carbon offset payment, and funding for the on-street car club bays,*

- Affordable Housing provision of 35% of habitable rooms with capped income levels below GLA affordability criteria to be applied for a proportion of the shared ownership homes;

- Participation in an Apprentice and Placement Scheme. The Apprentice and Placement Scheme shall provide opportunities across the development, including the construction, design and post

construction management of the development. Details of the Apprentice and Placement Scheme including the number of placements details shall be agreed with the Council;

- Restriction of Parking Permits - all the units shall be precluded from obtaining a parking permit and visitor parking vouchers to park within the surrounding Controlled Parking Zones and future CPZ's in the area;

- funding by the applicant of two new on-street car club bays;

- Additional Contribution for Carbon Dioxide Offsetting (carbon shortfall calculated at current rate of £60 per tonne of carbon for 30 years in the event that the CO2 emissions of the development, including both residential and non-residential, cannot be achieved onsite);

- The developer not to occupy the development until they have provided an Energy Centre in accordance with the Planning Application that is supplying all domestic and non-domestic units within the development with heating, hot water and where possible, cooling requirements;

- the developer to submit to the Council for its written approval a comprehensive Heating Supply Options Study within six months from identifying a Qualifying Heat Network Operator (QHNO) or within six months following notification from the Council that a QHNO has been identified;

- If the Heating Supply Options Study concludes that connection of the development to a Qualifying Heat Network (QHN) is not feasible or viable then the developer shall provide a future connection to the QHN by means of a safeguarding provision;

- Passive provision through the public realm area between Blocks 3 and 4 of the development to facilitate access to the southernmost rail lines currently identified for the Brentford-Southall rail link;

- Implementation of the Travel Plan;

- Contributions to be payable prior to occupation of more than 75% of units;

- All contributions to be index linked;

- Payment of the Council's reasonable Legal and other professional costs in preparing and completing the agreement.

AND

That the grant of planning permission be subject to the following conditions:

Conditions/Reasons:

1. Time Limit 3 years - Full Permission

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

Reason: In order to comply with the provisions of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans and Documents

The development hereby approved shall be carried out in accordance with drawing title numbers: DR-A-0011-Existing Site Plan, DR-A-2010-Existing Elevations, DR-A-0100-Proposed Site Plan Rev P1, DR-A-1000-GA Plan - Level 00 Rev P1, DR-A-1001-GA Plan - Level 01 Rev P1, DR-A-1002-GA Plan - Level 02 Rev P1, DR-A-1003-GA Plan - Level 03 Rev P1, DR-A-1007-GA Plan - Level 07 Rev P1, DR-A-1012-GA Plan-Level 12 Rev P1, DR-A-1017-GA Plan - Level 17 Rev P1, DR-A-1020-GA Plan - Level 20 Rev P1, DR-A-1023-DR-A-1023-GA Plan - Level 23 Rev P1, DR-A-2100-GA Elevation North Rev P1, DR-A-2101-GA Elevation South Rev P1, DR-A-2102-GA Elevation East Rev P1, DR-A-2103-GA Elevation West Rev P1, DR-A-2104-GA Elevation Building 1 East_West Rev P1, DR-A-2105-GA Elevation Building 2 East_West Rev P1, DR-A-2106-GA Elevation Building 3 East_West Rev P1, DR-A-2107-GA Elevation Building 4 East_West Rev P1, DR-A-3111-GA Section–Long Section Rev P1, 1305-HED-SW-02-DR-L-0002 Rev P01 Landscape Masterplan–2nd Floor, 1305-HED-SW-GF-DR-L-0001 Rev P01 Landscape Masterplan – Ground Floor, 1305-HED-SW-ZZ-DR-L-0003 Rev P01 Landscape Masterplan – Roof, DR-A-4101 Rev P2, DR-A-4102 Rev P1, DR-A-4103 Rev P1, DR-A-4104 Rev P1, DR-A-4105 Rev P1, DR-A-4121, DR-A-4122, DR-A-4123, DR-A-4124, DR-A-4125, DR-A-4126, DR-A-4127, DR-A-4128, DR-A-4129, DR-A-4130, DR-A-4131, and the following documents:

Updated Schedule of Accommodation Rev 6 (September 2018), Design & Access Statement (March 2018), Design & Access Statement Addendum (August 2018), Updated Townscape and Visual Impact Assessment (August 2018), Heritage Statement (March 2018), Archaeology Report (March 2018), Commercial Assessment (March 2018) and Affordable Workspace Letter (August 2018), Aviation Assessment (March 2018), Noise Assessment (March 2018), Updated Flood Risk Assessment (August 2018), Updated Transport Assessment (August 2018), Updated Travel Plan (August 2018), Updated Delivery and Servicing Plan (August 2018), Updated Construction Logistics Plan (August 2018), Updated Energy and Overheating Assessment (October 2018), Updated Sustainability Report (August 2018), Utilities Statement, (March 2018), Fire Strategy (March 2018), Updated Air Quality Assessment, (August 2018), Updated Daylight, Sunlight and Overshadowing Assessments (internal) (August 2018), Daylight, Sunlight and Overshadowing Assessments (external) (January 2018), Wind and Microclimate Report (March 2018) and Update Note (August 2018), Ground Investigation Report (March 2018), Extended Phase 1 Habitat Survey Report (March 2018), Fire Strategy (March 2018), Utilities Statement (March 2018), Aviation Safeguarding Assessment (March 2018), Updated Arboricultural Impact Assessment (August 2018).

Reason: For the avoidance of doubt, and in the interests of proper planning.

3. Details of Materials - Building

Details of the materials and finishes to be used for all external surfaces of the building hereby approved shall be submitted to and approved in writing by the local planning authority before any part of the super structure is commenced and this condition shall apply notwithstanding any indications as to these matters which have been given in this application. The development shall be implemented only in accordance with these approved details.

Reason: To ensure that the materials and finishes are of high quality and contribute positively to the visual amenity of the locality in accordance with policies 1.1 (h) (g), 1.2(h), 2.1(c) and 2.10 of the Ealing Core Strategy (2012), policies ELV 7.4 and 7B of the Ealing Development Management Development Plan Document (2013), policies 7.4 and 7.6 of the London Plan (2016) and the National Planning Policy Framework (2018).

4. Hard/ Soft Landscaping and Boundary Treatment

Details of hard/soft landscape works and boundary treatments for the buildings and northern boundary wall shall be submitted to and approved in writing by the local planning authority before any part of the super structure is commenced and this condition shall apply notwithstanding any indications as to these matters which have been given in this application. The scheme shall include comprehensive details of the full planting specifications (size, species and numbers), the positions of all planting, ground preparation for tree planting, and staking/tying methods where applicable. The development shall be implemented only in accordance with these approved details. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that the development is landscaped in the interests of the visual character and appearance of the area and residential amenity of prospective occupiers, and in accordance with policies 3.5, 7.4, and 7.21 of the London Plan (2016), policies 1.1 (h) (g), 1.2 (f), 2.1(b) and 2.10 of the Ealing Core Strategy (2012), policies ELV 7.4 and 7B of the Ealing Development Management Development Plan Document (2013) and the National Planning Policy Framework.

5. Landscape Management Plan

Details of a Landscape Management Plan shall be submitted to and approved in writing by the local planning authority prior to the first occupation or use of the flats hereby approved. The development shall be implemented only in accordance with these approved details and retained thereafter.

Reason: To ensure that the development is landscaped in the interests of the visual character and appearance of the area and residential amenity of prospective occupiers, and in accordance with policies 3.5, 7.4, and 7.21 of the London Plan (2016), policies 1.1 (h) (g), 1.2 (f), 2.1(b) and 2.10 of the Ealing Core Strategy (2012), policies ELV 7.4 and 7B of the Ealing Development Management Development Plan Document (2013) and the National Planning Policy Framework.

6. Play equipment

Details of design, layout and provision of play equipment within the informal play areas on the communal roofs shall be submitted to and approved in writing by the local planning authority prior to the first occupation or use of the flats hereby approved. The development shall be implemented only as approved and retained thereafter.

Reason: To ensure that there is suitable provision for childrens play facilities within the site in accordance with policies 1.1 (e), 2.1 (c) of the Ealing Core Strategy (2012), policies ELV 3.5 and 7D of the Ealing Development Management Development Plan Document (2013), policies 3.5, and 3.6 of the London Plan (2016), the London Plan SPG on Chidren's Play and Recreation, and the National Planning Policy Framework (2018).

7. Demolition & Construction Management Plan

Prior to commencement of the development hereby approved, a demolition method statement and a construction management plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, advance notification to immediate neighbours on Merrick Road of proposed works and public display of contact details including accessible phone contact to

persons responsible for the site works for the duration of the works. Approved details shall be implemented throughout the project period.

Reason: To protect the amenity of neighbouring occupiers, to ensure adequate highway and site safety in accordance with policies 1.1(e)(j) and 2.1(c) of the Ealing Core Strategy (2012), policies 6.3, 6.13, 7.13, 7.14 and 7.15 of the London Plan (2016), the National Planning Policy Framework (2018), Greater London Authority Best Practice Guidance 'The Control of Dust and Emissions from Construction and Demolition (2006), BS 5228-1:2009 - Code of practice for noise & vibration control on construction & open sites-Part 1: Noise.

8. Size of servicing vehicles

The size of vehicles servicing the development shall be limited to 10m rigid lorries.

Reason: In the interests of highway/pedestrian safety and an appropriate operation of the development in accordance with policies 1.1(e) (j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), policies 6.11, 6.12 and 6.13 of the London Plan (2016), and the National Planning Policy Framework (2018).

9. Cycle Parking

The approved cycle parking facilities shall be fully implemented in accordance with Council standards and as shown on approved plan DR-A-1000 Rev P1 and made operational before the first occupation of the development, and permanently retained thereafter.

Reason: To promote sustainable patterns of transport, in accordance with section 9 of the National Planning Policy Framework, policies 6.3, 6.9, 6.11 and 6.13 of the London Plan 2016.

10. Cycle Management Plan

Details of a Cycle Management Plan shall be submitted to and approved in writing by the local planning authority prior to the first occupation or use of the flats hereby approved. The development shall be implemented only in accordance with these approved details and retained thereafter.

Reason: To promote sustainable patterns of transport, in accordance with section 9 of the National Planning Policy Framework, policies 6.3, 6.9, 6.11 and 6.13 of the London Plan 2016.

11. Travel Plan

A revised Green Travel Plan designed to manage the transport needs of the occupiers of the development, including measures to minimise car useage and promote alternative modes of transport, shall be submitted to the Local Planning Authority before the first occupation of the development, and the approved Green Travel Plan shall be fully implemented in compliance with the approved document.

Reason: To promote sustainable patterns of transport to safeguard the living and working conditions of local people and in the interest of highway and pedestrian safety, in accordance with section 9 of the National Planning Policy Framework, policies 6.3, 6.11 and 6.13 of the London Plan (2016) and policies 1.1 (f) (g) of the Ealing's Development (Core) Strategy 2026.

12. Delivery/Servicing Plan

An updated delivery and servicing plan (DSP) for the different uses of the development detailing servicing arrangements, times and frequency and operational details of the layby shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The servicing of the development shall be operated strictly in accordance with the details so approved, shall be maintained as such thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority obtained through the submission of a planning application.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise, and that resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic in accordance with policies: 6.7 and 6.13 of the London Plan (2016).

13. Deliveries/collections times

Deliveries to and collections from, including waste, the office and commercial units hereby approved shall only take place during the period 0700 – 1800 hrs on Monday to Saturday, at no times on Sunday and Public Holidays.

Reason: To protect the living conditions of neighbouring properties in accordance with policies 1.1(e) (g) and 2.1 (c) and 2.10 of the Ealing Core Strategy (2012), policies 7.A of the Ealing Development Management Development Plan Document (2013), policies 4.7, 7.1 and 7.15 of the London Plan (2016), and the National Planning Policy Framework (2018).

14. Sustainable Design and Construction Standards

A) Upon the first occupation of each residential unit within the approved development, the approved dwellings shall incorporate sustainability measures as detailed in the approved Sustainability Statement Rev06 (22 March 2018) prepared by Hoare Lea.

B) Upon the first use of each non-residential unit within the approved development, the approved non-residential spaces shall incorporate sustainability measures as detailed in the approved Sustainability Statement Rev06 prepared by Hoare Lea.

Reason: In the interest of addressing climate change and to secure sustainable development in accordance with policies 5.1, 5.2, 5.3, 5.6, 5.7 and 5.9 of the London Plan 2016, policies LV5.2 and 7A of Ealing's Development Management DPD 2013, and policies 1.1(k) and 1.2(f) of Ealing's Development (Core) Strategy 2012.

15. BREEAM Standards

Each non-residential unit proposed within the approved development should be registered with the Building Research Establishment (BRE), achieve BREEAM Rating Very Good and make reasonable endeavours to achieve Excellent (based on BREEAM 2014).

A) Within 3 months of the completion of each non-residential unit of the development, evidence that the development is registered with Building Research Establishment (BRE) under the 2014 BREEAM Technical Guidance and Interim BREEAM Assessment and related Certification verified by the BRE shall be submitted to the Local Planning Authority for written approval.

B) Within 3 months of the completion of each non-residential unit of the development, evidence that the development is registered with Building Research Establishment (BRE) under the 2014 BREEAM Technical Guidance and Interim BREEAM Assessment and related Certification verified by the BRE shall be submitted to the Local Planning Authority for written approval.

Following any approval of a 'Post Construction Stage' assessment and certificate of the development, the approved measures and technologies to achieve the BREEAM Very Good or higher standard shall be retained in working order for the lifetime of the development.

Reason: In the interest of addressing climate change and to secure sustainable development in accordance with policies 5.1, 5.2, 5.3, 5.6, 5.7 and 5.9 of the London Plan (2016), policies 1.1(k) and 1.2(f) of Ealing's Development (Core) Strategy (2012) and policies 5.2 and 7A of Ealing's Development Management DPD (2013).

16. Ultra-Low gas boilers

All boilers accommodated in the plant rooms, if available, to serve the energy requirements of the development, should use Ultra low-NOx boilers with maximum NOx Emissions of under 0.04 g/kWh. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the living conditions of the future occupiers of the site in accordance with policies 1.1 and 1.2 of the Ealing Development (Core) Strategy (2012), policies 7A & 7B of the Ealing Development Management Development Plan Document (2013), policy 7.14 of The London Plan (2016), and the National Planning Policy Framework (2018).

17. Water Efficiency

A. Prior to occupation of each residential unit within the development, the approved dwellings shall incorporate and maintain water saving measures that will meet water efficiency standards with a maximum water use target of 105 litres of water per person per day.
B. Prior to occupation of each non-residential unit within the development, the approved non-residential unit shall incorporate and maintain water saving measures that will reduce the water consumption as detailed in the approved Sustainability Statement Rev06 prepared by Hoare Lea.

Reason: To ensure the sustainable use of water, in accordance with the approved sustainability statement and policy 5.15 of the London Plan 2016.

18. Overheating and Cooling for the non-residential units

Prior to occupation of each non-residential unit, the details of the dynamic thermal modelling, being applied to each non-residential unit proposed using the guidance and criteria provided in CIBSE TM49 & TM52 and demonstrating how these units perform against and even exceed the overheating criteria, shall be submitted to the Local Planning Authority for written approval. The details of any additional measures to be incorporated into each non-residential unit to minimise the risk of overheating (without active cooling first) shall also be submitted and evidence that these measures can and will be incorporated into the development if the dynamic thermal modelling demonstrates that overheating would occur. Compliance with Criterion 3 of the Building Regulations should also be demonstrated. Each non-residential unit shall thereafter be provided in accordance with the approved details.

Reason: To ensure that each non-residential unit within the development hereby approved is energy efficient and to reduce the risk of overheating in line with policy 5.9 of the London Plan 2016, the

adopted Ealing Development (Core) Strategy 2026 (3rd April 2012) and the Ealing Development Management DPD (December 2013).

19. Overheating and Cooling for dwellings

Prior to occupation of the residential units, measures to prevent overheating shall be installed to comply with the overheating recommendations within the Updated Energy and Overheating Assessment Rev 06 (August 2018) and with Criterion 3 of the Building Regulations. These measures shall thereafter be permanently retained.

Reason: To ensure that the residential component of the development hereby approved is energy efficient and to reduce the risk of overheating in line with policy 5.9 of the London Plan 2016, the adopted Ealing Development (Core) Strategy 2026 (3rd April 2012) and Ealing Development Management DPD (December 2013).

20. Energy Centre / temporary plant rooms – district heating

Within six months of completion of the casting of the ground floor/podium slab on the approved development including residential and non-residential components, the following details should be submitted to the Local Planning Authority for written approval:

a) Evidence of investigation of ways of heat imported to the site and briefings of discussions with neighbouring developers in Southall East;
b) details of the plant room(s), including size, layout and location, size of boilers and thermal stores (if available);
c) Details of the combined heating and power (CHP) system, if available, including technical information such as operational data and operational performance, costs and QI rating, monthly demand profiles for heating and hot water demand, analysis used to determine size of CHP, specification and operation/management strategy; flue location, height and design;
d) details of the pipe network (including the size and route, flow and return temperatures, total length of the heat network in metres (flow and return) distribution and transmission, diagram route, total plant heating capacity, total heat generated, total heat supplied to premises) for the connection of all domestic and non-domestic elements into the onsite district heating network.
e) details of schematic of the site wide heat network showing all apartments and non-residential units connected into it.
f) details of the floor plan showing the layout of the plant in the energy centre and how it is designed to facilitate connection to an offsite heat network.
g) details of the HIU including specifications, type and efficiency
h) demonstration of the installation of a point of external connection leading to the edge of the site
i) The CHP units (if available) accommodated in the on-site energy centre, to serve the energy requirements of the development should be of low-NOx with maximum NOx Emissions that are compliant with the NOx (g/m²) benchmarks as set out at Appendix 7 of the Mayor's Sustainable Design and Construction SPG.
j) details to demonstrate that the district heating network shall be designed in accordance with Heat Networks: Code of Practice for the UK.
The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development energy plant room that the proposed development is designed in a manner which allows for the future connection to an offsite district heat network, and to ensure that the development contributes to reducing the use of fossil fuel or other primary energy generation capacity, and to reduce emissions of greenhouse gases in accordance with policies 5.3, 5.5 and 5.6 of the London Plan 2016, policies 1.1(k) and 1.2(f) of Ealing's adopted Development (or Core)

Strategy 2012, policy LV5.2 of Ealing's Development Management DPD, and the Mayor's Sustainable Design and Construction SPG.

21. Energy Strategy for residential

A) Notwithstanding the information submitted with the application, within 6 months after the commencement of the substructure works of the residential units within the development, a revised report, which includes full details and drawings of the energy saving measures that are to be incorporated into the residential component of the development which demonstrates whether all dwellings hereby approved will achieve zero carbon in regulated CO2 emissions over and beyond Building Regulations Part L 2013 shall be submitted to, and approved in writing by the local planning authority. Compliance with the emissions saving target may be shown based on the calculation of carbon savings at the time that the dwellings are connected to any area wide heat network. The Energy Strategy should be based on the residential units exceeding 2013 Building Regulations compliance through energy efficiency alone. Other energy uses not covered by Building Regulations (un-regulated) should be also included and measures to reduce them should be demonstrated.
B) Within three-months of the first occupation of all dwellings in the approved development, Energy Performance Certificates [EPC's], detailed modelling output reports showing clearly the DER and TER from the "as built stage" to confirm compliance in terms of savings achieved through energy efficiency measures should be also submitted for written approval by the Local Authority.
C) Within three-months of the practical completion of the dwellings, technical information and evidence that the renewable/low carbon technologies are certified under the Microgeneration Certification Scheme (MSC) and, if appropriate, complies with the Enhanced Capital Allowances (ECS) product criteria should be submitted.
The development shall be carried out strictly in accordance with the details so approved.

Reason: To ensure that the dwellings within the development hereby approved are energy efficient and to contribute to the avoidance of need for new fossil fuel or other primary energy generation capacity and to reduce emissions of greenhouse gases and to minimise the impact of building emissions on local air quality in the interests of health, in accordance with policies 3.2, 5.3, 5.5, 5.6 and 7.14 of the London Plan 2016, policies 1.1(e), 1.1(j), 1.1(k) and 1.2(f) of Ealing's adopted Development (or Core) Strategy 2012, policies LV5.2 and 7A of Ealing's Development Management DPD, and the Mayor's Sustainable Design and Construction SPG.

22. Energy Strategy for non-residential units

A) Notwithstanding the information submitted with the application, within 6 months after the commencement of the substructure works of the non-residential units within the development, a revised report, which includes full details and drawings of the energy saving measures that are to be incorporated into each non-residential unit of the development to demonstrate that the non-residential units hereby approved will achieve an overall minimum reduction in regulated carbon dioxide emissions by 35% over and beyond Building Regulations Part L 2013 shall be submitted to, and approved in writing by the local planning authority. The Energy Strategy should be based on the provision of connection to the communal heating system (for domestic hot water provision), and details for how this will be facilitated should be demonstrated. Other energy uses not covered by Building Regulations (un-regulated) should be also included and measures to reduce them should be demonstrated (but not contributed towards the zero carbon target).
B) Within three-months of the first use of each non-residential unit in the approved development, Energy Performance Certificates [EPC's], detailed modelling output reports showing clearly the BER and TER from the "as built stage" to confirm compliance in terms of savings achieved through energy efficiency measures should be also submitted for written approval by the Local Authority.

C) Within three-months of the practical completion of each non-residential unit, technical information and evidence that the renewable/low carbon technologies are certified under the Microgeneration Certification Scheme (MSC) and, if appropriate, complies with the Enhanced Capital Allowances (ECS) product criteria should be submitted.

The development shall be carried out strictly in accordance with the details so approved.

Reason: To ensure that each non-residential unit within the development hereby approved is energy efficient and to contribute to the avoidance of need for new fossil fuel or other primary energy generation capacity and to reduce emissions of greenhouse gases and to minimise the impact of building emissions on local air quality in the interests of health, in accordance with policies 3.2, 5.3, 5.5, 5.6 and 7.14 of the London Plan 2016, policies 1.1(e), 1.1(j), 1.1(k) and 1.2(f) of Ealing's adopted Development (or Core) Strategy 2012, policies LV5.2 and 7A of Ealing's Development Management DPD, and the Mayor's Sustainable Design and Construction SPG.

23. Security features

Prior to occupation taking place, details of the security measures to be incorporated into the development shall be submitted to the Local Planning Authority for written approval. The details submitted shall incorporate as a minimum the following information:

a) Location, access and design of post-boxes;
b) Design, location and details of access restrictions to communal core entry systems;
c) Confirmation that accessible windows and doors would meet the PAS 24 standards;
d) Location and view-path of CCTV (where relevant); and
e) Any other security features.

The agreed security features shall be installed and be operational prior to the first occupation of the relevant section of development.

Reason: To ensure that the adequate security features are incorporated into the development that are appropriate to the overall design of the buildings and are adequate to promote safety and security, in accordance with policies 7.3, 7.6 and 7.13 of the London Plan (2016), policy 1.1(e) and 1.1(h) of the Ealing adopted Development (or Core) Strategy 2012; and policies LV7.3 and 7B of the Ealing Development Management DPD (2013).

24.Transport and/or industrial noise sources

Prior to commencement of the superstructure, details shall be submitted to the Council for approval of the sound insulation of the building envelope including glazing specifications, and of acoustically attenuated mechanical ventilation and cooling as necessary (with air intake from the cleanest aspect of the building) to achieve internal room noise standards in accordance with the criteria of BS8233:2014. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In the interests of the internal environment of the development and living conditions of future occupiers of the site and occupiers of nearby properties, in accordance with policy 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), policies and 7.15 of the London Plan (2016), the National Planning Policy Framework (2018) and Interim guidance SPG 10 'Noise and Vibration'.

25. Separation of noise sensitive rooms in neighbouring flats

Prior to commencement of the superstructure, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value DnT,w [and L'nT,w] of at least 5dB above the maximum Building Regulations value, for the floor/ceiling /wall structures separating different types of rooms/ uses in adjoining dwellings, namely a living room and kitchen above, below or adjacent to bedroom of separate dwelling. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In the interests of the internal environment of the development and living conditions of future occupiers of the site, in accordance with policy 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), policies and 7.15 of the London Plan (2016), the National Planning Policy Framework (2018) and Interim guidance SPG 10 'Noise and Vibration'.

26. External noise from machinery, extract/ ventilation ducting, mechanical gates, etc.

Prior to commencement of the of the superstructure, details shall be submitted to the Council for approval, of the external sound level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external sound level LAeq emitted from plant, machinery/ equipment will be lower than the lowest existing background sound level LA90 by at least 5 dBA in order to prevent any adverse impact on noise sensitive receivers in the surrounding area. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. Details of any noise mitigation measures shall be submitted for approval. Approved details shall be implemented prior to use of plant/ machinery/ equipment and thereafter be permanently retained.

Reason: In the interests of the internal environment of the development and living conditions of future occupiers of the site and occupiers of nearby properties, in accordance with policy 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), policies and 7.15 of the London Plan (2016), the National Planning Policy Framework (2018) and Interim guidance SPG 10 'Noise and Vibration'.

27. Anti-vibration mounts and silencing of machinery etc.

Prior to use, machinery, plant or equipment at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: In the interests of the internal environment of the development and living conditions of future occupiers of the site and occupiers of nearby properties, in accordance with policy 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), policies and 7.15 of the London Plan (2016), the National Planning Policy Framework (2018) and Interim guidance SPG 10 'Noise and Vibration'.

28. External doors and windows to remain shut

Commercial uses at the development site shall not commence until all external doors to the relevant premises have been fitted with self-closing devices, which shall be maintained in an operational condition and at no time shall any external door or windows be fixed in an open position.

Reason: In the interests of the internal environment of the development and living conditions of future occupiers of the site, in accordance with policy 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), policies and 7.15 of the London Plan (2016), the National Planning Policy Framework (2018) and Interim guidance SPG 10 'Noise and Vibration'.

29. Separation of commercial and noise sensitive premises

Prior to commencement of the superstructure, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from dwellings. Details shall demonstrate that the sound insulation achieves the criteria of BS8233:2014 within the dwellings/ noise sensitive premises with, where necessary, additional mitigation measures implemented to contain commercial noise within the commercial premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In the interests of the internal environment of the development and living conditions of future occupiers of the site, in accordance with policy 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), policies and 7.15 of the London Plan (2016), the National Planning Policy Framework (2018) and Interim guidance SPG 10 'Noise and Vibration'.

30. Separation of communal facilities/plant etc. noise from noise sensitive premises

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the commercial parts of the premises from dwellings. Details shall demonstrate that the sound insulation achieves the criteria of BS8233:2014 within the dwellings/ noise sensitive premises, with additional mitigation measures implemented to contain commercial noise within the commercial premises where necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In the interests of the internal environment of the development and living conditions of future occupiers of the site, in accordance with policy 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), policies and 7.15 of the London Plan (2016), the National Planning Policy Framework (2018) and Interim guidance SPG 10 'Noise and Vibration'.

31. Extraction and Odour Control system for non-domestic kitchens/ dry cleaners

Prior to occupation of any commercial unit with non-domestic kitchens/dry cleaning equipment, details shall be submitted to and approved in writing by the Council, of the installation, operation, and maintenance of any odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet at least 1m above the eaves of the main building. Approved details shall be implemented prior to the commencement of the use and thereafter be permanently retained.

32. Fresh air ventilation to habitable rooms on first floor

Prior to the first occupation of the dwellings:

- a ventilation system shall be implemented to provide fresh air to habitable rooms on the first floor of the development, with the air intake(s) to be located above finished floor level (FFL) of the first floor level;

- a ventilation system shall be implemented to provide fresh air to non-dwelling habitable rooms on the ground floor level of the development, the air intake(s) to be located above finished floor level (FFL) of the ground floor level.

The ventilation system shall thereafter be permanently retained.

Reason: In the interests of the living conditions of future occupiers of the site, in accordance with policies policy 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), and policies 7.14 of the London Plan (2016), and the National Planning Policy Framework (2018).

33. Non-Road Mobile Machinery

All Non-Road Mobile Machinery (NRMM) to be used in the development site shall meet as a minimum the Stage IIIB emission criteria of Directive 97/68/EC and its subsequent amendments, unless it can be demonstrated that Stage IIIB equipment is not available. An inventory of all NRMM shall be registered on the NRMM register at https://nrmm.london/user-nrmm/register. All NRMM shall be regularly serviced and service logs kept on site for inspection. Records shall be kept on site detailing proof of emissions standards for all equipment.

Reason: In the interests of the living conditions of future occupiers of the site, in accordance with policies policy 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), and policies 7.14 of the London Plan (2016), and the National Planning Policy Framework (2018).

34. Building emissions

The development shall comply with current air quality neutral building emissions benchmarks for the residential and commercial uses hereby approved.

Reason: In the interests of improving air quality in the Borough, in accordance with policies policy 1.1(j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), and policies 7.14 of the London Plan (2016), and the National Planning Policy Framework (2018) and Appendix 5 of the Sustainable Design and Construction (2014) Supplementary Planning Guidance, London Plan 2016.

35. Remediation Scheme

Prior to the commencement of development a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation works.

Reason: To ensure the land contamination issues are addressed in accordance with policy1.1 (j) of the adopted Local Development Framework (Core Strategy 2012), policy 5.21 of the London Plan 2015 and Ealing Local Variation to London Plan Policy 5.21 of the Ealing Development Management Development Plan 2013 and any amendments / updates.

36. Contaminated Land Verification Report

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing of the Local Planning Authority prior to first occupation of the development.

The verification report submitted shall be in accordance with current Environment Agency / industry best practice guidance.

Reason: To ensure the land contamination issues are addressed in accordance with policy1.1 (j) of the adopted Local Development Framework (Core Strategy 2012), policy 5.21 of the London Plan 2015 and Ealing Local Variation to London Plan Policy 5.21 of the Ealing Development Management Development Plan 2013 and any amendments / updates.

37. External Lighting

External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011'. Lighting should be minimized and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

Reason: In the interests of the living conditions of occupiers of nearby properties and future occupiers of the site, in accordance with policies policy 1.1 (j) of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), and policies 7.1 of the London Plan (2016), and the National Planning Policy Framework (2018).

38. Office use class restriction

The office space hereby approved shall only be used for offices (Use Class B1a) and for no other purposes within the schedule to the Town and Country Planning (Use Classes) Order 2015 or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification), without the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To protect the vitality and viability of Southall Town Centre in accordance with policies 1.1 (a) (d), 1.2 (c), and 3.1 (b) of the Ealing Core Strategy (2012), policies 2.15, 4.1, 4.7 and 4.8 of The London Plan 2015 and sections 5 and 6 of the National Planning Policy Framework.

39. Opening hours commercial units

The ground floor commercial/retail units hereby approved shall be opened to customers from 0800 to 2000 hrs Monday to Friday, 0800 to 1800 hrs on Saturday, at no times on Sundays and public holidays. All activity shall cease 30 minutes after closing times.

Reason: To protect the living conditions of neighbouring properties in accordance with policies 1.1(e) (g) (j) and 2.1 (c) and 2.10 of the Ealing Core Strategy (2012), policies ELV 7.A of the Ealing

Development Management Development Plan Document (2013), policies 4.7, 7.1 and 7.15 of the London Plan (2015), and the National Planning Policy Framework (2018).

40. No masts/satellite dishes or external equipment

No microwave masts, antennae or satellite dishes or any other plant or equipment shall be installed on any elevation of the buildings hereby permitted without the prior written permission of the Local Planning Authority obtained through the submission of a planning application.

Reason: To safeguard the appearance of the buildings and the locality in the interests of visual amenity policies 1.1 (h) (g), 1.2(h), 2.1(c) and 2.10 of the Ealing Core Strategy (2012), policies ELV 7.4, 7B and 7C of the Ealing Development Management Development Plan Document (2013), policies 7.4, 7.6 and 7.8 of the London Plan (2016), section 7 and 12 of the National Planning Policy Framework (2018).

41. Refuse Storage

Each of the refuse and recycling storage facilities hereby approved for the residential element shall be implemented and operational before the first occupation of the relevant residential section they would serve, and permanently retained thereafter. The commercial units shall be provided with refuse storage to accord with the local planning authority standards prior to its first occupation.

Reason: In the interests of the adequate disposal, storage and collection of waste and recycling, to protect the living conditions of occupiers of the area and in the interests of highway and pedestrian safety all in accordance with policies policies 1.1 (e) and 6.1 of the Ealing Core Strategy (2012), policy 7A of the Ealing Development Management Development Plan Document (2013), policy 5.16 of the London Plan (2016) and the National Planning Policy Framework (2018).

42. Passenger Lifts

All passenger lifts serving the residential units hereby approved shall be fully installed and operational prior to the first occupation of the relevant core of development served by a passenger lift.

Reason: To ensure that adequate access is provided to all floors of the development for all occupiers and visitors including those with disabilities, in accordance with policy 1.1(h) of the Ealing Core Strategy (2012), policies 3.8 and 7.2 of The London Plan (2016), and the National Planning Policy Framework (2018).

43. Detailed Drainage Design

Prior to commencement of development (excluding demolition and ground works) detailed drainage designs shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved drainage design.

Reason: Reason: To reduce flood risk in accordance with section 14 of the National Planning Policy Framework and Policies 5.12, 5.13 and 7.13 of the London Plan.

44. Drainage Maintenance Plan

Prior to first occupation of the development a maintenance plan for the drainage system (SUDS components) shall be submitted to and approved by the Local Planning Authority and the approved SUDS features shall be maintained and permanently retained thereafter.

Reason: To ensure that sufficient capacity is made available to cope with additional demand in the interest of environmental conditions in the locality, in accordance with policy 1.1 (e), 1.2 (m) and 6.1 of the Ealing Core Strategy (2012), policies 5.14 and 5.16 of The London Plan (2016), and the National Planning Policy Framework (2018).

45. Piling Method Statement

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 shall be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority and the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To ensure the integrity of underground water and sewerage utility infrastructure is not affected, in accordance with policy 1.1 (e), 1.2 (m) and 6.1 of the Ealing Core Strategy (2012), policies 5.14 and 5.16 of The London Plan (2016), and the National Planning Policy Framework (2018). The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

46. Former Lifetime homes standards

90% of the approved residential dwellings shall be designed and constructed to meet Approved Document M (Volume 1: Dwellings), Part M4(2)(Accessible and adaptable dwellings) of Building Regulations 2015, or other such relevant technical requirements in use at the time of the construction of the development.

Reason: To ensure that the development is adaptable, flexible, convenient and appropriate to the changing needs of the future occupiers, in accordance with policies 3.5, 3.8 and 3.9 of the London Plan (2016); and policy 1.1(h) of the Ealing Development (or Core) Strategy 2012.

47. Former Adaptable wheelchair housing

10% of the approved residential dwellings shall be designed and constructed to meet Approved Document M (Volume 1: Dwellings), Part M4(3) (Wheelchair user dwellings) of Building Regulations 2015, or other such relevant technical standards in use at the time of the construction of the development.

Reason: To ensure the provision of wheelchair housing in a timely fashion that would address the current unmet housing need; produce a sustainable mix of accommodation; and provide an appropriate choice and housing opportunity for wheelchair users and their families, in accordance with the objectives of policies: 3.5, 3.8 and 3.9 of the London Plan (2016); and policy 1.1(h) of the Ealing Development (or Core) Strategy 2012.

48. Radar Mitigation Scheme:

No construction apart from demolition and site clearance shall commence on site, until there has been submitted to and approved in writing by the Local Planning Authority and by the Radar Operator - NATS (En-route) plc, either:

- detailed plans for the proposed buildings in that individual phase, demonstrating that there would be no detrimental impact upon the operation of the Heathrow H10 SSR Radar; or,

- details of a 'Radar Mitigation Scheme' (including a timetable for its implementation during construction) to mitigate any detrimental impact upon the Heathrow H10 SSR Radar. The Radar Mitigation Scheme (RMS) shall thereafter be implemented and operated in accordance with the approved details.

Reason: In the interests of Air Traffic Safety, to ensure the development does not endanger the safe movement of aircraft or the safe operation of Heathrow Airport and of NATS En-route PLC, through interference with communication, navigational aids and surveillance equipment in accordance with the objectives of policies 6.6 and 7.7 of the London Plan (2016).

49. Air Traffic Safety

Where a 'Radar Mitigation Scheme' has been required, no construction above 80m above ground level shall take place on site, unless the 'Radar Mitigation Scheme' has been implemented. Development shall not take place other than in complete accordance with such a scheme as so approved unless the planning authority and NATS (En-route) plc have given written consent for a variation.

Reason: In the interests of Air Traffic Safety, the safe operation of Heathrow Airport and of NATS En-route PLC, in accordance with the objectives of policies 6.6 and 7.7 of the London Plan (2016).

50. Crane Operator Plan:

No construction work which requires a crane shall commence on site until the developer has agreed a "Crane Operation Plan" which has been submitted to and has been approved in writing by the Local Planning Authority in consultation with the "Radar Operator". Construction at the site shall only thereafter be operated in accordance with the approved "Crane Operation Plan".

Reason: In the interest of Air Traffic Safety, the safe operation of Heathrow Airport and of Nats En-route PLC, in accordance with the objectives of policy 6.6 of the London Plan (2016).

51. National Air Traffic Safeguarding Notification:

Prior to any works commencing on site, the developer shall notify NATS En-Route PLC of the following:

a) The date construction starts and ends.
b) The maximum height of all construction equipment rising above 10 metres agl.

Reason: In the interest of air safety in accordance with the objectives of policy 6.6 of the London Plan (2016).

52. Access by Network Rail

Any access gates or right of access to adjoining railway land and infrastructure shall not be blocked at any time, during or after construction.

Reason: To ensure that Network Rail has 24/7 access to the infrastructure and that no part of the development adversely impacts the safety, operation and integrity of the operational railway which immediately adjoins the application site.

53. Construction work beside Railway

At no time during the demolition or construction process shall any persons or equipment be permitted within 3 metres of the running line or overhead line equipment.

Reason: To ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway which immediately adjoins the application site.

54. Drainage to Railway Land

Additional or increased flows of surface water shall not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, soakaways/attenuation ponds/septic tanks shall not be constructed within 20 metres of Network Rail's boundary. Surface / foul water shall be discharged into the public sewer. Any surface water run-off from the site shall drain away from the railway boundary and must not drain in the direction of the railway as this could import a risk of flooding and / or pollution onto Network Rail land. The Land Drainage Act shall be complied with.

Reason: To ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway which immediately adjoins the application site.

55. Railway Safety

No work shall be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. The developer shall liaise with Network Rail's Asset Protection at the earliest point, with at least 3 months' notice, prior to work starting, to ensure the continued safe operation of the railway. The close proximity of the development could bring a risk to the railway and Asset Protection involvement may be required. The applicant/developer may need to sign into a Basic Asset Protection Agreement, contact Richard Selwood at Network Rail on AssetProtectionWestern@networkrail.co.uk before works begin.

Reason: To ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway which immediately adjoins the application site.

56. Signalling

The proposed development shall be constructed such as not to interfere with or obscure any railway signals that may be in the area.

Reason: To ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway which immediately adjoins the application site.

57. Plant, Scaffolding & Cranes

Any scaffold which is to be constructed adjacent to the railway shall be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned such that in the event of failure it will not fall on to Network Rail land.

Reason: To ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway which immediately adjoins the application site.

58. Lighting

Any lighting associated with the development (including vehicle lights) shall be constructed such that it will not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of any lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

Reason: To ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway which immediately adjoins the application site.

59. Habitat Improvement

Prior to first occupation of the development the recommendations of the Extended Phase 1 Habitat Survey Report (March 2018) shall be fully implemented within the development hereby permitted.

Reason: To support ecology in accordance with section 15 of the National Planning Policy Framework (2018), policy 7.19 of the London Plan (2016), policy 5.11 of the Adopted Ealing Development Management DPD (2013) and policy 5.4 of the Adopted Ealing Development (Core) Strategy 2012.

60. Tree Planting & Protection

The tree works and landscaping details hereby approved shall be implemented in accordance with the details shown on drawing 1305-HED-SW-GF-DR-L-0001. All tree protection methods shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site.

The soft landscaping details as approved shall be laid out and planted within the first planting season following the first occupation of the development. Any trees or plants which within 5 years of planting, die, are removed or become seriously damaged, malformed or diseased shall be replaced with others of the same size, species, quality and in the same positions within the next planting season. The landscaping shall thereafter be maintained and managed.

Reason: To secure protection of trees, shrubs and hedges growing within the site which is of amenity and ecological value to the area and to ensure that the development is landscaped in the visual and ecological interests of the area in accordance with policy 7.4 of the Ealing Development Management DPD (2013); and policies 7.4, 7.5 and 7.21 of the London Plan (2016).

61. Survey of the Arches

Prior to demolition of the Arches buildings a Historic England Level 3 Recording of the elements to be demolished shall be carried out and prior to first occupation of the development this Recording shall be submitted to the Local Planning Authority and a hard copy shall be deposited with the local archive.

Reason In order to retain accurate public records of the listed buildings concerned, in accordance with policy 7C of the Ealing Development Management DPD (2013); policies 7.8 and 7.9 of the London Plan (2016); policies 1.1(h), 1.2(g) and 2.1 (c) of the Ealing Development (or Core) Strategy DPD (2012); and the National Planning Policy Framework (2018).

62. Tree Protection

No operations (including site clearance and demolition) shall commence on site in connection with the development hereby approved until a scheme for the protection of existing trees, shrubs and

hedgerows that are not proposed for removal has been submitted to and its installation on site has been approved in writing by the Local Planning Authority.

All protection measures must fully detail each phase of the development process taking into account demolition/site clearance works, all construction works and hard and soft landscaping works. Details shall include the following:

- Full survey of all trees on site and those within influencing distance on adjacent sites in accordance with BS5837, with tree works proposals. All trees must be plotted on a site plan, clearly and accurately depicting trunk locations, root protection areas and canopy spreads.
- A plan detailing all trees, shrubs, hedges planned for retention and removal.
- Soil assessments/survey
- Timing and phasing of works
- Site specific demolition and hard surface removal specifications
- Site specific construction specifications
- Access arrangements and car parking
- Level changes
- Landscaping proposals
- A Tree protection plan in accordance with BS5837 detailing all methods of protection, including but not restricted to: locations of construction exclusion zones, root protection areas, fit for purpose fencing and ground protection, service routes, works access space, material/machinery/waste storage and permanent & temporary hard surfaces.
- Soil remediation plans.

All tree protection methods approved shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

Reason: To secure the protection during the demolition and construction phase of trees, shrubs and hedges growing within or adjacent to the site which are of amenity value to the area in accordance with policies 5.10 and 7.21 of the London Plan (2016), policy 5.10 the Adopted Ealing Development Management Development Plan Document (2013) and Ealing's SPD9 - Trees and Development Guidelines.

63. Green Roofs

Details of the construction, specifications and maintenance schedule for green roofs within the development shall be submitted to and approved in writing by the local planning authority prior to the first occupation or use of the flats hereby approved. The development shall be implemented only in accordance with these approved details and retained thereafter.

Reason: To ensure that the development is landscaped in the interests of the visual character and appearance of the area and residential amenity of prospective occupiers, and in accordance with policies 3.5, 7.4, and 7.21 of the London Plan (2016), policies 1.1 (h) (g), 1.2 (f), 2.1(b) and 2.10 of the Ealing Core Strategy (2012), policies ELV 7.4 and 7B of the Ealing Development Management Development Plan Document (2013) and the National Planning Policy Framework.

64. Flexible & Affordable Workspace

Details of the configuration and management of flexible and affordable workspace within the development shall be submitted to and approved in writing by the local planning authority prior to the

first occupation or use of the flats hereby approved. The development shall be implemented only in accordance with these approved details and retained thereafter.

Reason: To ensure the provision of affordable workspace suitable for start-up and small/medium sized businesses and that the development complies with draft London Plan Policies E2 and E3 and the Southall OAPF.

65. Electric Vehicle Charging

Within one of the loading bays hereby approved infrastructure for passive provision for charging electric vehicles to be installed in future shall be provided prior to the first occupation of the development hereby approved, and this infrastructure together with the associated access and internal carriageway shall be kept continuously available.

Reason: To reduce emissions of greenhouse gases and to improve local air quality in the interests of health, in accordance with policies 3.2, 5.2 and 7.14 of the London Plan 2016, policies 1.1(e), 1.1(f), 1.1(j) and 1.2(k) of Ealing's adopted Development (or Core) Strategy 2012, and the the National Planning Policy Framework.

Informatives

The decision to grant planning permission has been taken having regard to the policies and proposals in National Planning Policy Guidance, the London Plan (2016), the Draft London Plan (December 2017), the adopted Ealing Development (Core) Strategy (2012) and the Ealing Development Management Development Plan Document (2013) and to all relevant material considerations including Supplementary Planning Guidance:

National Planning Policy Framework (2018)

5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

The London Plan 2016

2.7 Outer London: Economy
2.8 Outer London: Transport
2.13 Opportunity Area Planning Frameworks
2.15 Town centres
3.3 Increasing housing supply
3.5 Optimising housing potential
3.5 Quality and design of housing developments
3.6 Children and young people's play and informal recreation
3.7 Large Residential Developments
3.8 Housing choice
3.9 Mixed and balanced communities
3.10 Definition of affordable housing
3.11 Affordable housing targets

3.12 Negotiating affordable housing on individual private residential and mixed use schemes
3.13 Affordable housing thresholds
4.1 Developing London's economy
4.2 Offices
4.3 Mixed use development and offices
5.1 Climate change mitigation
5.2 Minimising carbon dioxide emissions
5.3 Sustainable design and construction
5.6 Decentralised energy in development proposals
5.7 Renewable energy
5.8 Innovative energy technologies
5.9 Overheating and cooling
5.10 Urban greening
5.11 Green roofs and development site environs
5.12 Flood risk management
5.13 Sustainable drainage
5.14 Water quality and wastewater infrastructure
5.15 Water use and supplies
5.16 Waste self sufficiency
5.18 Construction, excavation and demolition waste
5.21 Contaminated land
6.1 Strategic approach
6.3 Assessing the effects of development on transport capacity
6.5 Funding Crossrail and other strategically important transport infrastructure
6.9 Cycling
6.10 Walking
6.11 Smoothing traffic flow and easing congestion
6.12 Road network capacity
6.13 Parking
7.1 Lifetime neighbourhoods
7.2 An inclusive environment
7.3 Designing out crime
7.4 Local character
7.5 Public realm
7.6 Architecture
7.8 Heritage assets and archaeology
7.13 Safety, security and resilience to emergency
7.14 Improving air quality
7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
7.18 Protecting local open space and addressing local deficiency
8.2 Planning obligations
8.3 Community infrastructure levy

Draft London Plan (December 2017)

SD1 Opportunity Areas
SD10 Strategic & Local Regeneration
D2 delivering Good Design
D4 Housing Quality & Standards
D6 Optimising Housing Density
D13 Noise

H1 Increasing housing supply
H5 Delivering Affordable Housing
H7 Affordable Housing Tenure
H12 Housing Size Mix
E1 Offices
S1 Developing London's Social Infrastructure
S2 Health & Social Care facilities
S3 Education & Childcare Facilities
S4 Play & Informal Recreation
HC1 Heritage conservation & Growth
HC3 Strategic & Local Views
S11 Improving Air Quality
SI13 Energy Infrastructure
SI12 Minimising Greenhouse Emissions
SI13 Sustainable Drainage
SI4 Managing Heat Risk
Policy T5 Cycling
Policy T6 Car Parking
Policy T6.1 Residential Parking
Policy T9 Funding Transport Infrastructure through Planning

Supplementary Planning Guidance /Documents

Southall Opportunity Area Planning Framework (SOAPF) (2014)
Accessible London: achieving an inclusive environment
Mayor's Sustainable Design and Construction SPD April 2014
The Mayor's transport strategy
The Mayor's energy strategy and Mayor's revised Energy Statement Guidance April 2014
The London housing strategy
The London design guide (interim edition) (2010)
Draft shaping neighbourhoods: Children and young people's play and informal recreation (2012)
Planning for equality and diversity in London
Housing - Supplementary Planning Guidance (2012)
Housing SPG (March 2016)
Energy Planning (March 2016)
Children and Young People's Play and Informal Recreation SPG (September 2012)
Crossrail Funding: Use of Planning Obligations and the Mayoral Community Infrastructure Levy SPG (March 2016)
Affordable Housing & Viability- Supplementary Planning Guidance (2017)

Ealing Development (Core) Strategy 2026 (2012)

1.1 Spatial Vision for Ealing 2026 (a), (b), (c), (d), (e), (f), (g), (h), (j) and (k)
1.2 Delivery of the Vision for Ealing (a), (c), (d), (e), (f), (g), (h), (k) and (m)
2.1 Development in the Uxbridge Road / crossrail corridor (a), (b), (c), (d), (e)
2.8 Revitalise Southall Town Centre (d), (h), (i)
5.5 Promoting parks, local green space and addressing deficiency (b) and (c)
5.6 Outdoor sports and active recreation
6.1 Physical infrastructure
6.2 Social infrastructure
6.4 Planning Obligations and Legal Agreements

Ealing Development Management Development Plan Document (2013)

Ealing local variation to London Plan policy 3.4: Optimising housing potential
Ealing local variation to London Plan policy 3.5: Quality and design of housing development
Policy 3A: Affordable Housing
Policy 4A: Employment Uses
Ealing Local variation to London Plan policy 4.7: Retail and town centre development
Ealing local variation to London Plan policy 5.2: Minimising carbon dioxide emissions
Ealing local variation to London Plan policy 5.10: Urban greening
Ealing local variation to London Plan policy 5.11: Green roofs and development site environs
Ealing local variation to London Plan policy 5.12: Flood risk management
Ealing local variation to London Plan policy 5.21: Contaminated land
Ealing local variation to London Plan policy 6.13: Parking
Policy 7A : Operational amenity
Ealing local variation to London Plan policy 7.3 : Designing out crime
Ealing local variation to London Plan policy 7.4 Local character
Policy 7B : Design amenity
Policy 7C : Heritage
Policy 7D : Open space

Adopted Supplementary Planning Documents

Sustainable Transport for New Development
Southall Opportunity Area Planning Framework

Interim Supplementary Planning Guidance/Documents
SPG 3 Air quality
SPG 4 Refuse and recycling facilities (draft)
SPG 10 Noise and vibration

Other Material Considerations

BRE Site layout planning for daylight and sunlight (2011)
Greater London Authority Best Practice Guidance 'The Control of Dust and Emissions from Construction and Demolition (2006)
BS 5228-1:2009 - Code of practice for noise & vibration control on construction & open sites-Part 1: Noise
DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
Environment Agency guidance 'Verification of Remediation of Land Contamination', Report: SC030114/R1'.
BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations.

In reaching the decision to grant permission, specific consideration was given to the impact of the proposed development on the amenities of neighbouring properties and the character of the area as a whole. Consideration was also given to highways, and the provision of adequate living conditions for occupiers. The proposal is considered acceptable on these grounds, and it is not considered that there are any other material considerations in this case that would warrant a refusal of the application.

2. Construction and demolition works, audible beyond the boundary of the site shall only be carried on between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Bank Holidays. No bonfires shall be lit on site. Prior to

commencement of building works, details of mitigation measures to control the release of asbestos fibres shall be submitted to this section for approval.

3. Prior to the commencement of any site works and as works progress, all sensitive properties surrounding the development shall be notified in writing of the nature and duration of works to be undertaken, and the name and address of a responsible person, to whom an enquiry/complaint should be directed.

4. Calculation of building envelope insulation – Interim SPG10 advises:

a) A precise sound insulation calculation under the method given at BS EN12354-3**:** 2000, for the various building envelopes, including the use of the worst case one hour data (octave band linear noise spectra from 63 Hz – 4k Hz) by night and day, to arrive at the minimum sound reductions necessary to meet the SPG10 internal data.

b) Approved laboratory sound insulation test certificates for the chosen windows, including frames and seals and also for ventilators, in accordance with BS EN ISO 140-3: 1995 & BS EN ISO 10140-2:2010, to verify the minimum sound reductions calculated.
c) The SPG10 internal and external criteria to be achieved.

Aircraft noise affecting the site is at a contour level of worst mode one day equal to $L_{Aeq,16hr}$ 60 dB and LAeq,1hr 67dB by 2016. In calculating the insulation required the Lleq,1hr aircraft noise spectrum, shown at SPG10, shall be used, along with the spectrum for any other dominant noise sources. Under SPG10, the predicted LLeq,1hr aircraft noise exposure for the site at 2016 has to be used and combined with any other noise exposures. The spectra to be used are as follows:

Octave band centre frequency Hz	**dB Linear - $L_{eq,1hr}$**	
	60 dB contour	**57 dB contour**
63	73	70
125	72	69
250	69	66
500	67	64
1000	62	59
2000	57	54
4000	45	42
Total $L_{Aeq,1hr}$ for spectrum 16 – 8K Hz	**67**	**64**

5. Land contamination:

a) Reference should be made at all stages to appropriate current guidance and codes of practice; this would include:
   i. Model Procedures for the Management of Land Contamination, CLR 11, Environment Agency, 2004
   ii. Updated technical background to the CLEA model, Science Report: SC050021/SR3, Environment Agency, 2009
   iii. LQM/CIEH Generic Assessment criteria for Human Health Risk Assessment (2nd Edition), 2009
   iv. BS10175:2011 Investigation of potentially contaminated sites – Code of Practice
   v. Secondary Model Procedure for the Development of Appropriate Soil Sampling Strategies for Land Contamination; Environment Agency, 2001
   vi. Verification of Remediation of Land Contamination', Report: SC030114/R1, Environment Agency, 2010

vii. Planning Policy Statement 23: Planning and Pollution Control;
viii. PPS23 Annex 2: Development on Land Affected By Contamination;
ix. Guidance for the safe development of housing on land affected by contamination, NHBC & Environment Agency, 2008

- Clear site maps should be included in the reports showing previous and future layouts of the site, potential sources of contamination, the locations of all sampling points, the pattern of contamination on site, and to illustrate the remediation strategy.

- All raw data should be provided in a form that can be easily audited and assessed by the Council (e.g. trial pit logs and complete laboratory analysis reports)

- on-site monitoring for ground gases with any relevant laboratory gas analysis;
- Details as to reasoning, how conclusions were arrived at and an explanation of the decisions made must be included. (e.g. the reasons for the choice of sampling locations and depths).

b. Prior to commencement of construction and demolition works, involving materials containing asbestos, details of mitigation measures to control the release of asbestos fibres shall be submitted to this section for approval.

6. This permission does not grant consent for the display of external advertisements at this site which are subject to the Town & Country Planning Control of Advertisements (England) Regulations 2007, and which may need to obtain a separate advertisement consent from the local planning authority under those regulations.

7. Prior to commencement of construction and demolition works, involving materials containing asbestos, details of mitigation measures to control the release of asbestos fibres shall be submitted for the approval of the relevant Health and Safety Enforcement Officer.

8. Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. This is to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

   Recent legal changes under The Water Industry (Scheme for the Adoption of Private Sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website.

9. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the

developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via **www.thameswater.co.uk/wastewaterquality**.

10. To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, and offers and encourages a comprehensive pre-application advice service, all of which is available on the Council's website and outlined in a 24 hours automated telephone system.

    The scheme complied with policy and guidance. The Local Planning Authority delivered the decision proactively in accordance with requirements of the National Planning Policy Framework.

11. In order to protect groundwater quality from further deterioration:

    - No infiltration based sustainable drainage systems should be constructed on land affected by contamination as contaminants can remobilise and cause groundwater pollution.
    - Piling or any other foundation designs using penetrative methods should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution.
    - Decommission of investigative boreholes to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with the National Planning Policy Framework.

    The applicant should refer to the following sources of information and advice in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site:
    - From www.gov.uk:
    ❑ Our Technical Guidance Pages, which includes links to CLR11 (Model Procedures for the Management of Land Contamination) and GPLC
    (Environment Agency's Guiding Principles for Land Contamination) in the 'overarching documents' section
    ❑ Use MCERTS accredited methods for testing contaminated soils at the site
    - From the National Planning Practice Guidance:
    ❑ Land affected by contamination
    - British Standards when investigating potentially contaminated sites and groundwater:
    - BS5930:2015 Code of practice for site investigations;
    - BS 10175:2011+A1:2013 Code of practice for investigation of potentially contaminated sites;
    - BS ISO 5667-22:2010 Water quality. Sampling. Guidance on the design and installation of groundwater monitoring points;
    - BS ISO 5667-11:2009 Water quality. Sampling. Guidance on sampling of groundwaters (A minimum of 3 groundwater monitoring boreholes are required to establish the groundwater levels, flow patterns and groundwater quality.)

    All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person. The competent person would normally be expected to be a chartered member of an appropriate body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

12. Permitted hours for building work

    Construction and demolition works and associated activities at the development including deliveries, collections and staff arrivals audible beyond the boundary of the site should not be carried out other than between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer.

13. Notification to neighbours of demolition/ building works

    At least 21 days prior to the commencement of any site works, all occupiers surrounding the site should be notified in writing of the nature and duration of works to be undertaken. The name and contact details of persons responsible for the site works should be signposted at the site and made available for enquiries and complaints for the entire duration of the works and updates of work should be provided regularly. Any complaints should be properly addressed as quickly as possible.

14. Dust

    Best Practicable Means (BPM) should be used in controlling dust emissions, in accordance with the Supplementary Planning Guidance by the GLA (2014) for The Control of Dust and Emissions during Construction and Demolition.

15. Dark smoke and nuisance

    No waste materials should be burnt on site of the development hereby approved.

16. Noise and Vibration from demolition, construction, piling, concrete crushing, drilling, excavating, etc.

    Best Practicable Means (BPM) should be used during construction and demolition works, including low vibration methods and silenced equipment and machinery, control and monitoring measures of noise, vibration, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary, in accordance with the Approved Codes of Practice of
    BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. Noise and
    BS 5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. Vibration.

17. Fire Statement

    Prior to commencement of the superstructure of the development a fire statement, produced by a third party suitably qualified assessor, should be submitted to and agreed with the London Fire Brigade.

18. Works to footway

    The developer will be liable for the cost of repairing any damage to the footway around the perimeter of the site resulting from the construction work.

19. Demolition Safety

During the demolition works the site should remain clear enough that train drivers and anyone working in the area can work safely and see approaching trains.

20. Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land should be kept open at all times during and after the development.

21. Site Layout

All buildings should be situated at least 2 metres from the boundary fence with the adjoining railway land, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary should take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

22. Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works then be carried out in accordance with the approved method statement.

23. Excavation/Earthworks

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures should be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

24. Trees adjoining Railway Land

No trees should be planted closer to the boundary fence with the railway line than a distance of 1.5 times their mature height. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision. The applicant should be made aware that they would be liable for any trees on their land which cause problems on the operational railway.

Site Description:

The application site comprises a long, narrow area of land, 0.64 ha in size, near Southall railway station and lying broadly between Merrick Road and the main railway line which runs along the northern site boundary. The site contains vacant, light industrial buildings, which are locally listed, along with associated car parking and hard standing. The front elevation of these buildings is a series of single

storey, brick arches but with two floors internally. The floorspace within these buildings totals approximately 3,780 sq m.

A memorial garden adjoins the site to the north west. On the eastern boundary lies the former Malgavita Works site, which has planning permission for a mixed-use development. A pedestrian and cycle bridge is also to be constructed near the eastern boundary of the site in the near future. Further to the east lie the 5 storey Sunrise Radio Building and the single storey, main warehouse building of the Middlesex Business Centre, both locally listed buildings.

To the south, across Merrick Road, are a two storey banqueting hall, a two storey care home (The Limes) and a two storey block of flats (Maypole Court). To the south east are two large development sites – the Esso site, which has planning permission for a residential led mixed-use development - and the Honda site, which has permission for a residential led mixed-use development.

The wider surrounding area is mainly industrial/commercial in nature but with some office, community and residential uses. There is also a range of building types and designs. However, the general scale of development in this area will be greatly increased by recent approvals for a number of major developments - the Malgavita Works, Middlesex Business Centre, Esso and Honda sites – all for residential-led mixed use redevelopment schemes of differing heights up to 23 storeys.

Southall rail station lies approximately 100 metres to the north west via South Bridge Way. This station is being upgraded and will improve connections to Central London when Crossrail services start in 2018. The site currently has a Public Transport Accessibility (PTAL) rating of 3-4 on a scale of 1 to 6, which is classified as moderate/good. There are a number of bus services running along South Road and The Green, with the closest bus stop outside the railway station.

This site is included within the Southall Gateway area of the Southall Opportunity Area Planning Framework (OAPF) and is designated by the Ealing Development Sites DPD (2013) as Development Site SOU6 for mixed use redevelopment, including ground floor commercial uses with residential above. It also lies within the Uxbridge / Crossrail Corridor, within a defined Area of District and Local Park Deficiency and within Flood Zone 1. It does not lie within any conservation area. Along the eastern boundary of the site and adjacent to the Malgavita Works site are trees subject to Tree Preservation Orders (TPO). There is also an Area TPO to the north of the site along the railway line.

At a strategic level, Southall forms an opportunity area within the London Plan and the application site is within the Southall Gateway character area defined by the Southall Opportunity Area Planning Framework 2014 (OAPF). This document indicates the opportunity area's potential to capitalise on the arrival of Crossrail and deliver 6,000 new homes and 3,000 new jobs. With reference to the application site's role within the Southall Gateway area, the document identifies its capacity to deliver 400 homes, 5,500 sq m of retail space, 4,000 sq m of B1 commercial space and 2,250 sq m of community floorspace, as well as a potential school.

The Proposal

The application seeks permission for demolition of existing structures on the site and development of four buildings between 15 and 23 storeys high to form a residential led, mixed use scheme. The key elements of the proposed development are:

- 575 dwelling units made up of 14 studios, 277 x 1-bed flats, 216 x 2-bedroom flats, 66 x 3 bedroom flats and 2 x 4-bedroom flats;

- 424 sq m of flexible commercial floorspace (Use Classes A1, A2, A3, B1a and D1) at ground floor level along with residential entrance lobbies, plant space, cycle parking and other servicing arrangements;
- 2,100 sq m of B1a office floorspace at first floor level with associated business amenity space;
- two on-street vehicle servicing bays on Merrick Road;
- 865 cycle spaces for long stay residential use and 32 short stay spaces in the public realm.
- a dedicated cycle store (24 cycle spaces) for the office accommodation in the ground floor of Building 2 and internally within the commercial units (5 spaces in total);
- erection of a boundary wall along the railway line;
- communal gardens and public realm space fronting Merrick Road along with landscaping, play and amenity space;
- changes to the existing site access.

The development would be car free apart from the provision of the two inset bays for delivery vehicles on Merrick Road.

Following comments from consultees, including the GLA, the original proposal has been significantly amended to:

- increase the overall number of affordable units and the proportion of rented affordable units;
- increase the number of commercial units from 3 to 5 and their floor area by 33%;
- increase the length of active frontage along Merrick Road, including a potential cafe in Building 3;
- redesign the primary facades to give more vertical articulation and improved overall appearance;
- provide greater variety in material colours and textures on the elevations;
- redesign the tops of the buildings to give a better termination and more variety between buildings;
- change balcony positions and designs to give more transparency and lightness to side elevations and greater differentiation between buildings;
- provide different fenestration to buildings 1/4 and 2/3 to give greater distinction between building facades;
- provide greater variety of materials and design in the northern boundary wall.

Relevant Planning History

The site has an ‘extant’ planning permission dating from 2013 for a mixed-use, mainly residential development (Ref: PP/2013/5696) as follows:

Retention and alteration of facades of existing building and redevelopment of the site to provide a mixed use development with offices (Use Class B1(a)) at ground floor level (double height) with four 8 storey extensions above containing 176 residential flats, 23 car parking spaces (including 18 disabled) at ground level within the building, 242 bicycle parking spaces, a new vehicular access off Bridge Road, a servicing lay-by on Bridge Road, amenity space at third floor and roof top level and landscaping, and associated plant and lighting.

While there have been several other applications for mixed use development since then, all of these were withdrawn without a decision.

In addition, on 16 March 2018, the Secretary of State issued an EIA Screening Direction which confirmed that the currently proposed development was not considered to be EIA development.

Consultation:

Public Consultation – Summary

Neighbour Notification	Consultation period 3/4/2018 – 27/4/2018 with further consultation on revised scheme between 22/8/2018 – 6/9/2018. Advertised in Ealing Gazette / site notices posted. No neighbours notified directly. No representations received from nearby occupiers.
External Consultation	
Ealing Civic Society	Objects to the demolition of the arches which are a non-designated heritage asset, one of the few remaining relics of the Otto Monsted margarine factory originally on the site. The justification for the demolition of the arches takes insufficient account of their historic value and instead reflects developer priorities for site. Planned height of development is far higher than any other in the area and unacceptable. Proposed single-aspect north/north-west facing units would be contrary to the London Plan.
Southall History Society	No response received.
Save our Southall	No response received.
Victorian Society	No response received.
Thames Water	No objection with regard to Foul Water sewage network infrastructure capacity, surface water network infrastructure capacity, or to the disposal of surface water provided the developer follows the sequential approach.
Network Rail	No objection but since the proposal adjoins Network Rail land and infrastructure, to ensure that the development does not adversely impact the safety, operation and integrity of the operational railway, various planning conditions are requested relating to fencing, drainage, access to railway, safety, buildings distance from boundary, children's play areas, piling, excavations, signalling, noise, lighting, landscaping, cranes, scaffolding and a safety barrier.
Crossrail Limited	No objection.
Heathrow Airport	No objection subject to condition being applied on aviation safeguarding related to radar mitigation and informative on cranes.
Civil Aviation Authority	No response received.

National Air Traffic Safeguarding	Objects to proposal unless 3 conditions relating to aviation safety, with regard to details and construction of buildings, radar mitigation scheme and crane operations are applied.
Environment Agency	No response received.
NHS Estates	No objection subject to a contribution towards healthcare provision.
Crime Design Advisor	No objection but planning condition required that this development must achieve Secured by Design accreditation.
London Fire & Emergency	No objection but plans should meet the functional requirement of the Building Regulations and the application should be submitted to Building Control.
Transport for London	Proposal does not comply with London Plan in a number of transport terms and following issues to be addressed before TfL can support: • undertake Stage 1 Road Safety Audit for proposed loading bay on Merrick Road and make available lane for public adoption to maximise available footway width at the site's Merrick Road frontage; • provide adequate blue badge facilities; • reconsider request to provide a bus drivers' facility on site; • extend proposed loading bay restriction period to at least 2 hours at both peaks; • secure appropriate enforcement measures for the proposed loading bays; • design of cycle parking facility to meet LCDS standards and Draft London Plan; • provide Delivery and Servicing Plan, Construction Management and Logistics Plan and Parking Management Plan; • secure Travel Plan by S106 agreement; • secure contributions toward the pedestrian/ cycle bridge across railway; local walking/ cycling improvements; the 'Grand Union' link road, and for local bus service improvement; contribution toward proposed pedestrian/cycle bridge in previous scheme should be re-secured and increased pro-rata; • secure appropriate Mayor CIL payment and Crossrail SPG contributions. *Planning Officer Comment: Further information has been submitted to address these issues, including a Stage 1 Safety Audit. This is outlined in the report.*
Greater London Authority Stage 1 Comments	Proposal broadly acceptable in strategic planning terms with principle of the site development and land use broadly consistent with London Plan, draft London plan, and Southall OAPF. However, not compliant with regard to these issues: • further detail required on provision for flexible and affordable workspace for start-ups and SMEs; • proposed 35% affordable housing not adequately justified, and scheme fails to achieve the Mayor's preferred tenure mix; should investigate availability of grant provision to maximise affordable housing provision. • details of unit mix in the affordable housing contribution should be confirmed

	prior to Stage 2 referral with a detailed accommodation schedule provided; • the children's playspace proposed will satisfy the minimum benchmarks for playspace and include facilities for doorstop playspace for 0-5year olds; provision of suitable play equipment and suitable contributions to off-site play areas to be secured via planning conditions and S106 agreement; • scheme should be redesigned to incorporate greater detailing and articulation of building facades; all communal amenity spaces to be relocated at podium or roof level in order to create more secure and usable amenity spaces; improvement required to interface of the western-most commercial unit with the surrounding public realm and the adjacent memorial garden; better utilisation of commercial uses should be made to activate ground floor frontages; number of single aspect units should be further minimised; • further detail to be provided to demonstrate inclusive and unhindered access is provided to each of the entrances safely, including details of levels, gradients, provision of accessible seating, and widths of the paths; conditions required to ensure compliance with Building Regulations M4 (2) and M4 (3) and that minimum of 10% of units are delivered as wheelchair accessible units; • further revisions and information required before proposals can be considered acceptable in line with London Plan climate change policies; any shortfall in regulated carbon dioxide emissions should be met through a contribution to the borough's offset fund, secured in the S106 agreement; • further work required in respect of servicing, cycle parking, blue badge parking and mitigation for local public transport.
GLA Post Stage 1 Comments	Following a revised affordable housing offer of 70% shared ownership and 30% London Affordable Rent, the GLA have confirmed that they would now support this amended offer, which now complies with the Mayor's preferred tenure mix. This is subject to an agreed viability position being reached, no change in previously agreed S106 contributions and late stage review mechanisms being secured in any approval. *Planning Officer Comment: Following discussions with the GLA and Council officers, the scheme has been significantly amended to address affordable housing, design and access concerns, and further information submitted on affordable housing, energy/sustainability issues. These are outlined in the report and now considered acceptable by the GLA.*
Internal Consultation:	
Regulatory Services (noise/air pollution)	No objection on air quality grounds but require conditions on ventilation of habitable rooms on the ground and first floors and on non-road mobile machinery and contribution towards air quality monitoring. In terms of noise, following issues raised: • high transport noise measured but vibration measurements acceptably low; • majority of external areas including balconies do not comply with relevant amenity standard and cannot be regarded as suitable amenity space; • adequate internal noise levels achievable with appropriate building envelope.

	• plant proposed at ground floor and upper levels and on roof; mechanical plant levels assumed with target noise levels recommended; - MVHR system proposed for all dwellings, including additional cooling for some dwellings; - some unsuitable room arrangements could give rise to noise complaints. Overall, no objection on noise grounds subject to range of conditions and informatives being applied.
Environmental Services (Drainage/flood risk)	No objection subject to condition requiring drainage details.
Environmental Services (Refuse)	No objection.
Environmental Services (Contaminated land)	Submitted Ground Investigation Report lacks detail. No objection but requires conditions on site investigation, remediation and verification to be added.
Tree Officer	No objection to the principle of the proposed development but concerns on removal of 4 healthy mature Lime trees, that are worthy of protection with a TPO and the likely success of the proposed replacements. Concerns that replacement planting in a highly urbanised area is very hard to achieve and the proposed landscaping falls short of the value of the proposed removals. If consent is granted, the Tree Service will require a S106 payment of £125,000 and conditions to be applied on tree planting, tree protection, and existing tree/shrub/hedge retention. *Planning Officer Comment: Further information has been submitted to justify the approach to trees and landscaping. These are outlined in the report.*
Landscape Architect	Main concerns are: • high density of development and lack of outdoor amenity and play space provision within the scheme in an area deficient in open space; • height of buildings out of character with predominantly low rise terraced streets surrounding the site; • ground level gardens between high towers will suffer from adverse microclimate including serious downdrafts, wind tunnelling, overshadowing and rain-shadowing, while rooftop terraces will suffer from high temperatures and exposure and may not be attractive for residents to use; • felling of several good sized, healthy, street trees rather than adjusting the footprint to retain them; developer should provide detailed information on how the new buildings will affect the adjacent offsite TPO'd pine trees in terms of microclimate, wind tunnel effect, rain-shadowing etc. and take into account the adjacent high Malgavita development that will contribute to wind tunnelling. • developer should be required to do a full measured survey before demolition of Arches for the historic records and archaeological desktop survey should be commissioned and a watching brief may also be necessary; • development will overshadow the Southall Rail disaster memorial garden that

	will sit at the foot on the north side of a 21 storey building where it will receive minimal sunlight and suffer from downdrafts and rain shadowing. • further habitat improvements could include the provision of bat nesting boxes and better use of SUDS drainage to include well planted rain gardens to create attractive new habitat as well as reducing storm water run-off. • At ground level permeable paving and rain gardens should be incorporated into the proposed public realm and garden spaces, to enhance landscape setting, slow water flow, and reduce urban heat, noise and pollution levels. Request conditions requiring details of: • doorstep play areas including safety surfacing and equipment • hard and soft landscaping scheme including landscape design • boundary treatment • landscape management plan for minimum 5 years from implementation of final planting • green roof construction and specification and maintenance schedule • sustainable urban drainage systems to be implemented on site. Request S106 contributions towards: • provision of offsite amenity space; • provision of children's play space offsite; • research and recording The Arches to inform a permanent artwork or display within a public area of the new development. *Planning Officer Comment: Further information has been submitted to justify the approach to trees and landscaping. These are outlined in the report.*
Transport Services	No objection on transport or parking grounds subject to: • submission for approval of Delivery and Servicing management plan • submission for approval of Construction Logistics Plan • submission for approval of revised travel plan – to be secured via S106 • relocating electricity sub-station into eastern building within the site • safeguarding access through the site to Southall station • maximum size of service vehicles to be 10 metre rigid lorry • submission for approval of further cycle parking and storage layout details/plan • submission of land dedication and footway adoption plan The cycle storage areas are considered too large and should be subdivided into smaller areas for 20-40 bikes each, with separate access control. S106 contributions sought towards the new pedestrian and cycle bridge linking Merrick Road to Park Avenue; to implement public realm improvements at the South Road/Merrick Road junction; pedestrian safety improvements at Merrick Road/Healum Avenue junction; towards review and potential extension of existing CPZs; towards tow-path access at Norwood Road and resurfacing; and pedestrian and cycle safety improvements including Quietway routes; towards travel plan monitoring; S106 obligations to restrict residents parking permits in current and future CPZs, provide 2 car club bays and residents with car club membership for 3 years.

	S278 and S38 Agreements would be required for footway adoption and proposed works on the highway.
Highways Manager	No response received.
Housing	Supports the revised affordable housing proportion, tenure and mix of unit sizes proposed.
Building Control	No response received.
Education	No objection subject to a contribution towards education infrastructure.
Regeneration	No objection but financial contribution sought towards apprenticeship/employment placement as well as Local Employment & Training plan; 25% of all job vacancies to be filled by Ealing residents; and the following apprenticeships as a minimum: - Construction phase: 23 - End user: 15 opportunities p.a.
Energy officer/ Sustainability	No objection, subject to conditions requiring details of overheating & cooling, energy strategy for residential and non-residential elements, BREAM, sustainability and of the energy centre /district heating network. S106 contributions also required towards post development renewable energy and carbon offsetting monitoring, provision of district heating network within the site, submission of Heating Supply Options Study and agreement to potential future connection to an off-site district heating network subject to findings of the study.
Norwood Green Councillors	No response

It is also important to note that the applicant organised a public exhibition of the proposed scheme at the Dominion Centre on the Green in Southall over two days - 18th and 20th January 2018 - an event advertised in the Ealing Gazette.

Relevant Planning Policies:

The policies relevant to this application are listed in the informative section of the recommendation above.

Reasoned Justification:

Main Issues

The main issues in assessing this proposal are the principle of the development, the quantum of development, the design and impact on the character and appearance of the area, the scale of the proposed building and its relationship with surrounding properties/overall context, the impact on amenity of adjacent uses, the quality of internal living environment for residents, the transport impact of the development, sustainability and potential operational aspects. Other issues to be considered include housing mix and affordable housing, crime prevention, accessibility, refuse and recycling storage, drainage and the Community Infrastructure Levy.

Principle of Development

Increasing the current housing stock is an important strategic objective for the London Borough of Ealing. Policy 3.3 of The London Plan 2016 aims to increase housing supply to meet demand within London and policy 3.14 promotes the efficient use of existing stock. This is supported by London Plan

policy 3.4 which aims to ensure that development proposals achieve the maximum intensity of use compatible with local context.

Section 5 of the National Planning Policy Framework encourages the identification of suitable locations and developable sites or broad locations for growth, in terms of housing. It also gives priority to previously developed land and vacant buildings.

The application site has strategic importance and is located within the Southall Gateway opportunity area of the Southall Opportunity Area Planning Framework DPD (July 2014), where residential is the priority use and purpose built redevelopment is supported to uplift residential and employment capacity. Key objectives in relation to Southall Gateway are provision of 400 new homes, 5,500 sq m of retail space, 4,000 sq m of B1 managed workspace, 2,250 sq m of community space and a potential new school. This site is identified as appropriate for new mixed use development and as adjacent to a highly visible junction ideal for retail and with potential for a tall building.

The site is also designated by the Ealing Development Sites DPD (2013) as Development Site SOU6 for mixed use redevelopment, including flexible employment space with residential and ancillary commercial and community uses. The proposal therefore broadly accords with the aspirations for the opportunity area and is in keeping with the objections and development principles of the Southall Opportunity Planning Framework DPD and the site allocation in the Ealing Development Sites DPD.

The principle of this broad form of mixed use redevelopment has also been accepted on several nearby sites within the Southall East opportunity area. The proposed 575 residential units would make a significant contribution to meeting housing capacity as sought by policy 3.3 of the London Plan (2016).

The site is currently occupied by employment uses, and policy 4A of the Ealing Development Management DPD states that outside of SIL, LSIS and Site Allocations, redevelopment of a site for a non-employment use is only permitted where all of the following can be demonstrated:

a. the site is not viable for re-occupation (including renewal and refurbishment).
b. the site is not viable for redevelopment/renewal for an employment use (including small offices where appropriate).
c. the proposal does not constrain or undermine neighbouring employment uses.

This Policy also indicates that, where retaining a building or site in employment use is not viable, mixed use development which maximises the number of jobs provided should be sought.

In this context, the loss of existing employment units and replacement by the mixed use development currently proposed is considered acceptable in principle because:

- the site is specifically allocated for mixed use development including residential uses by the Southall OAPF and the Ealing Development Sites DPD, although neither specifies how much employment floorspace must be provided within each site;

- the proposed development would include at least 2,418 sq m of B1 employment space, (and potentially 2,524 sq m if more of the commercial units are used for offices) a large proportion of the 4,000 sq m OAPF target for the Southall Gateway area; given that a further 934 sq m of B1 floorspace will be provided on the Kings House site, the remainder of the target figure could be provided on nearby sites including the Gurdwara Temple site and the scrapyard site across the railway line;

- the site has an 'extant' planning permission for a mixed-use, mainly residential development with offices that would reduce the amount of employment floorspace to 2,093 sq m and the current proposed development would deliver more employment floorspace (2,418 sq m) than this;
- there will be a net increase in the number of jobs on the site as a result of the proposals compared to the previous use on the site and the extant permission; the proposed commercial floorspace could provide in the order of 200 jobs, based on typical employment/floorspace ratios;
- the Commercial Assessment report submitted with the planning application concludes that there would be poor demand for industrial/distribution units in this location and that B1a floorspace would be the preferred type of replacement employment floorspace for this site given its emerging context in the market and proximity to residential flats.

Whilst the proposed B1 office element would be within walking distance of Southall Town Centre, this moderate amount of B1(a) office floor space would not be of a scale that would significantly affect the function and viability of the Town Centre. As such, the development would be consistent with policy 1.1 (a) of the Ealing Core Strategy and policy 3.14 of the London Plan (2016).

The GLA consider that loss of the existing employment space would only be acceptable if replacement, low threshold, workspace to support start-ups and SMEs is provided through provision of flexible and affordable workspace within the scheme. Details of the flexibility of the B1 space proposed is required prior to the GLA Stage 2 referral on the provision of flexible and its affordability for such firms, including engagement with workspace providers. The GLA also request that final details of the configuration and management of flexible and affordable workspace be secured by condition. Such a condition has been applied.

Subject to this condition, the proposal would be acceptable in land use terms and is considered consistent with sections 6 and 12 of the National Planning Policy Framework; policies 2.7, 3.3 and 4.3 of the London Plan (2016); policies 1.1 (a) (b) (e), 1.2 (b), 2.1 (a) (c), 2.10 of the adopted Ealing Core Strategy (2012); policies 4A and 4B of the Ealing Development Management DPD (2013) and the Southall Opportunity Area Planning Framework DPD (2014).

Demolition of Locally Listed Buildings

The Arches are locally listed structures, comprising partly retained archway structures that once formed part of the railway sidings associated with the former margarine factory on the site but are now occupied mainly as small industrial/distribution units.

Policy 7C (Part D) of the Ealing Development Management DPD (2013) requires 'convincing justification' and a 'balanced judgement' for demolition of a locally listed structure, taking account of the scale of harm or loss and the significance of the heritage asset. Policy 7.8 of the London Plan (2016) indicates that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

The supporting text to site alocation SOU6 in the Ealing Development Sites DPD also indicates that the applicant must provide a case for partial or complete demolition of the local listed structures on the Arches site, supported by a statement of heritage impact and significance.

The applicant's Heritage Statement concludes that these structures are 'low significance assets' and that their architectural and historical value has been altered and reduced by:

• their subdivision from the railway;
• the closure and demolition of the former margarine factory;
• the insertion of modern industrial units into the structure; and,

• the proliferation of modern signage which pays little regard to the historic character of the building.

The Heritage Statement also considered that "……*the value of the asset is very low and that while its demolition would result in a low level harmful effect on the local historic environment it could be considered acceptable to demolish the building to enable the site to come forward for a comprehensive redevelopment scheme offering a wide range of other planning and public benefits*". It also identifies potential disadvantages of retaining the Arches as:

- requiring a 'tapered' building line for the development narrowing from east to west and resulting in a narrow inefficient use of the site and a development that does not address the street frontage;

- Building 1 would have to be designed in a different way to the other buildings and result in a compromised and non-comprehensive design for the site while this should be a gateway development designed in a comprehensive manner;

- to make the best use of the site, a large part of the Arches would need to be demolished along Merrick Road and a new façade constructed; this would produce a compromised design with a partially retained façade sitting alongside a contemporary design and result in a confused, non-uniform and unattractive composition fronting Merrick Road;
- retention of the Arches façade would result in narrow entrances into the building and dictate the location of the partition walls, resulting in a sub-optimal layout;

- the potential to future-proof access through the site to the new station platform proposed for the Southall to Brentford Commuter Line would be lost if the Arches were retained; and

- the northern arches would not marry with the proposed new buildings and would not provide the required level of acoustic performance.

It is also asserted that the viability of the scheme would be significantly affected by various factors associated with retaining the Arches:

- construction of a defence structure to protect the retained facades and temporary structures to keep them stable would reduce developable site area, resulting in a constrained build process for the proposed development and a longer build programme;

- costs of retaining and protecting the arches during the construction phase;

- a slower build rate resulting in additional holding costs;

- costs of bring the current arches structures back into a good condition; and

- a maintenance cost of the arches structure required for long-term durability and retention resulting in higher 'management cost' for residents of the scheme.

It is further noted that the extant development scheme approved in 2013 followed an approach which retained the arches but was undeliverable on viability grounds.

The applicant asserts the following as benefits of allowing the Arches to be demolished:

- a more aesthetically coherent and comprehensive design for the scheme;
- better acoustic performance in amenity areas;

- provision of more market and affordable homes from more efficient use of the site;
- a more viable scheme able to deliver a higher level of affordable homes;
- enabling the development to create a better, well defined relationship with Merrick Road including pockets of amenity space to improve the pedestrian experience;
- delivery of homes quicker as a result of a shorter build programme;
- flexibility for delivery of the new platform access entrance for the Southall to Brentford Commuter Line and continued access to Network Rails' land for maintenance;
- a more coherent relationship with the bridge and memorial garden.

The Ealing Civic Society considers the justification for the demolition of the arches takes insufficient account of their historic value and reflects developer priorities for the site. While this is noted, it is clear that the overall heritage value of the arches has been reduced by their conversion to and occupation as employment units, along with the other factors indicated. It is also considered that there are better examples of railway related buildings and arches. Details of these arches will be recorded by a survey required by a condition. Apart from potential impacts on viability, there appear to be a number of drawbacks, as a result of retaining the arches, to delivering a high quality scheme and maximising the housing and employment potential of the site. This has potential to provide major regeneration benefits to Southall. On balance, it is considered that the weight of disadvantages to achieving the regeneration aims for the area, combined with the reduced heritage value of the remaining arches, justifies demolition of the locally listed structures.

Quantum of Development

Policy 3.4 and Table 3.2 of the London Plan 2016 are applicable when assessing residential density in Ealing. The policy states that residential density should be appropriate in relation to the context of the site. In this instance, the proposed development is mixed use. As such, the density calculation varies when compared to purely residential developments.

The site has a PTAL rating of 3-4 and a total area of 0.64 ha. Table 3.2 of the London Plan Policy 3.4 (2016) states that an urban area (periphery of Southall Town Centre) with PTAL rating of 3-4 and a development with an average of 2.7 – 3.0 hr/unit would have an adequate density if it falls within the range of 70-260 units/ha and 190-780 hr/ha. The proposed development would comprise approximately 95% residential floor space and 5% non-residential floor space. The residential density is therefore calculated based on 95% of the site area. Based on 575 units and 1,536 habitable rooms, the proposed density would be approximately 946 units/ha and 2,530 hr/ha.

Policy 1.2(h) of the Ealing Development Strategy supports high density development in areas of good public transport, where a high-quality design approach is followed and a suitable housing mix is provided. Although the proposed density of the development would significantly exceed the indicative residential density of the London Plan, it is considered that a further increase in density would be appropriate in this particular location, given that the site is within the Southall Opportunity Area Planning Framework (SOAPF) where there is a strategic aim to intensify residential density. This consideration is given further weight by the site's public transport accessibility being significantly improved, as it is within a short walk of a new Crossrail Station. It is also noted that density levels well in excess of the guidance figure have been approved for nearby sites including the Malgavita Works with 570 u/ha (1,466 hr/ha), the Esso Garage site with 747 u/ha (2,070 hr/ha), the Honda site with 515 u/ha (1,091 hr/ha) and the Kings House development with 920 u/ha (2,497 hr/ha).

On this basis, the density of the proposed development is considered to respond to the urban context and aspirations to increase density in the area. As such, the proposed intensification of the site is

considered acceptable and consistent with the aims to regenerate the area as a whole, subject to all other planning considerations being met.

Mix of Residential Units

The proposed 575 residential units would have a range of sizes but predominantly smaller 1 and 2 bedroom units with almost 12% comprising larger, family-sized 3 and 4 bedroom units, as indicated below.

Quantum of Proposed Residential Provision	
Studios	14 (2.4%)
1 bedroom /2 person	277 (48.2%)
2 bedrooms/3 person	30 (5.2%)
2 bedrooms/4 person	186 (32.3%)
3 bedrooms/5 person	66 (11.5%)
4 bedrooms/7 person	2 (0.3%)
Total	575 (100%)

The Southall Opportunity Area Planning Framework makes clear that residential development proposals in Southall `will be expected to provide for a minimum of 20% of units as family accommodation with 3 bedrooms or more.' However, this document also notes (paragraph 3.13) that 'higher density provision for smaller households should be focused on areas with good public transport such as the new Crossrail station' and paragraph 3.14 indicates that 'lower density development is generally most appropriate for family housing'. On this basis, the proposed 12% provision of three and four bedroom units along with the 37% of 2-bedroom/ 3 and 4 person units that would also be suitable for some family accommodation is considered acceptable in this high density development within walking distance of the new Southall Crossrail station. This is also consistent with the approach accepted for the Malgavita Works development adjoining this site.

Affordable Housing

In terms of Affordable Housing, policy 3.12 of the London Plan (2016) requires provision of the maximum reasonable amount of affordable housing, which should take into account specific circumstances including development viability and development contributions. The Mayor of London's 2017 SPG on Affordable Housing requires 35% provision of affordable housing, failing which a viability assessment should be submitted to justify why this target cannot be viably met. The Ealing Core Strategy sets a borough-wide strategic target of 50% affordable housing.

In addition, policy 3.11 of the London Plan (2016), the Mayor's Housing SPG and the sub-text to policy 1.2 (a) of the Ealing's Development Strategy seek to secure 60% of the total affordable housing as social or affordable rent and the remaining 40% for intermediate tenure (i.e. shared ownership or discount market rent). Policy 3.11 of the London Plan states that within affordable housing provision, priority should be given to family housing. The London Plan's preferred tenure mix is at least 30% low cost rent (social rent or affordable rent), at least 30% intermediate (London Living Rent or shared ownership) and the remaining 40% as determined by the local planning authority.

Following negotiations, the initial affordable housing proposal has been revised such as to:

- increase the total affordable units from 170 to 174;
- reduce the shared ownership units from 150 to 132;
- increase the number of affordable rental units from 20 to 42.

35% of habitable rooms would be affordable housing (174 units & 530 habitable rooms) with the affordable housing to be split between 70% shared ownership and 30% London Affordable Rent. The breakdown of units by size and tenure is set out on the Table below.

Housing Type	1 bedroom flat	2 bedroom Flat	3 bedroom flat	4 bedroom flat	Total
London Affordable Rent	14	6	20	2	42 (30%)
Shared Ownership	72	36	24	0	132 (70%)
Total	**86**	**42**	**44**	**2**	**174 (100%)**

Although the initial offer was for 35% affordable housing, the initial tenure mix offered was 16% London Affordable rent and 84% Shared ownership. Housing officers could not support an offer which was so heavily weighted towards shared ownership and subsequent discussions resulted in an updated affordable offer of 30% London Affordable rent and 70% shared ownership.

Based on information submitted by the applicant, the affordability of the different types of proposed units has been considered.

London Affordable Rents (LAR) are set by the GLA on an annual basis and are exclusive of Service Charge. Current levels are set out below.

Unit Type	LAR (pw) exclusive of Service Charge
1 Bedroom	£150.03
2 Bedroom	£158.84
3 Bedroom	£167.67
4 Bedroom	£176.49

In relation to the Shared Ownership units, the applicant proposes to implement capped income levels below GLA affordability criteria for a proportion of the shared ownership homes, as shown in the table below.

Unit Type	Estimated Value	Household Income
1 Bedroom	£360,000	£60,000
2 Bedroom	£405,000	£75,000

The applicant also proposes that these revised levels would apply to 50% of the shared ownership 1 and 2 bedroom units, with the other 50% to be at GLA income levels. The 3-bedroom units would all be provided at GLA income levels. These income levels are proposed to be index linked from the date of the S106 agreement and they would apply for a 6-month period from the commencement of marketing and, after that point, if units were unsold they would revert to GLA income levels. As with other Shared Ownership 'cascade' arrangements, the applicant would accept this arrangement being secured through the Section 106 agreement.

After reviewing these proposals, Housing Officers have discussed the affordability of the shared ownership units in this area and are satisfied that they will offer a genuinely affordable option. In summary, 50% of the shared ownership homes will initially be offered to people on incomes lower than the £90,000 GLA income cap, and these units will be marketed to income levels of £60,000 for one bedroom units and £75,000 for two bed room units for the first six months of marketing. The proposed amount and type of provision is therefore considered acceptable by the Council's Housing Department.

Following further discussions, the GLA have confirmed that they would now support this amended affordable housing offer, which now complies with the Mayor's preferred tenure mix. This position was subject to confirmation of a final agreed viability position being reached, no change in previously agreed S106 contributions and late stage review mechanisms being secured in any approval.

Design, Character and Scale

Section 12 of the NPPF, London Plan Policies 7.4 and 7.6 and Ealing Local Variation Policy 7.4 and Policy 7B of the Ealing Development Management DPD (2013) require new buildings to consider the most important elements of the urban context in order to create a positive relationship with surrounding buildings and the public realm. Policy 7.7 of the Ealing DPD indicates that tall buildings should normally be located on specified sites within Acton, Ealing and Southall town centres and identified development sites, and offer an outstanding quality of design.

New buildings should also conform to the height, scale and proportions of existing forms of development within the immediate area, in order to define a sense of place. This is a particular aspiration for the designated Southall East Opportunity Area under the Southall Opportunity Area Planning Framework DPD (July 2014). Paragraph 3.30 of this document indicates that buildings over 10 storeys "may be acceptable where the site has been identified in the Local Plan or where taller elements would improve local legibility or act as a local landmark to key locations, such as a Crossrail station, public spaces and the high street network".

The Ealing Development Sites DPD makes clear that proposals for this site:

- should accommodate a mix of ground floor commercial uses with residential above;
- may provide active frontages at ground floor level through flexible SME space, community facilities, or small-scale retail for local needs;
- should have a built form that creates a focal point at the South Road/Merrick Road junction to emphasise the concentration of activity at this area.

This DPD also indicates that this site is, in principle, an appropriate location for a tall building but this is dependent on the quality of the detailed design, it being attractive when viewed from all angles, its contribution to an interesting skyline, a density that integrates with the built fabric and wider context in terms of proportion, composition and relationship to other buildings, streets and key townscape elements, and it creating a well-defined public realm at street level with active ground floor frontages and a building line that creates an enhanced route to the station.

This site lies within an area where a number of high buildings have already been approved, including the Malgavita Works development to the east with 23 storeys, the Middlesex Business Park development further to the east with up to 22 storeys, the 20 storey Kings House scheme to the west, the former Esso site to the south with up to 19 storeys and the former Honda Showroom site further to the south with 5-12 storeys. Within this context, the proposed development of four high tower blocks would not appear out of place.

The following building heights are proposed: Building 1 - 21 storeys, Building 2 - 15 storeys, Building 3 - 17 storeys and Building 4 - 23 storeys. These building heights reflect the emerging built form and heights of approved developments in this area. The height of Building 1 would reflect the nearby 20 storey Kings House scheme to the west. Building 4 would be a similar height to the 23 storey Malgavita development to the east and these last two buildings would then frame the planned pedestrian bridge across the railway line. Between the two taller buildings at each end of the site, the other two buildings would be lower (15 and 17 storeys) to provide some variation across the site and create a curved

profile as well as an undulating chain of tall buildings along the southern edge of the railway land. In addition, the proposed development would provide a reasonable distance from nearby approved developments and maintain the integrity of these separate schemes.

The proposed mass of the development would be broken up by providing four distinctive blocks. The proposed elevations would contain repeated vertical groupings of windows and balconies to give the buildings a vertical emphasis and break down their scale and massing. A distinction would be provided between the elevations of the base, middle and top parts of the taller block to provide visual interest. The base would have enlarged, single storey height windows. The middle part would have a 2 storey grid of regular size window openings with vertical proportions. The top part would have groupings of recessed windows connected vertically over 3 storeys to terminate the building.

The east and west elevations of the four buildings would be treated differently from the north and south elevations. The east and west elevations would be kept simpler to emphasise that the north and south elevations, with fins on their facades, are the primary elevations. They would also have vertically orientated windows and projecting balconies to provide depth. The majority of the balconies would also be on the east and west elevations in order to allow the design of the north and south elevations to be fully articulated.

The GLA Stage 1 Report considered further detailed design treatment of the scheme was needed to create greater distinction in the building facades and improve the overall appearance of the buildings, while significant changes in materials and facade articulation were required to provide an outstanding quality design. In response, the applicant has made the following design revisions:

1. the primary facades have been redesigned to give vertical articulation and improved overall appearance;
2. high quality materials are proposed for the primary cladding to facades;
3. greater variety is provided in facade material colours and textures;
4. two-storey plinths have been added to ground the buildings and reinforce the street scene;
5. the tops of the buildings have been revised to give a better termination at high level and more variety between buildings;
6. balcony designs have been changed to give more transparency and lightness to side elevations;
7. balcony positions have been amended to buildings 1 and 4 to give greater differentiation between buildings;
8. the colours of buildings 1/4 and 2/3 are now different to give greater distinction in the building facades
9. different fenestration has been provided to buildings 1/4 and 2/3 to give greater distinction between building facades;
10. the northern boundary wall design now has greater variety of materials and design.

The proposals are designed to provide an active street frontage at ground floor level on the Merrick Road frontage. This would be through provision of flexible commercial space, the residential entrance lobbies and small-scale retail floorspace facing this frontage. This would be added to by street level gardens and public realm along this frontage.

The GLA Stage 1 Report also indicated that the ground floor layout of the scheme should make better utilisation of commercial uses to activate the frontages of the buildings. In particular, improvements were sought to the interface of the western-most commercial unit with the surrounding public realm and the adjacent memorial garden. A slimmer design for the western-most tower (Building 1) was also sought to facilitate better connections between the memorial garden at its rear and Merrick Road to the south. In response, the applicant has revised the scheme to:

- increase the number of commercial units from 3 to 5 and the floor area by 33%;
- increase the length of active frontage along Merrick Road;
- increase the area of the western most commercial unit and the length of its active frontage;
- provide a potential cafe in Building 3 to provide a linkage to the residential lobby;
- relocate the office entrance to better activate the podium facade between Buildings 2 & 3.

In terms of wider visual impact, the proposed buildings would continue the line of high buildings along the railway line. They would clearly be visible in some local views although in other views they would be largely screened by high adjoining developments already approved nearby. They would appear as four slender towers and add interest to views and complement the vertical rhythm of other built form in this area. Where visible from longer distances, the proposed buildings would appear as part of a cluster of tall buildings along the railway corridor.

The south eastern edge of the proposed development would lie some 70m from the Sunrise House Radio building to the east, which is a locally listed building with an industrial character and considered an important heritage asset to be retained within the regeneration of Southall. However, the 23 storey Malgavita development lies between this heritage site and the application site and that approved development was considered acceptable in terms of its impacts. In that context, it is not considered that the current proposal would cause any additional harm to the setting of the locally listed building.

With regard to the proposed boundary wall along the northern site boundary with the railway lines, the GLA Stage 1 Report considered inadequate detail was provided. The applicant has since provided further details to indicate that the proposed wall would use panels of similarly coloured bricks to the boundary wall on the adjoining Malgavita site. These panels of bricks would use recessed concrete framing to echo the breaks in the wall on the Malgavita site and provide a unified elevational approach along the northern boundary. This would provide an acoustic wall that is sound absorbing rather than reflecting, with a design that is highly visible, that creates a sense of identity and place and enhances the adjoining amenity spaces.

In light of the above revisions, which are considered to address the GLA concerns, the proposed scheme would be acceptable in visual and design terms. This is because the development would respond to the forms of development that are considered appropriate within this setting, given that the Southall Opportunity Area Planning Framework DPD supports taller buildings in this location and the building would reinforce a sense of place, as it would serve as a further landmark for the future pedestrian/cycle bridge connection across the railway. Given the context of other high buildings approved nearby, the proposed four high tower blocks would not appear out of place. This proposal is therefore consistent with the objectives of section 12 of the National Planning Policy Framework, policies 7.4 and 7.6 of the London Plan (2016), and policy 7.B of the Ealing Development Management DPD.

Materials

Reconstituted stone is proposed as the principal material for the facades of the proposed buildings. This material is indicated to be robust, long lasting, resistant to weathering and non-flammable. White reconstituted stone panels would be combined with dark grey, powder coated windows and infill panels and glazing.

This lighter white finish aims to contrast with neighbouring brick clad residential schemes, such as the adjoining Malgavita development, and to give this development a unique identity within the range of new developments. The lighter finish would also aim to maximise the reflection of natural light from the development for the residential apartments and neighbouring developments.

The primary north and south elevation panels would contain articulated vertical ribs that run throughout the elevation. These panels would also contain horizontal bands of flat panels or chamfered feature panels.

Perforated metal balconies are proposed on the east and west elevations. These are intended to add articulation, texture and colour to the buildings, with each building to have different coloured balconies to give separate identities to each block – Building 1 (gold/bronze), Building 2 (bronze), Building 3 (brown/grey) and Building 4 (mid grey).

The boundary wall along the north edge of the site adjoining the railway would be mainly brick but with some recessed concrete sections. The brick would be the same red/brown colour as the boundary wall for the neighbouring Malgavita development.

The proposed materials are considered acceptable in principle and in relation to the grey/terracotta brick elevations of the adjoining Malgavita scheme. However, a condition is applied to require approval of specific colours/materials.

Impacts on Residential Amenity

The proposed scheme needs to be assessed in terms of any impacts on the amenity of both nearby residential properties and future occupiers within the development itself, by ensuring good levels of daylight/sunlight, visual outlook and privacy, as required by Policy 7B of the Ealing Development Management Development Plan Document (2013) and London Plan Policy 7.6.

With mainly commercial/industrial uses surrounding the site at present, the nearest existing residential properties are Maypole Court and the Limes (Care Home), which are located over 20 metres to the south/south west of the proposed development across Merrick Road. The separation distance from this existing residential accommodation should limit overlooking effects. Also to the south/south east, the Banqueting Hall building would lie over 20 metres away across Merrick Road and would not be affected in terms of overlooking.
However, there are also several nearby sites nearby with permission for residential development, particularly:

- the Malgavita Works site just to the east with 313 flats in tower blocks of up to 23 storeys,
- the Middlesex Business Park site to the east with outline approval for a scheme of up to 22 storeys with 835 flats, student accommodation, retail and commercial space, and a hotel;
- the former Esso garage site development to the south east with 166 residential flats in up to 19 storeys;
- the former Honda Showroom site further to the south east with 170 flats in a 5-12 storey development.

Considering each of these sites in turn, the proposed development would be:

- over 23 metres away from the nearest windows in the Malgavita Works development. This separation distance is considered adequate to prevent unacceptable levels of overlooking;

- some 49 metres away from the planned Esso site development to the south east;
- the Honda site development would be even further away than the Esso development and no overlooking issues would therefore arise for these developments.
- over 60 metres away from the nearest part of the front elevation of the Middlesex Business Park site to the east; redevelopment proposals for this site have only outline approval with details of

proposed balcony and window locations not yet provided; however, this separation distance and the oblique angles between the two schemes are adequate to prevent unacceptable overlooking.

In addition, a separation distance of some 19 metres would be provided between the proposed four blocks within the application site, which is considered adequate to prevent overlooking and adverse impacts on outlook.

In light of these considerations, the proposal raises no concerns in terms of privacy afforded to future residents of any nearby development site.

There are no national planning policies specifically relating to daylight, sunlight or overshadowing. Policy 7.6 of the London Plan indicates that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, with regard to overshadowing. Policy 7B of LBE's Development Management DPD states: "*Good levels of daylight or sunlight are levels that are appropriate to the uses proposed for internal rooms and external spaces within the curtilage of the building. In the case of residential development, for example, dual aspect dwellings are strongly encouraged in all developments and single aspect dwellings are unlikely to be acceptable where they are north facing*".

Internal and external Daylight, Sunlight and Overshadowing Assessments, prepared by GIA, have been submitted with the planning application. With regard to impact on light to adjoining properties, the external daylight assessment notes that, given the low-rise development on the application site at present, some impacts on light will occur to surrounding properties from any significant development on this site. The specific conclusions on impacts are:

- there would be no impact on daylight to the Kings House development to the west;
- daylight to a very small number of rooms in the proposed Esso development would be affected, but many of these rooms would already fall short of target values prior to this development;
- there would be significant impacts on daylight to 4 rooms in Maypole Court, the residential development immediately to the south; this would result in these rooms having no view of the sky and a reduction in daylight of over 40% on one measure;
- there would be some minor impacts on daylight to some residential properties in Hortus Road to the south;
- for the Malgavita Works Development, while a number of daylight transgressions to windows would occur, rooms within this development would achieve a high level of compliance with the target value, with good retained levels of sky visibility;
- with regard to impacts on sunlight, there would be minor changes to a very small number of rooms at the Malgavita development as a result of the proposed scheme, all of which are bedrooms which have a lower requirement for sunlight (as stated in the BRE guidelines).

The main impact on light relates to 4 rooms in Maypole Court, some of which appear to be kitchens. However, the front elevation of Maypole Court is already largely screened by large street trees directly in front of it and by a high wall. It is therefore difficult to see that light to these rooms would be unacceptably worsened by the proposed development. No objections to the scheme have been received from local residents.

A separate internal daylight / sunlight report concludes that the daylight levels within all units in this proposed development would be in line with BRE guidelines given that:

- the majority of the rooms would have good levels of daylight quantum (81%) and good sky visibility (78%);
- daylight availability would generally be very good throughout the scheme, with the majority of living areas with a southerly aspect exceeding minimum recommendations;
- all the proposed residential communal amenity areas would exceed the minimum recommendation for overshadowing and offer very good sunlight amenity throughout the year;
- the office amenity area would have good levels of sunlight in the summer.

The assessment concludes that, overall, the proposed development would provide acceptable levels of daylight and sunlight amenity.

In light of the above considerations, on balance, the proposed development would be acceptable in amenity terms and would not have unacceptable impacts on the living conditions of neighbouring residents. Moreover, it would provide acceptable levels of residential amenity to future residents of the site, in accord with London Plan Policies 7.4 and 7.6 and Ealing Development Management DPD Policy 7B.

Quality of Residential Accommodation

Table 3.3 of the London Plan (2016) under policy 3.5 (Quality and design of housing developments) and the DCLG 'Technical Housing Standards (March 2015) set out the minimum gross internal floor space required for different sizes/occupancy levels of residential units. For the 575 residential units proposed, the table below sets out the range of floor areas provided per unit, and compares these with the minimum size requirement:

Type/Size of Units	Accommodation Sizes	Minimum Size Required
Studio 1 person (14 units)	37 m^2	37.0 m^2
1B/ 2 persons (277 units)	50 m^2 – 52 m^2	50.0 m^2
2B/ 3 persons (30 units)	62 m^2	61.0 m^2
2B/ 4 persons (186 units)	70 m^2 – 80 m^2	70.0 m^2
3B/ 5 persons (66 units)	88 m^2 – 114 m^2	86.0 m^2
4B/ 7 persons (2 units)	126-127 m^2	108.0 m^2

This shows that all the proposed residential units would meet the minimum spatial requirements in terms of floor area. All proposed bedroom sizes would also meet relevant standards.

Standard 29 of the London Housing Supplementary Planning Guidance 2016 indicates that developments should minimise the number of single aspect dwellings, particularly single aspect dwellings facing north, or those containing three or more bedrooms. It seeks residential units to provide dual aspect living accommodation that would ensure better daylight, a choice of views and natural cross ventilation for future occupiers.

In this context, the proposed layout would provide living/kitchen dining areas in open plan form and the development would provide over 50% of dual aspect units. There would be no single aspect units with 3 or more bedrooms. Most single aspect units would be oriented east or west, in order to improve

lighting and achieve reasonable levels of natural ventilation, and almost half of these would be studios or 1 bedroom units.

Concerns were raised by the GLA Stage 1 Report on just over 60 single aspect units proposed in the western building, with frontages facing to the adjoining railway line to the north with implications for outlook, noise intrusion and poor sunlight. There were also concerns on the single aspect units proposed on the east and west elevations of buildings, which were seen as having restricted outlook due to separation distances of only 12 metres between buildings. The applicant's responses to these points are:

- the separation distances between buildings are approximately 19 metres, which is a reasonable distance to prevent overlooking and provide adequate outlook;

- while building 1 would contain 1-bedroom flats which are technically north facing, but this is compensated by these flats:

  – having sizes in excess of minimum DCLG area standards;
  – having far-reaching panoramic views;
  – having balconies designed to benefit from westerly aspect and sunset views;
  – having internal daylight levels above the BRE minimum Average Daylight Factor (ADF);
  – being set back from the railway lines with lower sound exposure than the northern elevations of buildings 2, 3 and 4;
  – being all for private sale with an element of choice to buyers in accepting this outlook.

- in buildings 2, 3 & 4, only dual frontage units would adjoin the railway line;

- single aspect units on eastern and western frontages of towers would all be smaller 1-bed flats;

- all larger flats in the scheme (i.e. 2-bedroom and over) would have a dual or southern aspect.

Noise impacts are dealt with by conditions and, subject to these, the Council's Pollution-Technical section do not object on noise grounds. Taking account of all the above factors, on balance, these single aspect units are considered acceptable**.**

All residential units would be located above ground level. The residential cores of each building would be accessed through entrance lobby areas with direct access from Merrick Road. Each building would be served by stairs and at least two lifts, with building 4 served by stairs and three lifts.

On this basis, it is considered the proposed residential units would offer a good standard of living conditions. Therefore, the proposal would comply with policies 7B and 7D of Ealing's Development Management DPD and the London Housing Supplementary Planning Guidance 2016.

Outdoor Amenity Space

In terms of private amenity space, Table 7D.2 under Policy 7D of the adopted Ealing Development Management DPD (2013) requires all new residential development to have good quality private outdoor space, in accordance with minimum required levels. The policy requires a minimum of 5 sq m per 1 – 2 person unit and 1 sq m in addition for each additional occupant. Policy 7D also requires a minimum of 15 sq m of communal outdoor space per residential unit.

The proposed development would contain the following amenity space provision:

- 3,418 sq m of private balcony space (an average of 6 sq m per unit);

- 741 sq m of communal roof garden spaces distributed between the roofs of Buildings 1 (228 sq m), 2 (234 sq m) and 4 (279 sq m), including playspace, sun terraces, allotments and relaxation space;

- 428 sq m of landscaped, amenity space located on a podium deck between Buildings 2 and 3; this space would provide a relaxation area and a spill-out area for the indoor amenity space located either side of it;
- a rear terrace of 191 sq m for use by the proposed office occupants;

- ground level communal landscape gardens located between Buildings 1 and 2 (512 sq m), and between Buildings 3 and 4 (540 sq m).

It is not considered that the 1,319 sq m of public realm space parallel to Merrick Road can be counted as communal amenity space.

Private amenity space would be provided in the form of balconies and terraces to most of the units. These private amenity spaces would be between 5 sq m and 12 sq m in area depending on the size of unit. The table below compares proposed provision with the minimum requirement by type of unit.

Unit Type/Size	No. of units	Minimum Required	Private Amenity Space provision	Comment
Studio/ 1 person	14	5 sq m	5 sq m	1 has access to communal gardens only
1B/ 2 persons	277	5 sq m	5 sq m	7 have access to communal gardens or podium terrace only
2B/ 3 persons	30	6 sq m	6 sq m	1 has access to podium terrace only
2B/ 4 persons	186	7 sq m	7-8 sq m	6 have access to podium terrace or communal gardens only
3B/ 5 persons	66	8 sq m	8 -12 sq m	2 access to communal gardens only
4B/ 7 persons	2	10 sq m	N/A	access to communal gardens only
Total	575			

The great majority of units (98%) would have balconies that meet or exceed the minimum requirement. A total of 13 units on the first floors of Buildings 1 and 4 have not been provided with balconies in order to allow larger tree canopies in the ground floor gardens and to avoid overshadowing. These units would have access to communal gardens. In addition, a total of four flats across Blocks 2 and 3 would have no private amenity space but these units would have access to podium level terraces.

All but two of the 17 units without any balconies would have internal floorspace slightly above the minimum size standards. On the basis of this, the access to communal amenity areas and the relatively small number of units involved, on balance, the individual private amenity space provision for the flats can be considered acceptable.

Looking at the scheme as a whole, based on local and London Plan planning guidelines, a development of 575 flats would require 8,565 sq m of amenity space, but only 5,707 sq m of amenity space is proposed consisting of:

- private amenity space in the form of balconies (3,318 sq m);
- communal amenity space at ground level, and in roof gardens and terraces (2,365 sq m).

This excludes green roofs and public realm areas along Merrick Road that cannot be counted as communal amenity space. Overall, this would result in a deficit of 2,858 sq m against the required figure. As the site also lies in an area of local and district park deficiency, provision of access to good quality open space is considered essential. Given these factors and the significant lack of amenity space / play space within the development, a S106 contribution is required for improvements to Manor House Grounds and Southall Park.

The GLA Stage1 Report had concerns that the arrangement of ground level amenity space between buildings 1-2 and 3-4 did not provide a satisfactory environment for residential amenity space, that the height of the proposed buildings and the blank plant and service area facades at ground floor would limit the usability of these spaces and result in areas dominated by overbearing adjacent tall buildings. It considered that the scheme should be redesigned to incorporate all communal amenity spaces at podium or roof level to create more secure and usable amenity spaces. In response, the applicants argue that:

- the separation distance between all buildings would be in excess of 18.5m
- gardens would be open to the south and would have ample natural light while tree planting would provide shade and cover;
- similarly scaled planted courtyards in London demonstrate that there would not be a sense of overbearing from high adjacent buildings;
- gardens at ground level would help break up built mass and give variety and animation to the street scene; this would be lost if the gardens were raised to podium level;
- the Metropolitan Police support the proposed arrangements in terms of access and security;
- gardens at ground level would support larger trees and planting specimens than would be possible at podium level;
- gardens at ground level would be visible and accessed from primary circulation routes and more likely to be used as a result.

On balance, the current proposals for amenity space are considered acceptable.

Landscape & Trees

The Council's Landscape and Tree officers have concerns on some aspects of the development. These are identified below along with the applicant's responses:

a) concern that ground level gardens between high towers may suffer from adverse microclimate including downdrafts, wind tunnelling, overshadowing and rain-shadowing, while rooftop terraces may experience high temperatures and exposure and may not be attractive for residents to use; the applicant responds that the wind microclimate assessment confirms that sitting would be comfortable within the ground level courtyards and the public space to the east of the site; while the podium level garden is assessed as comfortable only for standing, landscaping, screens and pergolas will improve this by providing shelter and shade; although the proposed buildings will have some rain shadow effects, use of plant species tolerant of dry conditions and irrigation systems will address this.

b) concern at felling of several good sized, healthy, street trees rather than adjusting the footprint to retain them; the applicant's response is that the 4 moderate quality, lime trees to be removed adjoin the narrowest part of the site where there is no scope to set buildings further from them, and it would not be viable to retain them so close to the proposed buildings; at the same time, 7 replacement lime trees are proposed along Merrick Road in addition to new trees within the site;

the proposed species is suited to an urban street environment and would be semi-mature when planted with a robust pavement support system to aid survival;

c) detailed information should be provided on how the new buildings will affect the adjacent offsite TPO pine trees in terms of microclimate, wind tunnel effect, rain-shadowing etc. and take into account the adjacent high Malgavita development that will contribute to wind tunnelling; the applicant responds that wind modelling shows no significant change to the pine trees;

d) concern that the development would overshadow the Southall Rail disaster memorial garden at the foot of the north side of a 21 storey building where it will receive minimal sunlight and suffer from downdrafts and rain shadowing; the applicant's response is that the memorial garden will only be in shade in the mornings; while there would be some loss of privacy from overlooking, improved security and boundary planting will mitigate this; modelling of wind tunnel effects indicates the garden will have increased wind speeds but remain suitable for standing while planting and the gazebo will provide additional shelter; it would also be likely to be used more in the summer/autumn when winds are generally lower;

e) request that permeable paving and rain gardens should be incorporated into the proposed public realm and garden spaces at ground level to enhance landscape; the applicant's response is that the proposed drainage scheme is simple and efficient and rain gardens/permeable paving would offer minimal benefits and higher cost; any rain gardens would take up most of the planted areas while the proposed trees/planting are not suited to rain gardens; permeable paving would not work well in small shaded areas and narrow paths which would promote moss/weeds and would provide no filtration benefits as the area would be tanked.

In light of these responses, the landscaping proposals are considered acceptable given that conditions have been applied requiring details to be submitted of the hard & soft landscaping, boundary treatment, a Landscape Management Plan, green roof construction and maintenance, and sustainable urban drainage systems to be implemented on site.

Children's Playspace

London Plan Policy 3.6 requires development proposals to provide play and informal recreation space based on the expected child population generated by the scheme. The Mayor's Play and Recreation SPG and London Plan Policy S4 expect a minimum of 10 sq m per child to be provided in new developments.

In terms of playspace provision, 0-5 age group doorstep playspace would be provided within the various communal open spaces across the proposed development. The proposed 2,165 sq m of amenity space within the ground floor gardens, rooftop and podium amenity spaces, would be suitable for under 5 year olds (doorstep play zones). This provision exceeds the GLA's play space requirements.

However, no formal play space is proposed for the 6-11 and 12+ age ranges within the development. For a development of this size and mix, approximately 364 sq m of play space would be required. Given this deficit of children's play space, the Council's Parks & Landscape section seek a financial contribution for provision of off-site children's playspace. Conditions are also sought requiring details to be submitted of children's play areas and doorstep play areas. This contribution could be used for enhancements to:

- the proposed new public park within the East Southall Character Area (on the Middlesex Business Centre site);

- the new public open space within the Havelock Estate; or
- improvements to Bixley Fields and / or Glade Lane public open space.

Subject to these S106 obligations and conditions, the proposal can be considered to provide acceptable private outdoor space for the 575 flats and meet the objectives of sections 5 and 12 of the National Planning Policy Framework, policies 3.5, 7.1 and 7.6 of the London Plan (2016) and 7D of the adopted Development Management Development Plan Document (2013).

Highways

Policy 6.3 of the London Plan 2016 requires development proposals not to adversely affect safety on the transport network. Policy 6.13 seeks an appropriate balance to be struck between promoting new development and preventing excessive car parking while in locations with high public transport accessibility, car-free developments should be promoted.

The site is not located in a Controlled Parking Zone (CPZ) but lies adjacent to two existing CPZs. A mix of single and double yellow line restrictions apply on Merrick Road adjacent to the site such that vehicles are not currently able to park on-street in the vicinity of the site. While the site is not within a town centre, there are 7 local bus routes in the general vicinity and it lies within 5-7 minutes' walk of Southall Station.

The development is designed as car free scheme except for provision of two inset loading bays on Merrick Road. The proposals also involve removal of all existing crossovers into the site and reinstatement of the footway.

Given the current PTAL level of 4 and the greatly improved accessibility coming with Crossrail, there are no concerns about provision of a car-free development. This would be in line with the aims of the Southall OAPF, which aims for sustainable transport in order to reduce traffic congestion and specifically encourages minimising the level of car parking provision at new developments within 400m of the planned Crossrail station.

Transport Services accept that vehicle trips generated by the site are unlikely to have a material impact on the transport network due to the absence of parking provision. However, the development would generate a significant amount of daily pedestrian trips and providing the essential link of the planned Merrick Road Pedestrian and Cycle Bridge will ease congestion on footways and provide a more direct north south connection to Merrick Road. A contribution is therefore sought towards the new pedestrian and cycle bridge linking Merrick Road to Park Avenue. This has been agreed by the applicant.

The South Road/Merrick Road junction is a major intersection with 5 traffic collisions over the last three years. The majority of trips generated by this development will use this junction and thus increase potential road safety risks. A contribution is therefore sought towards Public Realm Improvements at this junction.

Merrick Road/Healum Avenue forms a key intersection near the south-eastern corner of the development site. The majority of trips generated by this development will also use the junction and thus increase potential road safety risks particularly for residents. A contribution is therefore sought towards pedestrian safety improvements at this junction.

No parking is proposed on the site so a review of nearby Controlled Parking Zones (CPZ) and consideration of the need for extensions to them is necessary to ensure adequate provision of short stay parking and inclusion of any untreated roads in the vicinity. A contribution is therefore sought towards review and potential extension of existing CPZs. Transport Services also request a restriction

via a S106 agreement on residents of the development being able to obtain parking permits for existing and any future CPZs in the area. These items have been agreed by the applicant.

The scheme includes no dedicated provision for blue badge disabled parking but an extended loading bay is provided on Merrick Road which, alongside the second loading bay, will allow for short-term disabled parking. Since no on-site parking is proposed generally, Transport Services would not object to lack of disabled parking spaces within the site.

A Travel Plan has been submitted for the development but is not acceptable in its current form and requires further details on travel plan targets, remedial measures if the travel plan fails to meet its targets, contact details of interim travel plan coordinator, a budget to support individual travel plan measures, and a requirement for further monitoring if targets are not met at the end of year 5. These details are requested by a condition. As this travel plan needs to be administered and monitored over a 5-year period, a contribution is also sought towards monitoring.

Transport Services sought applicant funding for two new on-street car club bays and provision of free membership to all occupants of the development for a minimum period of 3 years. The applicants have agreed to the car club bays and a 2 year period of free car club membership. This is to be secured via a S106 agreement.

In relation to bus services, some of the routes are running close to capacity and the number of additional bus trips generated by the site is significant. TfL has therefore requested a contribution towards bus services. An eastbound bus stop is also requested in front of the site and both Ealing and TfL request incorporation of toilet facilities for bus drivers within the site. However, the applicant does not accept this, considering it would obscure the active street frontage at ground floor level and be detrimental to provision of a high quality pedestrian environment. This is because the addition of a bus stop would significantly reduce the effective width of the narrow pavement immediately in front of the main entrance to the office space, add additional pedestrians and cause unacceptable congestion, given the likely flow of staff, bikes, deliveries, and refuse at this location.

In terms of cycle parking, policy 6.9 of the London Plan (2016) states that developments should provide secure, integrated and accessible cycle parking facilities that meet minimum standards. The proposed scheme includes 865 residential cycle parking spaces distributed across the four buildings. The office cycle parking would be in the form of a dedicated store (a two-tier system) within the office lobby whilst each of the three commercial units would be provided with a single long-stay space within their building. A total of 29 spaces are proposed for the non-residential uses. A further 32 short-stay spaces (15 Sheffield stands) would be provided outside the proposed buildings but within the site.

This level of provision would exceed the minimum London Plan Cycle Parking standards and is therefore considered acceptable. However, conditions are applied requiring details of the proposed cycle storage spaces to be approved and to ensure the provision of appropriate cycle storage before occupation of the residential units. While the GLA has requested higher provision in line with the draft London Plan, this is not yet adopted policy.

Transport Services consider the proposed cycle stores are too large and need to be subdivided into smaller storage areas for 20-40 cycles each, with separate access control. However, the applicant responds that is not possible without reducing the total number of cycle parking spaces provided and parts of the ground floor commercial floorspace.

All servicing will take place in the designated bays to be provided on Merrick Road in front of site. These bays could accommodate three 10 metre rigid vehicles and a box-van. This is considered more than adequate to accommodate the expected number of servicing vehicles and provide some flexibility.

Transport Services have requested that the applicant funds introduction of maximum stay limits on the proposed loading bays as part of the s278 works.

However, it is requested that measures to control the number and timing of deliveries to the site in other to prevent bunching and reduce potential conflicts at times of peak pedestrian activity be introduced. These are considered necessary to reduce potential conflicts between competing road users (vehicles, pedestrians and cyclists) on the footway. The applicant is required to submit a delivery and servicing plan that sets out how the forecourt area will be managed.

Pedestrian access arrangements are considered acceptable but Transport Services seek provision of direct access through the site to Southall station, to be secured via a S106 agreement. The applicant has agreed this provided this does not form a Public Right of Way.

The footway at the south-eastern end of the site frontage is private land and Transport Services have requested that the public footway is extended across the entire frontage of the site. To achieve this, the applicant proposes to transfer land along the southern perimeter of the site to the Council. The applicant will also need to reinstate the vehicle entrance points in front of the site to footway. These highway related works will require a S278 and S38 agreement with the Council.

Taking account of the recommended conditions and S38, S278, and S106 obligations, the proposal would be acceptable in terms of transport and highways. It would therefore be consistent with section 9 of the National Planning Policy Framework, and policies 6.1, 6.2, 6.3, 6.9 and 6.13 of The London Plan 2016.

Environmental Pollution

The site lies immediately south of the main railway line and adjoins the relatively busy Merrick Road, both of which could give rise to noise impacts for the proposed residential units

A Noise Impact Assessment submitted with this application concludes that:

- vibration from railway activity affecting the development will be at acceptable levels;
- adequate internal noise levels are achievable with an appropriate building envelope;
- it is possible to achieve the required standard of sound separation between uses within the proposed development in order to secure acceptable acoustic conditions;
- while some outdoor amenity spaces within the proposed development will have a noise environment within guideline levels, ground level amenity areas and private balconies of flats will be unable to achieve guideline level and there are no feasible mitigation measures to reduce balcony noise levels;
- effective noise control measures can be installed within the scheme so that noise from proposed mechanical plant falls within acceptable limits.

Regulatory Services have reviewed the submitted Noise Assessment and, on the basis of the above findings, do not object but require a number of noise related conditions to be applied.
With regard to air quality, the submitted Air Quality Assessment concludes that:

- off-site emissions from the proposed CHP unit, boiler plant and emergency generator will be negligible;

- any additional traffic on the local road network as a result of the proposal will have no significant effects on any existing residential property;

- emissions from plant and local road traffic will not produce unacceptable air quality for any of the units within the development;

- mitigation measures will be implemented within the design to minimise impacts on the local area and, during construction works, best practice mitigation measures will reduce dust emissions.

Overall, the assessment indicates that the construction and operational air quality effects of the proposed development would not be significant.

Regulatory Services seeks conditions requiring details of fresh air ventilation to habitable rooms and of any non-road mobile machinery to be used. Also, as the whole borough is an Air Quality Management Area, a S106 contribution has been requested towards implementing air quality improvement actions within the Council's Air Quality Action Plan.

In relation to contaminated land, the site has a history of industrial uses with some potential for contamination. Regulatory Services note that the submitted Ground Investigation Report has been conducted as part of a due diligence process and lacks detail, such as only four samples from the top 0.7m of the site, borehole depth limited to 3.5 m below ground level and restricted access. They therefore request conditions be applied to require further site investigation, remediation and verification.

Ecology

A Habitat Survey accompanies the application. This noted that there are no statutory designated sites of European/international importance or of local/national importance within 2km of the development site. It also found that the site has limited value for natural wildlife, is unlikely to support protected species due to the lack of natural/artificial habitat but likely to have some nesting birds.

The report concludes that the proposed development provides an opportunity to enhance the ecological value of the local area, improve the natural biodiversity within the dominantly urban landscape and create a refuge for declining species in London. It recommends provision of bird and bat boxes within the site and that shrubs, trees, and climbing plants beneficial to wildlife be included in the soft landscaping of the development.

The Council's Parks & Landscape section comment that further habitat improvements could include provision of bat nesting boxes and better use of SUDS drainage to include well planted rain gardens to create attractive new habitat as well as reducing storm water run-off.

A condition is therefore applied to require implementation of the recommendations of the submitted Habitat Survey. The issue of rain gardens is considered above and has not been required.

Energy/Sustainability

The provision of sustainable development is a key principle of the National Planning Policy Framework (2018), which requires the planning process to support the transition to a low carbon future. Policies 5.2 and 5.3 of the London Plan (2016) require submission of an energy demand and sustainability

assessment, along with the adoption of sustainable design and construction measures and demonstration of how heating and cooling systems have been selected in accordance with the Mayor's energy hierarchy. In particular, policy 5.2 requires the domestic element to meet zero carbon and the non-domestic element to meet the 35% CO2 emissions reduction target beyond Building Regulations Part L 2013. For the domestic element, a minimum 35% reduction in regulated CO2 emissions above Building Regulations 2013 is expected to be achieved on-site.

Energy Statement Rev05 (21 March 2018) and Sustainability Statement Rev05 (22 March 2018), prepared by Hoare Lea, have been submitted to demonstrate compliance with London Plan and Ealing Local Plan energy and sustainability policies. In particular, the Energy Statement Rev05 demonstrates that the proposed energy strategy has been evaluated in line with the Mayor of London's Energy Hierarchy, in terms of Use less energy 'Be Lean', Supply energy efficiently 'Be Clean' and Use Renewable Energy 'Be Green'.

The passive design of the proposed domestic component of the development show that the regulated CO2 emissions would exceed minimum requirements of the compliant Part L 2013 base case by 31 tCO2/yr, equating to 5% and 21 tCO2/yr, equating to16% beyond Building Regulations Part L 2013 for the domestic and non-domestic components, respectively. The site wide CO2 emissions reduction predicted is 52 tonnes equating to 7%, beyond Building Regulations Part L 2013 compliant case.

Compliance with London Plan policy 5.9, which relates to Overheating and Cooling, has been demonstrated through the submission of a dynamic overheating analysis as part of the energy assessment. The results showed that under the natural ventilation simulation all habitable spaces tested under CIBSE TM59 criteria and 2020 weather file, high emissions, 50% percentile scenario pass criterion 1 and 2, with the exception of two bedrooms that marginally fail criterion 2. The same habitable spaces, however, fail criterion 1 of CIBSE TM59 under the mechanical ventilation simulation scenario. All corridors pass criterion 1 of CIBSE TM59. All dwellings comply with criterion 3 of the Building Regulations Part L 2013.

A 200-250kWe gas Combined Heat and Power system (CHP) is proposed to provide 75% of space heating demand and hot water to the apartments and domestic hot water (DHW) to the non-residential components. Space heating will be served by Air Source Heat Pumps (ASHPs) in accordance with the energy strategy. Due to the current infrastructure plans in the Southall wider area and especially Southall East, the applicant has been advised to invest in an interim solution in the form of communal gas heating system or other low carbon source which is future proofed to connect to an off-site District Heating Network (DHN). As per GLA guidance, the final calculations for the CO2 emissions could be based on the connection to the wider DHN, which at the moment is based on gas CHP as baseline scenario. According to the proposed servicing strategy, an annual reduction in regulated CO2 emissions of 188 tCO2/yr equating to 31%, and 2 tCO2/yr equating to 1% beyond the Be Lean case for the domestic and non-domestic components, respectively, is predicted. The site wide CO2 emissions reduction predicted is 506 tCO2/yr equating to 32%, beyond the Building Regulations Part L 2013 compliant case.

No renewable technologies are proposed. The applicant has been strongly advised to consider the incorporation of renewable technologies and especially solar technology and evidence including a detailed overshadowing study is required to be submitted to justify discounting all renewable technologies.

Cumulatively for the whole development, the combination of the passive design and energy efficiency measures together with the proposed energy servicing strategy predict an annual reduction in regulated CO2 emissions of 219 tCO2/yr equating to 35.7% and 37 tCO2/yr equating to 27.6% beyond Building Regulations Part L 2013 for the domestic and non-domestic components, respectively. The

site wide CO2 emissions reduction predicted is 256 tonnes equating to 34%, beyond the Building Regulations Part L 2013 compliant case base.

The Council's Energy & Sustainability Officer has reviewed the application. The proposed scheme is generally acceptable but a number of areas for improvement are proposed and conditions and S106 obligations will require the applicant to investigate these before and during the construction of the development. Any carbon shortfall will be addressed through a carbon offsetting contribution which will be paid to the Council's Carbon Offsetting Fund. Subject to these requirements, the development would comply with national, regional and local policies in terms of sustainability.

Crime Prevention

London Plan Policy 7.3 (Designing out Crime) requires any form of development to provide safe, secure and appropriately accessible environments that aim to reduce criminal behaviour. Routes of access and communal spaces should be legible and well maintained and there should be a clear distinction between private, semi-public and public spaces, with natural surveillance of public spaces and their access.

The Metropolitan Police Design Out Crime team has assessed the proposed development and sees no reason why it would not achieve a Secured By Design Accreditation. Subject to this, the proposed development would therefore provide a safe and secured environment for future occupiers of the site. Nevertheless, a planning condition has been requested requiring compliance with Secure by Design Standards.

Accessibility

Government technical standards from 1st October 2015 require that 90% of dwellings should meet Lifetime Homes Standards.

In this context, 90% of the proposed residential units would comply with Part M4(2) (Accessible and Adaptable Dwellings) of the Building Regulations 2015 and 10% have been designed to meet Part M4(3) as dedicated adaptable wheelchair units. These units would include 1-bed / 2 person, 2-bed / 3 person, 2-bed / 4 person and 4-bed / 6 person flats.
The proposal would therefore raise no concerns in terms of inclusive design guidelines and would comply with policy 7.2 (An Inclusive Environment) of the London Plan 2016, which requires the provision of flexible and convenient living environments that take proper consideration of the specific needs of older and disabled people.

Refuse & Recycling Storage

London Plan policy 5.17 'Waste Capacity' requires the provision of suitable waste and recycling storage facilities in all new developments. Standard 3.5.1 of the London Supplementary Planning Guidance November 2012 provides that 'refuse stores should be accessible to all residents…and should satisfy local requirements for waste collection'.

The total residential refuse provision proposed is 75 x 1,100L Eurobins and 12 x 660L food waste bins along with provision for bulky items of waste for council collection; a proportion of these bins will be dedicated to recycling provision. Refuse storage areas would be located at the ground floor level of each of the blocks, accessible either directly from the Merrick Road carriageway or from the loading bays. The office accommodation would have its own refuse store containing 6 x 1,100L Eurobins on the ground floor of the development adjacent to the office lobby. This has both internal access for office users and external access fronting onto Merrick Road for collection.

Refuse vehicles would collect from the roadside provided the development's staff transfer bins from and to/from the storage areas before and after collection. Environmental Services have no objections to these proposals. To ensure that the proposed refuse arrangements are managed properly, a condition that requires the submission of a servicing management plan has been applied to secure coordinated servicing of the development, including refuse collection.

Drainage and Flood Risk

Policy LV 5.12 (Flood Risk Management) of the Ealing Development Management Document DPD (2013) requires all forms of development to ensure that every vulnerability to surface water, sewer and ground water flooding is fully assessed. A Flood Risk Assessment, Drainage Strategy Report and Sustainable Drainage Maintenance Plan have been submitted with the application. These conclude that:

- the site is in an area with low risk of flooding (Flood Zone 1) and in which residential development is considered appropriate by the NPPF;
- other potential sources of flooding have been reviewed and considered to be low;
- the proposed development includes provision of surface water attenuation to reduce the rate of surface water discharge as far as reasonably practical; various SuDS features are incorporated to control and treat surface water run-off from the site;
- a detailed maintenance strategy will be developed to ensure that the drainage system continues to works as designed for the lifetime of the development;
- the measures proposed will ensure that the site is not at risk of flooding and will not increase the flood risk beyond the site.

Thames Water has not objected to the scheme with regard to foul water sewage network infrastructure capacity, surface water network infrastructure capacity, or to the disposal of surface water provided the developer follows the sequential approach. The Council's Environmental Services (Flood risk/drainage) officer has not commented on the proposals. However, similar conditions to other large developments nearby have been applied; these require approval of detailed drainage designs for SUDS features and a drainage management plan for SUDS components.

On this basis, the scheme is considered acceptable in its likely impact of drainage and flooding, subject to appropriate conditions being applied.

Community Infrastructure Levy (CIL)

In accordance with the Community Infrastructure Levy (CIL) regulations the commercial and market housing elements of the development would be liable to pay CIL at £35 per square metre.

The proposed development involves 575 residential units, 46,192 sq m of residential GIA floorspace and 2,524 sq m of office and commercial floor space. Following demolition of existing buildings, it would provide a net additional 44,933 sq m of floor space. However, a proportion of this (14,718 sq m) would be in affordable dwellings which are exempt from CIL.

This means a net increase of 30,215 sq m of residential and commercial space would be subject to a charge of £35 per sq m, equating to a CIL payment of £1,057,525, subject to indexation.

Fire Safety

Large schemes may require several different consents before they can be built. For example, Building Control approval needs to be obtained to certify that developments and alterations meet building regulations. Highways consent will be required for alterations to roads and footpaths; and various licenses may be required for public houses, restaurants and elements of the scheme that constitute 'house in multi-occupation'.

The planning system allows assessment of several interrelated aspects of development when planning applications are submitted to the Council. The proposed materials to be used may be approved under a planning permission based on the details submitted as part of the planning application, or they may be subject to a condition that requires such details to be submitted and approved prior to the commencement of the development. Whichever the case, planning officers' appraisal of materials is focused on the visual impact of such materials in relation to the design of the overall scheme itself, the character of the local area or indeed on the amenities of residents.

The technical aspects of the materials to be used in any development, in relation to fire safety, are considered under the Building Act (1984) and specifically the Building Regulations (2010). These require minimum standards for any development, although the standards will vary between residential and commercial uses, and in relation to new build and change of use/conversions. The regulations cover a range of areas including structure and fire safety.

Any person or organisation carrying out development can appoint either the Council's Building Control Service or a Private Approved Inspector to act as the Building Control Body (BCB), to ensure that the requirements of the Building Regulations are met. The BCB would carry an examination of drawings for the proposed works, and carry out site inspection during the work to ensure that the works are carried out correctly. On completion of work the BCB will issue a Completion Certificate to confirm that the works comply with the requirements of the Building Regulations. In relation to fire safety in high rise residential developments, some of the key measures include protected escape stairways, smoke detection within flats, emergency lighting to commons areas, cavity barriers/fire stopping and the use of sprinklers and wet/dry risers where appropriate.

Conclusion

It is considered that this proposed mixed-use development would be acceptable for the application site and location. It would contribute to meeting housing demand and to regenerating this opportunity area of Southall and will make an important affordable housing contribution. It would not, as a result of its scale, bulk and massing, be harmful to most adjoining developments and occupiers, visual amenity or the local environment. The proposed design and appearance of the building have evolved through extensive pre-application negotiations, would be of good quality, would complement the locality and would provide a satisfactory residential and commercial environment for occupiers.

As the development lies within an area of open space deficiency and, because of its small site area, is unable to provide sufficient outdoor amenity space to meet required standards, S106 contributions towards improvement of local open space and children's play space will be secured to mitigate this deficiency.

The proposed development would provide high standards in terms of sustainable design and construction including high energy and water efficiency measures, low emission levels, and a Central

Heating & Power (CHP) plant. Potential impacts with regard to air quality, noise and land contamination can be adequately dealt with by the conditions proposed.
Transport Services have assessed potential implications of the development for the highway network regarding car parking, traffic, junctions and pedestrian infrastructure in the locality, and consider it acceptable subject to conditions and financial contributions. The site is located in an area of good public transport accessibility and, with suitable conditions and planning obligations agreed, any potential future impact arising from the proposal will be satisfactorily mitigated. As such this proposal is recommended for conditional approval subject to a S106 legal agreement.

Human Rights Act:

You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

CD10.1g – 19 – 21 Western Road, Southall, UB2 (2014) – Appeal Ref: APP/A5270/A/14/2219147

Proof Reference – Paragraphs 5.2.17;

Relevant Appeal Decision Paragraphs – 13 – 16

This site is located in a **PTAL 4** location that was permitted with a single blue badge space for a development of 36 units (ratio of 0.02 spaces per unit), despite not being in a CPZ.

The Planning Inspectorate

Appeal Decision

Hearing held on 19 August 2014
Site visit made on 19 August 2014

by Peter Rose BA MRTPI DMS MCMI

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

Decision date: 11 September 2014

Appeal Ref: APP/A5270/A/14/2219147
Albert Dane Centre, 19 Western Road, Southall, Middlesex UB2 5HA

- 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 Pocket Living (2013) LLP against the decision of the Council of the London Borough of Ealing.
- The application Ref PP/2013/5461, dated 4 December 2013, was refused by notice dated 9 April 2014.
- The development proposed is redevelopment of the site formerly occupied by the Albert Dane Centre (Use Class D1) to provide 39 x one bedroom affordable units (Use Class C3), incorporating ancillary landscaping, disabled car parking, refuse and cycle storage.

Decision

1. The appeal is allowed and planning permission is granted for redevelopment to provide 36 x one bedroom affordable units (Use Class C3), incorporating ancillary landscaping, disabled car parking, refuse and cycle storage of the site of the former Albert Dane Centre, 19-21 Western Road, Southall, Middlesex UB2 5HA in accordance with the terms of the application Ref PP/2013/5416, dated 4 December 2013, and subject to the conditions set out in the attached schedule.

Procedural Matters

2. Following submission of the application, the scheme has been modified. The revision included a reduction in the number of units proposed from 39 to 36. This was the basis upon which the Council took its decision and upon which I consider this appeal.

3. A Unilateral Undertaking dated 4 August 2014 has been submitted in support of the proposal and in response to objections raised in the Council's decision. I am satisfied that no interests would be prejudiced by having regard to the Undertaking in this appeal.

4. Both main parties also agreed at the Hearing that the site should be accurately described as 'site of the former Albert Dane Centre, 19-21 Western Road, Southall, Middlesex UB2 5HA'.

Application for Costs

5. At the Hearing an application for costs was made by Pocket Living (2013) LLP against the Council of the London Borough of Ealing. This application is the subject of a separate Decision.

Main Issues

6. The main issues are:

   (a) the effect of the proposed development upon the character and appearance of the host site and surrounding area with regard as to whether the scheme would create a cramped and over-developed site out-of-character with the existing pattern of development in the neighbourhood, having particular reference to removal of trees, on-site servicing and provision for on-site disabled parking;

   (b) the appropriateness of the submitted Unilateral Undertaking as a means of mitigation in relation to matters of tree removal, affordable housing, education, highway works, air quality, energy and low car housing.

Reasons

7. The appeal site comprises a cleared area of land formerly occupied by a single storey building used as a day centre. The site has a main frontage to Western Road and occupies a relatively prominent position overlooking the junction with St. Johns Road. It forms part of an area of mixed use including both housing and a range of non-residential uses. Western Road itself is described by the Council as a busy main distributor. It is relatively narrow, accommodates bus routes and has waiting restrictions in the vicinity of the appeal site. The buildings fronting this part of Western Road are of mixed design and quality, with little distinct common character or appearance, and their form and use make for a fairly diverse setting.

8. At the Hearing, the Council explained that its objection related to the quantum, layout and siting of development proposed, and that the need to remove three large plane trees at the front of the site, the failure to provide satisfactory on-site servicing, and the failure to provide adequate on-site disabled parking were all symptomatic of these shortcomings. Since its decision, discussions have taken place which address the Council's objections to loss of trees and on-site servicing.

   Loss of on-site trees

9. The existing frontage trees are extremely attractive features of the site and of the wider street-scene. The Unilateral Undertaking makes a commitment for replacement trees within the street-scene which I am satisfied mitigates the harm likely to be incurred by removal of the existing trees. I also find the Undertaking meets the relevant tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010, and accords with the advice of paragraph 204 of the National Planning Policy Framework (the Framework), and of the Government's Planning Practice Guidance (the Guidance). The replacements would also be part of a wider plan of tree works within the site involving some removal of poorer quality specimens and further planting.

10. I therefore conclude that the scheme would not be harmful in terms of loss of trees. Accordingly the development would not be contrary to Policy 7B of the Adopted Development Management Development Plan Document Rough Edit Version December 2013 (the DPD), to Policy 3.8 of the Adopted Development (or Core) Strategy Rough Edit Version 3 April 2012 (the Core Strategy), or to Policy 7.21 of the Mayor of London's London Plan, 2011. These seek, amongst

other matters, to ensure that existing trees of value are replaced or retained and that new development should generally provide a high standard of amenity and positive visual impact.

On-site servicing

11. Both main parties confirmed at the Hearing that the Council's objection could now be resolved by a condition requiring a management plan to be submitted setting out details of proposed arrangements for refuse collection. The Council confirmed it had no objection in principle to the scheme on this basis and I agree no harm would thereby arise.

12. I therefore conclude that the scheme would not be harmful in terms of on-site servicing. Accordingly, the development would not be contrary to Policy 7B of the DPD, or to Policy 1.1(g) of the Core Strategy. These seek, amongst other matters, to ensure that development achieves a high standard of amenity for users and protects communities.

Provision for disabled parking

13. The scheme is conceived as a generally sustainable, car-free development, but one off-street space would still be provided solely to serve the single wheelchair unit proposed.

14. Policy 6.13 of the DPD requires significantly more disabled parking than proposed and the Council has indicated a requirement for one dedicated space and three further enlarged but unmarked spaces. This would contrast with the London Plan which, in seeking to strike a balance between promoting new development and preventing excessive car parking, generally requires developments to provide at least one space for Blue Badge holders.

15. Whilst the scheme would not provide for any disabled visitor parking, I am generally satisfied that the proposed provision would meet the needs of the scheme and be adequate in this specific context. As a car-free scheme, three enlarged spaces would also be out of context with the principle of the design. The appellant further explained that there has, in any case, been very limited demand for wheelchair occupation in other schemes. The gross internal areas of the other non-wheelchair units proposed would also be too small for conversion into further wheelchair units, thereby limiting the future capacity for wheelchair based occupation. If unused, there should also be no reason why, in principle, the dedicated space proposed might not be considered for use by any Blue Badge-holding visitors.

16. I therefore conclude that the scheme would not be harmful in terms of provision for disabled parking. Accordingly, the development would not be contrary to the underlying aims of Policy 6.13 of the DPD, or to Policy 6.13 of the London Plan. These seek, amongst other matters, to ensure that development provides adequate parking spaces for disabled people. I am also mindful of the Framework's general commitment to promote sustainable development.

Overview- cramped and over-developed character

17. The main front elevation of the scheme would be 4-storeys and would be positioned close to the adjacent highway. Although the building would present a substantial bulk to the street-scene and would be of flat-roof design, the

height would broadly line through with the ridge line of the adjacent building and it would be set apart from adjacent properties in the frontage. Further, the scheme would introduce an attractive feature into a setting of otherwise limited townscape quality and also re-establish and reinforce the original building line. Whilst occupying a prominent position, I am satisfied the detailed design and overall form would provide a reasonable infill development within the street-scene.

18. I have noted the Council's concerns regarding the extension of the bulk into the site and the comparative impact of the previous single storey building. Whilst the extent of the footprint would be significant, it would still be set within open spaces to the rear and sides. I also note that the boundary treatment of the adjoining properties to the rear and sides is of limited quality and this relationship would not be harmed by the extent of development proposed.

19. The density of the development would exceed the suggested threshold for a 'Suburban' PTAL 4 location set out in Policy 3.4 of the London Plan and would fall within the recommended range for 'Urban' settings. Policy 1.2(h) of the Core Strategy advises, however, that the Council will support high densities in areas of good public transport accessibility taking into account various factors. These factors include the quality of the design, and I am generally satisfied in that regard.

20. The Framework also places great importance upon high quality design and local distinctiveness. I accept the proposal would be of a substantial bulk and would contrast in its detailed design with adjacent buildings but this would not be at the expense of local distinctiveness. Nor would it mitigate against the general need, as the various policies encourage, to improve the character and quality of the area and the way it functions.

21. I therefore conclude that the proposed development would not involve a cramped and over-developed site out-of-character with the existing pattern of development in the neighbourhood and would not thereby be harmful to the character and appearance of the surrounding area. Accordingly, the development would not be contrary to Policies 6.13, 7.1, 7.2, 7.4, 7.6 and 7.21 of the London Plan, 2011, to Policies 1.1(g), 1.2(h), 3.1(b) and 3.8 of the Core Strategy, or to Policies 6.13, 7.4 and 7B of the DPD. These seek, amongst other matters, to ensure that development complements the existing building pattern, and that it contributes high quality design which makes a positive contribution to a coherent public realm. I have also had regard to the Mayor of London's Housing Supplementary Planning Guidance November 2012.

The Unilateral Undertaking

22. In addition to the replacement trees, it is incumbent upon me to assess the other contributions required by the Council and set out in the Undertaking with regard to the tests identified in Regulation 122. Further, reference is again required to relevant advice set out the Framework, in the Guidance, and to the general expectations of the Planning Inspectorate's Procedural Guide Planning Appeals England, published April 2014 (the Guide). Regulation 122 makes clear that it is unlawful for a planning obligation to be taken into account in a planning decision that is capable of being charged CIL unless it meets three tests. These are that the obligation is necessary to make the proposal acceptable in planning terms, that it is directly related to the scheme, and that it is fairly and reasonably related in scale and kind to the development.

23. In relation to Part I, I am not satisfied that the additional 1-bedroom, non-family housing would be likely to place significant additional pressure on local schools. I note contributions have been required regarding air quality and energy and I am satisfied these are reasonable and generally supported by relevant policies. I am similarly satisfied of the need for a highway contribution to improve pedestrian safety immediately outside the site. The scheme is for affordable housing and I am satisfied by the terms of Part II.

24. Part III relates to 'low car housing'. The site is relatively well served by public transport and forms part of a Controlled Parking Zone (CPZ). The site represents a positive opportunity to promote sustainable development. Conversely, in the absence of appropriate restrictions, the potential vehicle generation could be considerable, with significant potential harm for the free and safe movement of vehicles and pedestrians in the vicinity arising from possible congestion, obstruction and related impacts.

25. Whilst the principle of a permit-free development is agreed between the main parties, paragraph N.6.7 of the Guide advises that care should be taken to ensure that obligations fall within the terms of section 106 of the Town and Country Planning Act 1990, and specific reference is made to *Westminster City Council v SSCLG and Mrs Marilyn Acons [2013] EWHC 690 (Admin)*. I have carefully noted the legal submissions in support made by both the main parties and, in particular, the shared view that the Undertaking is compliant with both section 106(1) and with relevant case law. Even so, although stated as a deed made under section 106, I have some concerns in this regard towards the particular wording of the Undertaking as an effective restriction on the use of land.

26. Nevertheless, additionally to section 106, the Undertaking is also expressed as being made pursuant to section 16 of the Greater London Council (General Powers) Act 1974. I am satisfied this aspect of the drafting meets the general terms of that provision and that the Undertaking would be registered as a land charge on those terms. Both the main parties have also put forward a planning condition requiring preparation of a Travel Plan designed to minimise car usage and promote alternative modes of transport, and for this to be approved by the local planning authority. Accordingly, I find the scheme would make reasonable arrangements for mitigating potential parking implications of the development.

27. I therefore conclude the required contributions to be unnecessary in relation to education, and I disregard that aspect of the Undertaking as a consideration in my decision. In relation to air quality monitoring, energy, affordable housing, highway works and low car housing, I conclude the commitments would be necessary in order to make the development acceptable in planning terms, that they would be directly related to the scheme, and would be fairly and reasonably related in scale and kind to the development, and would generally accord with the relevant advice.

Other Matters

28. I have considered all other matters raised, including concerns raised by interested parties regarding privacy, noise and overlooking. These are not identified as objections by the Council and I have little reason to conclude the scheme would be harmful in those regards.

29. I have noted that the scheme would make a significant contribution to meeting an important local need for affordable housing in accordance with the general expectations of the Core Strategy, of the London Plan, and of the Framework.

30. I further note that the Framework seeks to promote effective use of land, and particularly through re-use of brownfield sites, and that the scheme would be consistent with that expectation.

31. I have also had regard to the Mayor of London's Revised Early Minor Alterations to the London Plan published on 11 October 2013, and to the Draft Further Alterations dated January 2014.

Conditions

32. I have noted the list of conditions put forward by the Council and the appellant's general agreement to those suggestions. Nevertheless, I must have regard to the advice set out in both the government's Planning Practice Guidance (the Guidance) and in the Framework in terms of both the need for individual conditions and of appropriate wording.

33. For the avoidance of doubt and in the interests of proper planning, a condition is imposed to ensure the development is undertaken in accordance with the list of relevant drawings and documents as agreed by the main parties at the Hearing.

34. To ensure a satisfactory standard of external appearance, a condition is imposed requiring details to be agreed of external materials. For similar reasons, conditions are imposed regarding a landscaping scheme and boundary treatment.

35. To protect the living conditions of neighbouring and future occupiers, conditions are imposed to regulate possible noise disturbance from plant and machinery, and to ensure no nuisance from external lighting. Lighting is also required for the purposes of safety and security.

36. To protect the living conditions of neighbouring occupiers, a condition requires a Construction Method Statement to be followed.

37. To protect the living conditions of future occupiers, conditions require investigation of possible site contamination, and details of Crime Prevention measures.

38. To avoid harm to local traffic conditions, conditions are imposed to safeguard vehicular and pedestrian areas within the site. Details of visibility displays and of crossover arrangements are to be agreed by the local planning authority and to be implemented prior to first occupation. Details of servicing and parking management plans are also required.

39. To safeguard existing trees, conditions are imposed regarding measures for tree protection and retention.

40. To deliver sustainable development, conditions require the units to be constructed to the standards of Level 4 of the Code for Sustainable Homes and of Lifetime Homes. Details are similarly required of cycle parking, of drainage and of a Travel Plan. A condition also requires the ecological measures detailed in the submitted Ecological Appraisal to be implemented in accordance with an agreed programme.

41. Conditions have been suggested by the Council regarding details of ventilation and noise insulation but I am not satisfied these to be necessary. I am also not satisfied regarding the need for a condition relating to piling, or that it would be reasonable or necessary to require an annual monitoring report to be submitted to the local planning authority in relation to the Travel Plan.

Conclusion

42. For the above reasons, I conclude the appeal should be allowed.

Peter Rose

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 00686_S_00 P1; 00686_S_02 P1; 00686_S_03 P1; 00686_P_01 P2; 00686_P_00 P4; 00686_P_00_A P2; 00686_S_01 P3; 00686_E_01_A P2; 00686_E_01_B P2; 00686_E_00_A P4; 00686_E_00_B P4; 00686_E_02 P2; POC18930-03A; POC18930-11B; Planning Statement dated 4 December 2013; Design & Access Statement Addendum (Rolfe Judd Planning March 2014); Energy Strategy (Metropolis Planning & Design December 2013); Sustainability Statement (Metropolis Planning & Design December 2013); Environmental Noise Survey (Hann Tucker Associates December 2013); Air Quality Technical Note (XC02 Energy December 2013); Contaminated Land Assessment (Conisbee December 2013); Transport Statement (Transport Planning Practice December 2013); Daylight and Sunlight and Overshadowing Assessment (XC02 Energy March 2014); Tree Report (ACD Arboriculture November 2013); Arboricultural Impact Assessment Rev A (ACD Arboriculture 12 March 2014); Arboricultural Method Statement Rev A (ACD Arboriculture 12 March 2014); Ecological Appraisal (ACD Arboriculture November 2013); Construction Management Plan (Construction Planning Associates November 2013); and Ground Investigation Report (Conisbee January 2014).

3. No development shall take place until full details of the materials to be used in the construction of all external surfaces of the scheme hereby permitted, including all doors and windows, have been submitted to and been approved in writing by the local planning authority, and the development shall be carried out in accordance with the approved details.

4. No development shall take place until a scheme of landscaping has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall include details of soft and hard landscaping, including full details of tree removal/retention, planting plans, written specifications (including cultivation and other operations associated with tree, shrub and hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers/densities.

5. All soft and hard landscaping work shall be completed in full accordance with the approved scheme, prior to the first occupation of any unit or in accordance with a programme to be agreed by the local planning authority. Any trees, shrubs or plants planted in accordance with this condition which are removed, die or become damaged or diseased within five years of planting shall be replaced within the next planting season by trees or shrubs of the same size and species.

6. All external surfaces to be used in connection with pedestrian and vehicle movements, including the parking space, shall be completed and be available for use prior to the first occupation of any unit and thereafter these areas shall not be obstructed or used for any other purposes.

7. No development shall take place until details of a car parking allocation and management plan in relation to all vehicular areas within the site have been submitted to and been approved in writing by the local planning authority, and the approved details shall be implemented prior to the first occupation of any unit and be thereafter retained.

8. The rating noise level emitted from any external plant and machinery at the proposed development, as assessed under British Standard 4142: 1997, shall be lower than the existing background noise level by at least 5 DBA, as measured at 3.5 metres from the nearest ground floor sensitive facade and 1 metre from upper floor noise sensitive facades, during the relevant periods of operation.

9. Each residential unit hereby permitted shall be constructed to achieve a minimum Level 4 standard of the Code for Sustainable Homes. Prior to the commencement of any development, or otherwise in accordance with a programme to be agreed by the local planning authority, details of an 'Interim Design Stage' assessment and related certification shall be submitted to, and be approved in writing by the local planning authority. Following the completion of the final residential unit, a Code for Sustainable Homes 'Post Construction Stage' assessment and related certification confirming the Code Level that has been achieved shall be submitted to and be approved in writing by the local planning authority. The measures and technologies necessary to achieve the minimum Code for Sustainable Homes Level 4 standard shall be implemented in accordance with the approved details and an accompanying approved programme and shall be thereafter retained.

10. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and been approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and be approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and be approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

11. No development shall take place until a Travel Plan, designed to manage the transport needs of residents and visitors so as to minimise car usage and parking and to promote alternative sustainable modes of transport, has been submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented in accordance with a programme to be agreed by the local planning authority, and be thereafter retained.

12. The development shall be constructed to the standards of Lifetime Homes. No development shall take place until full details demonstrating proposed compliance with the appropriate standards have been submitted to and been approved in writing by the local planning authority and the development shall be undertaken and completed in accordance with the details as approved prior to the first occupation of any unit hereby approved and be thereafter retained.

13. No development shall take place until details of crime prevention measures to comply with the aims and objectives of Secured by Design have been submitted to and been approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of any unit and be thereafter retained.

14. No development shall take place until full design details of vehicular access between the development and the adjacent highway, including details of the proposed visibility splays and crossover arrangements, have been submitted to and been approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and the approved works shall be completed prior to the first occupation of any unit and be thereafter retained.

15. No development shall take place until details of the positions, design, materials and type of all boundary treatment have been submitted to and been approved in writing by the local planning authority. The details shall be implemented as approved prior to the first occupation of any unit and be thereafter retained.

16. No development shall take place until details of site drainage, including connections with existing water and waste water infrastructure and details of sustainable surface water drainage measures, have been submitted to and been approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details which shall be completed prior to the first occupation of any unit and be thereafter retained.

17. No development shall take place until a servicing management plan, including refuse servicing management arrangements, has been submitted to and been approved in writing by the local planning authority. The development shall be implemented and operated in accordance with the approved details, and the approved arrangements shall be thereafter retained.

18. No development shall take place until full details of arrangements for cycle parking have been submitted to and been approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and the approved arrangements shall be in place prior to the first occupation of any unit and be thereafter retained.

19. No development shall take place until details of proposed external lighting have been submitted to and been approved in writing by the local planning authority. The lighting shall be installed as approved prior to the first

occupation of any unit, shall be operated in accordance with the details as approved and be thereafter retained.

20. No development shall take place until a Construction Method Statement has been submitted to and been approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide further details in relation to the following:
    a. parking of vehicles of site operatives and visitors
    b. loading and unloading of plant and materials
    c. storage of plant and materials used in constructing the development
    d. erection and maintenance of security hoardings
    e. wheel washing facilities
    f. measures to control the emission of dust and dirt during construction
    g. a scheme for recycling/disposing of waste resulting from construction.

21. Notwithstanding the submitted plans and information, the trees referenced T5, T6, T7, T8, T10, T11, T12, T15, T16, T17, T18, T19 and T21 in the submitted Tree Report and in plan Ref POC18930-03A shall not be removed from the site, there shall be no raising or lowering of soil levels under the crown spread of the trees, and no excavation shall be cut under the crown spread of those trees apart from the tree pruning works specified in the submitted Arboricultural Impact Assessment and Method Statement.

22. Notwithstanding the submitted plans and information, the trees referenced T1, T2, T3, T4, T9, T13, T14 and T20, which are shown to be removed from the site, shall only be removed outside bird nesting season using soft felling methods as indicated in the submitted Ecological Appraisal.

23. All trees to be retained on the site shall be protected in accordance with the requirements of British Standard 5837 and in accordance with the submitted Arboricultural Impact Assessment and Method Statement.

24. All of the ecological measures detailed in the submitted Ecological Appraisal shall be implemented in accordance with a programme and schedule of works to be submitted to and be approved in writing by the local planning authority prior to the commencement of any development. The details shall be implemented as approved and shall be thereafter retained.

APPEARANCES

FOR THE APPELLANT:

Paul Harbard	Pocket Living (2013) LLP
Graham Cook	Pocket Living (2013) LLP
Ceri Edmonds	Rolfe Judd Planning
Corey Russell	Transport Planning Practice
James Clark	Speechly Bircham Solicitors
Alice Milligan	John Thompson & Partners
Andrew Bigg	ACD (Ecology, Arboriculture and Landscape Architecture)

FOR THE LOCAL PLANNING AUTHORITY:

Robert Lester	Planning
Talia Hadi	Transport
Alison Luff	Legal

DOCUMENTS SUBMITTED AT THE HEARING

1. Updated Statement of Common Ground (still dated 15 August 2014)
2. Updated Arboricultural Impact Assessment dated 12 March 2014
3. Updated Arboricultural Method Statement dated 12 March 2014
4. Drawing POC18930-03A
5. Drawing 00686_S _01 P3
6. Email from Council's Regulatory Services dated 15 January 2014
7. Application for costs by Pocket Living (2013) LLP dated 18 August 2014

CD10.1h – New Road, Feltham (2018) – Application Ref: P/2018/1775

Proof Reference – Paragraphs 5.2.18 – 5.2.19;

Relevant Officer Report Paragraphs – 7.63 – 7.74

In terms of locational comparison with this Appeal site, the site at New Road, Feltham is in a **PTAL 4** and is on the western extent of Hounslow in close proximity to the strategic highway network (this site being 7.8 km from the nearest junction with the M25 in comparison to Nestles Avenue being a 7.9 km from its nearest junction with the M25, therefore the two are comparable when considering access to the Strategic Highway Network. A parking ratio of just 0.1 spaces per unit was considered acceptable by London Borough of Hounslow which is also an Outer London Borough.

PLANNING COMMITTEE

Rupinder.dhoot@hounslow.gov.uk

5th July 2018

References:	P/2018/1775 00793/M/P1
Address:	Council Car Park, New Road & No's 2, 4, 6, 8, 10, 12 and Labour Club, Manor Place, Feltham, TW14 9BT
Ward:	Feltham North
Proposal:	Redevelopment of the site to provide 120 residential units in buildings ranging from 4 to 10 storeys, with 13 car parking spaces (including car club and accessible provision); communal landscaped amenity areas, secure cycle parking and other associated works.

This application is being taken to planning committee as a Major application which requires a S106 Legal Agreement.

1.0 SUMMARY

1.1 The application seeks to redevelop the site to provide 120 residential units in a mix of 1, 2 and 3 bedrooms in blocks of 4 to 10 storeys, with 13 accessible parking spaces (including car club) communal landscaped amenity areas, cycle parking and other associated works.

1.2 The proposal would provide much needed additional housing including 40% affordable and family sized units. The proposal would not cause significant harm to neighbouring residential amenity and would enhance the character of the surrounding area through high quality design. Therefore the proposal is recommended for approval.

2.0 SITE DESCRIPTION

2.1 The site consists of a public car park accessed from the north west of New Road and sits on the corner with Bedfont Lane further west, No's 2, 4, 6, 8, 10 and 12 Manor Place which are a block of four terraces house and two detached houses. To the north of the site is a single storey building previously used as a Labour Club but is now vacant.



2.2 The site lies within Feltham Town Centre Housing Zone and part of the site is within the Feltham Town Centre boundary.

2.3 The site is not within a conservation area although Feltham Town Centre Conservation Area lies 120m to the west.

3.0 HISTORY

3.1 **12 Manor Place**

000743/12/P4

Retrospective application for the erection of a two-storey side extension and roof extension involving the raising of the existing roof.

Approved:08/05/2017

3.2 **Labour Club**

00743/A/P8

Erection of two three-storey buildings to contain nine flats, constituency labour party offices and meeting hall with associated parking and landscaping, following the demolition of the existing labour club

Approved: 07/04/2014

4.0 DETAILS

4.1 The application proposes to demolish No. 2,4, 6, 8, 10, 12 and Labour Club at Manor Place and redevelop the site to provide 120 residential units in buildings ranging from 4 to 10 storeys, with 13 car parking spaces (including

car club and accessible provision); communal landscaped amenity areas, secure cycle parking and other associated works.



4.2 The 120 residential units would consist of:

- 35 x 1 bed 2 person units
- 55 x 2 bed (25 x 3 person and 30 x 4 person units)
- 30 x 3 bed (3 x 4 person and 27 x 5 person units)

4.3 13 accessible parking spaces would be provided within the courtyard area including 1 car club space. 202 cycle parking spaces would be provided for residents and 6 visitor cycle stands. Access would be from Manor Place, with the existing car park access from New Road closed and made good.

4.4 Each unit would be provided with private amenity space in the form of terraces and balconies. Communal amenity space would be provided within the central courtyard area.

5.0 CONSULTATIONS

5.1 541 neighbouring residents and businesses were notified on 17th May 2018 and a site notice was erected on 22nd May 2018 and a press notice was published on the 25th May 2018. 21 responses were received as follows:

Comment	Response
Lack of parking on site will cause parking on local streets causing obstruction and hazards	See 7.67- 7.72
Structure is too high for the area	See 7.18- 7.28
No provisions for added pressure of additional flats, school places, doctors, dentists	The development is CIL liable – the money from CIL will be used to provide additional infrastructure
How will HMO's be managed at this site	The development proposes single residential dwellings. Permission is not sought for HMO use and should such a use arise which would require planning permission then this would be a breach of planning control and subject to enforcement action.
What additional play facilities are there for children?	There are additional play facilities proposed within the court yard of the site. A condition will be included to request further details of the play space to ensure it meets the requirements of the London Plan. A bridge would also be provided for direct access into the Glebelands park.
Will bikes be secure	All cycle stores are to be secure and only accessible by residents of the development.
Overlooking, loss of outlook, loss of privacy	See 7.46- 7.60
Effect on businesses on Bedfont Lane, where would people using the MOT centre park.	It is not considered that there would be an impact on the businesses on Bedfont Lane; the businesses include Restaurant, Hairdressers, MOT centre and health provision. The development of residential units is likely to benefit these businesses. The parking of vehicles related to the MOT centre is not a material

	planning consideration.
A three storey building was rejected in 2013, what makes this acceptable?	Although an application for a three storey building was refused in 2014 a subsequent application for a three storey building was approved in 2014 (See 3.2). Further, since the 2013 application there has been a change in policy framework and the Local Plan was adopted in 2015.
Impact on Town Centre conservation area	See 7.26
This development is not what the community requires	There is an established need for housing which currently outstrips demand.
The development will create demand for CPZ	See 7.67- 7.72
A bridge into the Glebelands would cause more anti-social behaviour	The undercroft walkway to the rear of the development has been carefully design to ensure there are visible views from the street to the location of the proposed bridge, the area to the rear of the site opposite the bridge will be overlooked by the units to the rear of Block C and D and therefore would be surveyed. It is therefore not considered the bridge would lead to an increase anti-social behaviour.

5.2 The Environment Agency where consulted and stated that they had no objection to the proposal subject to a condition to restrict light spill.

5.3 Transport for London (TFL) were consulted and had no objection to the proposal, however requested that residents are excluded from applying for parking permits in the local CPZs, that a residential Travel Plan be secured via S106 and that a Construction Logistics Plan and Delivery and Servicing Plan be secured by condition.

5.4 Royal Parks were consulted prior to the submission of the application and stated that they had no objection to the provision of a bridge over the river.

5.5 Thames Water were consulted and requested standard informatives be included on any approval.

OBJECTIONS LIST

5.6 The application was placed on the Pending Decisions List dated 15th to 22nd June 2018 (Week 25).

6.0 POLICY

Determining applications for full or outline planning permission

6.1 The determination must be made in accordance with the development plan unless material considerations indicate otherwise. Local finance considerations must also be assessed.

The National Planning Policy Framework

6.2 The National Planning Policy Framework (NPPF) came into force on 27 March 2012, and from April 2014 National Planning Practice Guidance (NPPG) in the form of an online guidance resource to support the NPPF came into effect. The Local Planning Authority (LPA) considers that, where pertinent, the NPPF and NPPG are material considerations and as such, will be taken into account in decision-making as appropriate.

The Development Plan

6.3 The Development Plan for the Borough comprises the Council's Local Plan (adopted by the Council on 15 September 2015), the West London Waste Plan and the London Plan Consolidated with Alterations since 2011.

6.4 The draft New London Plan was published on 29 November 2017, for consultation from 1 December 2017 to 2 March 2018. The policies of the draft Plan are capable of being a material consideration in planning decisions. Its policies will gain more weight as it moves through the examination process to adoption; however the weight given to it is a matter for the decision maker. At this stage only limited weight is to be given to the draft Plan due to it being only in the initial stages of consultation.

6.5 The Council are currently undertaking two Local Plan Reviews; the West of Borough Local Plan review and the Great West Corridor Local Plan review. Consultation on the 'Preferred Options Consultation' document for both these reviews, and amendments to the adopted Local Plan, was undertaken between 23 October 2017 and 10 December 2017. The policies of these draft Plans are capable of being a material consideration in planning decisions. Their policies will gain more weight as it moves through the examination process to adoption; however the weight given to them is a matter for the decision maker. At this stage only limited weight is to be given to these draft Plans due to them being only in the initial stages of consultation.

6.6 The adopted Local Plan documents and emerging Local Plan Review documents can be viewed on the Planning Policy pages of the Hounslow website.

6.7 **London Plan**- relevant policies

- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of new housing (Table 3.3 minimum space standards)
- Policy 3.6 Children and young people's play and informal recreation
- Policy 3.8 Housing Choice
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable Design and Construction
- Policy 5.13 Sustainable Drainage
- Policy 6.13 Parking
- Policy 6.9 Cycling
- Policy 7.1 Lifetime neighbourhoods
- Policy 7.4 Local Character
- Policy 7.6 Architecture

The draft London Plan December 2017

- H1 Increasing housing supply

6.8 **Local Plan**- relevant policies and documents

- SC1 Housing Growth
- SC2 Maximising the provision of affordable housing
- SC3 Meeting the need for a mix of housing size and type
- SC4 Scale and density of new housing development
- SC5 Ensuring suitable internal and external space
- SC8 Specialist and supported housing
- CC1 Context and Character
- CC2 Urban design and architecture
- CC3 Tall buildings
- CI1 Providing and protecting community facilities
- GB7 Biodiversity
- EQ1 Energy and carbon reduction
- EQ2 Sustainable design and construction
- EQ3 Flood Risk and surface water management
- EQ5 Noise
- EQ7 Sustainable waste management
- EC2 Developing a sustainable local transport network

- Feltham Vision and Concept Masterplan
- Emerging West of the Borough Plan

7.0 ASSESSMENT

7.1 **The main planning issues to consider are:**

- The principle
- Affordable housing, mix and tenure
- Visual impact and design
- Quality of the accommodation
- Impact on neighbouring residential amenity
- Parking, servicing and access
- Sustainability
- Environmental consideration

The principle

7.2 The NPPF states that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material consideration indicate otherwise.

7.3 Policy SC1 of the Local plan states that the Council will support proposals for new development and conversions on other sites, including small sites, in the context of presumption in favour of sustainable development.

7.4 The Council's Feltham Masterplan 2017 is being used as an evidence base for a new West of Borough Plan which is part of the Local Plan review; the plan will promote the redevelopment or refurbishment of buildings or sites near to the town centre to include a mix of residential and leisure uses, and improve transport access into the Town Centre. The Masterplan looked to expand town centre living in to an area within which the site lies. This would establish a fringe of apartment buildings around the centre with walkable compact developments that support a vibrant Town Centre, providing higher density in the centre and around the station and larger units for families at the periphery of the centre.

7.5 The site also lies within Feltham Town Centre Housing Zone which is one of 30 Housing Zones which are hoped to bring accelerated housing development within London. Feltham Town Centre Housing Zone has a target of 3339 new homes with 1406 of these being affordable. The site would bring much needed housing, in accordance with the Housing Zone objectives and also policies within the adopted Local Plan and London Plan.

7.6 Policy CI1 states that the Council will protect existing community facilities in the borough that continue to serve the community and direct new community facilities to the most appropriate locations. This will be achieved by ensuring that existing community facilities continue to be used for the benefit of the community where they are still providing the intended community service. This Policy states that the Council will therefore expect development proposals to meet the following criteria if the scheme would result in the loss of a community use and is not re-providing the existing community use elsewhere, at an equivalent capacity that suits existing and future needs and has been agreed with the Council;

i. The facility has been vacant or significantly underused for a continuous period of 18 months and is not appropriate for any other community uses as demonstrated by the applicant through evidence of sufficient marketing;

ii. The facility is no longer required by the body that operates it; and

iii. Robust evidence has shown that the use is no longer required to serve its catchment area.

7.7 The application would result in the loss of the former Labour Club on site, which will not be re-provided within the proposed development and therefore the requirements of policy CI1(i-iii) above would need to be satisfied.

7.8 In regards to criteria i and ii it is noted that the Labour Club has been vacant for 6 years and had been activity marketed without success. It is considered that given the poor condition of the building it would be unlikely to be viable without redevelopment.

7.9 Further, the applicant has provided a Community Facilities and Services Audit in order to satisfy criteria iii above in regards to the Labour Club. The audit assessed the provision of other community facilities within the Local Impact Area which could provide for the needs of the demographics of the local population. The report concluded that within the Local Impact Area there are sufficient facilities, which can meet the requirements of the local community.

7.10 It is considered therefore, that the report has satisfied points i-iii of policy CI1, that the Labour Club is no longer required as a community facility to serve its catchment. Therefore there is no objection to the loss of community facilities within the site.

7.11 The proposal would also see the loss of 6 family sized residential units. The loss of community facilities has been satisfactorily justified as outlined above; the family sized units would be re-provided within the proposed development. The proposal would bring 120 much needed residential units to the Housing Zone of which 40% would be affordable. Therefore in principle the redevelopment of the site is considered acceptable subject to meeting the requirements of other policies and guidance.

7.12 Emerging policy H1 of the draft London Plan states at B,2 that boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions; especially the following sources of capacity;

b) mixed-use redevelopment of car parks and low density retail parks.

It is considered that this development would be in line with the aims of this emerging policy.

Affordable housing, mix and tenure

7.13 Policy 3.8 of the London Plan encourages new developments to offer a range of housing choice in terms of mix and housing sizes and types. The draft London Plan housing target for Hounslow, based on a city-wide strategic housing market assessment (SHMA), is 2,182 new units compared with the existing annual target of 822 (FALP,15).

7.14 The need for affordable housing in the borough significantly outstrips the capacity and supply. The Council's Housing Needs Assessment (2009) identifies that approximately half of all households in the borough seeking to move cannot afford market housing, either to rent or buy (assuming 40% of income is spent on housing). Rising housing need and homelessness, combined with severe shortage in the supply of affordable private sector rental accommodation have resulted in escalating deficits in the Council's Temporary Accommodation budget. It is a corporate priority to secure 5000 affordable units during the period 2014-2018 with 3000 affordable rent units. Increasing supply is part of the solution and the borough is very focussed on promoting new housing delivery.

7.15 Policy SC2 states that the Council will seek the maximum reasonable amount of affordable housing to be negotiated on a site by site basis on all sites with a capacity to provide ten or more homes with reference to the strategic borough- wide target of 40%. We will therefore expect development proposals to be accompanied by an open book viability assessment and any supporting evidence to demonstrate the maximum provision of on-site affordable housing. We will also expect a mix of 60% affordable/social rent and 40% intermediate tenures on all qualifying site; and provide an appropriate mix of both housing size and tenure in accordance with housing needs set out in Policy SC3.

7.16 The application proposes to provide 40% affordable housing in line with Policy SC2 of the Local Plan. 25% of this affordable housing would be provided by the developer and the remaining 15% would be provided by

Greater London Authority (GLA) funding. All schemes are expected to maximise the delivery of affordable housing and make the most efficient use of available resources to achieve this. The Council have worked closely with the GLA and the applicant to increase the provision onsite to 40% to meet the borough's strategic affordable housing target. The tenure housing spilt onsite of the affordable offer will now be, 52% affordable rent and 48% shared ownership.

7.17 The following is a breakdown of the proposed units across the whole site.

Summary	Private	RENT	S/O	Total	Percentage
1B 2P	17	8	10	35	29%
2B 3P	11	6	8	25	
2B 4P	25	2	3	30	46%
3B 4P	0	3	0	3	
3B 5P	19	6	2	27	25%
Total	72	25	23	120	
Percentage	60%	21%	19%	100%	100%

7.18 Should the developer not receive Government funding to bring affordable housing to the target 40% then there will be a review mechanism which will be secured through the S106.

7.19 The proposed size and mix of units is considered acceptable and would provide a good mix of unit sizes across all tenures.

Visual impact and design

7.20 Policy CC1 of the Local Plan states that the Council will recognise the context and varied character of the borough's places, and seek to ensure that all new development conserves and takes opportunities to enhance their special qualities and heritage.

7.21 Policy CC3 of the Local Plan states that in order to contribute to regeneration and growth the Council will support tall buildings of high quality in identified location which accord with the principles of sustainable development. This will in part be achieved by supporting a limited number of tall buildings in Feltham Town Centre.

We will expect tall buildings development proposals to:
(i) Be sensitively located and be of a height and scale that is in proportion to its location and setting, and carefully relate and respond to the character of the surrounding area;
(j) Be of the highest architectural design and standards; be attractive, robust and sustainable;
(k) Be of a scale that reflects their relevance and hierarchical importance when located within a grouping/cluster of tall buildings;

(l) Be designed to give full consideration to its form, massing and silhouette, including any cumulative impacts, and the potential impact of this on the immediate and wider context;
(m) Relate heights to widths of spaces to achieve comfortable proportions, and provide a positive edge to the public realm and a human scale through the careful treatment of ground floors and lower levels;
(n) Provide for a comfortable and pleasant microclimate which minimises wind vortices and overshadowing;
(o) Provide for biodiversity within the building form and be sensitive to surrounding open spaces including waterways to ensure minimal impact;
(p) Take opportunities to enhance the setting of surrounding heritage assets, the overall skyline and views;
(q) Carefully consider the façade and overall detailing to ensure visual interest, vertical and horizontal rhythms, an indication of how the building is inhabited, internal thermal comfort and the visual break-up of the building visually at varying scales;
(r) Use materials and finishes that are robust, durable and of the highest quality, with facades providing innate interest, variety and function;
(s) Incorporate innovative approaches to provide high quality, usable, private and communal amenity space where residential uses are proposed; and
(t) Comply with the requirements of the Public Safety Zone.

7.22 The Council Feltham Masterplan which forms part of the evidence base for the West of the Borough Local Plan review, highlights the site as being one that could accommodate a 8-10 storey building on the corner with New Road and Longford River.

7.23 The current site contains a hard surface car park in New Road, which is of no architectural merit and therefore its loss in design terms would not be resisted. The site also contains a block of four terraced houses (No's 2-8 Manor Place) of a traditional design with bay windows and hipped roof, No.10 is a detached property of quite an indistinctive design it has been extended by way of a flat roofed two storey side extension. No.12 Manor Place was originally a chalet bungalow style dwelling but has been extended extensively to form a two storey double gable ended building. These houses are not of an exemplary design and therefore their loss will not be resisted in design terms. The Labour Club to the end of Manor Place is a single storey gable ended building which is in a poor state of repair and provides no architectural merit to the area, therefore its loss will not be resisted in design terms.

7.24 The surrounding area is made up of a mixture of two storey terraces 74-80 Bedfont Lane with commercial at ground floor and residential at first floor. The block of four terraced properties 74-80 Bedfont Lane are to be retained. There is a two storey block of more modern flats at 82 Bedfont Lane with habitable living space in the roof. On the opposite site of Bedfont Lane is another modern two storey block of flats. Further along Bedfont Lane is a block of nine terraced properties which make up a parade of commercial with residential on first and second floors. Further south of the site within the Town Centre are seven storey blocks of residential units. Opposite the

subject car park is the single storey building of Feltham Train Station. The surrounding area is made up buildings of differing heights and design with no one distinct character however there is a strong established building line along Bedfont Lane which makes up the character of the area.

7.25 The proposal is for a part 4, 6, 7 and 10 storey building of 7 interconnecting blocks. The building would be orientated to line up with the established building lines of Bedfont Lane to the south west and would angle away slightly to the east and then would have primary frontages onto New Road and the Longford River. The building would curve inward to a central courtyard accessed from Manor Place. The proposal would see the creation of a street frontage onto New Road which would create a more attractive approach from Hounslow Road towards Bedfont Lane, marking the Longford River, which is at present obscured. The building would be finished with differing building lines and heights to mark the edges of the site.



7.26 The parade of 74-80 Bedfont Lane is two storey with the proposal being four storey closest to this parade. The lower height at this point provides a transition to the taller elements of the scheme. The building also angles away to return on the corner from the rear of the parade to ensure that the development does not overpower the parade. The building then steps up to six storeys when fronting the Feltham Train Station.



7.27 The taller 10 storey element would sit on the corner of New Road and the Longford River. Currently when on approach to Bedfont Lane from New Road, there is no sense of place or focus. On one side of New Road is the blank elevation of the Lidl building and on the other there are no distinct features or structures. The development would bring focus and a sense of place to New Road and greater legibility, giving the area some character and feature.



7.28 To the south east of the site is the Grade II listed St Catherine's Spire. The Feltham Masterplan highlighted that views of the Spire are important to the character of the area and should be carefully maintained. The Design and Access Statement includes some key views of the Spire, including the view from Glebelands and from Bedfont Lane, which shows that views of the Spire would be maintained. The site is also close to the Feltham Town Centre Conservation Area which lies 120m to the west of the site. Given the distance of the development from the conservation area and the presence of other taller structures within the Town Centre closer to the conservation area it is not considered there would be any harm to the character and appearance of the conservation area.

7.29 The development proposes to use a varied materials pallet arranged across the blocks in vertical and horizontal elements. There would be a contrasting corduroy brick to add interest to the elevations which would be carried across the development to bring cohesion. The building would be finished with a mixture of dark brick, buff brick, corduroy brick, dark fenestration and metal cladding. Entrances from New Road into the development are marked with double height dark metal cladding to create a distinguishable feature and bring active frontages to the building.

7.30 Overall it is considered that the design, massing and bulk of the development is considered acceptable and would bring some much needed vibrancy and activity to this corner site. A condition will be included requiring the submission of materials prior to commencement to ensure the development is of a high quality design.

Quality of the accommodation

Internal space provision

7.31 The Nationally Described Space Standards provide minimum internal floor areas for all new residential units and are mimicked in policy 3.5 of the London Plan. Below is a section of table 3.3 of the London Plan which shows the minimum space standards for units of between one and three bedrooms as proposed:

Table 3.3 Minimum space standards for new dwellings[7]

Number of bedrooms	Number of bed spaces	Minimum GIA (m^2)		
		1 storey dwellings	2 storey dwellings	3 storey dwellings
1b	1p	39 (37)*		
	2p	50	58	
2b	3p	61	70	
	4p	70	79	
3b	4p	74	84	90
	5p	86	93	99
	6p	95	102	108

7.32 All of the proposed units would meet or exceed the minimum space standards with the one bedroom two person units measuring between 50.2 - 54sq.m, the two bed three person units measuring between 61.1 – 73.2sq.m, with the two duplexes measuring 73.2sq.m, the two bed four persons units measuring between 70.3- 80sq.m, the three bed four person units all measuring 78.2sq.m and the three bed five person units measuring between 86.2 – 88.3sq.m.

7.33 Policy 3.5 of the London Plan also states that new homes should have adequately sized rooms and convenient and efficient room layouts which are functional and fit for purpose, meeting the changing needs of Londoners. All of the units are well laid out with sufficient layout of rooms ensuring bedrooms are coupled together where possible away from living space; each unit is afforded with storage space and private amenity areas. All double bedrooms measure at least 11.5sqm and all single rooms measure at least 7.5sq.m in line with the Nationally Described Space Standards.

7.34 The Minor amendments to the London Plan state that 90% of new housing should meet Building Regulation requirements M4(2) 'accessible adaptable dwellings' with 10% meeting M4(3) 'wheelchair user dwellings' and should be designed to be wheelchair accessible or easily adaptable. The proposed development would provide 12 units as wheelchair accessible in accordance with building regulations Part M4(3) with the remaining units all meeting building regulations part M4(2) meaning they are wheelchair adaptable units. Although only one wheelchair accessible unit is provided on the ground floor, all upper floor accessible units would be served by two lifts. Of the 12 fully adaptable units two would be offered as affordable rent.

External space provision

7.35 Policy SC5 of the Local Plan and the Mayors housing SPG states that each unit of up to two people should provide a minimum of 5sq.m of private outdoor amenity space and an addition 1sq.m per additional occupant.

7.36 Each unit would be provided with private amenity space in the form of terraces or balconies and would all meet or exceed the minimum space requirements. The private amenity space would range between 5sq.m for some of the one bed two person units to 31sq.m private terrace on the ground floor for a two bed three person unit. A condition would be added to request further details of balconies including any required privacy screens.

7.37 Communal amenity space should also be provided in line with Policy SC5 of the Local Plan which states that for each unit of up to 3 habitable rooms 25sq.m should be provided, 30sq.m for 4 habitable rooms and 40sq.m for 5 habitable rooms. This total would be less a reduction in private amenity space. This is also in accordance with the requirements of the Mayors Housing SPG. A total of 3,185sq.m of communal amenity space would be required (89 units at 25sq.m, 28 units at 30 sq.m and 3 units at 40sq.m) less a reduction in private amenity space. The total amount of private amenity space provided is 931sq.m. Therefore a final total of 2,254sq.m of communal amenity space is required for the development.

7.38 Communal amenity space is provided in the ground floor courtyard area and includes a play area, the communal amenity space on site measures a total of 560sq.m. This is a substantial shortfall from the minimum standards. The Glebelands Park lies adjacent to the site and although there is access to the park from an existing path on New Road a financial contribution would be made via the S106 to fund a new pedestrian and cycle bridge over the Longford River linking the rear of the development to the park. Therefore given that there would be an improved and direct link into the park which can be used by residents of the development (and others), is it considered in this instance, that the shortfall in onsite communal amenity space is considered acceptable. This coupled with the provision of private amenity space for every unit the proposal would provide good quality, spacious and usable amenity space for future residents.

7.39 London Plan policy 3.6 and the Mayor's SPG on *Providing for children and young people's play and informal recreation* states that any development for housing should include play and informal recreation. The proposed development includes the provision of a children's play space to the within the courtyard of the site. This play space would be for the use those residing at the development.

Daylight/sunlight/outlook

7.40 The scheme has been designed to maximise the views available around the site. Wherever possible units have an outlook onto the river and the park beyond. Some of the units will have an outlook onto the central courtyard area which will be landscaped with hard and soft landscaping to provide an attractive environment.

7.41 Most of the proposed units would be dual aspect, with some single aspect units, most of the single aspect units would not be north facing. There are a few north facing single aspect units which have been designed to have recessed balconies to provide views in multiple directions, these units also have views out over the river.

7.42 The application has been accompanied by a Daylight, Sunlight and Overshadowing report. The report states that a daylight and sunlight assessment was undertaken in accordance with the Building Research Establishment (BRE) publication "site Layout Planning for Daylight and Sunlight, A guide to good practice" (2011). Three methods were used to calculate daylight, the Vertical Sky Component (VSC), No Sky Line (NSL) or daylight distribution analysis and the third Average Daylight Factor (ADF).

7.43 In regards to the proposed units it was established by the report that all units will achieve a good level of daylight and sunlight.

Noise and disturbance

7.44 There is a parade of commercial properties at 74-80 Bedfont Lane, the uses are hairdressers, restaurant, chiropody and MOT centre. All the uses bar the MOT centre are not likely to lead to noise and disturbance to future residents of the development that you would not expect to find in a town centre location. However the noise levels produced by the MOT centre and other air, road, rail noise need to be considered. A noise impact assessment had been submitted with the application. Noise levels affecting internal areas of the proposed development) before any mitigation measures are introduced) have been used to determine the Noise Risk Category (NRC) in accordance with the Council's Noise SPD.

7.45 The results of the NRC indicate that the facades closest to New Road will fall within the medium NRC for day and night periods, resulting in a significant adverse effect before mitigation. The middle of the site backs towards Manor Place and is predicted to have a low NRC, resulting in an adverse effect before mitigation. The report therefore recommends mitigation to include enhanced glazing and acoustic ventilation for worst-case habitable rooms facing and side on to noise sources such as New Road, the railway line and the aircraft flight path. Facades to the rear of the site and some facing inwards will be adequate with either windows open or standard glazing closed and trickle vents open for ventilation. The recommended mitigation measure will be secured by condition.

7.46 In regards to external noise levels the report notes that within external amenity areas noise levels are likely to exceed the recommended 55dB$L_{Aeq,T}$ for balconies that directly face and are side on to New Road and the east of the site. However the report goes on to state that the development would provide quieter amenity areas on site that can be utilised by future residents. It is also noted that future residents will have access to the Glebelands Park which would be set back from any road traffic and bus movement noise. Therefore given the location of the site in an urban Town Centre location it is considered that the noise criterion of 55dB(A) cannot always be met.

7.47 It is considered that given the overall design of the scheme providing good quality of accommodation, amenity space and outlook the development would provide good quality of accommodation for future occupants.

Impact on neighbouring residential amenity

7.48 Policy CC2 of the Local Plan states that development proposals should provide adequate outlook, minimise overbearingness and overshadowing, and ensure sufficient sunlight and daylight to proposed and adjoining/ adjacent dwellings.

Privacy and overlooking

7.49 The closest residents to the site are those on the first floor of 74-80 Bedfont Lane and the block of flats 82 Bedfont Lane. The London Plan SPG on Housing states that a minimum of 18-21m separation distance between habitable room windows is a useful yardstick for assessing visual privacy.

7.50 There are habitable room windows to the first floor of the rear of 74-80 Bedfont Lane that would face directly towards the development. Given the orientation of the block to the east of No.74 there would be no direct overlooking. There would be a distance of between 34-35m between habitable windows between the block of four properties and units within Block C of the proposed development. This distance is well in excess of the recommended 18-21m and therefore it is considered there would be no loss of privacy caused to residents of 74-80 Bedfont Lane.

7.51 In regards to the flats at 82 Bedfont Lane there are two small windows to the rear of the block that would face Block D of the proposed development. There is one at first floor and one at ground floor which appear to serve bathrooms or are secondary windows. The ground floor window is partially obscured by a brick wall enclosing a cycle store. These windows are 37m away from any habitable room windows in block D of the proposed development. Therefore it is considered there would be no loss of privacy or overlooking caused to residents of 82 Bedfont Lane.

Overshadowing, loss of light and loss of outlook

7.52 The nearest neighbouring properties which would be impacted by the development in terms of overshadowing, loss of light and outlook are again 74-80 and 82 Bedfont Lane. The application is accompanied by a Daylight, Sunlight and Overshadowing report which assessed the impact to those neighbouring residents listed above based on BRE guidance document "Site Layout Planning for Daylight and Sunlight- A guide to good practice" (2011). The report looks at two methods for assessing the impact:

7.53 *The numerical values contained within the BRE Guidelines, to establish whether the proposals will have a significant effect on the daylight enjoyed by the neighbouring properties are based initially on a Vertical Sky Component analysis (VSC). It seeks for each window to achieve a VSC of 27% or 0.8 times the existing. These values are for suburban rather than urban locations where it is considered a VSC of 20% is more appropriate.*

7.54 *In relation to daylight, the BRE Guidelines also set out numerical values for daylight distribution and seeks to ensure that a significant portion, which is considered to mean at least 0.8 times the existing area of each habitable room lies in front of the NSL.*

7.55 *An alternative method of considering the implications the proposals will have on the neighbouring properties is to calculate the Average Daylight Factor (ADF) in accordance with Appendix C of the BRE guidelines. This takes into account the area of glazing serving the room as well as the size of the room and expresses the ratio of daylight win the room as a portion of the daylight outside. The recommended minimum level, depends on the room use. For a kitchen the recommended level is 2%, whilst for a living room it is 1.5% and a bedroom 1%.*

7.56 *With regard to sunlight, the BRE Guidelines seek that all windows within 90o of due south achieve 25% of the Average Probable Sunlight Hours (APSH) with at least 5% during the winter months. Where this is not achieved and the difference between the existing and proposed APSH is more than 4%, the BRE Guidelines state that the proposals will not have a noticeable effect on sunlight provided the total APSH, as well as during the winter months, are within 0.8 times the existing.*

7.57 74 – 78 Bedfont Lane, these properties have habitable room windows to first floor level, based on VSC analysis it is considered that the bedroom windows overlooking the proposal would not achieve the numerical values set out in the BRE guidance for suburban locations but would exceed those for an urban location. In addition, the recommended minimum ADF for a bedroom is exceeded. Therefore it is considered given the findings of the report and the orientation of the development angling away from the rear of these properties and siting in line with the front of them, there would be no significant harm in terms of the amount of daylight/sunlight received and overshadowing experienced.

7.58 80 Bedfont Lane, this property also has habitable room windows to first floor, based on VSC analysis it is considered that the window serving a habitable room achieved the numerical values set out in the BRE guidance. Given that this property sits the furthest away from the development in comparison to 74-78, and given the findings of the report it is considered there would be no significant harm in terms of the amount of daylight/sunlight received and overshadowing experienced.

7.59 82 Bedfont Lane, this property is a block of 9 units and has residential accommodation over two floors. The VSC analysis shows that all expect one window, serving a room served by two other windows, would achieve the numerical values set out in the guidance. The window would achieve 0.78 times the existing situation and given that the room is served by two other windows the difference is not considered to be one that would be noticeable. The daylight distribution has also been considered by plotting the NSL and looks at both living rooms and bedrooms. The results demonstrate that the two ground floor bedrooms of the block that do not have a significant portion of their area (>80%) in front of the NSL, will have 75% which is considered to be a good level of daylight distribution for a bedroom. There are two living rooms that would not achieve the recommended level of daylight and these are single aspect and in excess of 5m deep. Therefore, in accordance with paragraph 2.2.10 of the BRE guidance greater movement of the NSL is unavoidable. Given the findings of the report and the fact that there are a limited number of windows that

would be affected by the development , and these windows would still receive acceptable levels of daylight/sunlight, it is considered on balance that there would be no significant harm cause to the amenity of residents in this block.

7.60 In regards to loss of outlook, this needs to be assessed for properties 74-80 Bedfont Lane as they have habitable room windows that would directly look out onto the development (Block C).

7.61 74-80 Bedfont Lane currently have views out over 2-12 Manor Place, which are two storey buildings and their rear gardens. For 78 and 80 they currently look out at first floor on to the flank wall of No.2. Therefore it is considered given that 2-12 Manor Place would be demolished and new structures would be over 30m away the outlook for these two properties would actually be improved and they would look out onto the courtyard of the proposed development.

7.62 In regards to 76 and 74 Bedfont Lane they currently look out over the rear gardens of 2-12 Bedfont Lane and then in the distance have views towards the river. It is noted that these two properties benefit from somewhat of an open view, however given that the habitable room windows are at 1st floor the views are obscured by mature trees and shrubs. Block A of the proposed development would sit 2m away from the flank wall of No.74 and at four storeys. However Block A sits at a different orientation to No.74 angling away from its rear elevation, and therefore would not be readily visible from No.74 or the rest of the block. The proposed development (Block C) would be over 34m away from where it directly fronts 74 and 76. Although it is agreed that there would be some loss of open views to No.74 and 76, given the distance of the development from the rear of these two properties coupled with the improvements to landscaping within the site it is considered there would be no detrimental impact to the outlook of these two properties.

Parking, servicing and access

7.63 The existing site comprises of a public car park accessed from New Road, and six residential building and the Feltham Labour Club building accessed from Manor Place. Both New Road and Manor Place are adopted highway. Bedfont Lane CPZ operates to the south and west of the site (Mon-Fri 9:30am-6:30pm).

7.64 The site has a PTAL of 4 and is therefore considered to have good accessibility to public transport. Feltham Station is between 40-160m walking distance to the south of the site and there are three bus services within a 150m walk of the site. There are an additional five bus services within 500m of the site.

7.65 The southern portion of the site is contained within Feltham Town Centre as defined by the Local Plan. Part of the highway land contained within the red outline of the application has an unknown ownership, therefore this piece of

land will need to be subject to a Compulsory Purchase Order, which would be separate to this planning application process.

7.66 The proposal includes the loss of a 38 parking spaces in a public car park which is accessed from New Road. Surveys of public car parking facilities within 400m of the site were undertaken by the applicant on a typical Friday and Saturday and the results are compiled in the Transport Assessment. The parking facilities surveyed were New Road car park, Feltham Station car park, The Centre car park, and Sydney Road car park.

7.67 The results demonstrate that ample publically accessible parking would remain within a 400m walk to accommodate the displaced parking from New Road car park, even assuming that all 38 spaces were regularly occupied.

7.68 Since the surveys were undertaken Sydney Road car park has been closed to facilitate the Feltham Town Centre highway improvement works. The loss of these 34 spaces, in addition to the loss of the 38 spaces in the New Road car park, can be comfortably accommodated in the remaining public parking facilities.

7.69 Census data for the Mid Super Output Area indicates that the average car ownership level for a development such as that proposed would be 65. This is based on the proposed tenure mix of the development.

7.70 To control overspill parking, the flats should be made ineligible for parking permits for the adjacent CPZ by way of an obligation in the legal agreement, while on-street waiting restrictions within the vicinity of the site would prevent parking in areas outside the CPZ. The closest unrestricted space to the site on the public highway is approximately 300m away. This distance would be too great to make it attractive for future residents of the proposed flats to use on a regular basis, especially when there is no guarantee that they would get a space that close to the site. As such, the proposed scheme would essentially operate as a low car development.

7.71 Local Plan Policy EC2 commits the council to promoting 'low car' development where appropriate, as well as car clubs. It also states that "'Car-free' and 'low car' development will be encouraged in locations of high public transport accessibility and locations where there are Controlled Parking Zones (CPZs)." Given that the site is adjacent to Feltham Station, numerous bus routes, has a good public transport accessibility level (PTAL 4), and is in an area where on-street parking is controlled by either a CPZ or "no waiting" restrictions, it is considered to fulfil the criteria for a low car development. Furthermore, the site is adjacent to Feltham town centre and all of its facilities and services which future residents will be able to make use of without needing access to a car. To provide some flexibility, a car club bay would be provided and the developer would be obliged to offer new residents membership of the scheme for a number of years. The car club facility would also be available to members of the public. A comprehensive Travel Plan will be secured by S106 so that alternative sustainable modes of transport are promoted to residents and their take-up encouraged. This

reinforces the need to have a good quality cycle parking provision which the proposal is currently lacking.

7.72 The benefit of a low car scheme is that there would be a significant reduction in vehicular trips associated with the site, thereby having a positive impact on congestion, air quality, and noise pollution in the immediate vicinity. A low car development in this situation would also accord with both the current and draft London Plan, and the aims of the National Planning Policy Framework.

7.73 The layout of the on-site parking spaces is satisfactory, while the management of the spaces will be in line with appendix 8 of the Transport Statement- Parking Design and Management Plan which is considered satisfactory. The parking spaces, electric charging points and management of the car park will be secured by condition.

7.74 One car club bay would be provided in a satisfactory situation. The applicant has stated that Zip Car have been approached and are interested in offering a car from this location.

Cycle parking

7.75 As mentioned earlier the development comprises 35 x one-bed, 55 x two-bed and 30 x three-bed flats. Therefore, with reference to The London Plan, the development attracts a demand for 205 long-stay (visitor) and 3 short stay (visitor) cycle parking spaces.

7.76 A total of 205 long stay spaces are shown on the plans, the number of cycle spaces provided is in line with the London Plan requirements however many of the spaces are formed by the use of semi-vertical racks. Policy EC2 and the West London Cycle Parking Guidance warns against proposing these type of racks as they are not easily accessible by people of all abilities and are less likely to be regularly used than horizontal spaces. Cores B and D would have a deficient number of spaces, Core D significantly so. Furthermore, in the latest plans vertical and semi-vertical spaces are still being proposed. These types of spaces are not conducive to convenient or regular use, are not accessible by people of all abilities, and are explicitly resisted by Policy EC2. Internal doors to the stores need to be provided so that residents don't have to walk out of the building then back into it to access their bikes. Again, this would diminish the convenience of cycling as an attractive mode of travel. Therefore a condition that will be included to state that, notwithstanding what is shown on the proposed/approved plans, details of a satisfactory parking provision are submitted and agreed by the council. As the ground floor layout, and possibly the site layout, will likely need to be revised to accommodate a satisfactory provision, this condition will need to be a pre-commencement condition

Deliveries and servicing

7.77 There is sufficient space within the site for deliveries to take place from, while swept paths have been provided to show how a refuse lorry can access and egress the site with minimal reversing.

7.78 A Delivery and Servicing Plan has been submitted to detail how the site would be managed to ensure that deliveries and servicing can take place in an acceptable manner. The DSP is acceptable and a condition will be attached so that it is implemented for the lifetime of the development.

Trip generation

7.79 The existing car park and residential properties on the site has the potential to generate approximately 732 two-way vehicular movements throughout a weekday, including 45 and 79 during the AM (08:00 – 09:00) and PM (17:00 – 18:00) peak hour periods respectively.

7.80 To calculate the likely trip generation profile of the proposal, the applicant interrogated the TRICS database for comparable sites. This estimated that the proposed development would generate 39 two-way vehicular trips including 5 during each of the AM and PM peak hour periods. Though census data for area's "method of travel to work" should have been used to establish the mode share, it is accepted that reduction in vehicle movements as a result of the proposal would represent a significant benefit to the public highway.

Works to public highway and river side

7.81 Contributions would be sought to provide a 2m wide path from New Road along the western bank of the Longford River and the back of the site. This should be widened to 3m to allow for shared use by pedestrians and cyclists (based on the minimum effective width prescribed by the Local Transport Note 1/12. As there is a level difference between New Road and the river bank.

7.82 The bridge would follow the alignment of Manor Place across the river and be widened to 3.5m to allow for shared use by cyclists and pedestrians. A financial contribution towards the bridge will be secured via a S106.

7.83 A means to secure access for pedestrians and cyclists to the river side through the site from Manor Place will also be included in the S106 agreement.

7.84 The access to the southern parking area will need to be shown as a crossover on the plans to emphasise pedestrian priority. The back of the public footway on the eastern side of Manor Place should follow the line established by the side elevation of 80 Bedfont Lane. Details of these works need to be agreed with the council and completed prior to occupation. The highway works and widening of the public footway will require a s38/s278 agreement which will be secured via a planning condition.

7.85 The proposal would require approximately 24m of highway at the end of Manor Place to be stopped up. This would require a Stopping Up Order to be made which is being undertaken through a separate process. The means to secure pedestrian and cyclist access to the river side, referred to above, would replace the right of way currently afforded by the highway designation.

Construction Logistics Plan

7.86 A Construction Logistics Plan has been submitted with the application however it is some information that we would expect to see within a CLP and it does not conform to TfL's latest guidance on CLPs. The CLP should also take into account any road closures, diversions, and timings of the borough's Feltham Town Centre improvement works. To ensure that the construction phase of the development would be undertaken in a way that would minimise its impact on the local highway network, we would look to impose our standard CLP condition unless an satisfactory CLP is submitted prior to a decision being made. A condition has been included at the end of this report however this is subject to change pending further amendments to the CLP.

Travel Plan

7.86 A Travel Plan has been submitted and is currently being assessed. The Travel plan will be secured via the S106 agreement.

Sustainability

7.87 London Plan Policy 5.2 (Minimising Carbon Dioxide Emissions) applies to all developments and states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

7.88 As a major residential development we would expect the development to show a 35% reduction in emissions on Building Regulations Part L compliant baseline (2013), zero carbon homes, internal water use of 105L/Person/Day or less and sustainable material standards. The application was accompanied by an Energy Statement and a sustainability Statement.

7.89 The submitted documents show an onsite reduction in emissions of 35.4%. Conditions have been included to ensure that the development is carried out to deliver at least 35% reductions as well as water efficiency and sustainable sourcing of materials.

7.91 In order to achieve compliance with the 'zero carbon' homes standard, the applicant is required to make a financial contribution to the Council's Carbon Offset Fund through a legal agreement.

Environmental consideration

Land quality

7.92 Owing to the history of the site, there may be some contamination. The NPPF advises where there is suspicion, or where evidence suggests there may be some contamination, planning permission may be granted subject to condition that development may not start before site investigation and assessment have been done and that the development itself will incorporate any remedial measures necessary. Policy 5.21 (Contaminated Land) of the London Plan and adopted Local Plan Policy EQ8 (Contamination) provide a policy context for this matter.

7.93 The Land Quality team have been consulted and have requested that a phased contamination condition be added to any approval.

Noise

7.94 London Plan Policy 7.15 states that development should seek to reduce and manage noise and Policy EQ5 requires submission of a noise assessment where major schemes or a change to a more noise sensitive use are proposed. The supporting information to that policy also states that between the 63 and 57dBA LAeq contours all new built development should have high levels of sound attenuation and acoustically treated ventilation because of the effect of aircraft noise.

7.95 The site lies within a Heathrow Noise contour of 48dBA LAeq and therefore in accordance with policy EQ5 would be suitable for family housing as it is outside the 63-72dBA LAeq noise contours. Therefore there is no objection to additional family housing in this location, and a noise assessment has been carried out to demonstrate that the development could provide acceptable internal noise environments. Further detailed analysis of the noise environment is set out above under the Quality of Accommodation section.

Biodiversity

7.96 The Environment Agency were consulted as part of the application and commented that they had no objection to the proposal subject to a condition restricting light spill from external artificial lighting into the watercourse or adjacent river corridor habitat.

Drainage and Flooding

7.97 The drainage details are still being assessed by the Lead Local Flood Risk Authority and further details will be included in an addendum before committee. Condition have been included at the end of the report, however these are subject to change.

8.0 EQUALITIES DUTIES IMPLICATION

8.1 The public sector equality duty applies to all council decisions.

8.2 A public authority or any person who exercises public functions must, in the exercise of those functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct prohibited by or under the Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.3 Having due regard to the need to advance equality of opportunity, this involves having due regard, in particular, to the need to:

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

8.4 This shall include, in particular, but is not limited to steps to take account of disabled persons' disabilities.

8.5 The exercise of public functions must have due regard to the need to foster good relations between persons who share a relevant protected characteristic and those who do not, in particular, to the need to:

(a) tackle prejudice; and

(b) promote understanding.

8.6 Compliance with these duties may involve treating some persons more favourably than others. This is not to be taken as permitting conduct that would otherwise be prohibited by or under the Act.

8.7 The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; marriage and civil partnership; and sexual orientation.

8.8 Due regard needs to be demonstrated in the decision making process and requires an analysis of the material with the specific statutory considerations in mind. It does not follow that the considerations raised will be decisive in a particular case the weight given to them will be for the decision maker. The equalities duty is not a duty to achieve a particular result. Some equalities considerations are covered under other legislation such as building control matters. Officers have in considering this application and preparing this report had regard to the public sector equality duty and have concluded that due regard has been given to the Council's duty in respect of its equalities duties and that if approving or refusing this proposal the Council will be acting in compliance with its duties.

9.0 PLANNING OBLIGATIONS

9.1 Local Plan Policy IMP3 seeks to ensure that development proposals fully mitigate the impacts of the development on the area through a Section 106 agreement, where necessary or appropriate, having regard to supplementary planning document and provide the Community Infrastructure Levy (CIL) payments required by any charging schedule, including the Mayor of London's CIL. A payment or other benefit offered in a Section 106 or other legal agreement is not material to a decision to grant planning permission and cannot be required, unless it complies with the provisions of the Community Infrastructure Levy Regulations 2010 (regulation 122), which provide that the planning obligation must be:

a) necessary to make the development acceptable in planning terms;
b) directly related to the development; and
c) fairly and reasonably related in scale and kind to the development.

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

9.3 The NPPG provides guidance on use of planning obligations, which may impose a restriction or requirement, or provide for payment to make acceptable development proposals that might otherwise not be acceptable in planning terms. The Council's Supplementary Planning Document on Planning Obligations (adopted March 2008) contains guidance on imposition of planning obligations in compliance with such guidance. These obligations may offset shortfalls in the scheme or mitigate a development's impacts.

9.4 It is mandatory that each criterion be satisfactorily addressed prior to granting planning permission subject to a satisfactory legal agreement(s) or unilateral undertaking under Section 106 of the Town and Country Planning Act 1990.

9.5 The following draft Heads of Terms are likely to form the basis of the any legal agreement, all of which are considered to satisfy the three Regulation 122 tests referred to above:

i. Affordable housing
   - To provide 40% affordable with government funding; or
   - Provide reasonable maximum amount of affordable housing following a viability review

ii. Pedestrian and cyclist footbridge, highway and public realm improvement works- £200,000
iii. Job brokerage and Construction training- £59,125
iv. Travel plans
v. Car free agreement
vi. Car club space
vii. Considerate contractor schemes
viii. Carbon offset payment

10.0 LOCAL FINANCIAL CONSIDERATION

Community Infrastructure Levy

10.1 Local finance considerations means the Community Infrastructure Levy, or a grant or other financial assistance that has been, or will or could be, provided to a relevant authority (such as the Council, the Mayor of London, the Homes and Communities Agency, etc.) by a Minister of the Crown.

10.2 Some new developments granted planning permission will be liable to pay Community Infrastructure Levy (CIL) to the Mayor of London and Hounslow.

10.3 CIL is payable on m^2 of new floor space or where a new dwelling is created or the net floor area increase exceeds 100 m^2

Mayors £35 per m2				
Hounslow	Housing East £200 m^2 Central £110 m^2 West £70 m^2	Supermarkets, superstores and retail warehousing £155 m^2	Health care, education and emergency services facilities £0	All other uses £20 m^2

10.4 This proposal would be liable to pay Community Infrastructure Levy on the community centre use only because affordable housing is exempt from CIL payments. However as the community centre floorspace would be less than the buildings to be demolished, which have been in use for 6 months for the past 36 months, no payment is required.

Current lawful floorspace: 1,034sq.m

Demolished floorspace: 1,034sq.m

Liable floorspace: 9,757sq.m

10.5 This proposal would be liable to pay the CIL which is index linked.

10.6 The estimated Hounslow CIL payable is £682,990 and Mayoral CIL payable is £341,495

11.0 CONCLUSION

11.1 The proposal would provide much needed additional housing including 40% affordable and family sized units. The proposal would not cause harm to neighbouring residential amenity and would enhance the character of the surrounding area through high quality design. Therefore the proposal is recommended for approval.

12.0 RECOMMENDATION:

That planning permission be **granted** subject to the following conditions and securing the abovementioned planning obligations by the prior completion of a satisfactory legal agreement or unilateral undertaking made under Section 106 of the Town and Country Planning Act 1990 and or other appropriate legislation, the exact terms of which shall be negotiated by appropriate officers within the Housing, Planning and Communities Department on the advice of the Assistant Director Corporate Governance.

The satisfactory legal agreement or unilateral undertaking outlined above shall be completed and planning permission issued by 1st January 2019 or such extended period as may be agreed in writing by appropriate officers within the Housing, Planning and Communities Department or within Legal Services.

If the legal agreement or unilateral undertaking is not completed by the date specified above (or any agreed extended period), then the Chief Planning Officer or Head of Development Management is hereby authorised to refuse planning permission for the reason that the proposal should include planning obligations required to make the development acceptable in planning terms in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010, development plan policies and the Planning Obligations SPD, as described in this Report.

Following the grant of planning permission, where (a) requested to enter into a deed of variation or legal agreement in connection with the planning permission hereby approved and by the person(s) bound by the legal agreement authorised in paragraph 1 above, and (b) to make minor variation to wording of conditions, and (c) where the planning obligations are not materially affected, and (d) there is no monetary cost to the Council, (e) make minor variation to wording of conditions, the Chief Planning Officer or Head of Development Management is hereby authorised (in consultation with the Chair of the Planning Committee and upon the advice of the Assistant Director Corporate Governance) to enter into a legal agreement(s) (deed of variation) made under Sections 106 and/or 106A of the Town and Country Planning Act 1990 and or other appropriate legislation.

If planning permission is refused, the Chief Planning Officer or Head of Development Management (in consultation with the Chair of the Planning Committee) is hereby authorised to approve any further application for planning permission validated within 12 months of the date of refusal of planning permission, provided that it (a) duplicates the planning application, and (b) that there has not been any material change in circumstances in the

relevant planning considerations, and (c) that a satisfactory legal agreement or unilateral undertaking securing the obligations set out in the Report is completed within any specified period of time.

That the applicant enter into a s38 agreement (Stopping Up Order) with the Local Highways authority.

APPROVE

Conditions:

1 A1a **Time Limit**

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

Reason: To accord with provisions of section 91 of the Town and Country Planning Act 1990.

2 B5 **Detailed Applications**

The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and the plans submitted (3128-D3511-rev01, 3128-D3510-rev00, 3128-D3155-rev01, 3128-D3154-rev01, 3128-D3153-rev01, 3128-D3152-rev01, 3128-D3160-rev01, 3128-D3832-rev00, 3128-D3830-rev00, 3128-D3712-rev02, 3128-D3000-rev02, 3128-D1000-rev02, 3128-D1701-rev01, 3128-D1700-rev01, 3128-D1010-rev01, FNH429 LS/01, CGI perspective of undercroft walk way, Landscape Specification dated 20/04/2018, Landscape Management Plan dated 20/04/2018, Daylight, Sunlight and Overshadowing report dated 4th April 2018, Community Facilities and Services Audit dated March 2018, Archaeological Desk Based Assessment dated April 2018, Residential Travel Plan dated April 2017, Planning Statement dated April 2018, Energy Statement dated 19th April 2018, Sustainability Statement dated 19th April 2018, Geotechnical and Geoenvironmental Interpretative report dated April 2018, Statement of community involvement dated April 2018, Noise Impact Assessment dated 11th April 2018, Transport Assessment dated April 2018, Air Quality Assessment, Air Quality Impact Assessment covering letter dated 8th March 2018, Preliminary Flood Risk Assessment dated 16th April 2018 and Design and Access Statement dated April 2018. Received: 16th May 2018, 3128-D3390-rev03 and 3128-D3391-rev02. Received: 17th May 2018. Foul Water, Surface Water and SUDs strategy dated 12th June 2018. Received: 12th June 2018. 3128-D3159-rev02, 3128-D3158-rev02, 3128-D3157-rev02, 3128-D3156-rev02, 3128-D3150-rev04, 3128-D3151-rev02, 3128-D3710-rev01, 3128-D3831-rev01, 3128-D3711-rev03, CGI perspective of Longford River elevation, CGI perspective of New Road

elevation. Received 19th June 2018. Demolition and Construction Management Plan Rev 003 dated June 2018. Received: 21st June 2018. Construction Logistics Plan Rev 003 dated June 2018. Received: 25th June 2018) therewith and approved by the Local Planning Authority, or as shall have been otherwise agreed in writing by the Local Planning Authority before the building is used.

Reason: To ensure the development is carried out in accordance with the planning permission.

3 B4 **Samples of materials**

No development (except any demolition, site clearance, ground investigation and remediation work) shall take place until details and samples of the bricks and other 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.

The samples/details shall include:
(a) brick/stonework (including brick/stone and mortar on-site sample panel min. 2m x 2m);
(b) cladding materials/render (including specifications where relevant);
(c) window treatments (including sections and reveals);
(d) balcony structures, privacy screens and balustrading treatment (including sections); and
(e) any other materials/fittings to be used including extract vents, boiler flues etc.

The development shall not be carried out otherwise than in accordance with the approved details.

Reason: In order that the Council may be satisfied as to the details of the development; in accordance with Local Plan policy CC2.

4 **Energy Statement**

A) The development hereby permitted shall not commence until a finalised Energy Strategy (demonstrating how the targets for carbon dioxide emissions reduction are to be met in line with the Mayor's energy hierarchy) and overheating assessment has been submitted to and approved in writing by the Local planning Authority.
B) The development shall be implemented in accordance with the approved Energy Strategy and shall not commence above ground until full Design Stage calculations under the Standard Assessment

Procedure have been submitted to and approved in writing by the Local planning Authority to show that the development will be constructed in accordance with the approved Energy Strategy, and any subsequent approved revisions.

C) Prior to first occupation of the building(s) evidence (e.g. photographs, installation contracts and As-Built certificates under the Standard Assessment Procedure) 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.

D) Upon final commencement of operation of the solar PV panels, suitable devices for the monitoring of the solar PV panels 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.

E) Upon final commencement of operation of the CHP, suitable devices for the monitoring of the CHP 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.

Reason: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with London Plan Policy 5.2 and the London Borough of Hounslow Local Plan Policy EQ1.

5 **Water efficiency**

A) Prior to construction, evidence will be submitted to the Local Planning Authority and approved in writing to demonstrate that the internal water consumption of the development will not exceed 105 litres/person/day in line with The Water Efficiency Calculator for new dwellings from the Department of Communities and Local Government.

B) Prior to first occupation of the building(s) evidence (schedule of fittings and manufactures literature) 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 internal water use calculations.

Reason: in order to protect and conserve water supplies and resources in accordance with London Plan Policy 5.15 and

the London Borough of Hounslow Local Plan Policy EQ2.

6 **Sustainable sourcing of materials**

A) No development shall take place until details have been submitted to and approved by the Local Planning Authority that:
- 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.

B) The development shall not be occupied until evidence (e.g. photographs and copies of installation contracts) have been submitted to the Local Planning Authority to demonstrate that the development has been carried out in accordance with the approved details under Part A of this condition.

Reason: in order to ensure the sustainable sourcing of materials in accordance with the London Plan Policy 5.3 and the Mayor of London's Sustainable Design and Construction SPG.

7 **Highway works**

Prior to the commencement of development (except any demolition, site clearance, ground investigation and remediation work) the applicant shall have entered into a Highways Agreement under s38/s278 of the Highways Act 1990 with the Local Highways Authority to ensure that the highways improvements and stopping up order as shown on the submitted plans hereby approved are implemented prior to occupation.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general highway safety along the adjoining highway and to accord with policies CC2 (New Development) and EC2 (Developing a Sustainable Local Transport Network) of the adopted Local

Plan.

8 **Play space**

Prior to commencement of the development (except any demolition, site clearance, ground investigation and remediation work) full details of the proposed play space as shown on the submitted plans shall be submitted to and approved in writing by the Local Planning Authority and the shall be implemented in strict accordance with the approved details.

Reason. To ensure that adequate play space is provided in line with the London Plan policy 3.6 and the Mayors SPG - Providing for children and young people's play and informal recreation.

9 J12 **Contamination**

"Before the development (except demolition above ground floor slab level) hereby permitted commences:
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. 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.

Reason.
Contamination is known or suspected on the site due to a former land use. The LPA therefore wishes to ensure that the

development can be implemented and occupied with adequate regard for public and environmental safety.
Supporting notes:
a. An initial phase 1 desk study has been submitted with the original application and is considered satisfactory. A phase 2 intrusive investigation will need to be submitted and will include investigation into outstanding potential contamination issues to be communicated by the local planning authority and allow the development of a site Conceptual Model (CM), which identifies all potential pollutant linkages on the site. Risk assessments must adhere to current UK guidance and best practice.
b. The scheme for decontamination shall provide details of how each potential pollutant linkage, as identified in the conceptual model, will be made safe.
c. In some instances the LPA may require work on site to be ceased whilst the nature of additional contamination is investigated fully.
d. The validation report shall revisit the site conceptual model, and provide evidence that each aspect of the decontamination scheme was carried out correctly and successfully. This report shall prove that the development is suitable for its new use.
e. We request that site investigation reports or site plans be sent electronically to landquality@hounslow.gov.uk or by post on a cd or dvd wherever possible.

10 **Noise mitigation**

Notwithstanding the submitted Noise Impact Assessment, the building shall be constructed so as to provide sound insulation against externally generated noise of not less than the standards outlined in BS8233:2014 (page 24 table 4) with windows shut and other means of ventilation provided. The sound insulation works shall be completed before the building is first occupied or brought into use and retained thereafter.

Reason: To safeguard the amenities of future residential properties; in accordance with Local Plan policies CC2 & EQ5.

11 **Hours of construction**

No demolition or 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 not at all on Sundays and Public Holidays.

Reason: In order to safeguard the amenities of adjoining residents and the amenities of the locality in accordance with Local Plan policies CC1, CC2 and EQ5 and Policies 7.15 (Reducing noise and enhancing soundscapes) and 5.3

(Sustainable design and construction) of the London Plan.

12 **Demolition and Construction Management Plan**

The development shall be carried out in strict accordance with the submitted Demolition and Construction Management Plan Rev 003 dated June 2018

Reason: To ensure highway safety is maintained and preserved in accordance with policy EC2 of the Local Plan.

13 **Construction Logistics Plan**

The development shall be carried out in strict accordance with the submitted Construction Logistics Plan Rev 003 dated June 2018.

Reason: To ensure highway safety is maintained and preserved in accordance with policy EC2 of the Local Plan.

14 **Hard and soft landscaping**

Hard and soft landscaping on site shall be carried out in strict accordance with the submitted landscape plan FNH429 LS/01, the Landscape specification dated 20/04/2018 and maintained in accordance with the submitted Landscape Management Plan dated 20/04/2018.

Reason: In the interest of biodiversity, sustainability, and to ensure that a satisfactory standard of visual amenity is provided and maintained in accordance with policies CC1 Context and character and CC2 Urban design and architecture of the adopted Local Plan.

15 **Delivery and servicing plan**

All deliveries and servicing shall be carried out in strict accordance with the submitted Delivery and Servicing Plan dated April 2018 (Appendix 9 of Transport Statement) for the duration of the development.

Reason. To ensure that deliveries and servicing activities do not impact on the local highway network or amenity of the local area in accordance with Local Plan policies CC2(Urban Design and Architecture) and EC2 (Developing a sustainable local transport network)

16 **Waste and recycling stores**

Prior to commencement of the development (except any demolition, site clearance, ground investigation and remediation work) and notwithstanding the approved plans

full details for the storage of waste and recycling for residents use shall be submitted to and approved in writing by the local planning authority. The waste and recycling stores shall be made available for use as approved prior to first occupation.

Reason. To ensure the storage areas are suitable to accommodate the number and size of bins required for both uses and in accordance with policy EQ7 (Sustainable waste management)

17 **Lightspill**

There shall be no light spill from external artificial lighting into the watercourse or adjacent river corridor habitat. To achieve this the specifications, location and direction of external artificial lights should be such that the lighting levels within 5 metres of the top of bank of the watercourse are maintained at background levels. The Environment Agency considers background levels to be a Lux level of 0-2.

Reason. To minimise light spill from the new development into the watercourse or adjacent river corridor habitat. Artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat, and in particular is inhibitive to bats utilising the river corridor.

18 **Cycle stores**

Prior to the commencement (except any demolition, site clearance, ground investigation and remediation work) of the hereby approved development, full details (including manufacturers' specifications) of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall conform to current guidance (West London Residential Cycle Parking Guidance) the design and layout and shall not include semi-vertical stands and be fully implemented in strict accordance with the approved details and be made available for use before the first occupation of the development and thereafter retained for use at all times without obstruction.

Reason. In accordance with policy 6.9 (Cycle parking) of the London Plan and Local Plan policy EC2 (Developing a sustainable local transport network).

19 **Detailed Drainage Design**

Notwithstanding the submitted details, prior to commencement of works above ground level (except any demolition, site clearance, ground investigation and

remediation work) the applicant must submit for review and approval by the Lead Local Flood Authority final detailed drainage designs (including drawings), and details of additional storage in relation to attenuating further surface water at ground level (or evidence that it is impractical to locate these on site and they will not provide any further benefit reduce flood risk on and off site), an associated detailed maintenance plan for each of the drainage feature components (including routine maintenance tasks and frequencies and the responsible body/bodies) and evidence of the necessary approvals from Thames Water to allow surface water runoff to enter their sewer network.

Reason: To prevent the risk of flooding to and from the site in accordance with the approved Flood Risk Assessment (July 2016) and the Sustainable Drainage Systems Assessment (May 2016) documents and relevant policy requirements including but not limited to London Plan Policy 5.13, the Non-Statutory Technical Standards for Sustainable Drainage Systems and Hounslow Council's Local Plan Policy EQ3.

20 **Drainage evidence**

Prior to occupation of the development, the applicant must submit for review and approval by the Local Planning Authority, evidence that the drainage system has been built as per the final detailed drainage designs through the submission of photographs and copies of installation contracts, and written confirmation that the drainage features will be managed as per the detailed maintenance plan for the lifetime of the development.

Reason: To ensure that the methods to mitigate the risk of surface water flooding have been constructed as agreed and that the drainage system is suitably managed.

21 **Existing crossover**

Prior to first occupation of the hereby approved use the existing crossovers from New Road to the site shall be permanently closed and reinstated to footway in consultation with the Local Highways Authority.

Reason. To improve highway safety in accordance with Local Plan policy EC2 (Developing a sustainable local transport network).

22 **Wheelchair user dwellings**

A minimum of 12 Wheelchair User Dwellings, built to Building Regulations M4(3) standards, shall be provided in accordance with the approved plans. These units shall be

retained as such for the duration of the development.

Reason. To ensure a socially inclusive and sustainable development in accordance with Local Plan Policy SC3 and policies 3.5 (Quality and design of housing developments) and 7.2 (creating an inclusive environment) of the London Plan.

23 **Parking spaces**

Prior to the occupation of the hereby approved development the parking spaces (including car club space and active and passive electric vehicle charging points) as shown on the submitted plans shall be made available for use and shall be maintained as such for the duration of the development in line with the submitted Transport Statement Appendix 8- Car Park Design and Management Plan. Any spaces that are not providing the required active electric vehicle charging point shall be installed with a passive charging point for adaptation in the future.

Reason. To ensure parking is provided in line with Local Plan policy EC2 (Developing a sustainable local transport network) and Policy 3.16 (Parking) of the London Plan.

24 **Boilers**

Any boilers installed in the hereby approved development shall be Ultra Low Emissions (<40 mg NOx/kWh) and in accordance with the London Plan Sustainable Design and Construction SPG.

Reason. To ensure that the development is air quality neutral in accordance with policy EQ4 (Air quality) of the Local Plan and the London Plan.

25 **Air Quality mitigation**

The development shall be carried out in accordance with the mitigation measures proposed in the submitted Air Quality Assessment during construction and operational phases.

Reason. To ensure that there is no adverse impact on air quality in accordance with policy EQ4 (Air quality) of the Local Plan.

Informatives:

1 To assist applicants, the London Borough of Hounslow has produced planning policies and written guidance, which are available on the Council's website. The Council also offers a pre-application advice service. In this case, the scheme was

submitted in accordance with guidance following pre application discussions.

2 CIL Liable

Some new developments granted planning permission on or after 1st April 2012 will be liable to pay Community Infrastructure Levy (CIL) to the Mayor of London with respect to the funding of Crossrail. This is at the rate of 35 pounds per sq.m of new floor space.

This development is liable for CIL. A Liability Notice will follow shortly. For further information please contact the CIL team on 020 8583 4898/4895 or view our web page: http://www.hounslow.gov.uk/index/environment_and_planning/planning.htm

or the planning portal web page: http://www.planningportal.gov.uk/wps/portal

3 Thames Water

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services

The proposed development is located within 15m of our underground waste water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that

your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes.

4 **Environment Agency**

The applicant should be aware to adequately protect the riparian zone from disturbance, including tracking, dust and noise. Not only because this land belongs to Royal Parks to maintain, but because of the potential for sensitive species to be resident along and within the river banks. It is the applicant's responsibility to ensure adequate mitigation measures against disturbance and damage are put in place and do not undermine the conservation status of species, and the overall wildlife value of connected habitats in this case, the river corridor.

CD10.1i – 64-66 & 70-88 Uxbridge Road, Hanwell (2019) – Appeal Ref: APP/A5270/W/18/3212646

Proof Reference – Paragraphs 5.2.20 – 5.2.21;

Relevant Appeal Decision Paragraph – 51

The site is within a **PTAL 4**, at the time of the planning submission, **rising to PTAL 5 with the arrival of the Elizabeth Line**. The Inspector found no reason on highway grounds to object to the Appeal. This site, albeit a lower number of units, presents very close parallels to the Appeal scheme in that the PTAL is the same (4), rising to the same (5) with introduction of the Elizabeth Line and only disabled parking provision is proposed. The Appeal site is approximately 650m from Hanwell station which offers a similar level of service to Hayes & Harlington station but is further away from the scheme than the Appeal site is from Hayes and Harlington station.

The Planning Inspectorate

Appeal Decision

Inquiry Held on 18-20 June 2019

Site visit made on 20 June 2019

by Helen B Hockenhull BA (Hons) B. Pl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2019

Appeal Ref: APP/A5270/W/18/3212646
64-66 and 70-88 Uxbridge Road, Hanwell, London W7 3SU

- 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 Lou Hanwell Ltd against the decision of the London Borough of Ealing.
- The application Ref 172913FUL, dated 31 May 2017, was refused by notice dated 28 March 2018.
- The development proposed is the redevelopment to provide two buildings (demolition of the existing buildings) as a part 4 and 9 storey building and a four storey building comprising a mixed use development of 679 sq. m of flexible uses/retail (class A1) and /or financial/professional services (Class A2), and /or restaurant/café (Class A3) and /or assembly and leisure (Class D2) and 57 residential units (including affordable housing) and associated cycle storage, public and private amenity spaces, refuse and recycling storage and hard and soft landscaping.

Decision

1. The appeal is allowed and planning permission is granted for redevelopment to provide two buildings (demolition of the existing buildings) as a part 4 and 9 storey building and a four storey building comprising a mixed use development of 679 sq. m of flexible uses/retail (class A1) and /or financial/professional services (Class A2), and /or restaurant/café (Class A3) and /or assembly and leisure (Class D2) and 57 residential units (including affordable housing) and associated cycle storage, public and private amenity spaces, refuse and recycling storage and hard and soft landscaping at 64-66 and 70-88 Uxbridge Road, Hanwell, London W7 3SU in accordance with the terms of the application, Ref 172913FUL, dated 31 May 2017, subject to the conditions in the attached schedule.

Procedural matters

2. The original planning application proposed redevelopment to provide two buildings, a part 4 and part 9 storey building and a 5-storey building for a mix of uses including 59 residential units. During the application process the scheme was amended, the five-storey building being reduced to four storeys and the number of residential units being decreased to 57. I have determined the appeal on this basis.

3. The Council and the appellant submitted an agreed Statement of Common Ground (SoCG) dated 17 April 2019 indicating the areas of agreement and disagreement between them.

4. A draft planning obligation by way of a unilateral undertaking made under section 106 of the Town and Country Planning Act 1990 (s106) was submitted by the appellant. The obligation relates to the provision of affordable housing and financial contributions towards primary education, healthcare provision, parks and recreation provision, air quality, energy and travel plan monitoring, pedestrian and cycling facilities, the provision of car club membership and restrictions on car parking should a controlled parking zone be implemented. A signed and dated document was submitted after the Inquiry.

Main Issues

5. The main issues in this case are:

- the effect of the development on the character and appearance of the area, with particular regard to massing, scale and design;
- whether the proposed development would preserve or enhance the character or appearance of the Hanwell Clock Tower Conservation Area and the setting of the Grade II Listed Church of St Mellitus.

Reasons

Policy context

6. The appeal site is located to the south of Uxbridge Road within Hanwell town centre. Policy 2.1 of the Ealing Development (Core) Strategy adopted in 2012 aims to realise the potential of the Uxbridge Road/Crossrail corridor through the provision of more than 9000 extra homes. This amounts to 74% of the borough's total net increase in housing development.

7. Policy 2.7 of the Core Strategy seeks to enhance and consolidate Hanwell town centre with a focus on ensuring new development supports an improved retail offer, with design that responds to the distinct character of the centre. The profile of Hanwell establishes that the town will not be a major focus for growth but nonetheless there are opportunities for some development. The Ealing Development Management Development Plan Document (DPD) identifies 3 sites which offer real opportunities to support the vitality and viability of the town centre through intensification coupled with public realm improvements. Policy HAN1 relates to the appeal site and allocates it for a mixed-use development appropriate to the town centre, including provision for community uses.

8. There is no dispute between the parties that the principle of development on the site accords with the development plan.

Character and appearance

9. The appeal site comprises Nos 64-66 and 70-88 Uxbridge Road, Hanwell. The existing building forms a two-storey terrace with ground floor shop fronts providing retail and commercial uses, except for No. 66 which is in residential use. No.68 Uxbridge Road, a Dental Surgery, does not form part of the scheme. Adjoining the terrace to the west is a single storey garage building.

10. The site lies west of an area of public realm which lies north of the car park to two modern retail units. This area is referred to by the main parties as 'Lidl square'. Running along the western boundary of the appeal site adjacent to the square is a wall around 2 metres in height. This is outside the ownership of

the appellant. Beyond the square to the west is a 19th century terrace of three storeys in height, providing further retail and commercial uses. On the eastern boundary of the site is a modern flat roof three storey building set back from the street frontage in use as a gym. Opposite on the northern side of Uxbridge Road, is a three-storey terrace with gable features and roof dormers.

11. Heading west to the centre of Hanwell, lies a public square which contains the Clock Tower, a 1930's art deco listed structure celebrating the coronation of King George VI and Queen Elizabeth. Designated as a Conservation Area, the square is surrounded by three and four storey Victorian and Edwardian buildings built in traditional materials. Key buildings at junctions are designed to turn the corner and have distinctive turret and cupola features.

12. The Council submits that the conceptual design of the appeal proposal is not at issue. However, the siting, scale, massing and bulk of the proposal is of concern in the context of Hanwell.

13. The proposed buildings are sited to the back of the footway on the same building line as the existing building on the site. This is in keeping with the siting of the terraces to the west and other buildings in the locality. Gold's Gym, to the east of the appeal site, is set back from the road frontage, which to a degree gives the building some subservience in the street scene. However, this is not reflective of the surrounding townscape.

14. The proposed main block provides ground floor retail units with residential uses at first, second and third floors. The third floor is set back on the roof responding to the roofscape and roof dormers in the locality and respecting the eaves line of the adjacent terraces. The elevation to Uxbridge Road exhibits a strong vertical emphasis and is subdivided into bays giving the appearance of individual units within a larger terrace. This reflects the character and rhythm of the Victorian buildings opposite the site. Window size and proportion also respects that of the older traditional terrace on the other side of the road. The curved north west corner of the main building reflects the design of other key Victorian buildings surrounding the Clock Tower. Overall, I consider that the four-storey base is appropriate in scale and mass and is consistent with its context.

15. In terms of materials the four-storey base is proposed to be constructed in a dark burnt red brick. There is variety in the colour of brickwork in Hanwell town centre. The predominant colour is a traditional red brick however there are accents of other colours including darker brick, for example on the Catholic Church to the east of the site. There are however no dark brick buildings of the scale proposed in this scheme. Whilst some representors expressed concern that the dark red brick would be out of keeping with the area, it is not necessary for me to come to a view on this matter. Should the appeal be allowed, a condition requiring the submission of brick samples for the approval of the Council could be imposed.

16. The facade of the northern elevation has been designed to include subtle references to Marshalls, the music business which originally occupied No. 76 Uxbridge Road. This heritage is reflected in the dark colour of the brickwork and also in the use of different brick bonds to reflect the paper grill cloth of the amplifiers that the company produced. This provides articulation and interest particularly at street level and leads to high quality design.

17. The smaller 4 storey building has been designed to complement the main block. It integrates well in the street scene similarly responding to the terrace building opposite. It would be built in a lighter brick to the main block and the proposed articulation to the front façade adds visual interest.

18. The 9-storey tower of the main building is set to the south west corner of the site. A number of development plan policies address the issue of tall buildings. Policy 7.7 of the London Plan directs tall buildings to the Central Activity Zone, opportunity areas or intensification areas. Policy 1.2 (h) of the Core Strategy specifies sites in Action, Ealing and Southall town centres, gateways to Park Royal and specified sites. Whilst not referred to in the reason for refusal or in the Council's Statement of Case, Policy 7.7 of the Ealing Development Management Development Management Plan (DPD) restates these specified locations.

19. The above policies define tall buildings as those that are substantially taller than their neighbours and /or significantly change the skyline. The proposed 9 storey tower would meet this definition, and as Hanwell town centre is not referred to as being an appropriate location for tall buildings, the appeal proposal would not comply with the policies referred to above. However, Policy 7.7 of the London Plan in Part B recognises that planning applications on unidentified sites may come forward and sets down criteria against which they should be assessed. Such buildings should relate well to the form, proportion, scale and character of surrounding buildings, urban grain and public realm.

20. In the local context, Policy HAN 1 of the Ealing Development Management DPD provides design principles for the redevelopment of the appeal site. This policy does not restrict the height of a new building. Rather it seeks additional floorspace and an increase in building height to better relate to the high street location and the prevailing three to four storey building heights.

21. The 9-storey tower element is set back approximately 11 metres from the site frontage. This results in the 4-storey element of the building being the visual focus in the street scene, particularly when viewed looking west towards Hanwell centre. The tower is broken up into three sections. The lower brick base, a middle section proposed to be constructed in vertical aluminium cladding, and an upper section of the same cladding but of a narrower width. The cladding gives the tower a lighter appearance on top of the heavier brick base. The tower is articulated with balconies, recesses and projections which assist to break up its bulk and mass.

22. Heading east away from the town centre, views of the building would be partially screened by existing development. Whilst the tower would be visible, its siting, set back from the street frontage, together with the proposed lighter material palette and articulation, result in a proposal which would not be of such prominence to cause harm to the character and appearance of the area.

23. From a closer position, near to 'Lidl square', the western elevation of the building would dominate the street scene. The 9-storey element of the building would contrast with the predominantly three storey traditional terrace buildings in the locality. However, it would also be seen alongside the more modern buildings of Gold's Gym and the retail units to the west of the appeal site. Whilst the tower element would be taller than any other building in the vicinity, I consider that in this context and having regard to its siting, overall design and articulation, it would be acceptable in terms of its form, mass and scale. The

proposed building would therefore not impact adversely on the visual amenity of the area.

24. The tower provides enclosure to the square and creates a focal point meeting the requirement of Policy HAN1. The appellant argues that the tower would provide a 'waymarker', denoting the location of the square and marking the entrance into the town centre. I am not persuaded that the place making of 'Lidl square', which is a relatively small area, is necessary or that the square would be seen as having such importance to the town centre particularly when compared to the public space around the Clock Tower.

25. The side elevation of the existing garage building, as well as the existing wall on this elevation, provides a dead frontage to the public space. Whilst I acknowledge that negotiations with Lidl are ongoing to remove the wall, they have not been completed. For the purposes of this appeal, I must therefore consider the proposed scheme with the wall in place. The upper balconies on the western elevation of the building would provide only limited activation to the public square. Whilst this would not achieve the full potential of the site, with ground floor uses facing and animating the square as envisaged in HAN 1, it would represent an improvement on the existing situation.

26. A further consideration is the effect of the 9-storey part of the proposed building on the skyline. There are 2 key existing features which form landmarks in the area. Firstly, the spire to St Mellitus Church, which at 30 metres would be approximately the same height as the proposed 9 storey tower and secondly the taller element of the Catholic Church at around 14 metres. Viewed from Uxbridge Road, the development would block the view of these features. However, this could reasonably be expected with any redevelopment and intensified use of the site.

27. I have been made aware of the Peugeot site located on Uxbridge Road to the west of the Clock Tower, one of the three sites identified for development in the local plan along with the appeal site. It has an extant planning permission for a development which includes a six-storey building on the street frontage. Whilst I have had regard to the development of this taller building in the town centre, each proposal must be considered in context and on its individual merits.

28. I viewed the site from Deans Road to the south and several other viewpoints in the surrounding area. Looking north from Deans Road the current view is of the upper floors and roofscape of the relatively low scale Victorian town centre buildings. As a result of the relatively open and unrestricted view from this position any new development would be visible, including a building of 3 or 4 storey height. The lighter materials of the 9-storey tower assist to blend the structure into the skyline. The building would visually denote the relationship of the town centre to the surrounding residential area. Whilst it would create a very different view, I consider it would not cause significant harm to the skyline or the character and appearance of the locality.

29. There are a number of other viewpoints in the Hanwell area where the proposed tower would be visible in the skyline. However, as a result of distance, intervening buildings and the presence of trees and other landscape features, this visibility does not in my view equate to harm.

30. The appeal scheme does not include No. 68 Uxbridge Road. The two proposed buildings lying either side, would dominate this smaller two storey building in visual terms resulting in a poor relationship. It is clearly unfortunate that No.68 does not form part of the scheme as it does not allow the comprehensive redevelopment of this allocated site. However, I acknowledge that there is nothing in Policy HAN1 that prevents a phased approach to redevelopment. On this basis, I consider that the appeal proposal would not result in an unacceptable visual impact.

31. In summary, I have found that whilst the scheme proposes a tall building in the context of Hanwell, it would be acceptable in the street scene in terms of siting, design, massing and scale. Furthermore, whilst the proposal would be visible, it would cause no significant adverse impact to the skyline. The appeal proposal would provide a sense of enclosure to the 'Lidl square' and whilst providing only limited activation, this would be an improvement to the currently dead frontage.

32. The proposal would comply with Policies 3.5, 7.4 and 7.6 of the London Plan 2016 and Policies 3.5 and 7.4 of the Ealing Development Management DPD 2013. These policies aim to achieve a high quality of design, complementing and making a positive contribution to the character of existing built areas.

Heritage assets

Clock Tower Conservation Area

33. The appeal site lies approximately 75 metres to the west of the Clock Tower Conservation Area. The Conservation Area is centred on the listed art deco Clock Tower monument. Its significance derives from the mainly Victorian 2 and 4 storey buildings set around an older street pattern with narrow often irregular shaped plots. It is urban in character and provides a historic commercial centre to Hanwell.

34. The Conservation Area Appraisal notes that views into and out of the Conservation Area are along the principal and secondary roads. Views are severely affected by heavy traffic at most times of the day.

35. I am statutorily required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Whilst the appeal site lies outside the boundary of this heritage asset, it forms part of its setting. The Council identified 3 viewpoints where the appeal scheme would have a visual relationship with the Conservation Area, impacting on its character and appearance.

36. Firstly, looking west from the corner of Church Road, the view is of a range of both modern and traditional buildings. The Conservation Area, whilst visible is not prominent in the view. Secondly viewed east from the corner of Broadway and thirdly from Station Road, the upper three storeys of the proposed tower element would be seen above the roofline of the existing Victorian buildings.

37. The Conservation Area Appraisal recognises that the key focus of the Conservation Area is the Clock Tower and the immediately surrounding buildings. Having regard to the separation distances and the presence of intervening buildings, I consider that the appeal proposal would not be dominant in views towards or from the Conservation Area. It would cause no

harm to the significance of the heritage asset and would preserve its character and appearance.

38. The proposal would therefore comply with section 16 of the Framework, Policy 7.8 of the London Plan and Policy 7C of the Ealing Development Management DPD. These policies seek to ensure that development does not undermine or detract from the significance of a heritage asset.

Church of St Mellitus

39. The Grade II listed Church of St Mellitus is located approximately 60 metres to the north east of the appeal site. It is set back from Uxbridge Road with a relatively narrow frontage and tree planting providing an element of screening to its southern elevation. The church spire rises to around 30 metres in height and forms a local landmark visible in the skyline from a number of points in the area. The setting of the building is compromised to a degree by a petrol station on the other side of Church Road.

40. The significance of the heritage asset lies in its architecture and historic interest. It forms an imposing brick Gothic design from the prominent Victorian architect Sir Arthur Blomfeld.

41. The parties agree that the principal setting of the Church is to the side along Church Road. From a position just north of the Church, it would be unlikely that the appeal proposal would be visible and therefore it would not impact on the setting of the heritage asset.

42. Looking towards the appeal site from the junction of Uxbridge Road and St George's Road, the appeal site and the Church can be seen. However, this view does not directly focus on the setting of the heritage asset. The Church appears in the periphery of the view. Looking towards the Church, to view it directly in its setting, the proposed development would not be appreciated. I therefore consider that the appeal proposal would not cause harm to the significance of this heritage asset and its setting would be preserved.

43. Accordingly, the appeal scheme would comply with section 16 of the Framework, Policy 7.8 of the London Plan 2016 and Policy 7C of the Ealing Development Management DPD 2013. These policies seek to conserve the significance of heritage assets.

Other Matters

Housing need

44. The London Plan Annual Monitoring Report September 2018 confirms that Ealing has failed to meet its London Plan housing targets for the 3-year period 2014/15 – 2016/17. Furthermore, the draft London Plan minimum ten-year housing target proposes a significant increase in the number of dwellings to be provided in Ealing over the period 2015-2025. Whilst this draft plan is under Examination and is the subject of objection, it indicates the severe housing need in London.

45. The provision of 57 residential units with 20 to be affordable, would make a significant contribution to the supply of housing in the borough.

Impact on No.68 Uxbridge Road

46. The implementation of the proposed development would need to have regard to the structural integrity of No. 68. I am satisfied that Building Regulations and Party Wall legislation would provide the necessary safeguards.

47. The plant room to the smaller proposed building would be located immediately next to the eastern side elevation of No. 68. Concern has been raised about the impact of this in terms of noise and vibration on the amenity of the occupant and users of the adjoining premises. Should the appeal be allowed appropriate conditions could be imposed to ensure that mitigation measures are in place to address this matter. I am satisfied that this would overcome any potential issues.

48. The proposed refuse storage area for the smaller building would also be located on the side elevation of No.68. Again, should the appeal be allowed, conditions could be imposed to require a delivery and servicing management plan. I am satisfied that this would ensure that appropriate waste management measures were in place to prevent any adverse impacts on neighbouring occupiers and users.

49. Windows in the western side elevation of the proposed building would overlook the rear of the adjacent premises. I am advised that the first floor of No 68 is not in residential use forming part of the Dental Surgery. The submitted plans show that the oblique windows at first, second and third floor which look onto windows in the rear of No 68 would be obscure glazed. This would prevent any loss of privacy to users of the adjoining building. There are also other windows in the side elevation of the proposed building which would overlook the rear yard. However, as No.68 is not in residential use, there would be no adverse impact on the living conditions of occupiers of the property. The relationship would therefore be acceptable.

50. The appeal proposal has been designed to make provision for the future redevelopment of the Dental Surgery either in isolation or as part of the wider scheme. I accept that the design of the appeal scheme with windows overlooking No.68 would impact on any redevelopment proposals. However, the appellant has provided evidence that in isolation, a scheme for the adjoining property would remain financially viable. I am therefore satisfied that the appeal scheme would not negatively impact on the potential redevelopment of the neighbouring building.

Other issues

51. Several other matters were raised by local residents. Turning first to parking and highway matters, the scheme proposes a car free development. Policy HAN 1 of the Ealing Development Management DPD states that the Council would consider such a scheme. The appeal site has a PTAL rating of 4, which, means it has a good level of accessibility to public transport. On the arrival of Crossrail in 2021 the rating is set to increase to 5, very good. Two disabled parking spaces would be provided in front of the building and all residential units would benefit from a 3-year Car Club membership. The latter benefit being secured through a unilateral undertaking. The Highways Authority have raised no objection to the proposals. I am therefore satisfied that in highway terms the development would be acceptable.

52. Whilst the proposal exceeds the average density range for a site in an accessible location, all the proposed residential units meet or exceed the London Plan Housing Standards guidelines for internal floorspace. The design of the development seeks to maximise the number of dual aspect apartments with 76% achieving this objective. Of those that do not, only 3 would be north facing and these have been provided with large windows facing Uxbridge Road and additional floorspace. The scheme provides a mix of apartments including studios, 1, 2 and 3 bed units providing for both single persons and families. Overall, I consider the development acceptable in terms of the quality and mix of housing.

53. With regard to external amenity space, 49 of the proposed units, 86%, would have private balconies. Those that do not, would have access to the communal amenity space in the main building. This includes a courtyard with children's play space at first floor and a roof terrace on the fourth floor. Future residents in the smaller building would be required to walk through to the main block to access the communal recreation space. This is not ideal. However, there are also other public open space areas with a reasonable walking distance of the site that could be used by residents. The proposed communal amenity space falls short of that required by Policy 7D of the Ealing Development Management DPD. A financial contribution towards other public open space in the vicinity of the site is sought and could be secured through the unilateral undertaking. On balance I am satisfied that adequate external amenity space is provided in the scheme.

Planning Obligation

54. The appellant has submitted a signed and dated unilateral undertaking relating to: affordable housing; car club membership; a Travel Plan; restrictions on car parking in the event of a Controlled Parking Zone; a section 278 Highway Agreement for the construction of a loading bay; and financial contributions for education, health, parks and recreation, pedestrian and cycle improvements, air quality monitoring and energy monitoring.

55. Based on the contents of the CIL Compliance Schedule, the provisions of the unilateral undertaking, meet the tests set out in paragraph 56 of the Framework and CIL Regulations 122/123. I attach significant weight to this document.

Planning Balance

56. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that I determine the appeal in accordance with the development plan unless material considerations indicate otherwise.

57. The principle of the development accords with the development plan which seeks to achieve a mixed-use scheme optimising the potential of the site, with the introduction of additional floorspace resulting in the intensification and regeneration of the site. I have also found that the scheme would accord with Policies 3.5, 7.4 and 7.6 of the London Plan 2016 and Policies 3.5 and 7.4 of the Ealing Development Management DPD 2013 in that the scheme would not cause harm to the character and appearance of the area. Furthermore, I have concluded that the proposal would preserve the character and appearance of the Clock Tower Conservation Area and the setting of the listed St Mellitus Church.

58. There are a number of material considerations in this case. These include the contribution to the supply of market and affordable housing in the borough, addressing the significant housing need. I afford significant weight to this benefit. The proposal would also provide employment during construction and once completed, through the commercial uses and the ongoing management and maintenance of the buildings.

59. The financial contributions that the development would make to local infrastructure are required to mitigate various aspects of the scheme. Whilst contributions to local parks and pedestrian and cycle improvements would to an extent benefit the wider public, this would be limited. The payment of Community Infrastructure Levy is required of all new development and is therefore not a specific benefit of this scheme.

60. In terms of environmental enhancement, the building is proposed to be energy efficient, includes a communal boiler system and incorporates photovoltaic panels. The Appellant expects the achievement of at least 35% onsite carbon emission reduction.

61. In summary, I find that the proposal would provide significant social benefits through the provision of much needed housing as well as economic and environmental benefits. I therefore conclude that the material considerations in this case do not indicate that the appeal should be determined other than in accordance with the development plan. Accordingly, the appeal should be allowed.

Conditions

62. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of precision and enforceability. I attach a condition limiting the life of the permission in accordance with the Act (1). For the avoidance of doubt and in the interests of proper planning, a condition specifying the plans is imposed (2).

63. In the interest of protecting the living conditions of future residents and the amenity of the occupier and users of No.68, conditions relating to the submission of details and the implementation of approved schemes for construction management (3), contamination (9), refuse (12), insulation (13 and 14), plant and machinery (15), vibration and noise mitigation (16, 17 and 18), odours (19), light pollution (21), air quality (22) and the hours of use of the commercial premises (28) are reasonable and necessary.

64. Material samples are required to be submitted in order to maintain the character and appearance of the area (4). For the same reason conditions are required to ensure the implementation and maintenance of a landscaping scheme (5) and to prevent the installation of microwave masts, antennae or satellite dishes (23).

65. In order to ensure the provision of adequate play space, condition 24 is necessary. Conditions 10 and 11 are required to ensure that appropriate foul and surface water drainage is provided and that any piling operations do not cause damage to subservice water or sewage infrastructure. I impose a condition removing permitted development rights for a change of use of the commercial uses to safeguard the vitality and viability of the town centre (29).

66. In the interests of highway safety, conditions 6, 7 and 8 are necessary to ensure the preparation and implementation of a travel plan, the provision of cycle parking and the submission of a servicing and delivery plan.

67. To ensure that the development is inclusive in its design, conditions 25, 26 and 27 are necessary to require the installation of passenger lifts, a percentage of units to meet accessible and adaptable dwellings standards as well as dwellings designed for wheelchair users.

68. In order to address climate change and provide a sustainable development, conditions requiring the submission of details and schemes for sustainable design and construction (30), water efficiency (31), low nitrous oxide boilers (22), site waste management and procurement (32), energy strategies for residential and non-residential uses (33 and 34) and overheating and cooling for both dwellings and commercial units (35 and 36) are necessary.

69. The Council suggested a condition requiring details of any future connection to the district heating network to be submitted for approval. However, as it is unclear whether such a connection would be made, I consider that such a condition is unnecessary.

70. Conditions 3, 9, 10, 11, 21 and 32 are pre commencement conditions and were agreed by the appellant in writing in the SoCG. I am satisfied that they are fundamental to the development to ensure that it does not occur until such matters are resolved, in the interest of safeguarding the living conditions of future occupiers and achieving a sustainable energy efficient development.

Conclusion

71. For the reasons given above and having had regard to all other matters raised, I allow this appeal.

Helen Hockenhull

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Guy Williams	Instructed by Amanda Campbell Senior Solicitor LB Ealing
He called	
Ms Harini Boteju MSc	Senior Planner LB Ealing

FOR THE APPELLANT:

Timothy Corner QC	Instructed by Mary-Jane O'Neill Lambeth Smith Hampton
He called	
Mary-Jane O'Neill BA (Hons) MSc MRTPI FRSA	Director, Lambert Smith Hampton
Nigel Lea BA(Hons) RIAS RIBA	Design Director, Gensler Europe Limited
Peter Stewart MA (Cantab) Dip Arch RIBA	Peter Stewart Consultancy

INTERESTED PERSONS:

Sarbjit Nahl	Representative of the owner of No. 68 Uxbridge Road.
Caroline Brown	Chair Hanwell Community Forum.
Ann Molloy	Resident

DOCUMENTS SUBMITTED DURING THE INQUIRY

1. Revised draft Unilateral Undertaking.
2. Appellant's Opening Submission.
3. Council's Opening Submission.
4. Extract from the London Plan 2016 - Policy 3.3 Housing Supply and Policy 3.12 Negotiating Affordable Housing on Individual Residential and Mixed Schemes.
5. CIL Compliance Schedule.
6. Local Plan Adopted Policies Map marked up with locations for Inspector's site visit to view the impact proposal on the skyline.
7. Council's list of witnesses and qualifications.
8. Council's Closing Statement.
9. Appellant's Closing Statement.

DOCUMENTS SUBMITTED AFTER THE INQUIRY

1. Appellant's list of witnesses and qualifications.
2. Signed and dated unilateral undertaking.
3. CIL Compliance Schedule amended to address Reg 123 compliance.
4. Revised list of agreed conditions

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than 3years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. A1.200 P4 Ground Floor Plan, Drawing no. A1.201 P2 First Floor Plan, Drawing no. A1.202 P1 Second Floor Plan, Drawing no. A1.203 P2 Third Floor Plan, Drawing no. A1.204 P2 Fourth Floor Plan, Drawing no. A1.205 P2 Fifth Floor Plan, Drawing no. A1.206 P2 Sixth Floor Plan, Drawing no. A1.207 P2 Seventh Floor Plan, Drawing no. A1.208 P2 Eighth Floor Plan, Drawing no. A1.209 RF P2 Roof Plan, Drawing no. A1.300 P2 North Elevation, Drawing no. A1.301 P3 South Elevation, Drawing no. A1.302 P2 West Elevation, Drawing no. A1.303 P2 East Elevation, Drawing no. A1.400 P2 Section AA, Drawing no. A1.401 P2 Section BB, Drawing no. A1.402 P2 Section CC, Drawing no. LL.610 P1 Landscape Ground Floor, Drawing no. L1.611 P1 Landscape Plan First Floor, Drawing no. L1.614 P1 Landscape Plan Fourth Floor, Drawing no. L2.300 P1 Public Realm Landscape Sections, Drawing no. L2.310 P1 First Floor Landscape Sections, Drawing no. L2.311 P1 First Floor Landscape Sections, Drawing no. L2.320 P1 Fourth Floor Landscape Sections.

3) Development shall not commence (including demolition and site clearance) until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The submission shall include the following information:

   a) anticipated number, frequency and size of construction vehicles entering/exiting the site;

   b) delivery times and booking system (staggered to avoid morning and afternoon school run peak periods);

   c) site access for construction traffic and contractor staff parking and associated signage;

   d) consolidated or re-timed trips;

   e) site security;

   f) secure, off-street loading and drop-off facilities;

   g) vehicle manoeuvring and turning, including swept path diagrams to demonstrate how vehicles will access the site and be able to turn into and emerge from the site in forward gear;

   h) details as to the locations for the storage of building materials and construction debris and contractors' offices;

   i) procedures for on-site contractors to deal with complaints from local residents including the name, telephone number and address of a responsible person to whom enquiries / complaints should be directed. These contact details shall also be displayed at regular intervals around the site compound;

   j) using TfL's Freight Operator Recognition Scheme (FORS) or similar;

   k) details of an Air Quality and Dust Management Plan (AQDMP) that includes an Air Quality (Dust) Risk Assessment shall be produced in

accordance with current guidance The Control of Dust and Emissions during Construction and Demolition, SPG, GLA, July 2014, for the existing site and the proposed development.

The development shall be carried out strictly in accordance with the approved Construction Management Plan for the duration of the works.

4) Prior to construction above the slab level, details of the materials to be used for the external surfaces of the development shall be submitted to and approved in writing by the local planning authority. The samples shall include:

a) brickwork (including brick panels and mortar courses);

b) cladding and colours;

c) all window treatments (including sections and reveals);

d) balcony structures and balustrading treatment (including sections);

e) privacy screens;

f) metal, cement and render facing and banding detail;

g) ventilation and extraction louvres;

h) shop fronts; and

i) all other external materials to be used.

Development shall be carried out only in accordance with the approved details and permanently retained thereafter.

5) Notwithstanding any information submitted, prior to the occupation of the development, a 10-year landscape management and maintenance plan with full details of hard and soft landscaping works (including green roofs) and boundary treatments shall be submitted to and approved in writing by the local planning authority.

The approved planting (green infrastructure) shall be implemented prior to the occupation of any part of the development and in accordance with the programme agreed by the local planning authority and maintained thereafter.

Any planting that is part of the approved scheme that within a period of five years after planting, is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same position, unless the local planning authority first gives written consent to any variation.

6) Notwithstanding the submitted Framework Travel Plan (Prepared by Canepro Associates), a revised and detailed Travel Plan designed to manage the transport needs of the occupiers of the development, including measures to minimise car usage and promote alternative modes of transport shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby approved. The revised and detailed Travel Plan shall be prepared in accordance with the Transport for London Travel Plan Guidance and Ealing's Sustainable Transport for New Development SPD in use at the time of its preparation. The development shall be carried out strictly in accordance with the approved Travel Plan.

7) Notwithstanding the submitted documents, written details shall be submitted to the local planning authority prior to the first occupation of any part of the development to demonstrate the provision of at least 78 residential cycle parking spaces carried out to the specifications and adopted standards of the London Plan and the local planning authority. The approved details shall be brought into use prior to first occupation and retained permanently.

8) Notwithstanding the submitted Delivery and Servicing Management Plan (Prepared by Caneparo Associates), a delivery and servicing plan shall be submitted to and approved in writing by the local planning authority, prior to first occupation of any part of the development hereby approved. The plan shall cover the following:

a) deliveries and collections (both commercial and residential); including how deliveries will be scheduled to avoid several lorries arriving at the site simultaneously;

b) servicing trips (including maintenance); and measures to reduce the number of freight trips to the site (freight consolidation);

c) details of the location and management of the receipt and collection of deliveries for the residential properties;

d) cleaning and waste removal; including arrangements for refuse collection;

e) monitoring and review of operations;

f) times and frequency of deliveries and collections, vehicle movements, silent reversing methods, location of loading bays, quiet loading/unloading measures.

The delivery and servicing plan shall be implemented on first occupation of any part of the development hereby approved and the site shall be managed in accordance with the approved plan for the life of the development.

9) Prior to commencement of the development (excluding demolition and site clearance) the following shall be submitted to and subject to the approval in writing of the local planning authority:

a) Prior to the commencement of the development (not including demolition works) a phased risk assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice. Each phase shall be submitted in writing and approved in writing by the local planning authority.

b) If the report recommends remedial work is required at the site before it will be suitable for the proposed end use, a remedial strategy / method statement including; remediation methodology; site specific assessment criteria; on-going monitoring plan; and a verification plan shall be submitted for approval in writing by the local planning authority.

c) The development shall not be occupied until any approved remedial works, have been carried out and a full validation report has been submitted for approval in writing by the local planning authority.

10) Development shall not commence (excluding demolition and site clearance) until a drainage strategy detailing any on and/or off-site drainage works, has been submitted to and approved in writing by the local planning authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

11) Should piled foundations be required, the development shall not commence (excluding demolition and site clearance) until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling shall be carried out, including measures to minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

12) The refuse and recycling facilities shown on the approved drawings shall be provided prior to the first occupation of any dwelling or commercial unit and retained thereafter.

13) Noise mitigation measures, with windows closed and other means of ventilation provided, shall insulate the new dwellings against the transmission of externally generated noise, to meet the minimum internal ambient noise criteria as specified in Table 4 of BS 8233:2014; Living Rooms, Bedrooms = 35 dB LAeq,16 hours ; Kitchens, Dining Rooms, Bathrooms = 40 dB LAeq,16 hours during day-time hours (07:00 – 23:00); and Bedrooms = 30 dB LAeq,8 hours during night-time hours (23:00 - 07:00). The mitigation measures shall be implemented prior to the first occupation of the residential units and thereafter be permanently retained.

14) Details shall be submitted for approval of the local planning authority prior to the commencement of superstructure works, for the insulation of the floor/walls/ceiling between the commercial premises, plant room, communal facilities from dwellings/ noise sensitive premises. Details shall demonstrate that the sound insulation value DnT,w [and L'nT,w] is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures shall be provided. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

15) Details of any plant or machinery shall be submitted and approved in writing by the local planning authority prior to installation, to demonstrate that the rating sound level as assessed under BS4142: 2014, will not exceed the existing background sound level, as measured at the nearest noise sensitive facades, during the relevant periods of operation.

16) Prior to occupation of any commercial units, details shall be submitted for the written approval of the local planning authority for a Quiet Delivery Scheme (QDS). The Scheme shall be compiled in accordance with the Quiet Deliveries Good Practice Guidance, - Key Principles and Processes for Retailers, Department Of Transport, April 2014. The noise mitigation measures emanating from the site assessment report shall be

implemented prior to the commencement of the QDS and shall be retained permanently thereafter.

17) Prior to use, any machinery, plant or equipment that requires extract/ ventilation system at the development shall be mounted with proprietary anti-vibration isolators and fan motors in accordance with details first submitted for approval in writing by the local planning authority.

18) Occupation of the commercial premises shall not commence until all external doors have been fitted with self-closing devices, which shall be maintained in an operational condition and at no time shall any external door or windows be fixed in an open position.

19) Prior to the occupation of any commercial units for A3 use, details shall be submitted to and approved in writing by the local planning authority, of the installation, operation, and maintenance of the odour abatement equipment and extraction system, including the height of the extract duct and vertical discharge outlet at least 1m above the eaves of the main building, in accordance with the 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' January 2005 by DEFRA. Approved details shall be implemented prior to the commencement of the use and thereafter be permanently retained.

20) External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals in the latest 'Guidance Notes For The Reduction Of Light Pollution'. Lighting should be minimized, and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

21) No development shall commence, (except site clearance and demolition), until details of a scheme for the provision of fresh air ventilation to all habitable rooms including air supply location, have been submitted to the local planning authority for approval in writing. The ventilation system as approved shall be completed prior to occupation and shall be retained permanently thereafter.

22) Ultra-Low NOx boilers (<40mg NOx/KWh) shall be installed, and abatement of NOx emissions shall be applied to the rest of the development, including apartments and non-residential unit, to achieve emission rates in g NOx/m2 as set out at Appendix 5 of Mayor's Sustainable Design and Construction SPG, April 2014 and the approved Sustainability Statement.

23) No microwave masts, antennae or satellite dishes or any other plant or equipment shall be installed on any of the buildings within the development unless otherwise approved in writing by the local planning authority under this condition prior to installation.

24) Prior to first occupation of the development, details of the children's play areas (including play equipment, landscaping, boundary treatment, disabled access and security measures) shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented and completed as approved prior to first occupation of the relevant part of the residential development that the facilities serve and retained for the life of the development.

25) The passenger lifts located within the communal cores serving the approved apartment blocks shall be installed and operational prior to the first occupation of the relevant part of the apartment block to which the lift serves.

26) Ninety percent of the approved residential dwellings shall be designed and constructed to meet Approved Document M (Volume 1: Dwellings), Part M4(2) (Accessible and adaptable dwellings) of Building Regulations 2015, or other such relevant technical requirements in use at the time of the construction of the development.

27) Ten percent of the approved residential dwellings shall be designed and constructed to meet Approved Document M (Volume 1: Dwellings), Part M4(3) (Wheelchair user dwellings) of Building Regulations 2015, or other such relevant technical standards in use at the time of the construction of the development.

28) The hours of business use for the ground floor commercial units (A1/A2/A3/D2 Use Class) fronting Uxbridge Road hereby approved shall be restricted to the period [0700 - 2300hrs] Monday to Sunday.

29) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any subsequent order revoking and re-enacting that Order with or without modifications), the ground floor commercial units shall not be subdivided and shall only be used for an A1/A2/A3/D2 Use Class activity, and not for any other use.

30) Upon the first occupation of the approved development, including residential and non-residential units, the approved dwellings and non-residential spaces shall incorporate sustainability measures as detailed in the approved Sustainability Statement Issue 2 prepared by Eight Associates in 24 May 2017.

31) A. Prior to occupation of each residential unit within the development, the approved dwellings shall incorporate and maintain water saving measures that will meet water efficiency standards with a maximum water use target of 105 litres of water per person per day as detailed in the approved Sustainability Statement Issue 2 prepared by Eight Associates in 24 May 2017.

B. Prior to occupation of the non-residential unit within the development, the approved non-residential unit shall incorporate and maintain water saving measures that will reduce the water consumption by at least 40% as detailed in the approved Sustainability Statement Issue 2 prepared by Eight Associates in 24 May 2017.

32) Prior to the commencement of the development, a Site Waste Management Plan including a Green Procurement Plan, shall be submitted to and approved in writing by the local planning authority. The Site Waste Management Plan and Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including by use of low impact, sustainably sourced, reused and recycled materials, including reuse of demolition waste (where available), use of local suppliers and by reference to the BRE's Green Guide Specification. The development shall be carried out in accordance with the approved plan.

33) A) Prior to commencement of the residential units, other than site preparation, remediation and /or the formation of accesses, a revised report, which includes full details and drawings of the energy saving measures, including passive measures and/or LZC technologies, that are to be incorporated into the development, shall be submitted to, and approved in writing by the local planning authority.

The measures should be in line with or better than the ones proposed under the approved Overheating Risk Assessment Addendum (27 October 2017, prepared by Thornton Reynolds) and the submitted details shall demonstrate whether the residential component of the development hereby approved will achieve zero carbon in regulated CO2 emissions over and beyond Building Regulations Part L 2013. In demonstrating compliance with this percentage reduction, the applicant should consider the use of measures in line with the Energy Hierarchy including the incorporation of on-site renewables. This reduction should be calculated based on carbon dioxide emissions covered by the Building Regulations whilst carbon dioxide emissions associated with other energy uses not covered by Building Regulations (un-regulated) should be also included and measures to reduce them should be demonstrated.

B) Within three-months of the first occupation of each dwelling in the approved development, Energy Performance Certificates [EPC's], detailed modelling output reports showing clearly the DER and TER from the "as built stage" to confirm compliance in terms of savings achieved through energy efficiency measures should be also submitted for written approval by the local planning authority.

C) Within three-months of the practical completion of the dwellings, technical information and evidence that the renewable/low carbon technologies are certified under the Microgeneration Certification Scheme (MSC) and, if appropriate, complies with the Enhanced Capital Allowances (ECS) product criteria should be submitted to and approved in writing by the local planning authority. The development shall be carried out strictly in accordance with the details so approved.

34) A) Prior to commencement of the non-residential units, other than site preparation, remediation and / or the formation of accesses, a revised report, which includes full details and drawings of the energy saving measures, including passive measures and/or LZC technologies, that are to be incorporated into the non-residential component of the development, shall be submitted to, and approved in writing by the local planning authority. The submitted details shall demonstrate whether the non-residential component of the development hereby approved will achieve a minimum 35% CO2 emissions reduction (regulated CO2 emissions) over and beyond Building Regulations Part L 2013. In demonstrating compliance with this percentage reduction, the applicant should consider the use of measures in line with the Energy Hierarchy including the incorporation of on-site renewables. This reduction should be calculated based on carbon dioxide emissions covered by the Building Regulations whilst carbon dioxide emissions associated with other energy uses not covered by Building Regulations (un-regulated) should be also included and measures to reduce them should be demonstrated.

B) Within three-months of the first occupation of the non-residential unit in the approved development, Energy Performance Certificates [EPC's], detailed modelling output reports showing clearly the BER and TER from the "as built stage" to confirm compliance in terms of savings achieved through energy efficiency measures should be also submitted for written approval by the local planning authority.

C) Within three-months of the practical completion of the non-residential unit, technical information and evidence that the renewable/low carbon technologies, if incorporated, are certified under the Microgeneration Certification Scheme (MSC) and, if appropriate, complies with the Enhanced Capital Allowances (ECS) product criteria should be submitted to the local planning authority.

The development shall be carried out strictly in accordance with the details so approved.

35) Prior to the first occupation of each dwelling within the development, the approved residential units shall incorporate and maintain mitigation measures that will assist with reducing the risk of overheating, follow the Cooling Hierarchy and comply with CIBSE TM49 & TM59 criteria as stated in the approved Overheating Risk Assessment Addendum (27 October 2017) prepared by Thornton Reynolds.

36) Prior to occupation of the non-residential unit within the approved development, the details of the dynamic thermal modelling, being applied to each non-residential unit proposed using the guidance and criteria provided in CIBSE TM49 & TM52 and demonstrating how these units perform against and even exceed the overheating criteria, shall be submitted to the local planning authority for written approval. The details of any additional measures to be incorporated into each non-residential unit to minimise the risk of overheating (without active cooling first) shall also be submitted and evidence that these measures can be incorporated into the development if the dynamic thermal modelling demonstrates that overheating would occur. Compliance with Criterion 3 of the Building Regulations should also be demonstrated. Each non-residential unit shall thereafter be provided in accordance with the approved details.

CD10.1j – Land off Harefield Road, Uxbridge (2019) – Application Ref: 16299/APP/2018/1849

Proof Reference – Paragraph 3.2.43 and paragraphs 4.2.63 to 4.2.67;

Relevant Officer Report Reference – Page 29 and 52

An extract of the report is taken for a car-free proposal in Uxbridge, Hillingdon where only eight spaces are proposed. The report is noteworthy for two reasons;

- The highways officer comments note potential occupiers make an informed decision when looking to move to a development as to whether the location of that site was suitable to meet their life demands (particularly with regard to car parking). i.e. residents are not forced to live car-free but are free to choose to do so; and
- TfL acknowledge that a full 10% blue badge parking provision does not need to be provided as the applicant has provided a robust justification for this, citing the Accessible London SPG and the site's accessibility (PTAL 5), including step free access to/from Uxbridge Station. Because of this justification, TfL is confident that additional demand is unlikely to arise, and the level of parking proposed is therefore considered acceptable.

The justification follows the same methodology as presented in my Proof at paragraphs 4.2.63 to 4.2.67.

APPLICATION FOR: **16299/APP/2018/1849**
LAND OFF HAREFIELD ROAD UXBRIDGE

COMMITTEE: Major Apps PC

DATE: 19th February 2019

I confirm:-

- All consultations have been completec
- All consultations are reflected in the report.
- The report is free from spelling, typing and grammatical errors.

Final formatting:

Signed:- _____
Case Officer

Signed:- _____
Team Manager

Signed:- _____
Senior Manager

I agree this report can go on the agenda for the above Committee.

Signed:- _____
DC Tech Admin

A

Item No. **Report of the Head of Planning, Transportation and Regeneration**

Address LAND OFF HAREFIELD ROAD UXBRIDGE

Development: Demolition of existing buildings and erection of 3 blocks (part 4, 5, 8, 9 and 12 storeys) to provide 267 self-contained units (32 x studios, 107 x 1-bedroom, 115 x 2-bedroom and 13 x 3-bedroom) with commercial floorspace at ground floor level (Use Classes A1, A2, A3 and B1) and associated landscaping, including public realm improvements, provision of 9 accessible car parking spaces and ancillary works. (Amendments include design changes and increase of 3 units)

LBH Ref Nos: 16299/APP/2018/1849

Drawing Nos: Townscape and Heritage Review November 2018
Townscape Visual and Heritage Assessment November 2018
Cover Letter dated 22nd November 2018
(20)_102 P03
(20)_206 P03
ExA_1749_P_120 P03
ExA_1749_P_130 P03
Air Quality Assessment 1983r3 16th November 2018
(20)_205 P04
(20)_212 P03
(20)_110 P04
(20)_200 P04
(20)_202 P03
(20)_203 P03
(20)_204 P03
Flood Risk Assessment 735-TSY-ZZ-XX-RP-S-0001 Issue 1.4
Ambient Noise Assessment J001807/3048/ECE/03
(20)_103 P03
(20)_104 P03
Proposed Scheme Daylight and Sunlight December 2018 Wind Design Note December 2018
(20)_100 P04
(20)_101 P03
(20)_108 P04
(00)_010 P03
(20)_208 P03
Aviation Assessment 18/778/WAJ/5 November 2018
Daylight Sunlight and Overshadowing Assessment November 2018
Design and Access Statement November 2018
Drainage Strategy Report 735-TSY-ZZ-XX-RP-C-001 Rev02
Landscape Strategy 21st November 2018
(20)_207 P03
(20)_209 P04
(20)_210 P03
(20)_211 P03

Integrated Management Plan
(00)_005
(20)_106 P03
(20)_201 P03
ExA_1749_P_102 P04
(20)_105 P03
(20)_107 P03
(20)_112 P02
(20)_109 P05
ExA_1749_P_101 P04

Date Plans Recieved:	17/05/2018	**Date(s) of Amendment(s):**	01/08/2018 17/05/2018 04/12/2018 18/02/2019 03/12/2018
Date Application Valid:	18/05/2018		

1. SUMMARY

This application relates to a proposed development on land off Harefield Road in Uxbridge. The proposed scheme involves the demolition of the existing buildings on the site and the erection of 3 blocks, with the tallest block proposed to be 12 stories in height. The development would create 267 self-contained units in the 'Build to Rent' model.

The proposed mix would be 32 x studios, 107 x 1 bedroom, 115 x 2 bedroom and 13 x 3 bedroom units, with commercial floorspace at ground floor level (Use Classes A1, A2, A3 and B1) and associated landscaping, including public realm works, provision of 9 accessible car parking spaces and ancillary works. The proposals have been amended through the application process to increase the level of residential development by 3 units and alter the design of the buildings. This is despite the development having an unacceptably low number of 3 or 4 bed family units and (as highlighted by the GLA) a very high number of small single aspect units.

The proposed scheme is considered to be an over development of the site, resulting in an unacceptable level of density, a detrimental impact on heritage assets and the character of the locality, a detrimental impact on neighbouring residents, insufficient standard of living for future occupiers, unacceptable drainage strategy, waste arrangements, car parking provision and energy strategy. In addition the Ministry of Defence have raised an objection to the application based on the scheme's potential to impact on the safe functioning of radar equipment.

As such the proposed scheme fails to accord with policies contained within the Hillingdon Local Plan: Part 1- Strategic Policies (8th November 2012), Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), the London Plan 2016 and the National Planning Policy Framework (NPPF).

Refusal is therefore recommended.

2. RECOMMENDATION

1. That the application be referred back to the Greater London Authority.

2. That should the Mayor not direct, or issue a direction under Article 7 of the Order that he is to act as the Local Planning Authority for the purposes of determining the application, delegated powers be given to the Head of Planning, Transportation and Regeneration, to refuse planning permission for the following reasons:

1 NON2 **Precision Approach Radar**

The proposal by virtue of its size, height, siting and design would be likely to interfere with the radar and the safe operations at Northolt Airport. The application is therefore contrary to policy A6 of the Hillingdon Local Plan: Saved UDP Policies (November 2012), Emerging Policies DMAV 1 and DMHB 10 of the Local Plan: Part 2 - Development Management Policies (October 2015), Planning Circular 01/03: Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Area, Chapter 9, paragraph 104(f) of the National Planning Policy (2018), The Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002 (updated 22 December 2016) and the General Aviation Strategy March 2015.

2 NON2 **Regeneration**

The proposed development, by reason of its gated access and privately accessible ground floor uses, fails to have ground floor activities that provide a positive relationship to the surrounding streets or make a significant contribution to local regeneration. The proposal is therefore contrary to Policy H1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Emerging Policies DMHB 10 and DMHB 12 of the Local Plan: Part 2 - Development Management Policies (2015), Policy 7.7 of the London Plan (2016) and the National Planning Policy Framework.

3 R8 **Density**

The proposal, by reason of the scale of development and number of residential units proposed would give rise to an over-intensive use of the site with a density of development that would be out of keeping with and detrimental to the character of the area. Furthermore the scheme has an unacceptably low number of family units (3 bed or more) with many flats being single aspect. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policies BE13, BE19, H4 and H5 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), Emerging Policies DMH 2 and DMHB 17 of the Local Plan: Part 2 - Development Management Policies (October 2015), Policy 3.4 of the London Plan (2016) and the National Planning Policy Framework.

4 R4 **Car Parking**

The proposal does not make adequate provision for car parking in accordance with the Council's adopted standards. This is likely to result in on-street parking displacement to the detriment of highway and pedestrian safety. The proposal is therefore contrary to the Council's adopted policies in particular Policy AM14 of the Hillingdon Local Plan: Saved UDP Policies (November 2012) and Emerging Policy DMT 6 of the Local Plan: Part 2 - Development Management Policies (October 2015).

5 NON2 **Heritage**

The proposed development by reason of its height, bulk, mass and design represents an overdevelopment of the site that would have an adverse impact that fails to preserve or enhance the setting of the surrounding listed buildings, the Old Uxbridge/Windsor Street conservation area, surrounding locally listed buildings and the North Uxbridge area of

special local character. The development would therefore be contrary to Policies BE1, SO1 and HE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policies BE4, BE13 and BE19 of the Local Plan: Part 2 (November 2012), Emerging Policies DMHB 1, DMHB 4 and DMHB 11 of the Local Plan: Part 2 - Development Management Policies (October 2015) and Policies 7.1, 7.4 and 7.6 of the London Plan (2016).

6 NON2 **Character of the Locality**

The development, by virtue of its overall scale, bulk of built development, height, density, site coverage and lack of landscaping and screening, is considered to constitute an over-development of the site, resulting in an unduly intrusive, visually prominent and incongruous form of development, which would fail to respect the established character or compliment the visual amenities of the street scene and local area and would mar the skyline contrary to Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policies BE13 & BE19 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), Emerging Policies DMHB 10 and DMHB 11 of the Local Plan: Part 2 - Development Management Policies (October 2015), Policies 3.5, 7.4 and 7.6 of the London Plan (2016) and the National Planning Policy Framework (2018).

7 NON2 **Impact on Neighbours**

The proposal, by reason of it's scale, mass and design is considered to result in overdominance and have a detrimental impact on the residential amenities of existing residential properties, thus failing to accord with Policies BE19 and BE21 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), the Council's Supplementary Planning Document 'Hillingdon Design and Access Statement' (HDAS), Emerging Policy DMHB 11 of the Local Plan: Part 2 - Development Management Policies (October 2015), Policy 3.5 of the London Plan (2016) and the National Planning Policy Framework.

8 NON2 **External Amenity Space**

The proposed scheme fails to provide amenity space of sufficient size, level and quality commensurate to the scale and level of development proposed, resulting in an over-development of the site detrimental to the residential amenity of future occupiers. As such the proposal would provide a substandard form of accommodation for future residents contrary to Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policies BE20 and BE23 of the Hillingdon Local Plan: Part Two - UDP Saved Policies (November 2012), Emerging Policies DMHB 10 and DMHB 18 of the Local Plan: Part 2 - Development Management Policies (October 2015) and the adopted Supplementary Planning Document - Residential Layouts SPD (2006).

9 NON2 **Internal Privacy Levels and Outlook**

The proposed development by reason of its layout and design fails to provide sufficient outlook and privacy for future occupants of the proposed buildings resulting in a development that is detrimental to the amenity of future occupiers of the site. The development would therefore be contrary to Policies BE20, BE21 and BE24 of the Local Plan: Part 2 (November 2012) and Policy 7.1 of the London Plan (2016).

10 NON2 **Drainage Strategy**

The proposed drainage strategy fails to demonstrate that surface water run off is controlled to ensure the development does not increase the risk of flooding. This is contrary to Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012), Emerging Policies DMEI 9 and DMEI 10 of the Local Plan: Part 2 -

Development Management Policies (October 2015), Policy 5.12 Flood Risk Management, Policy 5.13 Sustainable Drainage and Policy 5.15 Water use and Supplies of the London Plan (March 2016) and the National Planning Policy Framework.

11 NON2 **Waste Strategy**

The proposed development, by reason of the waste arrangements, has failed to demonstrates that waste can be collected in an acceptable manner and that the residential amenity of future residents would not be detrimentally impacted upon. As such it is deemed to be contrary to Policy EM11 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policies BE19, BE20, BE21 and BE23 of the Local Plan: Part 2 (November 2012), Emerging Policy DMHB 11 of the Local Plan: Part 2 - Development Management Policies (October 2015), London Plan Policy 5.17 and HDAS - New Residential Layouts.

12 NON2 **Sustainability**

The development fails to satisfactorily address the issues relating to the mitigation and adaptation to climate change and to minimising carbon dioxide emissions, contrary to Policy PT1.EM1 of Hillingdon Local Plan Part 1, Emerging Policy DMEI 2 of the Local Plan: Part 2 - Development Management Policies (October 2015), Policies 5.2, 5.13 and 5.15 of the London Plan (2016) and the National Planning Policy Framework.

13 NON2 **Landscape**

The proposed scheme fails to retain existing trees that are deemed worthy of protection or proposed measures to mitigate against the loss of these landscape features of merit. In addition the level of soft landscaping proposed is deemed to be minimal and insufficient to mitigate the urbanising impact of the development. The scheme therefore fails to satisfy Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), saved policy BE38 of the Hillingdon Local Plan: Saved UDP Policies (November 2012) and Emerging Policies DMHB 11, DMHB 12 and DMHB 14 of the Local Plan: Part 2 - Development Management Policies (October 2015).

14 NON2 **Loss of Retail**

The proposed development has failed to justify the loss of the existing retail capacity and to demonstrate that options for optimising and enhancing the provision of retail floorspace as part of a mixed use scheme have been considered. As such the proposal has failed to protect and enhance the role of Uxbridge as a Metropolitan town centre. As such it is deemed to be contrary to Policy E4 of the Local Plan: Part 1 - Strategic Policies (2012), Policy 4.8 of the London Plan (2016) and Annex 2 of the NPPF (2018).

15 NON2 **Daylight/Sunlight**

The application has failed to provide sufficient evidence that the proposed units and proposed amenity areas accord with BRE daylight, sunlight and overshadowing standards as well as details of microclimate for the proposed development. Without such information it is not possible to assess whether the proposed development is suitable for future occupiers. As such the proposal is contrary to Policies BE19, BE20, BE21 and BE23 of the Local Plan: Part 2 (November 2012), Emerging Policies DMHB 10 and DMHB 11 of the Local Plan: Part 2 - Development Management Policies (October 2015) and the National Planning Policy Framework (2018).

16 NON2 **S106**

The applicant has failed to provide contributions towards the improvement of services and facilities as a consequence of demands created by the proposed development (in

respect of Public Realm Works, Travel Plans, Construction Training, Carbon Offset, Affordable Housing, Secure by Design and Project Management and Monitoring). The scheme therefore conflicts with Policy R17 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), Emerging Policy DMCI 7 of the Local Plan: Part 2 - Development Management Policies (October 2015) the adopted Supplementary Planning Document 'Planning Obligations and Policy 8.2 the London Plan (2016).

INFORMATIVES

1 I52 **Compulsory Informative (1)**

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 **Compulsory Informative (2)**

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM8	Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
LE4	Loss of existing industrial floorspace or land outside designated Industrial and Business Areas
BE1	Development within archaeological priority areas
BE10	Proposals detrimental to the setting of a listed building
BE13	New development must harmonise with the existing street scene.
BE14	Development of sites in isolation
BE18	Design considerations - pedestrian security and safety

BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE25	Modernisation and improvement of industrial and business areas
BE26	Town centres - design, layout and landscaping of new buildings
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
BE4	New development within or on the fringes of conservation areas
H4	Mix of housing units
H5	Dwellings suitable for large families
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures
OE7	Development in areas likely to flooding - requirement for flood protection measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
R1	Development proposals in or near areas deficient in recreational open space
R16	Accessibility for elderly people, people with disabilities, women and children
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
R6	Ancillary recreational facilities
LPP 2.13	(2016) Opportunity Areas and Intensification Areas
LPP 2.15	(2016) Town Centres
LPP 2.7	(2016) Outer London: Economy
LPP 2.8	(2016) Outer London: Transport
LPP 3.11	(2016) Affordable housing targets
LPP 3.13	(2016) Affordable housing thresholds
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 3.6	(2016) Children and young people's play and informal recreation facilities
LPP 3.8	(2016) Housing Choice
LPP 3.9	(2016) Mixed and Balanced Communities
LPP 4.12	(2016) Improving opportunities for all
LPP 4.4	(2016) Managing Industrial Land and Premises
LPP 5.10	(2016) Urban Greening
LPP 5.11	(2016) Green roofs and development site environs
LPP 5.12	(2016) Flood risk management
LPP 5.14	(2016) Water quality and wastewater infrastructure

LPP 5.15	(2016) Water use and supplies
LPP 5.2	(2016) Minimising Carbon Dioxide Emissions
LPP 5.21	(2016) Contaminated land
LPP 5.3	(2016) Sustainable design and construction
LPP 6.10	(2016) Walking
LPP 6.13	(2016) Parking
LPP 6.5	(2016) Funding Crossrail and other strategically important transport infrastructure
LPP 6.9	(2016) Cycling
LPP 7.1	(2016) Lifetime Neighbourhoods
LPP 7.14	(2016) Improving air quality
LPP 7.15	(2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
LPP 7.2	(2016) An inclusive environment
LPP 7.4	(2016) Local character
LPP 7.5	(2016) Public realm
LPP 7.6	(2016) Architecture
LPP 8.3	(2016) Community infrastructure levy
LPP 8.4	(2016) Monitoring and review

3 I71 **LBH worked applicant in a positive & proactive (Refusing)**

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

In order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered to the applicant by the case officer during the processing of the application to identify the amendments to address those elements of the scheme considered unacceptable. However, the amendments required to make the application acceptable are substantial and would materially change the development proposal. They would require further consultation to be undertaken prior to determination which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider the submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable.

4 I74 **Community Infrastructure Levy (CIL) (Refusing Consent)**

This is a reminder that Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), should an application for appeal be allowed, the proposed development would be deemed as 'chargeable development' and therefore liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This would be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012.
For more information on CIL matters please visit the planning portal page at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

3. CONSIDERATIONS

3.1 Site and Locality

The site is located alongside Harefield Road, which is recognised as a local distributor road. The site level is raised approximately 1.2 metres above the level of Harefield Road. The site begins to slope gently downwards towards the rear (south-east).

The site is currently occupied by two attached purpose built retail buildings. The design of the buildings is relatively utilitarian, particularly 10 Harefield Road, which is the larger of the two and is largely metal clad. 12 Harefield Road does include a certain degree of decorative brickwork including pillars decorative courses. The overall footprint of unit 10 is approximately 2420 m² and unit 12 is approximately 730 m².

Both buildings are currently occupied by retail uses with 10 Harefield Road accommodating a DIY store and 12 Harefield Road accommodating a bike and car accessories store. Each unit is single-storey but sections of mezzanine flooring have been provided for office and / or addition retail space. The overall amount of retail space provided within each unit has not been confirmed.

The site is self contained and is served by its own car parking area which is provided to the front of the buildings. The parking is controlled by a private company and is for use by customers only.

The site is accessed directly from Harefield Road via a purpose built junction and a two-way access road. A turning bay has been marked out on Harefield Road to accommodate waiting vehicles that are turning right into the site. The access road continues along the southern side of the buildings, servicing a yard and loading area to the rear of the shops and then looping to the west to join with Warwick Place. Access from Warwick Place is currently controlled by a gate.

The site has been landscaped. This includes mature trees and hedging planted around the fringes of the car parking behind the brick retaining wall that faces on to Harefield Road and continuing around the remaining edges of the car park, other than adjacent to the retail units. There are also landscaped parcels and individual trees within the car park and a belt of mature trees providing a buffer between the retail buildings and the rear of gardens belonging to dwellings on Lancaster Road to the north-east.

Part of the Old Uxbridge / Windsor Street Conservation Area, which consists of shops on the eastern side of the High Street, lies approximately 60 metres to the south-west of the site. A number of the shop buildings within the Conservation Area are Listed. Approximately 225 metres to the west are the Uxbridge Lock and Rockingham Bridge Conservation Areas, which comprise of canal side landscaping and development. The North Uxbridge Area of Special Character extends to the north east of the site. 13 and 15 Lancaster Road, which back on to the eastern site boundary, are included within the Area of Special Character.

Watts Hall, a former chapel which is a Grade II Listed Building, is located close to the site, where the access road meets Warwick Place. Part of the magistrates court, which is to the west of the site on the opposite side of Harefield Road, is locally listed.

The site lies within an Archaeological Priority Area.

The buildings immediately adjacent to the site include Uxbridge Police Station, a 3-storey building on lower lying land to the west, Beasley Court which is a 4-storey office building adjacent to the access from Warwick place to the south. To the north-east is a group of light industrial units on what is known as the Penfield Estate and the rear boundaries of gardens belonging to the terraced and semi-detached dwellings that line Lancaster Road.

The site is located within the northern end of Uxbridge Town Centre which extends towards the west, where the majority of development consists of office buildings and to the south where the main concentration of retail is. The site itself does not fall within a primary or secondary shopping centre. Tall buildings within Uxbridge are concentrated towards the perimeter of the town centre, generally towards the north and west. The majority of these buildings contain offices although there are also residential buildings including the 8-storey building currently under construction at the Fassnidge site, approximately 150 metres south-west of the proposal site and Denham Lodge which is a 10-storey residential tower block approximately 350 metres to the west, which falls just outside of the Borough.

The site has a PTAL score of 5 and is within walking distance of Uxbridge bus and train stations.

3.2 Proposed Scheme

The proposal involves the demolition of all existing buildings on site and replacement with a mixed use development consisting of predominantly residential units. The proposals have been amended through the course of the application process, with the submission now proposing three separate blocks that would provide 267 units within the 'Build to Rent' model. Block A is proposed to be 4 stories in height on the Harefield Road frontage and up to 8 stories behind. Block B would be up to 4 stories and located on the north eastern boundary of the site. Block C would be 9 stories on the south eastern site boundary and up to 12 stories in height off the boundary.

The unit mix proposed would be as follows:
32 Studios - 12%
107 no. 1 Beds - 40%
115 no. 2 Beds - 43%
13 no. 3 Beds - 5%

10% of the total are proposed to be accessible units.

Also proposed are 2 no. commercial units that would have a floor area of 254 sqm and 178 sqm. These units seek consent for Use Classes A1, A2, A3 and B1. The larger of the two commercial blocks would be located within Block A on the Harefield Road frontage, whilst Block C would contain the second smaller unit. Both units would be positioned on the ground floor. It is proposed that Block C would include communal facilities to serve the development at ground floor level. These facilities include a lounge and gym, which the supporting documentation submitted with the application states will be accessible to all residents within the development. These facilities would not therefore be available to the wider general public.

The development proposes a total of 9 parking spaces, all of which would be located at ground floor level in Block C and would be disabled spaces. This equates to a parking ratio of 0.03 spaces per unit. Vehicular access to the site would be off Harefield Road as existing. An internal road within the site is described as 'shared surface' and provides

access to the parking and a turning head. Also proposed are 457 cycle spaces, including 8 visitor spaces. The cycle parking would be located in three smaller locations and one larger area in Block C. No motorcycle parking is proposed. It is proposed that the site be gated with access for residents only.

Two child's play space areas are proposed at either end of the access road turning head, these would be 119 sqm and 60 sqm in size with associated play equipment. Residential amenity space is proposed to be provided with Block A designed around a courtyard space. Roof terraces would be provided within Block A at level 5 and within Block C at levels 1, 4, 7 and 8. Within Block C, the units which back on to the roof terrace would have a private external area with direct access to the roof terrace. 110 of the proposed units would also benefit from private balconies. Additional soft landscaping is proposed at ground floor level. In total 2226 sqm of external amenity space is proposed for the 267 units.

The proposal would allow the Warwick Place loop to be accessible to pedestrians, providing a pedestrian route to the site that could gain wider connectivity to the High Street by way of linking with Beasleys Yard. This would, however, need to be agreed with a third party as Beasleys Yard is privately owned, therefore this route could be closed at any time outside the control of the developer.

3.3 Relevant Planning History

Comment on Relevant Planning History

The site has extensive planning history related to its current commercial use such as advertisement consents which are not significant and relevant to the current scheme. There is no planning history relevant to the proposed residential led development.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.EM6	(2012) Flood Risk Management
PT1.BE1	(2012) Built Environment
PT1.EM1	(2012) Climate Change Adaptation and Mitigation
PT1.H1	(2012) Housing Growth
PT1.H2	(2012) Affordable Housing
PT1.HE1	(2012) Heritage

Part 2 Policies:

LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006

AM13	AM13 Increasing the ease of movement for frail and elderly people and people with disabilities in development schemes through (where appropriate): - (i) Dial-a-ride and mobility bus services (ii) Shopmobility schemes (iii) Convenient parking spaces (iv) Design of road, footway, parking and pedestrian and street furniture schemes
AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM8	Priority consideration to pedestrians in the design and implementation of road construction and traffic management schemes
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
LE4	Loss of existing industrial floorspace or land outside designated Industrial and Business Areas
BE1	Development within archaeological priority areas
BE10	Proposals detrimental to the setting of a listed building
BE13	New development must harmonise with the existing street scene.
BE14	Development of sites in isolation
BE18	Design considerations - pedestrian security and safety
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE22	Residential extensions/buildings of two or more storeys.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE25	Modernisation and improvement of industrial and business areas
BE26	Town centres - design, layout and landscaping of new buildings
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
BE4	New development within or on the fringes of conservation areas
H4	Mix of housing units
H5	Dwellings suitable for large families
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE11	Development involving hazardous substances and contaminated land - requirement for ameliorative measures
OE7	Development in areas likely to flooding - requirement for flood protection

	measures
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
R1	Development proposals in or near areas deficient in recreational open space
R16	Accessibility for elderly people, people with disabilities, women and children
R17	Use of planning obligations to supplement the provision of recreation, leisure and community facilities
R6	Ancillary recreational facilities
LPP 2.13	(2016) Opportunity Areas and Intensification Areas
LPP 2.15	(2016) Town Centres
LPP 2.7	(2016) Outer London: Economy
LPP 2.8	(2016) Outer London: Transport
LPP 3.11	(2016) Affordable housing targets
LPP 3.13	(2016) Affordable housing thresholds
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 3.6	(2016) Children and young people's play and informal recreation facilities
LPP 3.8	(2016) Housing Choice
LPP 3.9	(2016) Mixed and Balanced Communities
LPP 4.12	(2016) Improving opportunities for all
LPP 4.4	(2016) Managing Industrial Land and Premises
LPP 5.10	(2016) Urban Greening
LPP 5.11	(2016) Green roofs and development site environs
LPP 5.12	(2016) Flood risk management
LPP 5.14	(2016) Water quality and wastewater infrastructure
LPP 5.15	(2016) Water use and supplies
LPP 5.2	(2016) Minimising Carbon Dioxide Emissions
LPP 5.21	(2016) Contaminated land
LPP 5.3	(2016) Sustainable design and construction
LPP 6.10	(2016) Walking
LPP 6.13	(2016) Parking
LPP 6.5	(2016) Funding Crossrail and other strategically important transport infrastructure
LPP 6.9	(2016) Cycling
LPP 7.1	(2016) Lifetime Neighbourhoods
LPP 7.14	(2016) Improving air quality
LPP 7.15	(2016) Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes.
LPP 7.2	(2016) An inclusive environment

LPP 7.4 (2016) Local character
LPP 7.5 (2016) Public realm
LPP 7.6 (2016) Architecture
LPP 8.3 (2016) Community infrastructure levy
LPP 8.4 (2016) Monitoring and review

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **19th June 2018**

5.2 Site Notice Expiry Date:- **27th June 2018**

6. Consultations

External Consultees

1ST CONSULTATION PERIOD
This application has been subject to design amendments through the course of the application process which resulted in the need to re-consult on the proposals. The first consultation period was between 24-05-18 and 14-06-18 and the following were received:

5 Petitions in objection to the proposals
142 comments in objection
46 comments in support

Petitions received in objection stated the following:

Petition 1 has 55 signatures and states:
'We, the undersigned, object to planning application of three residential blocks (264 self-contained units with 9 parking spaces). Main points of concern are:
- Over-development/ over-crowding/ heavy traffic
- Abuse of resident parking
- Size and bulk too dominant
- Over-bearing for nearby residents (shading/noise)

Petition 2 has 35 signatures and states:
'We the undersigned object to planning application 16299/APP/2018/1849 for the car-free development of 264 self contained residential units on land off Harefield Road, Uxbridge on the grounds that it is too large, too high, questionable as a car-free option, adds pressure to already overloaded public services and involves the loss of two valued retail outlets'.

Petition 3 has 103 signatures and states:
'The undersigned object to the development of the Harefield Road site and believe the local character of the area will be affected adversely by the scale and bulk of the development which will dominate the surrounding residential streets. It does not relate well to the form, proportion, and composition of surrounding buildings. The proposed site density is overwhelming and seems designed with that in mind and will have an adverse impact on residential amenity, increasing noise, overlooking of existing residents, loss of privacy and overshadowing. The proposal will increase pressure on schools, doctors and other services which are already under pressure.

Surrounding residential streets have parking difficulties and a car free scheme easily circumnavigated will spread the issue into a wider area.

The removal of two retail units that provide well used useful service to local residents and businesses, otherwise not available in the town, will mean a considerable journey to find alternatives'.

Petition 4 has 26 signatures and states:
'Against proposed development of the Wickes/Halford site for 264 build to rent residential apartments'

Petition 5 has 43 signatures and states:
'We, the undersigned, object to planning application 16299/APP/2018/1849 for development at land off Harefield Road, Uxbridge on the grounds that it is too large, too high, questionable as a car-free option, adds pressure to already overloaded public services and involves the loss of two valued retail outlets'.

142 comments in objection are summarised as follows:
- no requirement for more homes with lots of existing development in the area
- overlooking/loss of privacy
- out of context
- excessive scale/overdevelopment
- insufficient parking
- increased pressure on existing parking
- increased pressure on local services
- insufficient affordable housing
- affordable housing could be rented out
- impact on character of the area
- impact on local community
- too many additional people for the high street
- loss of outlook
- increased pedestrian congestion
- loss of security
- lack of recreational opportunities for existing residents
- impact on property values
- loss of jobs
- loss of existing stores and services
- increased traffic
- impact on pedestrian safety
- increased anti-social behaviour
- increased noise
- increased pollution
- loss of light
- ill considered design/eyesore
- unsustainable development
- interference to TV and radio signals
- no right of way through Beasley's Yard, gates locked evenings and weekends
- generated vistas are misleading and do not take the topography into account
- buildings very dark and oppressive
- There is no building in North Uxbridge residential area which is taller than 6 floors
- mix of development impractical to commute to/from using public transport
- danger to pedestrians and vehicles in Beasley's Yard
- lack of public consultation
- leaflet dropping for "local thoughts in area" nowhere near to the development
- justification is based on draft policy
- damage to properties

- human lives at risk
- increased crime/increased fear of crime
- inability to dry washing in constant shade/damp conditions
- unable to work from home risking loss of employment
- approval would not be "Putting Our Residents First"
- public transport only available to those going east
- supposedly car free, but people still have deliveries, order take always, taxis and have visitors etc
- no benefit to local community
- detrimental impact on 17th and 18th century buildings
- would result in creeping urbanisation
- insufficient provision for servicing
- density is too high
- using existing sewage and water supplies
- more appropriate in Central London
- no provision for renewable energy
- the architecture would also appear to be rather "brutalist"
- all the properties are buy to rent
- insufficient accessible car parking spaces available
- impact on air quality
- London Borough of Hillingdon has exceeded targets for provision of new homes
- another Glenfield Tower in the making
- existing developments have not been filled yet
- excessive cycle parking provision
- units too small
- documents are misleading
- gated access doesn't make it feel part of the what is a strong community
- losing stores locally will lead to increased journeys
- inappropriate use
- loss of retail diversity
- loss of existing car park
- precedent to close other retail premises
- market town becoming a concrete jungle
- contrary to London Plan policies
- contrary to Hillingdon planning policies
- past record of developer
- inappropriate materials
- query process used in daylight/sunlight report

The 46 comments received in support can be summarised as:
- Because it give more option
- modern look to Uxbridge
- close by living area
- good location
- encourages less pollution with no car park
- better to have a accommodation for student outside the campus
- students won't face much of an issue finding a place to live
- good idea. Need to see how it goes
- I am for it
- build to rent welcomed in this area, creates more housing options
- support if affordable
- too many houses built on green belts
- need more flats for renting
- would eliminate issues such as slow maintenance

- support if benefits students
- it would be nice to have a reliable landlord

2ND CONSULTATION PERIOD
The second consultation period was between 04-12-18 and 11-01-19 and the following were received:

143 comments in objection can be summarised as follows:
- increased traffic
- impact on highways safety
- damage to vehicles
- lack of parking
- loss of retail stores
- loss of incentive for people to visit Town Centre
- blot on the landscape
- detrimental impact on character of the area
- lots of new development in locality, no need for more
- too dense
- takes no account of surroundings
- situated close to many 17th and 18th century buildings
- creeping urbanisation of an ancient market town
- will dominate the skyline to a completely unacceptable extent
- pressure on local services
- poor design
- impact on existing residents parking
- will cause major disruption
- impact on residential amenity
- will cause gridlock
- pollution levels
- already too many new flats going up in the area
- less money coming in locally
- no real thought to the local demographic
- no investment in local infrastructure
- more family homes needed instead
- developer is only interested in financial gain
- overlooking
- loss of privacy
- not in keeping
- proposal relies upon draft policies
- delivery vehicles and services such as careers/visitors to use public car parks is unrealistic
- lack of school places
- maximum in this area should be 5 stories in keeping with other residences on the street
- loss of light
- increase in crime
- impact on property prices
- lack of green space
- overbearing influence
- public transport won't cope
- sewage system won't cope
- adverse effect on local economy
- no benefit to the exciting local community
- over population of an already very congestion centre
- not inkeeping with local conservation area

- flats will be bought by investors
- will have to travel further for supplies
- excessive cycle parking provision
- noise disturbance
- insufficient and unsafe road access
- past record of developer
- inappropriate materials
- contrary to London Plan policies
- contrary to Hillingdon planning policies
- query process used in daylight/sunlight report
- will cause problems for emergency vehicles
- loss of outlook
- inability to dry washing in constant shade/damp conditions
- unable to work from home risking loss of employment
- lack of infrastructure
- is there a commitment how long they will employ the 7 members of staff plus cleaners?
- increased carbon footprint
- buy to let does not engender good, long term community spirit

EXTERNAL CONSULTEES

GREATER LONDON AUTHORITY (GLA) (summary)
On 4 June 2018 the Mayor of London received documents from Hillingdon Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

London Plan policies on housing and affordable housing, urban design, heritage, inclusive design, climate change, flood risk, drainage and water and transport are relevant to this application. The following issues should be considered:
· Land use: Land use principle: The principle of a residential led mixed use development on the site is supported.
· Housing and Affordable Housing: The affordable housing offer is currently 23% calculated by habitable room. The affordable tenure is currently all DMR at 80% of market rent. The current affordable housing offer is unacceptable and must be improved. The applicant is following the viability tested route and GLA viability experts are currently scrutinising this and negotiating the level of affordable housing.
· Urban design and heritage: the approach is generally supported. There are currently too many single aspect units proposed and not a sufficient number of the units benefit from private external space and should be reconsidered.
· Inclusive design: location of units should be confirmed.
· Climate change: CHP is not appropriate, and an alternative solution should be found. Overheating analysis should be provided. The potential to provide more PV should be explored.
· Flood risk, drainage, and water: further details required on SuDs; additional work is required to meet water consumption targets.
· Transport: EVCP's for all car parking should be provided and details on how an additional 7% of dwellings could be provided with a disabled persons parking bay upon request should be included within a Parking Design and Management Plan. End of journey facilities for employees travelling to the site by active modes should be provided and at least 5% of cycle parking facilities should be able to accommodate larger and adapted cycles in accordance with the LCDS. A detailed CLP,

DSP and Travel Plan should be secured by condition/s106 as appropriate.

Recommendation
That Hillingdon Council be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 81 of this report; but that the possible remedies set out in this report could address these deficiencies.

NORTH UXBRIDGE RESIDENTS ASSOCIATION
Our Association has been advised of several petitions against the proposed redevelopment and wish to add our committee's objection in full support of the petitions and to offer our objections:

A) Present Use
The existing retail uses provide a valuable function as an adjunct to the Town Centre retail core and do not require site redevelopment on grounds of the buildings being vacant or visually derelict.

B) Site Location
Although categorised in the local Plan as part of the Town Centre, its location is more appropriately considered as a transition between the Town Centre and the Harefield Road residential area. As such it is particularly important that this site should respect the scale and size of housing in Harefield Road, Lancaster Road & Wilmar Close.

C) Policy Framework
In making this application, major reliance has been placed on the Mayor's Draft London Plan which aims to radically increase the annual new build target in Hillingdon from some 500 in the adopted London Plan to some 1500 pa. Until formally agreed, the Draft figure should not be used as the justification for the proposal to be supported.

D) Tall Building Approach
Likewise as part of the submission, the scheme relies upon the Tall Buildings Policy 7.7 in the Adopted Plan which says inter alia "only to be considered in areas whose character would not be affected adversely by scale, mass or bulk of tall or lanrge buildings". This is very much the case here, where the proposal would have a significant visual intrusion in the street scene and overbearing impact on houses around the site.

E) Parking Provision
The assumption that RtL (units to let) can be car free within PTAL 5&6 locations may be credible for inner city London sites but not at London's perimeter, where:
- car ownership is the norm with easy access to the motorways and in light of this,
- there is a potential, but likely, abuse of the limited kerbside parking by future occupiers if none are provided on site.

Whilst a relaxed standard of less than 1 on-site space per unit can be argued because of the site's proximity to public transport, the site is elevated above Harefield Road so there is an obvious option of excavation to provide a parking deck accessed at road level. Indeed earlier renditions of the scheme did indicate some 55 spaces.

NURA asserts that car parking should be provided for each unit, made possible by reducing the overall numbers. This will also bring the development down to a scale compatible with the site's transitional location between the Town Centre and the housing area to the north.

F) Impact upon Adjoining Properties
Nearby housing may well be adversely affected by overshadowing particularly in the late afternoon and Block B will also cause loss of privacy, notably to Lancaster Road houses and gardens.

G) Pressure on Public Service
One continuing theme in the comments we have received from residents is the pressure on public services such as overload at GP surgeries, and their obvious alarm that this scheme would only make matters worse.

Conclusion
Nothing in the scheme suggests a material benefit to the existing community, rather the converse. Irrespective of the other issues, the overall street scene impact anddominance envisaged by 8, 9 & 12 storey blocks, the scheme must be resisted as being incompatible with local residential amenity.

We consider this to be a poorly conceived and insensitive proposal, which if approved in anything like its present height, mass or bulk, would result in a precedent for similar proposals.

HISTORIC ENGLAND
Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion. This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

SPORT ENGLAND
No objection

HEATHROW AIRPORT SAFEGUARDING
We have assessed the above application against safeguarding criteria and can confirm that we have no safeguarding objections to the proposed development.

MOD - DEFENCE INFRASTRUCTURE ORGANISATION
The application site is positioned within the Uxbridge area and lies approximately 3.46km to the west of the end of the main runway at RAF Northolt. The site occupies the aerodrome height, birdstrike and technical statutory safeguarding zones surrounding the aerodrome.

Aerodrome heights
The proposed development site occupies the statutory aerodrome height safeguarding zone which protects the Obstacle Limitation Surface surrounding RAF Northolt; this is in place to ensure air traffic approaches, take offs and manoeuvres are not impeded. Following a review of the proposal, I can confirm that we have no aerodrome height safeguarding concerns with this development.

Technical
The proposed development site is also within the safeguarding area protecting the operation of the Instrument Landing System (ILS) and the Precision Approach Radar (PAR) that surveys the Western approach to the main runway at RAF Northolt. Due to the height of the proposed residential blocks, performance of the PAR will be affected by this development; the MOD therefore objects to this application in its current form.

We note that the applicant has submitted an aviation report in support of the application (Harefield Road Development, Uxbridge: Assessment of Impact on Heathrow Airport and RAF Northolt dated March 2018). The report considers the impact of the development on the PAR at RAF Northolt and states that as there are existing buildings in the area which would shield the building from the radar and will therefore cause no impact to the radar. However, none of the existing buildings identified in the report lie between the radar and the development site so therefore these buildings would not shield Harefield Road from the radar.

Birdstrike
The development site also occupies the statutory birdstrike safeguarding zone surrounding RAF

Northolt. Within this zone the principal concern of the MOD is with the creation of new habitats which may attract and support populations of birds hazardous to air traffic. The development at Harefield Road will feature a biodiverse brown roof which has the potential to attract birds hazardous to air traffic.

We note that a Bird Hazard Management Plan (BHMP) has been submitted in support of the application to satisfy Heathrow Airports birdstrike safeguarding requirements. The MOD also has birdstrike safeguarding requirements so the plan should be amended to include reference to the RAF and RAF Northolt and should commit to disperse birds at the request of RAF Northolt as well as Heathrow Airport.

The plan needs to clearly identify the key species which are to be dispersed and needs to include records of actions taken and outcomes as well as details of inspections where no hazardous birds were found. Should our objection to this application be removed, we would require a condition to be included in any planning permission granted obligating the applicant to comply with the requirements of the BHMP.

Cranes
Finally, the MOD recognises that cranes may be used during the construction of tall buildings at this site, if this development does progress, it will be necessary for the developer to liaise with the MOD prior to the erection of cranes or temporary tall structures. If the applicant can overcome our statutory objection to this scheme we would request that a condition such as the one below is included in any planning permission granted to ensure that the MOD is notified of when and where cranes will be erected.

Submission of a Construction Management Strategy
Development shall not commence until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority covering the application site and any adjoining land which will be used during the construction period. Such a strategy shall include the details of cranes and other tall construction equipment (including the details of obstacle lighting). The approved strategy (or any variation approved in writing by the Local Planning Authority) shall be implemented for the duration of the construction period.

Reason: To ensure that construction work and construction equipment on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems.

Noise
Please also note that my MOD colleagues have submitted separate representation commenting on the Noise Impact Assessment for this development. This letter on Safeguarding matters should be read in conjunction with my colleague's response.

In summary, the MOD maintains a statutory objection to this proposal in its current form.

METROPOLITAN POLICE DESIGNING OUT CRIME OFFICER
There is a risk of crime within both the public and non-public areas of the proposed development, and the interaction between the two should be considered from the outset.

Consideration of preventative security measures should be made to reduce crime and the fear of crime for any new development, which will aid sustainability and allow an area to thrive. There are three general desires of any design out crime officer (DOCO) when looking at any development and they are to:-

1. Reduce Permeability. There should be no route between buildings, associated car parks and roof spaces/gardens. Or multiple ways in to a development that reduce activity making them isolated and
vulnerable.

2. Increase Surveillance. Where possible utilise both natural and formal surveillance (CCTV), with uniform levels of lighting and flat unobstructed landscaping to increase levels of surveillance, where at all possible.

3. Increase Territoriality. Providing a perimeter treatment around aspects of the development to project out from the building line and define use of the land.

Crime prevention and community safety are material considerations. If the London Borough of Hillingdon are to consider granting consent, I would ask that the conditions and information detailed below be attached. This is to mitigate the impact and deliver a safer development in line with national, regional and local planning policies. I would also like to draw your attention to Section 17 Crime and Disorder Act 1988 and the NPPF, in supporting my recommendations.

(1) Prior to carrying out above grade works of each building or part of a building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such part of a building can achieve full Secured by Design Accreditation. The development shall only be carried out in accordance with the approved details.

(2) Prior to the first occupation of each building or part of a building or use, a Secured by Design accreditation shall be obtained for such building or part of such building or use.

This would ensure that appropriate security accredited products are installed, and the layout remains suitably arranged to prevent such crimes as burglary. To achieve the proposed conditions and recommendations, the services of the Police Designing Out Crime Officers (DOCOs) are available free of charge. The DOCOs can be contacted via the details shown above.

Additionally, I would like to bring to your attention an area that directly neighbours this site, which will be affected if this planning application is approved. 126 High Street, Beasley's Yard is a pathway that runs next door to Mcdonalds on the High Street. The design of this development will result in increased footfall in this area because it will be the most direct route from the proposal site to the High Street.

At present this area suffers from anti-social behavior and drug use, this is in part due to its close proximity to a number of licensed premises and Mcdonalds, but largely down to its design as it suffers little natural surveillance or activity and can be accessed from two directions. At present this footpath is not heavily used, and as Uxbridge police station is within about 30 metres, it naturally gets a lot of police patrolling it, however with Uxbridge police being scheduled for closure within the next few years, there is clearly potential for the existing issues to worsen, and this development will bring lots of people to the area who will be subjected to this potential crime, and I fear that the increase in footfall will be enough to put those people at risk but not enough to provide enough natural surveillance and activity to significantly improve the area.

Therefore I would suggest that S106 money generated from this development, is used to improve this area. At present the lighting is poor, it is positioned too low, lacks uniformity and is gloomy. I recommend this lighting is improved, so that it is a minimum of 30 Lux on average, has a uniformity score of at least 40, and a colour rendering index score of at least 60. The lights should be positioned at least 3 metres above ground.

This gate is currently opened and shut in the morning and evening, however I would also strongly recommend that the gate is replaced with a LPS 1175/Issue 7 SR1 rated gate that is 2.1 metres in height, that has a default position of closed with access control only giving access to those that require it.

It would also benefit from the installation of a CCTV camera that is actively monitored by the London Borough of Hillingdon CCTV department.

METROPOLITAN POLICE DESIGNING OUT CRIME OFFICER 2ND comments
I have commented on this site recently, and the amendments do not change the comments I made previously. Please refer to my original comments in relation to this application.

LONDON UNDERGROUND
I can confirm that London Underground Infrastructure protection has no comment to make on this planning application.

NATIONAL AIR TRAFFIC SERVICES (NATS)
The proposed development has been examined from a technical safeguarding aspect and does not conflict with our technical safeguarding criteria. Accordingly, NATS (En Route) Public Limited Comapny (NERL) has no safeguarding objection to the proposal.

THE GREATER LONDON ARCHAEOLOGICAL ADVISORY SERVICE (GLAAS)
The Greater London Archaeological Advisory Service (GLAAS) provides archaeological advice to boroughs in accordance with the National Planning Policy Framework and GLAAS Charter.

The National Planning Policy Framework (Section 12) and the London Plan (2011 Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should submit desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision. If planning consent is granted paragraph 141 of the NPPF says that applicants should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence publicly available.

The planning application lies in an area of archaeological interest (Archaeological Priority Area) identified for the Local Plan.

The applicant's archaeological desk-based assessment shows that remains of a Bronze Age settlement and land boundary ditches were found during an investigation conducted in 1993-4. These are part of an extensive Bronze Age landscape covering much of the Lower Colne Valley. There appears to be a trackway aligned on the natural crossing point over the Colne at the site of the medieval bridge. The eastern and central parts of the site were investigated and ground levels subsequently reduced so there is very limited potential in these areas. However, the western part of the site was not investigated and may have greater surviving potential. Any surviving remains would be harmed by the proposed new build.

Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates the need for field evaluation to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that I consider a condition could provide an acceptable safeguard. A condition is therefore recommended to require a two stage process of

archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation. The archaeological interest should therefore be conserved by attaching a condition as follows:

Condition
No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. 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 by the local planning authority in writing. 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.

Informative
Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

I envisage that the archaeological fieldwork would comprise the following:

Evaluation
An archaeological field evaluation involves exploratory fieldwork to determine if significant remains are present on a site and if so to define their character, extent, quality and preservation. Field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. It will normally include excavation of trial trenches. A field evaluation report will usually be used to inform a planning decision (pre-determination evaluation) but can also be required by condition to refine a mitigation strategy after permission has been granted.

For part 1 of the condition trial trenches should be excavated in the western part of the site to establish if significant remains survive. If these trenches do discover significant remains then further investigation would be required under stage 2.

Further information on archaeology and planning in Greater London including Archaeological Priority Areas is available on the Historic England website.

DEFENCE INFRASTRUCTURE ORGANISATION (NOISE)
The proposed development site lies within 5 km of the centre of the runway at RAF Northolt. With regard to non-statutory matters the MOD have the following comments;

Noise.
Whilst the application is supported by a noise assessment a very minimal measurement period has been used for such a large scale development which covers a single 13 hour, night-time monitoring period.

The MOD considers is that the submitted noise report would be unlikely to be sufficient for assessing the impact on future occupiers for general environmental noise and it is noted that the noise survey was carried out overnight at a time when aircraft activity from RAF Northolt was extremely low, with less than 20 aircraft movements in the monitored period where a typical day would see significantly more.

The MOD considers that the submitted information with regard to noise is inadequate and needs to be revised to include a more extensive noise monitoring period which covers times at which there is likely to be a more typical level of activity at RAF Northolt.

DEFENCE INFRASTRUCTURE ORGANISATION (NOISE) 2nd comments:
With regard to our previous comments regarding the need for noise from RAF Northolt to be taken into account in the assessment of the application the applicant appears to have provided no additional evidence regarding this matter and has simply contended that the noise monitoring duration was sufficient to assess the impact.

As the noise monitoring was undertaken for an extremely short period of time and principally over a weekend period when activity at the aerodrome was low it is not agreed that adequate noise monitoring was undertaken or that potential for noise from RAF Northolt has been adequately assessed within the submitted noise report.

Case Officer's comments:
Following receipt of the above comments the applicant has provided a revised Ambient Noise Assessment (Ref. J001807/3048/ECE/03) which was forwarded to the DIO for consideration.

DEFENCE INFRASTRUCTURE ORGANISATION (NOISE) 3rd comments:
DIO has had the opportunity to review the updated noise assessment and this now addresses previous concerns regarding noise. I would therefore have no further comments relating to this application subject to a suitable condition to implement the mitigation measures set out in the submitted noise assessment.

TRANSPORT FOR LONDON (TfL)
TfL understands that the application has been referred to the Mayor of London and transport comments in the Stage 1 report to him will reflect the comments below. The contents of this letter relate solely to transport and do not prejudice any subsequent Mayoral planning decision.

Context
The site is located on and accessed from Harefield Road, which is located to the west of the site. The development site is bound by residential units to the north and industrial units to the east and south. The nearest section of the Transport for London Road Network (TLRN) is the A40 Western Avenue, which is located approximately 1.5 km from the site. The nearest section of the Strategic Road Network (SRN) is the A4020, Oxford Road, which is approximately 200m away.

The site is lies approximately 550m from Uxbridge Station which is served by London Underground Piccadilly and Metropolitan Line services. The closest bus stop is located on the High Street which is approximately 180m meters away from the development site, providing access to multiple routes through the west of London, therefore the site records a Public Transport Access Level (PTAL) of 5, on a scale of 1 to 6b where 6b is the most accessible.

Access
The proposal includes retention of the current vehicular access from Harefield Road to the west of the site. In addition to this a the development would upgrade a pedestrian link to the south of the site; this is welcomed and accords with the current London Plan policy 6.10 and draft London Plan policy T2 Healthy Streets. Access for cyclists and links to local cycling routes should also be addressed in the TA.

Car Parking
The development is proposed as a car free development; this is welcomed and strongly encouraged by TfL, as the development site is situated in an area with excellent Public transport access of PTAL 5. As such, a 'permit free' restriction should be imposed by the Council to exempt future residents' eligibility for local parking permit. Eight accessible spaces provided on site are proposed, this fall short of the standards set out in the draft new London Plan policy T6.1 residential car parking, which states that:

Disabled persons parking should be provided for new residential developments. Residential development proposals delivering ten or more units must, as a minimum:
1) Ensure that at least one designated disabled persons parking bay per dwelling for three per cent of dwellings is available from the outset.
2) Demonstrate on plan and as part of the Car Parking Design and Management Plan, how the remaining bays to a total of one per dwelling for ten per cent of dwellings can be requested and provided when required as designated disabled persons parking in the future. If disabled persons parking provision is not sufficient, spaces should be provided when needed either upon first occupation of the development or in the future. Therefore this should be clarified. In addition to this 20% of spaces should have electric charging facilities, with passive provision for all remaining spaces in line with the draft new London Plan, policy T6.1.

Cycle Parking
It is welcomed that the applicant has provided cycle parking above the draft London Plan standard. However it is noted that the associated facilities to accompany commercial cycle parking spaces are absent from this application. Therefore the applicant should provide all supporting facilities for long stay cyclist such as lockers, shower and changing facilities. TfL advise where double decker storage racks are provided they should have a mechanically or pneumatically assisted system for accessing the upper level, as many people find using these spaces difficult. The product must also allow for double-locking. Minimum aisle widths, as set out in the London Cycle Design Standards (LCDS) must be met in order for these stands to be usable.

Additionally, please note that the London Plan refers to the need for "easy access" and catering "for cyclists who use adapted cycles". This is an accessibility requirement. The London Cycle Design Standards (LCDS) states that 5% of stands ought to be able to accommodate larger cycles. The easiest way to meet accessibility requirements on types of cycle parking, as well as serve different user needs generally is to provide a mix of types of cycle stands, preferably including the Sheffield style of stands.

Further to this, TfL recommends that the cycle parking for residential units is more evenly distributed across the various buildings, rather than in large cycle stores as currently proposed, to make them more accessible and convenient.

Trip Generation/Network Impact
The current land use generates 42 two-way vehicle trips during the AM peak period and 128 two-way vehicle trips during the typical PM peak. The proposed development would generate 156 AM peak movements and 124 PM peak movements. Of these approximately 109 AM peak two-way movements would be vehicular of which 91 would be made by public transport.

During the PM peak there would be 86 two way vehicular movements, 72 trips will be made by public transport. During the AM peak the proposal is predicted to result in a single arrival and 4 departures, this would result in a decrease of 37 car trips from the site. During the PM peak there are predicted to be 2 car arrivals and a single departure. This would result in a two-way decrease of 124 car movements to the site.

The overall NET change in trip generation would equate to approximately 114 additional AM peak trips, of which 138 trips would be made by active or sustainable modes of transport. During the PM there will be approximately 4 less trips, over all will generate 124 trips, of which 110 trips will be made by active or sustainable modes of transport.

As a result, there will be an increase amount of trips made, however TfL is satisfied that the development will not have any significant impact on the network.

Travel Plan
In line with the London Plan policy 6.2 and the draft London Plan policy T4, it is expected that a site wide residential Travel Plan is produced. This should include measures or incentives to encourage more active modes of travel. This would reduce vehicular trips to and from the site in line with London Plan aspirations for sustainable travel and air quality improvement. The Travel Plan should be secured by appropriate planning obligation/ condition.

Delivery and Servicing Management Plan
A Delivery and Servicing Management Plan (DSP) should be secured by condition as required by policy of T7 of the draft London Plan, and in the London freight plan. In addition to this it should be noted that these deliveries take place outside of peak times (0800-0900 and 1600-1800) to minimise any impact on the SRN; this should also be secured by condition.

Construction Logistics Plan (CLP)
As the site is close to the TLRN it is particularly important that that a Construction Logistics Plan (CLP), as referred to in the London Plan Policy 6.3 and draft London Plan policy T7 is secured by condition.

Mayoral Community Infrastructure Levy
The Mayor has introduced a London wide Community Infrastructure Levy (CIL) which came into effect on 1st April 2012, and it will be paid on the commencement of most new development in Greater London that was granted planning permission on or after that date. The Mayor's CIL will contribute towards the funding of Crossrail. The Mayor has arranged boroughs into three charging bands. The rate for Hillingdon is £35 per square metre (gross internal area). The required CIL should be confirmed by the applicant and council once the components of the development have been finalised. More details are available via the GLA website http://london.gov.uk/.

In conclusion, based on the information provided in the meeting, the proposal is considered acceptable, subject to the following revisions;
- Provide additional details regarding disabled access
- Provide addition details for commercial cycle parking at the development should also be provided. This should meet at least draft London Plan standards and designed in accordance with the LCDS.
- A detailed CLP, DSP and Travel Plan should be secured via condition or s106

TRANSPORT FOR LONDON (TfL) 2nd comments
Thank you for consulting TfL on the above application. Following the information received on 09/08/2018, TfL have prepared a response.

Please note the following comments represent the views of TfL officers and are made on a "without

prejudice" basis. They should not be taken to represent an indication of any subsequent Mayoral decision in relation to a planning application based on the proposed scheme. These comments also do not necessarily represent the views of the GLA.

Car Parking
The applicant provides eight (3%) accessible parking spaces for the residential element of the development from the outset and one accessible space has been proposed for the commercial element of the development. This provision is in line with draft London Plan standards. No space has been identified for the additional 7% parking which should be provided should demand arise. However, the applicant has provided a robust justification for this, citing the Accessible London SPG and the site's accessibility, including step free access to/from Uxbridge Station. Because of this justification, TfL is confident that additional demand is unlikely to arise and the level of parking proposed is therefore considered acceptable.

Cycle Parking
The applicant is happy for the design details of the cycle store to be subject to approval by means of a condition. This is acceptable to TfL. The design of the store should be in line with draft London Plan standards and the London Cycle Design Standards.

Travel Plan
The applicant submitted an Interim Residential Travel Plan, this ITP is considered acceptable in principle and the applicant has stated that a Travel Plan Coordinator will be appointed by Five Nine Living. A Full Residential Travel Plan which should include the details of the Travel Plan Coordinator, Year 5 mode share targets in line with the Mayor's Transport Strategy target for London in 2041, and a monitoring programme that includes the surveying of cycle and car parking occupancy at the site to be submitted within six months first occupation or at 75% occupation, whichever is sooner, should be secured via condition or s106 agreement. From the applicant's response it is understood that the applicant agrees in principle to a post-occupation condition/obligation on the Travel Plan.

It is recommended that monitoring of the car parking occupancy would trigger a requirement for measures such as facilities for the storage and charging of mobility scooters if a certain occupancy is reached, to ensure the development is fully accessible to people with a disability.

Delivery and Servicing Plan and Construction Logistics Plan
Both a Delivery and Servicing Plan and Construction Logistics Plan should be secured via condition, as agreed by the applicant.

ENVIRONMENT AGENCY
Thank you for consulting us on the above application. We are currently operating with a significantly reduced resource in our Groundwater and Contaminated Land Team in Hertfordshire and North London Area. This has regrettably affected our ability to respond to Local Planning Authorities for some planning consultations. We are not providing specific advice on the risks to controlled waters for this site as we need to concentrate our local resources on the highest risk proposals.

SPORT ENGLAND
The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case, but would wish to give the following advice to aid the assessment of this application.

HEATHROW SAFEGUARDING

We have now assessed the above application against safeguarding criteria and can confirm that we have no safeguarding objections to the proposed development.

THAMES WATER
Thames Water would advise that with regard to surface water network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Thames Water would advise that with regard to Foul Water sewage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission:
A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Waters Risk Management Team by telephoning 02035779483 or by emailing www.riskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality.¿

NATURAL ENGLAND
Natural England has no comments to make on this application.

NATURAL ENGLAND 2nd comments
The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

METROPOLITAN POLICE - UXBRIDGE POLICE STATION
On behalf of our client the Metropolitan Police Service (MPS), we write to submit an objection to the above planning application. The application site is directly adjacent to the Uxbridge Police Station, which is fully operational and is one of the main centres for coordination of policing within the London Borough of Hillingdon.

The existing boundary wall dividing the Police Station with the application site is insufficient to address the proposed development which would result in a change in the nature of the use from limited hours retail to a residential 24/7 environment. This would lead to an increase in the potential for intrusions and hostile reconnaissance. The existing boundary brick wall is quite low and as result, the MPS will require the applicant to deliver security enhancements to address the situation. Clearly, the responsibility for managing the sensitive interface between the application site and the Police Station and mitigating the potential overlooking impact lies with the applicant, rather than

MPS. The interface with the Police Station is an inherent constraint of the application site and it is considered that this should be appropriately managed.

Case Officer comments:
Representatives of Uxbridge Police Station have discussed the above concern with the developer and an agreement has been reached that the developer would ensure a 2.9m high wall be constructed and maintained along the boundary between the development site and the Police Station. This would be secured by a s106 agreement/condition should the application be approved.

Internal Consultees

WASTE STRATEGY OFFICER
The waste capacities identified for the residential units are suitable.There should be a 50/50 split between waste and recycling containers for each block.

However, there is not a clearly identified waste storage or collection area for commercial unit B. There is no capacity available, nor would it be suitable for the commercial unit to share the refuse store with the residential units. Several of the ground floor properties would be required to walk further than the recommended thirty metres in order to deposit waste in their own block, three of which have been designed as disabled units.

Although it's clear that the intention is for management staff to bring out the residential bins for emptying, there appears to be no consideration for the properties which open onto the proposed collection area.

The access for the refuse vehicle appears very narrow. The application states that a tracking exercise has been undertaken to demonstrate that the vehicle could easily navigate through the development. Please could this be provided showing a clear turning circle and taking into account cars parked in the allocated spaces.

The collection point for the south east refuse store of block B is further than ten metres from the proposed vehicle path. The collection point should be moved or this included in the tracking exercise.

WASTE STRATEGY OFFICER 2nd comments
There is suitable capacity for residential waste and recycling. As this is not even distributed across the site, the management company will be responsible for rotating bins between bin stores to ensure that there is enough capacity within each store.

Should the business area, gym or lounge be made available to non-residents then adequate waste and recycling facilities must be provided and kept separate from the residential waste.

The vehicle would have to reverse further than 12 metres in order for the crew to collect directly from the bin store housing two bins located within block B. The management company should pull these bins out to one of the designated points for collection.

Block C's bins should be presented for collection on the side of the road opposite to Block C to ensure clear access into Block C's properties.

An adequate provision for waste and recycling storage must be provided for Commercial Unit B, located within Block C. If this is sited externally to the unit, measures should be taken to secure the container(s) which should be stored away from the windows and doors of any dwellings.

If a storage area is located within the unit, the design should be such that the container(s) can be

removed directly to the outside without passing through any part of the building except by way of passage. An internal bin storage area should have appropriate passive ventilators to allow air flow and stop the build up of unpleasant odours. The ventilation needs to be fly and vermin proofed and near to either the roof or floor, but away from the windows of any dwellings.

WASTE STRATEGY OFFICER 3rd comments
The swept path analysis hasn't eased our concerns. It further highlights how tight the access is and after speaking with several senior drivers I'm not confident that we'll be able to carry out scheduled collections.

Objection based on BS 5906:2005 clause 10, paragraph 2:
'The layout of roads should be such as to ensure reasonable convenience for the collecting vehicle and the collectors. Roads should have a minimum width of 5m'

I made a comment on the previous application regarding the properties which open onto the proposed collection area which has not been responded to. This is still a concern for Block C's collection point in particular where 24 bins would cover around 34 metres of the pathway and will likely block access to enter / exit the properties. The layout as proposed is not deemed acceptable.

If the application could resolve outstanding objections I would recommend a condition for the collection points that:
'No kerb or step should be present at the collection point. Containers should be presented off of the footpath but not causing obstruction to the collection vehicle or a suitable dropped kerb should be installed for the entire length of the collection point.'

The response regarding the commercial unit is quite vague and I retain my concerns. so I would also like to propose a condition for this.
'An adequate provision for waste and recycling storage must be provided for Commercial Unit B, located within block C. If this is sited externally to the unit, measures should be taken to secure the container(s) which should be stored away from the windows and doors of any dwellings.
If a storage area is located within the unit, the design should be such that the container(s) can be removed directly to the outside without passing through any part of the building except by way of passage. An internal bin storage area should have appropriate passive ventilators to allow air flow and stop the build up of unpleasant odours. The ventilation needs to be fly and vermin proofed and near to either the roof or floor, but away from the windows of any dwellings.'

My last concern relates to the comment that the residents living in the disabled units of Block C will use the bin storage located internally within Block B.
From a safety aspect I would think that it's inappropriate for non-residents to have internal access to a building.
The building regulations 2015 H6, clause C under the 'Performance' heading does say 'requirements of H6 will be met if the solid waste storage is sited so as to be accessible for use by people in the building'. I would recommend that if a resident is unable to carry their waste to the storage within their own block that the management company provide personnel to assist.

FLOOD AND WATER MANAGEMENT
This is a poor and insufficient drainage design from Tier which is not integrated with other parts of the design of this scheme or the landscaping. Plans must be consistently shown across all disciplines rather than different consultants showing different and conflicting design and illustration.

Surface water
Site is under 1 hectare but is a major development requires a SuDs strategy. Further information and details of requirements can be found on the Council website including confirmation of the

requirement to meet greenfield run off rates within all development, Design and Evaluation Guide. For example the drainage design designs for the worst case option of tanks, which is not acceptable. SuDs are a material consideration, ie it must be demonstrated that the scheme is implementing the most sustainable design on the site.

The green roofs and other elements proposed in the landscaping designs should be clearly integrated into the drainage design so that they will be implemented. Blue roofs should also be considered to be integrated within the podiums proposed as well as 'Living Roofs' on the other roof structures.

All hard surfacing must be made permeable across the site. Integrated rain gardens along the main green node should be considered and so further detail of this green space provided.

The Treepits should also be designed to mitigate surface water arising from the development as well as living walls considered to mask such as large building. The cycle stores shown on other plans interrupt the proposed green buffer zone proposed around the building and a larger and uninterrupted green zone should be maintained around the whole buildings,along the length of the Police station boundary not just part.

The proforma submitted implies different results to those contained within the report. However for a site under a hectare the Council would expect a discharge rate of approximately 2/ls

The proposals appears to be connecting into a manhole on the pavement which is not indicated to be a public sewer, unless it can be provide otherwise should be public and may be highway drainage it is therefore not acceptable. A revised proposal should therefore be considered, showing the exact location of an appropriate connection to a publicly adopted network.

There also appears to be no rainwater harvesting/ water use proposals included which is critical to Hillingdon to reduce demand on water supplies in addition to ensuring the development meets 105 litres per person a day through water efficient fittings.

Green infrastructure
It is supported the use of and inclusion in part of some green infrastructure, across and around the site. However the cycle stores shown on other plans interrupt the proposed green buffer zone proposed around the building. As well as there being insufficient width for any green buffer zone along the eastern boundary on the general arrangement drawings. A zone wide enough for planting and management purposes as well as uninterrupted green zone should be maintained around the whole buildings, and along the length of the Police station boundary not just part.

It is disappointing and unacceptable that the trees softening the entrance and lead into the site and views from the Grade 2 Listed Magistrates Court, where the setting of listed buildings are important are being removed completely. There are also too few trees proposed within the parking area. It is supported the pedestrian access to the south the Avenue being lined with Trees, as well as isolated trees in other parts all of these trees must be integrated integrated into the drainage strategy.

The landscaping must also be linked with the proposals for views shown in the Design and Access statement as 6.5 as the green infrastructure to the east of the police station boundary proposed may block these views. It appears living walls are suggested in the Design and Access statement but not included in the landscaping planning.

A key part for the development is accessibility to the town centre to be used by future residents and the access currently signpost to Beasley Court from the High street is poorly signposted and appears still to be access for cars. The development should clearly consider the enhancement as

part of a S106 or 278 agreement with the Council to resurface of this entrance area on the public highway as well as working with the Beasley development to encourage a safer and secure access route.

In addition the current location of tree and green space in the way in Warrick Place of what will be in the way of the desire line of future residents towards the High Street. In addition it is not clear if this is locked at times limiting this developments access to the high street, and therefore the access to the Station etc.

Recommendation
Substantial revisions are required to this proposals as well as evidence provided of how they will manage and mitigate for proposals prior to submission for planning.

FLOOD AND WATER MANAGEMENT 2nd COMMENTS
A revised FRA has been submitted and commentary in response to issues raised by officers has been submitted by the applicant. I have reviewed the commentary made in response to officer comments, and the Flood Risk Assessment Dated August 2018.

Although the proposals do now provide a more acceptable proposal in terms of managing the quantity of run off and reduces this to as close to Greenfield run off rates as possible. It is also critical that this is achieved through the most sustainable drainage methods.

The information contained within the FRA to justify not using more sustainable methods is not considered sufficient to justify not using better options within the SuDs hierarchy. The justification of not considering living roofs as issues have been raised by the MOD is not considered justification. Living roofs have been and are being implemented across Hillingdon in various locations in close proximity to airports subject to mitigation for concerns raised.

- The limited benefit they provide to water quantity is also not considered justification as the need is to choose the most sustainable option and therefore provide other wider benefits.
- The landscaping designs for the site significantly rely on the use of the roof space for the provision of communal space within the proposals. Which also propose to utilise green space for biodiversity.
- The consideration of options also does not include all options such as rain gardens which can be integrated within landscaping proposals of limited size.
- Even if infiltration is low, the purpose of more sustainable options than below ground tanks is that they provide wider multiple benefits such as water quality and dealing with water at source. It is important that the landscaping principles as well as drainage are aligned and integrated and therefore feasibility of plans is set out clearly at planning stage and not left to conditions.

It is critical at this stage that areas are safeguarded for landscaping and drainage at planning stage in order that the appropriate scheme can be implemented. The site should provide a continuous green buffer around the boundary. Cycle stores and other hard surfacing along with the proximity of buildings to the boundary would negate that principle and the aims of the landscaping aims and concepts for design. To improve Biodiversity in a meaningful way the layout needs to implement continuous green links. It is not just the volume of trees but the location and context of these trees and other vegetation.

Site is under 1 hectare but is a major development requires a SuDs strategy. Further information and details of requirements can be found on the Council website including confirmation of the requirement to meet greenfield run off rates within all development, Design and Evaluation Guide. There has been no revision of the drainage strategy submitted, although it has been acknowledged that the site proposes to connect to a manhole which is not a publicly adopted sewer. There is no

evidence provided to suggest that there is an appropriate licence for this or that this was ever approved by the Local Authority and could be considered an illegal connection. It is not considered there is any right to connect to private sewers, although it is acknowledged to reuse appropriate legal connections where possible.

If this arrangement was to be formalised, the Highways Service would not accept new connections to the manhole without an appropriate licence and understanding that the system has the appropriate connections of functions, or the appropriate information ie condition/ CCTV survey was submitted so that it could be offered up to Thames Water for adoption. There is also no information on water reuse and recycling within the site. Minimizing consumption and encouraging rainwater harvesting.

Recommendation - Objection

Reason
To ensure that surface water run off is controlled to ensure the development does not increase the risk of flooding contrary to:
- Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012),
-¿ Policy DMEI 10 Water Management, Efficiency and Quality in emerging Hillingdon Local Plan Part 2 Development Management Policies,
-¿ Policy 5.12 Flood Risk Management of the London Plan (March 2016) and
-¿ To be handled as close to its source as possible in compliance with Policy 5.13 Sustainable Drainage of the London Plan (March 2016), and
- Conserve water supplies in accordance with Policy 5.15 Water use and supplies of the London Plan (March 2016).
- National Planning Policy Framework (March 2012), and the
- Planning Practice Guidance (March 2014).

FLOOD AND WATER MANAGEMENT 3rd COMMENTS
Previous comments have been provided in September 2018 based on Revision 1.3 of the Flood Risk Assessment (Tier Consulting report dated August 2018) and Revision 001 of the Drainage Strategy (Tier Consulting report dated May 2018). A subsequent version of the Flood Risk Assessment (revision 1.4 dated November 2018) and Drainage Strategy (revision 002 dated November 2018) has been provided.

We welcome that green roofs are now proposed for the development and would expect the detailed design of the green and brown roofs to maximise the attenuation capacity to reduce the requirement for below ground attenuation storage. This alleviates some of the concerns raised from the previous objection response to the surface water management proposals.

There are, however, aspects of the proposed surface water drainage strategy that are not considered to be acceptable at this stage. These were raised in previous objection comments and have not been adequately addressed in the amended Flood Risk Assessment, nor the Drainage Strategy.

1. Surface water discharge rate and location - The Flood Risk Assessment states that the proposed surface water drainage strategy is to discharge into the public sewer at a restricted runoff rate of 5l/s. While we welcome that the rate of runoff will be reduced to 5l/s for the site, which is just greater than the calculated QBAR, it has been acknowledged in correspondence that the existing drainage connection does not discharge to a public sewer and further information has not been provided to suggest that this connection is legal and can be retained for the lifetime of the development. The current information is misleading and does not address the drainage constraints

of the site. Additional information is required to demonstrate the continuation of this drainage network to a public sewer, including an indication of the capacity of the network and details of any historic discharge licences/agreements.

2. Blue/green landscaping - there are considerable opportunities within the landscaping strategy for the site that have not been taken in the current drainage strategy. As previously stated, it is critical that areas are safeguarded for landscaping and drainage at the planning stage in order that the appropriate scheme can be implemented. The Flood Risk Assessment discounts the possibility of utilising swales; however, there are multiple linear landscaping features within the development that can be used for conveyance and attenuation. In line with the London Borough of Hillingdon Sustainable Drainage Design and Evaluation Guide, the applicant should consider the proposed landscaping strategy and identify the opportunities for SuDS. The decision to utilise below ground pipes for conveyance at an early stage of design without consulting the landscaping strategy is not adequate justification for omitting blue/green infrastructure.

3. Infiltration drainage - Infiltration drainage is not proposed for the development. As previously raised, even if the rate of infiltration is low, the purpose of more sustainable options than below ground tanks is that they provide wider multiple benefits such as water quality treatment and deal with surface water at source. Permeable paving should be used throughout the development to reduce the requirement for below-ground storage in addition to other partial infiltration measures.

4. Water reuse - further information has not been provided as requested to demonstrate the proposed methods of water reuse and recycling within the site. The proposals should minimise water consumption and encourage rainwater harvesting where this is suitable. This is of particular importance for the water supply to the landscaping areas in the development.

Until these aspects of the drainage design are adequately addressed through the supply of additional information at this design stage, we are unable to recommend that this site be granted permission.

Recommendation: Maintain Objection

Reason
To ensure that surface water run off is controlled to ensure the development does not increase the risk of flooding contrary to:
- Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012);
- Policy DMEI 10 Water Management, Efficiency and Quality in emerging Hillingdon Local Plan Part 2 Development Management Policies;
- Policy 5.12 Flood Risk Management of the London Plan (March 2016);

To be handled as close to its source as possible in compliance with Policy 5.13 Sustainable Drainage of the London Plan (March 2016); Conserve water supplies in accordance with Policy 5.15 Water use and supplies of the London Plan (March 2016); National Planning Policy Framework (March 2012); and the, Planning Practice Guidance (March 2014).

ACCESS OFFICER
In assessing this application, reference has been made to the London Plan 2016, Policy 3.8 (Housing Choice), and Approved Document M to the Building Regulations 2015 (ADM 2015). Reference is also made to the Council's Supplementary Planning Document 'Accessible Hillingdon', adopted September 2017.

The submitted Design & Access Statement provide very limited information. No detail has been

provided and how the principles of inclusive design have been applied throughout the design process. The DAS does, however, state that all units would achieve level access, with the wheelchair accessible units each served by two lifts.

1. Contrary to the information stated in the DAS, Block A contains wheelchair accessible units that are served by a single lift only. This arrangement would render those units inaccessible to a wheelchair user during a lift breakdown or during periods of routine maintenance. This arrangement is unacceptable.

2. A floor plan at no less than 1:100 should be submitted for each of the different M4(3) units. All details, to include transfer zones, wheelchair storage area, and other spatial requirements within bedrooms, bathrooms, living and dining areas, should be shown on a separate plan for every different unit type.

3. The internal layout and spatial requirements to achieve compliance with the prescribed standards set out in M4(2) is questionable, particularly within the bathrooms. Similar details and plans should be submitted in respect of the remaining (90%) M4(2) units.

4. It is unclear which of the units would be fitted out for 'day one occupation' by a wheelchair user. These units should be designed and fitted as per the prescribed standards for a Wheelchair Accessible M4(3) unit, as set out in ADM 2015, with the kitchens and bathrooms designed accordingly.

5. The M4(3) units should be interspersed throughout the development, as opposed to in small clusters is currently shown on plan.

6. Details should be provided in respect of the materials palette, and particularly, the paver types intended for use within the public realm. A materials palette should be provided together with a strategy to ensure that the paving would be laid in accordance with the tolerances set out in BS8300:2018.

7. A landscaping strategy for the roof gardens should detail the accessibility provisions, to include pathway surfacing, seating and any provided play space.

8. No details appear to have been submitted on play equipment that would be accessible to disabled children, including those with a sensory impairment, or complex multiple disabilities. Provisions could include outdoor sound tubes, colour and lighting canopies, and other items that could stimulate the olfactory senses.

Conclusion: further details and revised plans should be requested as a prerequisite to any planning approval. The planning conditions detailed below should be attached to any grant of planning permission:

Planning conditions

i. The development hereby approved shall ensure that ten percent of the residential units are constructed to meet the standards for Category 3 M4(3) wheelchair user dwelling. 7 Affordable Housing units shall be constructed to a Wheelchair Accessible standard, with 19 wheelchair user private for sale dwellings, constructed to a Wheelchair Adaptable standard, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.

Reason:

To ensure an appropriate standard of housing stock in accordance with London Plan Policy 3.8 d, is achieved and maintained.

ii. Ninety percent of the dwellings hereby approved shall be constructed to meet the standards for a Category 2 M4(2) Accessible and Adaptable dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.

Reason:
To ensure an appropriate standard of housing stock in accordance with London Plan policy 3.8 c, is achieved and maintained.

iii. Prior to the occupation of the dwellings hereby approved, evidence of compliance with the prescribed standards for M4(2) and M4(3) dwellings as set out in Approved Document M to the Building Regulations (2010), 2015, issued by Building Control or an equivalent representative body, shall be submitted to the Local Planning Authority.

Reason:
To ensure an appropriate standard of housing stock in accordance with London Plan Policy 3.8 (c) and (d), is achieved and maintained.

Case Officer comments:
The applicant responded to the Access Officer's comments on 17th August 2018. Following a review of this response the Access Officer provided further comments confirming that they have no further comments to make.

CONSERVATION OFFICER
The site currently has two retail warehouses set at the back of the plot surrounded by a parking area running down to the Harefield Road. Although not within a designated area, the site is in a sensitive position surrounded by heritage assets. To the south is the north western section of the Old Uxbridge/Windsor Street Conservation Area which is focussed on the High Street. The north side closest to the site has a run of grade II listed buildings, numbers 118-123. Opposite on the south side are the grade II listed The Cedars and Old Bank House. An alley leads off to the north to Beasleys Yard where there is the Grade II listed Watts Hall. There is a further run of listed buildings commencing on the other side of the alley, numbers 126-135 High Street and these are terminated by the grade II listed The Crown and Sceptre Public House (now Whelans). Opposite the site on Harefield Road is the locally listed Uxbridge Magistrates Court and to the north east the North Uxbridge Area of Special Local Character.

These are the most pertinent designated and undesignated heritage assets to consider in relation to this proposal to redevelop the site. The proposal is for 264 build to rent apartments with ground floor commercial space. These will be spread across three main building blocks with a lower block parallel to Lancaster Road (Block B), a block that creates a street frontage on the Harefield Road with an eight storey tower behind (Block A) and the largest block of eight storeys and a twelve storey tower behind the High Street (Block C). The application is accompanied by a Townscape, Visual and Heritage Statement by KM Heritage.

Comments: This application needs to be assessed in terms of its impact on the setting of the listed buildings, conservation area, locally listed magistrates court and North Uxbridge ASLC.

Listed buildings and conservation area

KM Heritage has carefully selected 22 views to assess the impact of the proposal on the

surrounding area which support their argument that the impact on the setting of the surrounding area is low and offset by the high quality design and public benefit.

I would take issue with View 1 & 2 which have most likely been chosen to support KM Heritage's carefully crafted argument that there is minimal harm. Standing between these two viewpoints at the bottom of the disabled access ramp outside the Atrium office block it is clear that the twelve storey tower would line up and loom over the elegant eighteenth century number 118 High Street. The impact of Block C, as the tallest block is known, is increased by the existing gap between the police station and the office block next to the grade II listed Watts Hall and the tiny number 119 High Street (Nonna Rosa Restaurant) which creates a sky gap between numbers 118 and 120 High Street. Given the lie of the land rising from south west to north east and the gaps in the built environment it seems inevitable that the scale of the proposed scheme will ensure it is visible both in shorter views at the north west end of the High Street and longer views to the south west on Harefield Road around the Atrium office block. The proposed tower would be visible rising above the listed building in views from this area and would not preserve or enhance the setting of these listed buildings and by association the conservation area.

The tower and eight storey block would infill between views of the police station and the grade II listed building as shown in View 2 and would have a negative impact. It is not simply the scale of the tower that is an issue but that of the eight storey block as well.

It does not appear to be logical to have the tallest block in the southern corner of the plot closest to the heritage assets with the greatest value, ie the designated heritage assets. The diminutive scale of the buildings along the High Street seem to have been entirely overlooked in the development of the design. KM Heritage states that the height of this block is in response to the "larger built form of the town centre" but this is to ignore the immediate character of the conservation area and listed buildings which are far closer to the site.

Further to the south east along the High Street and conservation area the buildings are particularly low next to the Crown and Sceptre Pub (now Whelans), there are two unlisted single storey buildings but still within the conservation area. KM Heritage's view 4 shows these buildings but suggests that the tower will only marginally project above them. I would suggest that this depends entirely on your location and that a single storey building in this location is more than likely to allow for views of a twelve storey building behind.

I do not accept KM Heritage's argument that this large development on higher ground with a twelve storey tower block and a substantially sized eight storey apartment block will barely be visible in association with the listed buildings and conservation area. The scale will impact negatively on the setting of these designated heritage assets and will appear intrusive and alien within the context of the historic street. Blocks A will not have the same degree of impact due to its location further to the north and Block B will be screened by the oversized Block C.

Uxbridge Magistrates Court (Locally Listed)
The block opposite will be four storeys which will still look out of scale with the single storey with an attic Magistrates court and two storey suburban houses further along Harefield Road. The scale of the proposal will overwhelm the locally listed building and dilute its historic significance as an important public building. This will only be exacerbated by the eight storey block behind and the twelve storey tower and eight storey block further behind shown graphically illustrated on plan (20)-205

North Uxbridge ASLC
The ASLC only comes close to the south east corner of the site so that the direct impact on this is lower than the other heritage assets but the development rising from four to eight and then twelve

storeys will inevitably be seen in the small scale streets and will be an unwelcome addition to the sky line. Even the smaller block parallel to Lancaster Road is still four storeys high backing onto the two storey suburban houses, the south east end of Lancaster Road is included in the ASLC. The proposal would neither enhance nor preserve the ASLC.

Conclusion
There is no in principal objection to the demolition of the buildings on the site or the redevelopment of the site with regards to the surrounding heritage assets. However the proposal incorporates one twelve storey tower with an eight storey block of flats located behind the north west end of the High Street and a further eight storey tower set closer to the Harefield Road with a four storey block along the Harefield Road.

Magistrate's court and a four storey block parallel to Lancaster Road. The scale of what is proposed and the impact on the surrounding heritage assets is wholly unacceptable and should be resisted. The towers should be omitted and the overall height of the development should be significantly lower so that its impact is neutral, first and foremost, on the setting of the listed buildings and conservation area and then to a lesser but still important degree on the setting of the locally listed building and the ASLC.

Recommendation: Refuse on the grounds that the proposal would not preserve the setting of the listed buildings (Planning (Listed Buildings and Conservation Areas) Act 1990, 66 (1). Nor would the development within the setting of the conservation area, locally listed building or ASLC enhance or better reveal their significance (NPPF 2018, 200). There does not appear to be a clear and convincing justification for the harm to the setting of the designated heritage assets (NPPF 2018, 194). The proposal would indirectly affect the non-designated assets of the locally listed building and ASLC and on balance the negative impact of the proposal engendered by its overwhelming scale would not be acceptable given the significance of these heritage assets (NPPF 2018, 197). Finally, the proposal would be contrary to the Hillingdon Local Plan that seeks to preserve and enhance the borough's heritage assets and their setting (SO1 and HE1).

Case Officer's comments:
The Conservation officer's comments were provided to the applicant on and a response was provided. This response was forwarded to the Conservation Officer for consideration.

CONSERVATION OFFICER 2nd comments
I have read submitted letter with interest regarding my conservation comments with respect to the proposed development of land adjacent to the Harefield Road.

Having read his comments, my view remains unaltered, that the overwhelming scale of the proposal would be detrimental to the setting of the surrounding heritage assets.

ENVIRONMENTAL PROTECTION UNIT
I have read through the submitted information documentation and associated acoustic information. There is a potential for noise and vibration issues during the construction phase of the development and also for possible noise issues for the future end users of the development. The design principles seem reasonable and practical and issues around noise and vibration can be covered by way of condition.

In light of this I do not wish to object to the application but suggest the following should you be mindful to grant the application.

Before the development hereby approved commences, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The

CEMP shall comprise such combination of measures for controlling the effects of demolition, construction and enabling works associated with the development as may be approved by the Local Planning Authority. The CEMP shall address issues including the phasing of the works, hours of work, noise and vibration, air quality, waste management, site remediation, plant and equipment, site transportation and traffic management including routing, signage, permitted hours for construction traffic and construction materials deliveries. It will ensure appropriate communication with, the distribution of information to, the local community and the Local Planning Authority relating to relevant aspects of construction. Appropriate arrangement should be made for monitoring and responding to complaints relating to demolition and construction. All demolition, construction and enabling work at the development shall be carried out in accordance with the approved CEMP unless otherwise agreed in writing by the LPA.

Reason:
To safeguard the amenity of surrounding areas in accordance with policy OE5 of the Hillingdon Unitary Development Plan.

The noise level in rooms at the development hereby approved shall meet the noise standard specified in Table 4. BS8233:2014 for internal rooms and external amenity areas.

Reason:
To ensure that the amenity of the occupiers of the proposed development is not adversely affected by (road traffic) (air traffic) (other) noise in accordance with policy OE5 of the Hillingdon Unitary Development Plan.

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value DnT,w [and L'nT,w] of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings, namely [eg. living room and kitchen above bedroom of separate dwelling]. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason:
To ensure that the amenity of the occupiers of the proposed development is not adversely affected by (road traffic) (air traffic) (other) noise in accordance with policy OE5 of the Hillingdon Unitary Development Plan.

There is commercial floor space proposed but uses have not been specified as yet at this stage but is important to protect residents from noise from commercial premises so I suggest the following:

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from noise sensitive premises. Details shall demonstrate that the sound insulation value DnT,w [and L'nT,w] is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the 'Good' criteria of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason:
To ensure that the amenity of the occupiers of the proposed development is not adversely affected by (road traffic) (rail traffic) (air traffic) (other) noise in accordance with policy OE5 of the Hillingdon Unitary Development Plan.

The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background noise level by at least 5dBA, by 10dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

ENVIRONMENTAL PROTECTION UNIT 2nd comments
In relation to the EP comments I can clarify the following:
DnT,w + Ctr has to be 5dB above the Building Regulations. The building Regs are minimum standards and the condition increases by 5dB to further improve SI and prevent possible complaints of sound transference.

As noise from commercial uses is of concern where there may by a link between commercial and a noise sensitive premises then we are requiring DnT,w + Ctrto be 10dB above building regs.

As there are no commercial units above noise sensitive premises this part of the condition will not be required.

URBAN DESIGN OFFICER
Context
The existing site is comprised of low-lying large footprint retail units that are circa three-storeys (equivalent) in height, with a large open front court area for car parking, access, servicing and landscape. The existing buildings cover circa two-thirds of the site area and are significantly set back from the western boundary. There is mature landscape along the northern and western boundaries that help to integrate the site with the surrounding suburban context and soften the impact (screening) for the residential houses that abut the site.

The site itself is located on the north-western edge of the town centre boundary. Therefore, an appropriate transition of scale from suburban to urban will be critical to the success of the development. And to address the many heritage assets that surround the site - particularly the High Street and Harefield Road. Also, appropriate setbacks from the boundary to reduce the development impact on neighbouring properties and to maintain the mature landscape that bounds the site is essential. Any development proposals will also need to respond to the topographical conditions of the site, as it located on an incline that broadly rises from the south to the north. Therefore, any development that is proposed to exceed the prevailing context height level of one to three-storeys, will start to significantly impact the townscape character and setting, as the site is above the High Street and town centre to the south, and below the residential houses and prevailing suburban morphology to the north, east and west.

Height/ Scale/ Massing
The proposed development is eight and twelve-storeys, with four-storey buildings at the lower levels. The site resides within a predominantly suburban setting, with a majority of the buildings two-storey houses and some three to four-storey retail, office and civic buildings, further south and eastwards.

In addition to the prevailing suburban morphology of the area, the development is adjacent to a Conservation Area to the south (Old Uxbridge/ Windsor Street) and Area of Special Local Character (North Uxbridge) to the north. The site is also flanked by Grade II and Locally Listed buildings on Harefield Road and the High Street, which is an important western gateway to the town centre. Therefore, the immediate character and setting concerns are further reinforced by the historic context harm that is clearly not considered as part of the proposed design strategy for the site.

The proposed development is a complete juxtaposition to the local suburban area and edge of town centre condition, due to the jump in scale from two to twelve-storeys. There is no attempt to offer a transition in scale or bridge the extreme height/ scale/ massing difference from the proposed development to the immediate area. Four-storeys is proposed against Harefield Road, which in part could work with the buildings on the immediate opposite side of Harefield Rd, but is still higher than the surrounding buildings, which are circa two-and-a-half-storeys and abut the site along the northern boundaries (north, north-east and north-west). The proposed four-storey 'wall' of development against the northern and western boundary is unrelenting and should be broken down to provide a relief and more positive aspect for the existing houses to the north, east and west that abut the boundary. However, the opposite approach has been taken, as the proposed four-storeys immediately jumps straight to eight and twelve-storeys respectively, directly behind the lower build areas. The abrupt change in scale at a short distance does little to soften the transition in height and is considered inappropriate for this location, due to the severity of the proposed change that will impact the streetscene and townscape setting. A form of development (design) that is more imaginatively broken down and more responsive to the immediate environment is required.

The DAS, heritage analysis and TVIA all fail to pick up on the character and setting of the listed buildings and wider conservation areas - especially the cluster of Grade II buildings on the High Street that will be completely consumed by the proposed development. The TVIA has failed to identify adequate viewpoints that are currently clearly skewed to mask the true impact of eight and twelve-storey buildings. The tower will disproportionately extrude from the Grade II listed buildings and large flanking blocks will in-fill the 'skygap' between the Grade II listed buildings. This extreme approach to height/scale/massing in such a sensitive area will create significant harm and thus fundamentally change the character and setting of those buildings that comprise a salient gateway to the town centre, and the conservation areas.

Regarding the wider context, the proposed development is a series of very tall buildings for the area. There are only a handful of buildings that are considered 'tall' in Uxbridge. The maximum height to date has been circa twelve-storeys, but this is for a central and well connected location in the town centre. These instances are contained within a cluster of other tall buildings on a very large development site that is typical of the era it was constructed (late '70s) in the central town centre area - opposite the train and bus station interchange - and part of wider large-scale mixed use development that is not isolated or introverted. It is also worth noting that the taller elements in this development are more slender, with meaningful breaks in the building line and generous separation distances between the taller blocks. This application does not embody any of these design principles nor benefits from this central location, therefore does not justify such a large and unrelenting height/scale/massing for its edge of town centre location.

Recently consented schemes closer to the site have been up to eight-storeys. The existing taller buildings closer to the site are up to seven-storeys. And start to rise in scale towards the town centre core, but still interspersed with low-rise development. It is also important to note that the other taller buildings and more intensive development sites reside within the lower topographical areas, which has helped to reduce their impact. Therefore, the proposed eight-storey 'wall' of development and twelve-storey 'tower', is further compounded by the site's topography that will see the buildings extrude from a strong topographical location that will amplify the impact of these tall buildings.The impact will further accumulate with little or no breakdown in the sheer height/scale/massing of the proposed buildings. For these reasons the proposed development is clearly inappropriate for its location. And excessive within the site itself, as it will create an oppressive environment for the residents. There has been little or no townscape analysis to establish the wider town centre and hinterland context as a justification for extending the tall building typology beyond the town centre core. The development will clearly be seen from areas far wider that just the Harefield Road, High Street and town centre areas alone, which again has failed to be demonstrated in the TVIA

Layout
The scale of the development will be a significant change to the area and therefore a more comprehensive (strategic) approach to understand its role and function in the wider area is required. This will also help to unlock and enable the adjoining land parcels that would be beneficial to the wider area. If the applicant believes the scheme is capable of accommodating such a high density level of development, then they should also recognise the need to provide a suite of supporting uses and activities for the occupants. And create added benefit for the local community by contributing to the overall growth of the town centre in more ways than just housing. However, there is little or no ground floor activity on a current large retail site. So the conditions have considerable changed to a loss of major active uses in a town centre location, rather than a public benefit, as a result of such a proposed transformal change to area that is completely the opposite in terms of scale and intensity of use. Mixed-use activity is key to life-cycle of a development that will foster placemaking and generate footfall to support and sustain the vitality of the town centre. A strategic approach to development would demonstrate this and how the site should create additional retail and/or community benefits that would be enabled/ generated (subsidised/ increased demand) by a very large quantum of residential development. Instead there is a small token gesture of non-residential floor space and the rest of the site is an insular 'gated' residential development. This is not an acceptable development solution considering the sites location, former land use function and proposed quantum of development.

The footprint of the proposed development is considered excessive for the site, as it now covers circa three-quarters of the site area. There is little or no consideration given to the impact on the surrounding land parcels, as the development will clearly restrict any future potential development opportunities, for example, the adjoining Police Station site to the south and the land along the eastern boundary. The proposed building line is effectively hard up against the boundary circa 1m to 2m away in number of key areas adjoining existing residential dwellings and opportunity sites. The excessively large scale of the buildings further reinforces this uncomfortable and imposing relationship, between the proposed and existing development.

Within the development itself, there is little or no amenity space, permeable ground or landscaping + landscape features at grade to serve the residential development or soften the sheer mass and scale of the development within the site or for the wider area (streetscene). In fact there will be a loss of trees, which is a concern as the site is located in an Air Quality Focus Area. The reports submitted with the application also clearly downgrade the value of the mature trees, especially along the northern boundary, which is not a fair representation of their condition. Moreover, it is also clear that the structures that impede these spaces and the embankment, will led to the loss of further mature trees and vegetation than the plans show. This is not acceptable without adequate mitigation measure and interventions, for example, an increase in the provision of street level trees and permeable space (above the existing quantum), to justify the inevitable loss. This has not been proposed, therefore not acceptable.

The street-level external space comprises of service roads, car parking and two small play areas. The size and configuration of the ground floor space has been generated by the separation (privacy) distances between the buildings, but there are still concerns regarding the separation distances between most of the blocks and within the blocks themselves. The spaces have clearly not been designed as part of the scheme from inception. In effect, they are residual spaces left over after the planning of the building footprints and basic highways requirements to service the site. The result is a very compressed site with lack of external high quality space, with the close proximity of buildings creating a very uncomfortable and oppressive environment, especially considering the height/ scale/ massing of the buildings that are extruded from the excessively large footprints, will amplify this poor condition further. For this reason, the low level of external amenity space is considered inadequate, not only in terms of function and location, but also in terms of size to serve 264 homes, on a site that is less than one-hectare in size.

The proposed two small play areas are flanked either side by residential dwellings that are only a few meters away. This will constrain their operation with regards to noise and practical hours of usage. The close proximity also raises concerns regarding privacy/ overlooking from the residential habitable rooms to the play areas. And the close proximity of service vehicles that use the adjoining shared surface as the primary access and turnaround space raises further concerns regarding safety and suitable environment. The spaces themselves are very narrow and small. These issues combined highlight the unsuitability of the proposed locations and therefore will compromise their long-term ability to function effectively as play areas or sustain adequate usage (patronage).

The development should be setback further away from the northern boundaries (north, north-east and north-west). This will reduce the impact on the existing residential dwellings that back onto the site and adjoin it along Harefield Road - especially at the proposed height, scale and unbroken mass (wall of development). The setback will enable meaningful (usable) sized amenity space, i.e. 'back gardens', to serve the ground floor units. A majority of the amenity space is provided at roof terrace levels, with a minority of the space at podium level that is very small in proportion to the number of dwellings they are supposed to serve. The layout and location creates a range of overlooking/ privacy, noise and accessibility issues for those elevated spaces, which will constrain their operation and restrict usage due to the small size. The size of these spaces will be further eroded through the defensible space required to protect the units that front the podiums and rooftop areas. Podiums are an acceptable solution if they are circa 1 storey above ground level and the size reflects the quantum of development, which is not the case with this proposed development. Roof terrace spaces (mid to high level) will effectively create an additional storey, since there is no setback from the edge, creating active edges that will further compound the proposed height of the development and overlooking concerns to neighbouring existing dwellings, and within the development itself.

There are general overlooking/ privacy issues for the residential uses. For example, the separation distance for Block B to Block A and B (the 'mews') is typically 12m. Within Block A is 7.5m to 14m. Between Block A and B is 19.5m. And within Block C is 20m. These are all well below policy standards for their varying conditions and is extensive across the site. This will create a very poor quality residential environment - especially at the given scale. It also again indicates the footprint and layout of the buildings is excessive for the site.

A portion of the dwellings and a majority of the habitable rooms are single aspect in these. This is unacceptable and again indicates the proposed layout is inappropriate for this site, because there is inadequate space/ distance between the buildings that will impact on the outlook from the proposed dwellings. The issue is further compounded by the overall (collective) height of the proposed buildings that will create a 'canyon' like (poor quality) effect for the ground level area and the dwellings that enclose/ front these spaces. This will also impact the larger duplex units, which are at the bottom of eight to twelve-storey blocks and therefore not deemed as a suitable environment for families without adequate setbacks and separation between the buildings. This is further compounded by the single aspect nature of the duplex dwellings that should have a secondary aspect, preferable onto a podium deck, to provide a 'back garden' type space that is more suitable for children, rather than a small strip of 'front garden' that is located against the service road, which is too small and inappropriately located for family dwellings.

The service road appears to be very tight for refuse vehicles. It may 'technically' work, but large vehicles operating in this space will be overbearing due to the close proximity to dwellings. It will also effectively make what little public realm there is in location unusable or potentially unsafe during the hours of operation - especially if there are designated play spaces in close proximity to the shared surface area at either end of the service road.

The principle of a gated development is unacceptable and unnecessary in this location. If the

ground floor areas are active and the street(s) is well overlooked, then residents should take ownership/ stewardship of the space and therefore the development will be 'self-policing' to discourage anti-social behaviour and crime. Also, a scheme of any scale, with an active range of uses, should generate sufficient footfall to make the place feel welcoming and safe. The site is currently a retail park, but this level/ quantum of non-residential active has not been replaced. The act of gating a develop will in effect turn its back on the surrounding area and therefore will encourage poor integration with the surrounding neighbourhood and conflicts with the principle of place-making and good urban design.

Summary
The proposed development presents a number of issues and concerns with regards to layout, setbacks, height/ scale/ massing, and impact on the historic and suburban context. There is also little groundfloor non-residential activity or adequate usable amenity space across the development. The unit mix unbalanced and biased towards smaller sized dwellings. And the development is gated. It is appreciated that the applicant wishes to make best use (intensification) of the site. However, it is clear there is too much development on the site and the scheme is failing to meet basic policy requirements or suitably address the context and setting of the site. For this reason it is considered very incongruent with the surrounding area and makes little attempt to address the edge conditions of the immediate site and local area. It is worth noting that there has been a distinct policy shift from 'intensification' to 'optimisation', to mitigate the inevitable 'urban cramming' approach that this proposal is a typical example of. Development proposals should also seek to balance the quantity of development with quality of development. Or risk repeating past housing estate mistakes, which unfortunately this development bears all the hallmarks of.

Planning policies and best practice principles state that good urban design should be encouraged and it is an important part of the development process - urban design should not be confused with 'big' architecture. Poor designs that are out of scale and/or character with their surroundings are generally not acceptable. The careful design of new buildings, and the spaces between buildings, respecting the historic and architectural character of the area and features of particular interest, can enhance towns centres and the hinterland areas, to maintain local distinctiveness. The proposed development fails to meet any of these objectives.

It is also worth considering that the NPPF clearly outlines the importance of good (appropriate) design. It specifically references the prevailing character and setting of an area with regards to development impact on the existing context. And high quality buildings and spaces should be sympathetic to the local area, which is fundamental to creating sustainable development/ positive growth where people want to live and work. It is appreciated that innovation can occur if it can optimise land for a range of uses in appropriate locations. And that it raised the standard of design in the given area, so long as it sits in with the overall form and layout of their surroundings. Unfortunately, the scale and impact of the proposed development is too much for the proposed site and it will also severely impact on the character, setting, and the historic assets in the local area. Therefore, the proposed balance of development is clearly in favour of quantity and not quality, which is unacceptable. For the accumulation of all these reason the scheme is not acceptable on Design and Conservation grounds. Objection.

URBAN DESIGN OFFICER 2nd comments
The proposed amendments are not considered adequate or significant to address the many concerns/ objections that have been previously raised with the scheme through the pre-app service and subsequent planning applicant. The scheme is considered wholly inappropriate for the location and the quality of the design and layout is still considered poor and breeches the relevant planning polices for residential development in the Borough. For these reasons and the reasons set out in the application response (design and conservation), objections to the scheme remain unchanged.

POLICY TEAM

Development Plan

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:
The Local Plan: Part 1 - Strategic Policies (2012)
The Local Plan: Part 2 - Saved UDP Policies (2012)
The London Plan - Consolidated With Alterations (2016)

The National Planning Policy Framework (NPPF) (2018) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

Emerging Local Plan: Part 2

The Local Plan Part 2 Draft Proposed Submission Version (2015) was submitted to the Secretary of State on 18 May 2018. This comprises a Development Management Policies document, a Site Allocations and Designations document and associated policies maps. This will replace the current Local Plan: Part 2 - Saved UDP Policies (2012) once adopted.

The document was submitted alongside Statements of Proposed Main and Minor Modifications (SOPMs) which outline the proposed changes to submission version (2015) that are being considered as part of the examination process.

Submission to the Secretary of State on 18th May 2018 represented the start of the Examination in Public (EiP). The public examination hearings concluded on the 9 August 2018 and the Inspector is currently assessing the findings of these hearings. The EiP will conclude when a final Inspector's Report is published.

Paragraph 48 of the NPPF (2018) outlines that local planning authorities may give weight to relevant policies in emerging plans according to:

a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

On the basis that the Council is awaiting the final Inspector's Report on the emerging Local Plan: Part 2, the document is considered to be in the latter stages of the preparation process. The degree to which weight is attached to each policy is therefore based on the extent to which there is an unresolved objection being determined through the public examination process and the degree of consistency to the relevant policies in the NPPF (2018).

Draft London Plan

The draft London Plan (2017) was submitted to the Secretary of State on 16 July 2018. This will replace the current London Plan (2016) once adopted.

On 13 August 2018, the Mayor published a version of the draft London Plan that includes his minor

suggested changes. The examination hearings are due to commence at the start of 2019 and are not scheduled to conclude until May 2019, with an Inspector's report expected towards the end of 2019.

Whilst it is not possible to determine the specific extent of unresolved objections to the draft London Plan, there are currently close to 2,000 representors who commented on the draft London Plan (2017) according to the London Plan examination website, many of whom submitted responses on multiple issues. This response level, as well as the five months of hearing sessions that are scheduled to take place, indicate that there is still a lot of debate to be had on these policies and questions about their soundness.

In light of this, my first comment on this planning application would be that there is a clear over reliance on draft London Plan Policies, particularly when reading the Planning Statement. Draft London Plan policies should only be given significant weight where they are consistent with the NPPF (2018).

However, reference to a draft London Plan Policy does not necessarily make the point being made invalid and there may be instances where the same point could have been made under an adopted Development Plan policy.
Designations

The site is within an Archaeological Priority Area and near to both the Old Uxbridge/Windsor Street Conservation Area and the North Uxbridge Area of Special Local Character. Comments relating to these designations and the listed buildings in the area are to be raised by other internal consultees.

In the adopted Local Plan: Part 2 - Saved UDP Policies (2012), the site is within the designated Uxbridge Town Centre boundary, but outside of the Primary and Secondary shopping frontages. This remains the case in the emerging Local Plan: Part 2 - Site Allocations (2015).

In the emerging Local Plan: Part 2 - Site Allocations (2015) the site is also within the proposed Uxbridge Hotel and Office Growth location. This however is not relevant to the current scheme as proposed.

Principle of Development for Residential-Led Mixed Use
The site currently consists of two large A1 retail warehouses that are occupied by Wickes and Halfords. According to the planning statement, the units represent a combined floorspace of 3,150m2 with a significant level of associated car parking for customers.

As noted above, this retail space is outside of the Primary and Secondary shopping frontages and as such, the relevant policies concerning retention of A1 use in such areas do not apply in this instance.

Nevertheless, A1 retail remains an appropriate edge of centre use in line with Annex 2 of the NPPF (2018) and the two large A1 retail warehouses are also important in strengthening the status of Uxbridge Town Centre in line with Policy E4 of the Local Plan: Part 1 - Strategic Policies (2012). The two large units provide comparisons goods, as well as specific services, which are unique to Uxbridge Town Centre and offer diversity from what currently exists on the high street. Support for comparison goods retailing in Major Town Centres, like Uxbridge, is outlined in Part B of Policy 4.8 of the London Plan (2016). As such, the public benefit and loss in value to Uxbridge Town Centre resulting from the demolition of these two units should not be understated.

The scheme, if deemed acceptable in design terms, would provide 264 self-contained units in Uxbridge Town Centre through the redevelopment of brownfield land. This approach to meeting

housing demand through the efficient use of brownfield land is supported in Paragraph 118 of the NPPF (2018), Policy 3.3 of the London Plan (2016) and Policy H1 of the Local Plan: Part 1 - Strategic Policies (2012). As such, the contribution of these new units would assist in meeting the Council's annual housing target of a minimum of 559 units, thus providing a degree of public benefit through the delivery of new homes in a sustainable location.

Policy H1 of the Local Plan: Part 1 - Strategic Policies (2012) also notes the potential for high quality mixed used developments to meet housing demand, which is also reflected in Policy 3.3 of the London Plan (2016). Policy E4 of the Local Plan: Part 1 - Strategic Policies (2012) also notes that mixed-use development in Uxbridge Town Centre is one of many suitable uses, which notably also includes retail.

However, it is important to note that the Council has a consistent history of meeting and exceeding its housing target, as evidenced in the Council's Five Year Supply of Deliverable Housing Sites which was published in December 2017. This document also demonstrates that there is a significant supply of sustainable sites for housing in the pipeline and thus a five year land supply is comfortably demonstrated. Whilst not a reason to refuse a sustainable housing scheme, it should have weight in the degree of public benefit the decision-maker awards to new homes.

When delivered to a high-quality, mixed use schemes in sustainable locations have the potential to achieve multiple public benefits and its value to Outer London is most noted in Policy 2.7 of the London Plan (2016).

Alongside the residential element of the scheme, the applicant is proposing 332m2 of flexible commercial/retail floorspace across two separate units. No upfront tenants have been identified in the evidence provided to the Council and as such it is taken that they will be advertised to the market post-completion. Not only are the units substantially smaller than the existing retail units (-2,818m2), they are smaller than those proposed under the pre-application (372m2).

The viability of these units would not benefit from any on-site car parking and there is little evidence to suggest they would attract significant footfall in their own right, particularly when compared to the scale of the units that preceded them. Ultimately they would rely largely on the additional footfall from the new residential units being created. For further concerns relating to the viability of the non-residential aspect of the scheme, I would defer to and endorse the previously submitted Urban Design Comments relating to layout. Ultimately however the units would not conform to Part A of emerging Policy DMTC 1 of the Local Plan: Part 2 - Development Management Policies.

It is also important to note that within the scheme is a private lounge, function room and gym, which according to 3.2.7 of the planning statement will be accessible to residents only. As such these are isolated uses within a gated community that provide no wider public benefit to the area.

At 12-storeys, the scheme would be defined as a tall building. London Plan (2016) Policy 7.7 notes that tall buildings should 'have ground floor activities that provide a positive relationship to the surrounding streets' and 'make a significant contribution to local regeneration'. Emerging Policy DMHB 10 of the Local Plan: Part 2 - Development Management Policies (2015) also states that they should 'be well managed, provide positive social and economic benefits and contribute to socially balanced and inclusive communities'. For the reasons stated in Paragraph 5.9, it is not considered that the non-residential aspect of this scheme achieves either of these objectives.

As such, the non-residential element of the scheme represents a tokenistic attempt at creating a mixed-use scheme which would likely add nominal public benefit to Uxbridge Town Centre. This attempt at a mixed-use scheme does not represent the 'high quality' aspect of high quality mixed use development supported in Local Plan: Part 1 - Strategic Polices - Policy H1.

To conclude, whilst the principle of a high-quality mixed use scheme on the site could be supported for the reasons outlined in Paragraph 5.4 and 5.7, at present the scheme is not of a sufficiently high quality to warrant support from a policy perspective. The overall public benefit of the scheme should be determined by the decision-maker in light of the disadvantages and benefits that are raised here, but also by other consultees, so that the scheme is considered as a whole.

Purpose-Built Build to Rent
Purpose-built build to rent is a distinct asset class within the private rented sector that is becoming increasingly common across London and is now specifically identified in Annex 2 of the NPPF (2018).

Policy 3.8 of the London Plan (2016) specifically references that when determining applications, the planning system should provide positive and practical support to sustain the contribution of the Private Rented Sector (PRS) in addressing housing needs and increasing housing delivery. The Mayor's Affordable Housing and Viability SPG (2017) also provides support for and specific guidance on build to rent developments, recognising that they differ to the traditional build for sale model. Certain requirements, including those surrounding covenants, clawbacks, management and tenancy length, would need to be integrated into any potential S106 agreement.

At a local level, the latest evidence of housing need comes from the Strategic Housing Market Assessment (2016) which notes an increasing proportion of the Borough relying on private rent as their current tenure.

It is important to note however that, whilst they differ to the traditional build for sale model, new purpose-built build to rent is still required to meet adopted local plan policies and needs to be held to the same design standards as schemes of traditional models. There will however be diversion from the local plan in regards to the affordable housing tenure, as outlined in Paragraph 7.2 of these comments, which must recognise the need for all homes to stay under single management.

Residential Mix
Policies H4 and H5 of the Local Plan: Part 2 - Saved UDP Policies (2012) relate to the mix of housing to be provided on new schemes. Policy H4 notes that within town centres, predominantly one and two bedroom developments will be preferable. Policy H5 however also notes that the council will encourage new homes for large families where required, including through the provision of larger dwellings by the private sector in new development.

The latest evidence of local housing need comes from the Strategic Housing Market Assessment (2016) which indicates a substantial borough-wide requirement for larger private market units, particularly 3 bedroom properties. In regards to affordable housing specifically, the need is for 2 and 3 bedroom properties.

Paragraph 7.4.9 and 7.4.10 of the Mayor's Housing SPG note that purpose built private rented schemes are typically targeted at smaller households and local authorities can consider applying local policies on unit size mix flexibly in town centre and edge of centre sites. Paragraph 4.31 of the Mayor's Affordable Housing SPG also notes a similar point, highlighting that build to rent schemes should reflect demand for new rental stock, which is typically greater for one and two beds than in owner-occupied or social/ affordable rented sector.

However in light of the Council's latest evidence of substantial requirement for larger private market and affordable units, as well as the high proportion of schemes coming forward in or on the edge of town centres, limited flexibility can be afforded towards the mix on build to rent schemes.

The proposed mix across the development as a whole is 10.6% studios, 39.4% one-bedroom units,

45.1% two-bedroom units and 4.9% three-bedroom units according to the submitted planning statement. This is an improvement on the original pre-application scheme in terms of a significant increase in 2-bedroom units at the expense of one-bedroom units, albeit there is a smaller decline in three-bedroom units as well.

The focus on one and two bedroom units, with 50% of the scheme overall consisting of two and three bedroom units, is deemed to be consistent with Policy H4 of the current Local Plan: Part 2 - Saved UDP Policies (2012). In light of evidence outlined in paragraph 7.2 however, the affordable element of the scheme should be secured predominantly on the two and three bedroom units.

Affordable Housing
Policy H2 of the Local Plan: Part 1 - Strategic Policies (2012) seeks to deliver 35% of all new homes as affordable. Whilst the Council would usually seek to secure part of this as affordable ownership, Paragraph 64 of the NPPF (2018) outlines that build to rent should be exempt from this requirement.

The Mayor's Affordable Housing and Viability SPG provides the relevant guidance regarding securing affordable housing on build to rent schemes, including how to implement a threshold approach to viability. Schemes that provide 35% affordable housing on site, without public subsidy, and meet the specified tenure mix are not required to submit viability information or be subject to a late stage review. However, the tenure mix requirement does not apply to Built Build to Rent schemes and the SPG states that this should be entirely discount market rent.

Where this 35% threshold is not achieved, the applicant must submit a financial viability assessment demonstrating why it is not viable to meet the policy requirements.

POLICY TEAM 2ND COMMENTS
The Policy Team note the minor alterations, however this does not fundamentally change the position outlined in our previous comments

HIGHWAYS OFFICER
Site Characteristics and Background
The site, which currently consists of 2 substantial (A1 use class) retail units (Halfords and Wickes stores) with associated parking, is located on the edge of Uxbridge town centre due northeast of the Harefield Road/High Street intersection. It lies adjacent to Uxbridge Police Station and fronts directly onto Harefield Road which is designated as Classified within the Council's hierarchy of roads. The area north of the site is predominantly residential whilst the area due south consists of predominantly retail and commercial establishments which populate the main town centre.
The proposal is for the provision of 264 flatted units within a high rise build with ground-floor retail floor-space located on the Harefield Road frontage and southern corner of the site envelope.
The address is located approximately 500m from Uxbridge station with generous access to multiple bus routes resulting from the highly sustainable transport related profile of the shopping centre. The level of readily available and sustainable public transport modes are reflected by the high PTAL, which on a scale of 1-6b, is rated at a level of 5 which is considered as 'very good'.

Parking Provisions
C3 Residential
The residential component of the application consists of the following:-
28 - Studio flats
104 - 1 bedroom flats
119 - 2 bedroom flats
13 - 3 bedroom flats
There is currently a parking quantum of 141 spaces that is provided for the two substantive retail

units. The proposal is for a 'car free' development with a nominal provision of disabled compliant parking spaces (totalling 9) which is in line with the draft London Plan Policy T6.1 which requires 1 space per 3% of dwelling units.
Utilising the Hillingdon saved UDP standard, the recommended maximum required parking quantum would be in the region of 396 spaces which equates to an approximate 1.5 parking space ratio per dwelling. The relative absence of on-plot provision for this proposal therefore falls short of the adopted UDP and emerging Local Plan policies which favour a parking provision given its outer London borough status and the modal choice challenges this brings for Hillingdon's residents, both incumbent and new occupiers, who need to travel to destinations extraneous to Greater London (GL) by using convenient major road links such as the M4, M25 and A40/M40 corridors. Such travel choice by private motor car is mainly due to the expensive and inconsistent availability of public transport nodal links outside of London.
It is accepted that this site exhibits a high PTAL which encourages the provision of 'car free' development in accord with the current and emerging London Plan. However the PTAL calculation is based on public transport connectivity by bus and rail within the London area alone and does not reflect the deficiencies in connectivity of the public transport network farther afield for commuters residing in outer London boroughs who wish to travel to destinations outside the confines of GL. As a result such reliance on the private motor car as a modal travel choice for Hillingdon's residents is well established.
Major national and regional rail infrastructure projects such as HS2, Crossrail (including the Elizabeth Line), 'Western rail link to Heathrow' Network Rail enhancements are in various stages of progress and may provide some overall public transport benefit in the longer term within and outside of the borough. However despite any potential benefit delivered it is unlikely that it will be substantial enough to significantly alter the modal choice of communities residing in Outer London boroughs such as Hillingdon who are heavily dependent on private transport for the reasons highlighted above. The private motor vehicle is therefore likely to remain as the mode of choice for many individuals by reason of convenience and cost effectiveness for the foreseeable future.
The determination of the suitability or non-suitability of a 'car-free' scheme can also be reliant on a number of extraneous factors to the site itself. The local characteristics of the surrounding network are one of the factors that need to be taken into consideration as they can significantly influence the internal workings of a site and therefore impacts beyond.
With this particular site, it is apparent that the vast majority of the surrounding road network acts as a natural deterrent to an alternative parking facility for 'would be residents' of the redevelopment. This deterrent is realised by virtue of the extensive local town centre parking restrictions which include a controlled parking zone (CPZ) that surrounds the location which inherently assists in discouraging the likelihood of untoward parking displacement onto the public domain. This relative lack of 'free of charge' on-street parking availability can also act as a deterrent to multiple or even single car ownership for a prospective occupier of a new unit within the proposal site. This is especially true when potential occupiers view a property prior to rental or purchase and observe relatively limited on-site parking allocations and non-existent on-street parking availability in proximity of the address. This is a factor that is very likely to be high on the list of considerations prior to occupation which allows for an informed decision to be made on whether the address suits the life demands of the potential occupier.
There is a balanced debate to be had here with some occupiers deciding to proceed with property acquisition on a 'car free' basis assisted by the high site PTAL which would help conform to the sustainable travel agenda thereby reducing parking demand as promoted by the required travel plan for this site (which will be discussed later), whilst others will desire on-plot spaces to cater for their personal transport destinations outside of the London area as discussed earlier.
Notwithstanding with the above the need to encourage sustainable modal travel choice is acknowledged on a local, regional and national level hence in the spirit of compromise between the regional London Plan and local Hillingdon parking standards, a minimum on-plot parking ratio per dwelling of 0.5 is sought in lieu of the 'car-free' proposal which equates to approximately 130 spaces. This is substantively below Hillingdon's maximum adopted standard requirement of a 1.5

per unit ratio which would demand just under 400 spaces.
When contextualising all of the above, a low level of on-site car parking provision for this site consisting of approximately 130 spaces is considered appropriate and is therefore recommended. The submitted 'car- free' proposal, with nominal disabled compliant parking, is therefore considered unacceptable.

Electric Vehicle Charging Points (EVCP's)
The parking requirement for EVCP's in line with London Plan 2016 (LP 2016) standards for this C3 use and the quantum of on-plot disabled compliant bays would equate to 2 EVCPs for 'active provision' with a minimum of a further 2 spaces acting as 'passive' provision for future activation. Although this has not been indicated by the applicant, this requirement can be secured via appropriate planning condition.

Cycle Parking
In terms of cycle parking there would be a provision of 485 secure and accessible spaces in total for residents and visitors located on the ground floor throughout the site which is acceptable in format and design layout terms. The quantum is welcomed as it conforms to and exceeds LBH Local Plan - saved UDP and London Plan minimum standards.
Parking Provisions

A1/A2/A3 Retail and B1 Employment Use
The applicant is proposing a zero parking provision for the retail and business elements given the relative small sale of this aspect (332sqm GIFA). In accord with the LBH saved UDP standard, a quantum of up to 8 spaces would normally be required for this level of scale assuming the GIFA is apportioned acordingly. It is reasoned that to justify a 'car free' status for the use, demand will be very local to the development and public transport/pedestrian based given the town centre location which includes patronage by new occupiers of the address. Hence car borne demand is predicted to be relatively low to non-existent. For this reasoning, a 'car free' scheme related to the retail and employment provisions is considered acceptable.

Cycle Parking
For the scale of proposal (332sqm GIFA) there would be a requirement for up to 16 secure and accessible spaces to be provided on-site. Although no specific reference to provision has been made, it is considered that the cycle parking 'over-provision' for the residential element can cater for this demand. This aspect of cycle provision is required to be secured by planning condition.

Parking Management Strategy (PMS)
On the premise of best controlling parking provisions and usage within the site which includes new residential disabled compliant and servicing provisions, it is considered that the application of a PMS is a key tool which helps to ensure an unhindered and functional operation for the parking uses within the site envelope. This involves creating an internal site management regime that would enforce and oversee overall parking control on a site wide basis thus ensuring the harmonious and mutual coexistence/interplay of parking bay allocations and servicing needs. The PMS can be supported by enforcement structures which encourage the correct use of parking places which assists in ensuring that parking demand and allocation is properly managed. The PMS should also set out the methodology behind the allocation/control of parking places for the dominant residential use and would be secured by planning condition.

Traffic Generation - C3 /A1/A2/A3/B1 use classes
As the proposal is based on a 'car-free' operation with a nominal provision of 9 on-plot disabled compliant parking spaces, there are no specific concerns with the proposal as there would be an expected and substantial decrease in vehicular activity, to and from, the site when compared to the existing activities relating to the two retail units on the site. When comparing the existing low

projected usage of the site (which includes disabled bay usage and servicing demands) a traffic peak hour reduction in excess of 100 vehicle movements would be expected hence there is substantive highway gain in this respect. As a consequence there are no specific mitigation requirements for enhancing the local road network via financial contribution related to public realm betterment.

Demand for the non-residential use classes would be expected to be negligible as any related activity is anticipated to consist of diverted/pass-by trips ancillary to existing town centre attractions coupled with potential demand from the new occupiers of the site and henceforth does not raise any anticipated issue or concern. Any related servicing demand is not predicted to be at a level that would raise measurable concern and would be facilitated by a new servicing lay-by provision, located directly fronting the site off Harefield Road, involving kerb-line and public footway alterations. The proposal is considered acceptable in principle and is discussed in greater detail later in this report.

Appraisal of the Site Access Infrastructure
The vehicle access arrangement from Harefield road is to remain in position functioning as a shared access/egress facility for disabled parking bay users and servicing functions such as refuse collection but with minor adjustment/enhancement to provide a more user friendly design environment i.e. pedestrian tactile paving provision etc.
A secondary access via the southern end of Warwick Place (a no-through road adjacent to Uxbridge Police Station located off Harefield Road) which is currently used for servicing the retail provisions is to remain. It will serve predominantly as a pedestrian access to the site envelope linking to Beasley's Yard which is a private footpath adjacent to the site, off Warwick Place, which emerges onto the High Street and provides a convenient 'cut through' to and from the town centre. The proposals are broadly acceptable in principle due to the anticipated high generation of site related footfall and low traffic generation subject to detail design. Where applicable, relevant designs and implementation would be arranged by legal agreement via S278 of the Highways Act 1980 with all related implementation costs being absorbed by the developer at source negating any up front financial contribution to the Council.

Internal (thru-site) Roadways/Cycling/Pedestrian/Servicing Provisions
The internal roadways give acceptable access to the all of the allocated residential disabled compliant parking spaces and servicing needs with designs broadly conforming to the Department for Transport's Manual for Streets 2007 (MfS) (circa 2007) established road layout design standards for new developments. The design layout benefits pedestrian and cycling permeability through the site by virtue of newly created 'internal to site' pedestrian/cycling linkages connecting to the external public domain. This arrangement is therefore welcomed as is the proposed DDA compliant footway (referred to in the previous sub-heading) which is to be provided from Warwick Place along the southern perimeter of the site.
It has been demonstrated that the roadways within and adjoining the site boundary with the adopted public highway can satisfactorily cater for service, refuse collection and emergency vehicles without hindrance by allowing such vehicles to enter and leave the site in a forward gear thereby conforming to the MfS established standards and best practice.
As highlighted earlier, the applicant has proposed a new servicing lay-by provision located directly fronting the site off Harefield Road. To facilitate the lay-by, kerb-line alterations and footway realignment would be required. The footway realignment would therefore be required to encroach within the site envelope which is un-adopted public highway. As a principle, the footway provision should fall within the Council's control as a publicly adopted highway to safeguard continuity of the local public footpath network. On this premise there would be a requirement for a parcel of land from the site curtilage to be dedicated to the Council by way of adoption. This adoption of the new highway would need to be undertaken under sections 38 & 278 agreement of the Highways Act 1980 with agreement to enact the process to be secured under section 106 of the Town and

Country Planning Act 1990.
It is noted that the land within the site rises considerably from the public highway at the proposed location hence level differences will need to be addressed in order to allow satisfactory use of the realigned footway and convenient/workable 'service related' access and use of the new lay-by. Such detail would be agreed via the aforementioned process by securement of the aforementioned legal agreements. The proposal is therefore considered acceptable and 'fit for purpose' in principle.

Development Footfall
It is a normal requirement for this scale of residential development to be accompanied by a Pedestrian Environment Review System (PERS) audit in order to provide an inventory of local pedestrian facilities thereby allowing an informed determination of the suitability of the local highway network to be made in order to cater for the uplift in foot traffic generated by a proposal. The applicant has not provided this audit and footfall estimations arising from proposal have not been assessed. However it can be anticipated that the quantum of development has the potential to generate well in excess of 500-600 new occupiers. At present the established footfall to and from the site is transient and not excessive as the choice of transport mode for most customers of the two established retail units is by motor vehicle. There is some foot traffic generated by the retail uses which is partially encouraged by the '1 hour maximum stay' free parking regime of the car park which results in some pedestrian 'linked trip' activity due to the proximity of the town centre. However from observation, this level of activity is of relatively low significance.
The projected footfall from the proposal would therefore impinge on the public realm with additional demand on the footway infrastructure, mainly toward the main town centre which already has a high existing demand on provisions.
When reviewing the locality it is clear that there are some physical deficiencies within the existing footway network and pedestrian provisions. It is also apparent that there is no one perfect solution which can address all the aspirations and desires the Council has for improving this aspect of the public realm however the proposal furnishes an opportunity for public realm infrastructure gain which would be complementary to the aims within the Council's 'Uxbridge Town Centre Strategy 2016'. These gains would be secured by legal agreement
In the absence of a submitted PERS audit, it is therefore considered reasonable and appropriate to require developer financed enhancements (via a s106 agreement) to the public realm with a view of encouraging and improving sustainable travel modes including pedestrian permeability as follows:-
- General public realm town centre pedestrian and bus related quality enhancement to include the junctions of Harefield Road/High Street and High Street/Belmont Road.
- Improved area wide Bus service infrastructure provisions.
- Enhanced quality of pedestrian and vehicular public realm town centre connectivity by provision of a shared surface (vehicular and pedestrian) in Harefield Road between the Harefield Road/High Street junction and Oxford Road roundabout.
- Tactile crossing provisions and public lighting improvements on Harefield Road, Warwick Place and the High Street in vicinity of the site envelope.
- Enhancement of footpath linking Harefield Road and Lancaster Road.
(Please note this list is indicative and not necessarily exhaustive and may therefore be subject to alteration - costing to follow)

Travel Plan - Residential
Irrespective of the proposal being a 'car-free' development, an overarching Framework Travel Plan (FTP) has been submitted in order to capture and develop the residential element on an area wide basis encompassing the whole site. A specific and detailed residential plan will emerge and inform this overarching FTP as the monitoring regime unfolds subsequent to occupation.
This approach conforms with Transport for London's (TfL's) guidelines as it addresses all good practice mechanisms necessary to achieve a modal shift away from the private motor car thereby leading toward a sustainable personal travel mode to and from the site. The FTP represents a long term strategy for managing travel by residents, visitors and delivery related activities. It supports

measures that promote and support sustainable travel choices and reduce single occupancy car journeys. These measures would for example include marketing and promotion of sustainable travel modes, encouragement of travel.
Each of the new residential occupiers would receive a 'Residential Travel Pack' to promote sustainable travel by suitable means such as public transport, walking and cycling.
Implementation, monitoring and management of the FTP would be undertaken by an appointed travel plan co-ordinator (TPC) who would work in partnership with Hillingdon and TfL together with stakeholders within the site.
The TP would therefore be reviewed on an on-going basis with travel surveys undertaken upon occupation of the development and thereafter at years 1, 3 and 5 to monitor its effectiveness as compared to the initial survey. A monitoring report would be produced by the TPC following each survey with distribution to all relevant parties including the local authority for review.
Specific SMART percentage modal shift targets have been set which is a pre-requisite requirement under TfL guidance. Under the FTP, overall anticipated sustainable modal targets related to the use of public transport, walking and cycling would be in the order of 58%, 27% and 4 % respectively following the 1st year of monitoring after first residential occupation.
To sustain and enhance these aims, modal shift targets relating to these three sustainable travel modes have broadly indicated an across the board 3-4% increase over a five year period.
The methodology of the TP together with the above targets is broadly accepted and welcomed and, at subsequent monitoring years 3 and 5, these figures would be re-evaluated as part of the monitoring process. The TP is to be secured under an overarching S106 legal agreement.

Construction Logistics Plan (CLP) and Service Delivery Plan (SDP)
A full and detailed CLP and SDP will be a requirement to be secured under planning condition given the constraints and sensitivities of the local road network. A brief reference to servicing has been made within the assessment mainly with regard to the ability of larger vehicles entering and leaving the site in a satisfactory manner. The SDP is required to accord with Tfl's delivery and service planning guidance. Both plans will need to be secured under planning condition in order to avoid/minimise potential detriment to the public realm.

Conclusion
The application has been reviewed by the Highway Authority and it is considered that the proposal, presented as 'car free', would be prejudicial to new residential occupiers who would be disadvantaged by a lack of personal travel modal choice options to destinations extraneous to the Greater London area owing to the deficiencies in public transport availability and connectivity outside the confines of London which would be exacerbated by the absence of on-plot parking facilities, contrary to policy AM14 of the Development Plan (2012). Refusal on insufficient parking grounds is therefore recommended.

HIGHWAYS OFFICER - PUBLIC REALM CONTRIBUTION
Under section 106 of the Town & Country Planning Act 1990, the financial contribution of £361,500 offered by the developer towards public realm betterment together with an acceptance of a travel plan bond amounting to £20,000 satisfies the Council's vision of encouraging and improving sustainable travel modes within the proximity of the proposal which includes pedestrian permeability and public transport enhancement within the local town centre area.

SUSTAINABILITY OFFICER
I object to the proposals on Energy grounds:

1 - Energy Assessment
The energy assessment appears to provide two very different baseline positions. Table 7.1 states the regulated energy load for the residential development is 309tCO2 and 5tCO2 for the non residential equating to a baseline total of 314tCO2. However, table 11.1 sets a baseline total of

489.75tCO2.

It is not clear what the starting point for any savings is.

2 - Allowable Solutions
The energy assessment makes little reference to the zero carbon requirements of the London Plan. However 11.8 of the assessment states:

The above represents a site wide saving >35%; however, relative to the respective carbon reduction policy targets, an annual shortfall of 300.75 tonnes has been identified for the residential (zero carbon target) and 0.40 tonnes for the commercial (35% on site). A total of 304.67 tonnes will therefore be offset using "Allowable Solutions" in lieu of savings on site.

Assuming this is correct (see point 1) then the applicant will need to enter into an agreement for £548,406 in allowable solutions, i.e. the sum of money required to make up for the failure of the site to deliver zero carbon.

Allowable solutions should be a last resort and used to offset the shortfall in the target that cannot be delivered on site having exhausted all possible attempts to achieve the zero carbon figure.

The energy assessment appears to default to the bare minimum requirement without justification or explanation. Furthermore, it is unclear as to whether the applicant understands the extent of the allowable solutions as the energy report includes no calculation.

Remedy
1 - The energy assessment should be revised to omit table 7.1 and provide a clear baseline position.

2 - The assessment should be revised to show a greater application of low and zero carbon technology to achieve closer to the zero carbon standards of the London Plan.

3 - The applicant should confirm in writing their agreement to an offsite contribution of £1800/carbon tonne (i.e £60/tonne for 30years).

Case Officer's comments:
The comments provided by the Council's Sustainability Officer were forwarded to the applicant for their consideration on the 9th August 2018. The applicant responded to the Sustainability Officer's comments via email (dated 21st August 2018):

'- Table 7.1 included data associated with a former iteration of the scheme. It has now been updated in line with the data presented in the summary section.
- The policy position regarding "zero carbon" is understood and references to the relevant policy and "Allowable Solutions" confirm this point.
- The stated tonnage for offsetting should have been 301.15 (i.e. 300.75 + 0.40) rather than 304.67. This equates to an Allowable Solutions contribution of £542,070.
- Contrary to suggestions made by the council, the development goes beyond the policy minimum as evident by the surplus savings being made by the residential units.

I trust the above, in conjuncture with the supporting updated Energy Statement, suitably addresses the comments made to date.'

SUSTAINABILITY OFFICER 2nd comments:
I object to the proposed development:

Energy
The energy strategy does not demonstrate sufficient attempts have been made to secure zero carbon development as required by the London Plan (Policy 5.2). The assessment shows a reduction of 35% in tCO2 per annum but this is the minimum requirement. Insufficient evidence has been presented as to why a greater degree of saving cannot be achieved on site. As a consequent, the proposals would result in the need for an offsite contribution. Based on the energy assessment, this would be c£500,000. This would be acceptable provided there is clear justification as to why greater savings cannot be achieved on site.

Furthermore, the energy strategy states:
"The design of the glazed areas will seek to offer good access to natural daylight to reduce consumption of energy for artificial lighting. Overall, a balance shall be sought between achieving daylighting levels and winter solar gains, whilst minimising summer heat gains and cooling loads."

The designs attempt to maximise the site's capacity through multiple storey units. No daylight/sunlight assessment has been undertaken of the building itself; the submitted assessment only relates to the impact the development will have on other units. The design is such that some units will be shadowed for large parts of the day by large expanses of built form, particularly those at lower level and those that are single aspect; in these instances limited natural lighting will be achieved resulting in a higher lighting demand. At present there is a disconnect between what the energy strategy requires and what the designs are showing.

Daylight and Sunlight and Wind
As set out above, there is insufficient information on sunlight and daylight to the properties within the development as well as the proposed outdoor space. In particular the courtyard in the middle of Block C would appear to be in considerable shadow as it is bordered on three sides with high storey buildings and with a north easterly exposure. This would constrain the quality of this open space.

Similarly, no information on the impact of wind has been provided to demonstrate that the open space is usable. Again, this is a significant concern given the concentration of tall buildings around the open space presenting a wind tunnel affect.

Requirements
The applicant needs to:
1 - Provide an update energy strategy showing a greater degree of onsite savings, or justify why more can't be saved onsite. If the latter is an appropriate course of action, the applicant needs to confirm agreement to an offsite contribution of £1800/tCO2 (c£500,000).
2 - Provide a daylight/sunlight assessment of the units within the building together with the impacts on the open space.
3 - Provide a wind analysis and microclimate assessment on the open space and at ground level around the development.

AIR QUALITY OFFICER
The assessment has included the provision of air quality monitoring which has indicated there is no requirement for the provision of mechanical ventilation to protect future residents from the ingress of polluted air. However, there is no detail as yet in regards to the provision of energy.

The car parking associated with the proposed development is drastically reduced from current use therefore it is not anticipated, in the air quality assessment, that the operation will cause additional congestion on the highway. The submitted Travel Plan also indicates proposed targets for a 13% increase in the use of sustainable mode of transport.

The air quality neutral assessment indicates the development is within the benchmarks set for building and transport emissions. However, the proposed development is just within the Uxbridge Air Quality Focus Area and in these cases the Council require a calculation of the damage costs of the increased emissions associated with the development. This has been calculated as £29,049, however this is without the reductions in costs that would be applied from mitigation measures which reduce these emissions such as the high level of modal shift from the Travel Plan and any public realm enhancements in terms of increased facilities for cycling and walking. Once mitigation has been applied it is likely this amount could be reduced substantially.

Should this scheme be approved the following conditions should be applied:

Non-road mobile machinery condition (NRMM)
No development shall commence until proof of the registration in GLA's database (nrmm.london/nrmm/about/what-nrmm-register) and compliance with the London's Low Emission Zone for non-road mobile machinery requirements is submitted to and approved in writing by the Local Planning Authority. From 1 September 2015 NRMM of net power between 37kW and 560kW used in London have been required to meet the standards set out at Supplementary Planning Guidance 'The Control of Dust and Emissions from Construction and Demolition'.

Reason: Compliance with the London's Low Emission Zone for non-road mobile machinery as per requirements as of 1st September 2015, and Supplementary Planning Guidance 'The Control of Dust and Emissions from Construction and Demolition', Compliance with London Plan policy 7.14 and Local Plan Part 1 policy EM8

Energy Condition
No development shall commence until proof that the energy installation meets the appropriate standard required by the GLA Sustainable Design and Construction SPG is submitted to and approved in writing by the LPA as required by the GLA. This must include an Air Quality Assessment which quantifies any potential impacts on existing pollution levels as a result of emissions from the proposed energy installation along with proposed mitigation to reduce the impact including the design and positioning of any flues to not compromise the internal air quality for the proposed residents or the users of any proposed amenity spaces."

Reason: Compliance with the GLA Sustainable Design and Construction SPG, 2014, Compliance with London Plan policy 7.14 and Local Plan Part 1 policy EM8

Low Emission Strategy
No development shall commence until a low emissions strategy outlining the steps taken to reduce emissions from the development has been submitted to the LPA. This should include, but is not limited to, the demolition and construction phase, the choice of energy provision, the promotion of low/zero emissions technologies for occupiers of the site, targets set for increased modal shift to sustainable travel modes, enhanced public realm to support walking and cycling.

Reason: Compliance with GLA 'The Control of Dust and Emissions from Construction and Demolition' SPG, Compliance with the GLA Sustainable Design and Construction SPG, 2014, Compliance with London Plan policy 7.14 and Local Plan Part 1 policy EM8.

AIR QUALITY OFFICER 2nd comments
The damage costs have been calculated as £29,049, however this is without the reductions in costs that would be applied from mitigation measures which reduce these emissions such as the high level of modal shift from the Travel Plan and any public realm enhancements in terms of increased facilities for cycling and walking. I have spoken to the Transport Officer and can confirm that the public realm improvements agreed, along with the proposed Travel Plan negate the requirement for

an air quality contribution.

I would however ask that the following conditions are applied:

Non-road mobile machinery condition (NRMM)
No development shall commence until proof of the registration in GLA's database (nrmm.london/nrmm/about/what-nrmm-register) and compliance with the London's Low Emission Zone for non-road mobile machinery requirements is submitted to and approved in writing by the Local Planning Authority. From 1 September 2015 NRMM of net power between 37kW and 560kW used in London have been required to meet the standards set out at Supplementary Planning Guidance 'The Control of Dust and Emissions from Construction and Demolition'.

Reason: Compliance with the London's Low Emission Zone for non-road mobile machinery as per requirements as of 1st September 2015, and Supplementary Planning Guidance 'The Control of Dust and Emissions from Construction and Demolition', Compliance with London Plan policy 7.14 and Local Plan Part 1 policy EM8

Energy Condition

No development shall commence until proof that the energy installation meets the appropriate standard required by the GLA Sustainable Design and Construction SPG is submitted to and approved in writing by the LPA as required by the GLA. This must include an Air Quality Assessment which quantifies any potential impacts on existing pollution levels as a result of emissions from the proposed energy installation along with proposed mitigation to reduce the impact including the design and positioning of any flues to not compromise the internal air quality for the proposed residents or the users of any proposed amenity spaces."

Reason: Compliance with the GLA Sustainable Design and Construction SPG, 2014, Compliance with London Plan policy 7.14 and Local Plan Part 1 policy EM8

Low Emission Strategy
No development shall commence until a low emissions strategy outlining the steps taken to reduce emissions from the development has been submitted to the LPA. This should include, but is not limited to, the demolition and construction phase, the choice of energy provision, the promotion of low/zero emissions technologies for occupiers of the site, targets set for increased modal shift to sustainable travel modes, enhanced public realm to support walking and cycling.

Reason: Compliance with GLA 'The Control of Dust and Emissions from Construction and Demolition' SPG, Compliance with the GLA Sustainable Design and Construction SPG, 2014, Compliance with London Plan policy 7.14 and Local Plan Part 1 policy EM8

S106 OFFICER
The Council has appointed third party FVA assessor to review the applicants updated viability report to ensure that changes associated with the scheme amendments were fully reflected and further that the values were not understated or costs overstated within the proposed scheme. In addition the assessor provided advice on whether the conclusions reached by the applicants around the level of affordable housing were valid.

The assessor review indicated although the scheme amendments impacted on both the values and costs in the appraisal, the value assumptions adopted were consistent with the inputs adopted within the applicants original review and as such were in agreement.

The assessor undertook their own modelling reflecting the changes to the scheme. Their modelling

resulted in a project return or developers return on cost, which is above the return indicated by the applicants but remains below what would be considered a reasonable market return.

Although the assessor did not agree with the applicants' assumptions, given the level of return they did not disagree with the overall conclusions reached the current offer of 20% DMR units (23% by habitable room) would be considered the maximum reasonable.

The assessor suggested the S106 agreement should protect against the possibility of units being sold instead of rented. This would ensure the Council has the ability to capture a share of any value uplift.

Conclusions
In view of the above circumstances, although the Council's third party assessor were not in agreement with all of the applicants' assumptions, given the level of return they did not disagree with the overall conclusions reached namely the current offer of 20% DMR units (23% by habitable room) would be considered the maximum reasonable in this instance.

Given the Build to Rent housing typology being proposed, it is important that the Council ensures that appropriate safeguards are included within the S106 agreement. Details of Affordable Housing Provision should protect against the possibility of units being sold instead of rented. This would ensure that in this event the Council has the ability to capture a share of any value uplift which ultimately could be used to contribute to the Council's affordable housing provision. In addition, Affordable Housing Review Mechanism should be included in the S106 agreement.

LANDSCAPE ARCHITECT
This site is occupied by two retail units (Wickes and Halfords) at the southern end of Harefield Road, situated to the north of the police station. The buildings are on elevated land and are set well back from Harefield Road beyond a landscaped car park which serves as a visual buffer from the street and residential properties to the north. The main entrance to the site is a ramped access off Harefield Road, with a secondary access off Warwick Place. The site lies within the edge of Uxbridge Town Centre.

There are no TPO or Conservation Area designations affecting the site, however, the existing trees and lower shrub planting contribute to the character and appearance of the area and soften the interface between the commercial town centre and neighbouring residential zone.

Comment
A tree report, by TPM, has assessed 13 individual trees and groups which are on the site, or close enough to be influenced by it. According to the survey there are no 'A' grade trees on the site. G2, T8, G9 (off-site), G10 (off-site) and G11 (off-site) are rated 'B' - whose condition and value would normally merit retention. The remaining trees are category 'C' which do not pose a serious constraint on development.

An Arboricultural Impact Assessment confirms that the following trees will be retained as part of the development proposal; G9, G10, G11, G12 and G13 - which are all off-site / on neighbouring land.

The on-site trees will all be removed to facilitate the development, including the 'B' grade trees; G2 and T8.

A landscape strategy has been prepared by Exterior Architecture. The constraints (3.1) and opportunities (3.2) diagrams fail to acknowledge the on site 'B' grade trees.

The strategy describes the planned landscape objectives (3.3) and character areas (3.4), which

includes opportunities to integrate biodiversity and 'urban ecological' elements into the scheme - There is no reference to SUDS. The proposals include the provision of ground level / street planting and green roof terraces intensive, for use by residents and extensive for biodiversity.

An illustrative palette of hard and soft landscape materials is provided.

An ecological survey, by Greengage, has been submitted. The survey concludes that the scheme has negligible potential for roosting bats, low potential for foraging bats and the presence of nesting birds.

The survey recommends that no further surveys are required, external lighting should be designed to avoid impacts to foraging bats and vegetation clearance should be undertaken outside the bird nesting season. Recommended ecological enhancements are noted at 5.6

Recommendation
This scheme is unacceptable as it fails to satisfy saved policies BE38. Existing 'B' grade trees will be removed to facilitate the development and the proposed landscape layout fails to mitigate the urbanising impact of this development of more than 11 storeys.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The London Plan sets a housing delivery target for Hillingdon of a minimum of 5,593 new homes between 2015 and 2025 (559 per annum). Local Plan Core Strategy Policy H1 seeks to maximise the supply of additional housing in the Borough and states the Council will meet and exceed its minimum strategic dwelling requirement, where this can be achieved, in accordance with other Local Plan policies.

The Council's Policy Team have reviewed the proposed scheme and provided detailed comments on the principle of the development. In the adopted Local Plan: Part 2 - Saved UDP Policies (2012), the site is within the designated Uxbridge Town Centre boundary, but outside of the Primary and Secondary shopping frontages. This remains the case in the emerging Local Plan: Part 2 - Site Allocations (2015).

The site currently consists of two large A1 retail warehouses with a combined floorspace of 3,150m2 and a significant level of associated car parking for customers. The proposed scheme makes provision for 382m2 of commercial floorspace, which is approximately 12% of the existing floorspace.

As noted above the site is outside of the Primary and Secondary shopping frontages and as such, the relevant Local Plan policies concerning retention of A1 use in such areas do not apply in this instance. Nevertheless, A1 retail remains an appropriate edge of centre use in line with Annex 2 of the NPPF (2018) and the retail use is also important in strengthening the status of Uxbridge Town Centre in line with Policy E4 of the Local Plan: Part 1 - Strategic Policies (2012). The two large units provide comparisons goods, as well as specific services, which are unique to Uxbridge Town Centre and offer diversity from what currently exists on the high street. Support for comparison goods retailing in MetropolitanTown Centres, like Uxbridge, is outlined in Part B of Policy 4.8 of the London Plan (2016). The net loss of 2,768m2 of retail floor would need to be justified within this context.

Whilst it is recognised there is potential for a comprehensive mixed use scheme on this site, such a proposal must be in accordance with the policies listed above that seek to protect and enhance the role of Uxbridge as a Metropolitan town centre. Experian data

used to inform the London Town Centre Network Health Checks (2016) identifies that in 2016 there was 66,000m2 of comparison retail floorspace across the town centre, and the proposed scheme would decrease this level of provision by 5%. In broader terms the proposed loss of retail floorspace through this scheme would be equivalent to about 50% of the total amount of retail floorspace lost within Uxbridge town centre between 2007 and 2016 as shown in Figure 15 of the London Town Centres Health Check report.

Furthermore, no evidence has been submitted on whether the current occupiers of the retail units have been consulted on the proposed plans and whether options have been explored to accommodate their needs within the development proposals. There is also evidence available in a representation submitted by Halfords PLC on the draft London Plan stating that the existing occupiers (Halfords and Wickes) have sought to extend their current leases on the site by 15 years. This demonstrates there is ongoing demand for retail capacity on this site.

In the absence of evidence to justify the loss of retail capacity on this town centre site, or to demonstrate that options for optimising and enhancing the provision of retail floorspace as part of a mixed use scheme have been explored, the proposed net loss of retail floorspace is considered harmful to vitality and viability of Uxbridge and its status as Metropolitan town centre.

The scheme, if deemed acceptable in design terms, would provide 267 self-contained units in Uxbridge Town Centre through the redevelopment of brownfield land. This approach to meeting housing demand through the efficient use of brownfield land is supported in Paragraph 118 of the NPPF (2018), Policy 3.3 of the London Plan (2016) and Policy H1 of the Local Plan: Part 1 - Strategic Policies (2012). As such, the contribution of these new units would assist in meeting the Council's annual housing target of a minimum of 559 units, thus providing a degree of public benefit through the delivery of new homes in a sustainable location.

Policy H1 of the Local Plan: Part 1 - Strategic Policies (2012) also notes the potential for high quality mixed used developments to meet housing demand, which is also reflected in Policy 3.3 of the London Plan (2016). Policy E4 of the Local Plan: Part 1 - Strategic Policies (2012) also notes that mixed-use development in Uxbridge Town Centre is one of many suitable uses, which notably also includes retail. However, it is important to note that the Council has a consistent history of meeting and exceeding its housing target, as evidenced in the Council's Five Year Supply of Deliverable Housing Sites which was published in December 2017. This document also demonstrates that there is a significant supply of sustainable sites for housing in the pipeline and thus a five year land supply is comfortably demonstrated. Whilst not a reason to refuse a sustainable housing scheme, it should have weight in the degree of public benefit the decision-maker awards to new homes.

When delivered to a high-quality, mixed use schemes in sustainable locations have the potential to achieve multiple public benefits and its value to Outer London is most noted in Policy 2.7 of the London Plan (2016). Alongside the residential element of the scheme, the applicant is proposing 332m2 of flexible commercial/retail floorspace across two separate units. No upfront tenants have been identified in the evidence provided to the Council and as such it is taken that they will be advertised to the market post-completion. The units are however substantially smaller than the existing retail units (-2,818m2). The viability of these units would not benefit from any on-site car parking and there is little evidence to suggest they would attract significant footfall in their own right, particularly

when compared to the scale of the units that preceded them. Ultimately they would rely largely on the additional footfall from the new residential units being created. Ultimately however the units would not conform to Part A of emerging Policy DMTC 1 of the Local Plan: Part 2 - Development Management Policies (2015).

It is also important to note that within the scheme is a private lounge, function room and gym, which according to 3.2.7 of the planning statement will be accessible to residents only. As such these are isolated uses within a gated community that provide no wider public benefit to the area. At 12-storeys, the scheme would be defined as a tall building. London Plan (2016) Policy 7.7 notes that tall buildings should 'have ground floor activities that provide a positive relationship to the surrounding streets' and 'make a significant contribution to local regeneration'. Emerging Policy DMHB 10 of the Local Plan: Part 2 - Development Management Policies (2015) also states that they should 'be well managed, provide positive social and economic benefits and contribute to socially balanced and inclusive communities'. It is not considered that the non-residential aspect of this scheme achieves either of these objectives. As such, the non-residential element of the scheme represents a tokenistic attempt at creating a mixed-use scheme which would likely add nominal public benefit to Uxbridge Town Centre. This attempt at a mixed-use scheme does not represent the 'high quality' aspect of high quality mixed use development supported in Local Plan: Part 1 - Strategic Polices - Policy H1.

To conclude, whilst the principle of a high-quality mixed use scheme on the site could be supported for the reasons outlined above, at present the scheme is not of a sufficiently high quality and design, and does not provide the required public benefits or local regeneration. As such the application is recommended for refusal.

Build to Rent
Purpose-built build to rent is a distinct asset class within the private rented sector that is becoming increasingly common across London and is now specifically identified in Annex 2 of the NPPF (2018). Policy 3.8 of the London Plan (2016) specifically references that when determining applications, the planning system should provide positive and practical support to sustain the contribution of the Private Rented Sector (PRS) in addressing housing needs and increasing housing delivery. The Mayor's Affordable Housing and Viability SPG (2017) also provides support for and specific guidance on build to rent developments, recognising that they differ to the traditional build for sale model. Certain requirements, including those surrounding covenants, clawbacks, management and tenancy length, would need to be integrated into any potential S106 agreement.

At a local level, the latest evidence of housing need comes from the Strategic Housing Market Assessment (2016) which notes an increasing proportion of the Borough relying on private rent as their current tenure. It is important to note however that, whilst they differ to the traditional build for sale model, new purpose-built build to rent is still required to meet adopted local plan policies and needs to be held to the same design standards as schemes of traditional models.

Residential Mix
Policies H4 and H5 of the Local Plan: Part 2 - Saved UDP Policies (2012) relate to the mix of housing to be provided on new schemes. Policy H4 notes that within town centres, predominantly one and two bedroom developments will be preferable. Policy H5 however also notes that the council will encourage new homes for large families where required, including through the provision of larger dwellings by the private sector in new development.

The latest evidence of local housing need comes from the Strategic Housing Market Assessment (2016) which indicates a substantial borough-wide requirement for larger private market units, particularly 3 bedroom properties. In regards to affordable housing specifically, the need is for 2 and 3 bedroom properties. Paragraph 7.4.9 and 7.4.10 of the Mayor's Housing SPG note that purpose built private rented schemes are typically targeted at smaller households and local authorities can consider applying local policies on unit size mix flexibly in town centre and edge of centre sites. Paragraph 4.31 of the Mayor's Affordable Housing SPG also notes a similar point, highlighting that build to rent schemes should reflect demand for new rental stock, which is typically greater for one and two beds than in owner-occupied or social/ affordable rented sector.

However in light of the Council's latest evidence of substantial requirement for larger private market and affordable units, as well as the high proportion of schemes coming forward in or on the edge of town centres, limited flexibility can be afforded towards the mix on build to rent schemes. The unit mix proposed would be as follows:
32 Studios - 12%
107 no. 1 Beds - 40%
115 no. 2 Beds - 43%
13 no. 3 Beds - 5%

Whereas Policy H4 does say within town centres a high proportion of 1 and 2 bed flats will be acceptable it must be counter balanced with Policy H5 which encourages family homes. As highlighted in the following density section of this report the units per hectare are above London Plan density guidelines, put simply there are not enough family units and 5% only for 3 and 4 bed units is simply not acceptable for a scheme of the scale proposed.

7.02 Density of the proposed development

The application site has an area of 0.927 ha. The local area is considered to represent an urban context and has a Public Transport Accessibility Level (PTAL) of 5. Policy 3.4 of the London Plan seeks for new developments to achieve the maximum possible density which is compatible with the local context. Table 3.2 of the London Plan recommends that for a PTAL of 4 to 6, a density of 200-700 hr/ha or between 70-260 u/ha, (assuming 2.7-3.0 hr/u) can be achieved for an application site in an urban setting. For a suburban setting a density of 200-350 hr/ha or between 70-130 u/ha, (assuming 2.7-3.0 hr/u) could be achieved. Given that the application site is close to the Town Centre it could be argued that it is an urban setting, however the site is also adjacent to two storey residential properties, so some flexibility in the interpretation of the setting is required.

The proposal seeks to provide 267 residential units. This equates to a density of 288 u/ha or 693 hr/ha. This level of development is above the guidelines set out within Table 3.2 density matrix of the London Plan, even assuming the site is within a strictly urban setting.

The proposed scheme must be able to demonstrate that the units will have good internal and external living space, and that the scale and layout of the proposed development is compatible with a high quality design and creating a successful residential environment. These issues are discussed elsewhere within this report. However the density level proposed is contrary to Policy 3.4 of the London Plan (2016) and as such the scheme represents an over-development of the site that would be more appropriate to a central London location rather than an outer London borough and adjacent to existing two storey residential properties. The application is therefore recommended for refusal.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

Policy BE4 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) states that new development within or on the fringes of conservation areas will be expected to preserve or enhance the features, which contribute to the conservation area's special architectural or visual qualities.

Although not within a designated area, the site is in a sensitive position surrounded by heritage assets. To the south is the north western section of the Old Uxbridge/Windsor Street Conservation Area which is focussed on the High Street. The north side closest to the site has a run of grade II listed buildings, numbers 118-123. Opposite on the south side are the grade II listed The Cedars and Old Bank House. An alley leads off to the north to Beasleys Yard where there is the Grade II listed Watts Hall. There is a further run of listed buildings commencing on the other side of the alley, numbers 126-135 High Street and these are terminated by the grade II listed The Crown and Sceptre Public House (now Whelans). Opposite the site on Harefield Road is the locally listed Uxbridge Magistrates Court and to the north east the North Uxbridge Area of Special Local Character.

The Council's Conservation Officer has reviewed the proposals and provided detailed comments. There is no in principal objection to the demolition of the buildings on the site or the redevelopment of the site with regards to the surrounding heritage assets. However the proposal incorporates one twelve storey tower with an eight storey block of flats located behind the north west end of the High Street and a further eight storey tower set closer to the Harefield Road with a four storey block along the Harefield Road.

The Council's Conservation Officer has objected to the scale of the proposal stating that the impact on the surrounding heritage assets is wholly unacceptable and should be resisted. The towers should be omitted and the overall height of the development should be significantly lower so that its impact is neutral, first and foremost, on the setting of the listed buildings and conservation area and then to a lesser but still important degree on the setting of the locally listed building and the Area of Special Local Character.

The Council's Conservation Officer therefore recommends that the application be refused on the grounds that the proposal would not preserve the setting of the listed buildings (Planning (Listed Buildings and Conservation Areas) Act 1990, 66 (1). Nor would the development within the setting of the conservation area, locally listed building or ASLC enhance or better reveal their significance (NPPF 2018, 200). There does not appear to be a clear and convincing justification for the harm to the setting of the designated heritage assets (NPPF 2018, 194). The proposal would indirectly affect the non-designated assets of the locally listed building and ASLC and on balance the negative impact of the proposal engendered by its overwhelming scale would not be acceptable given the significance of these heritage assets (NPPF 2018, 197). Finally, the proposal would be contrary to the Hillingdon Local Plan that seeks to preserve and enhance the borough's heritage assets and their setting (SO1 and HE1).

Archaeology

The planning application lies in an Archaeological Priority Area as identified in the Local Plan. The applicant's archaeological desk-based assessment shows that remains of a Bronze Age settlement and land boundary ditches were found during an investigation conducted in 1993-4. These are part of an extensive Bronze Age landscape covering much of the Lower Colne Valley. There appears to be a trackway aligned on the natural crossing point over the Colne at the site of the medieval bridge. The eastern and central parts of the site were investigated and ground levels subsequently reduced so there is

very limited potential in these areas. However, the western part of the site was not investigated and may have greater surviving potential. Any surviving remains would be harmed by the proposed new build.

English Heritage Greater London Archaeological Advisory Service (GLAAS) has reviewed the submitted documentation and requested the attachment of a condition should the application be granted consent. Subject to the attachment of such a condition there are no archaeological concerns with the proposed development.

7.04 Airport safeguarding

The application site lies approximately 3.46km to the west of the end of the main runway at RAF Northolt. The site occupies the aerodrome height, birdstrike and technical statutory safeguarding zones surrounding the aerodrome.

The National Air Traffic Services (NATS) and the Ministry of Defence, Defence Infrastructure Organisation have been consulted on the proposals and whilst (NATS) raise no objections to the proposal they have suggested conditions relating to the use of Cranes, the submitted Bird Hazard Management Plan and a Construction Management Plan.

The Ministry of Defence, Defence Infrastructure Organisation (DIO) have raised an objection to the development however, stating that the proposed development site is also within the safeguarding area protecting the operation of the Instrument Landing System (ILS) and the Precision Approach Radar (PAR) that surveys the Western approach to the main runway at RAF Northolt. Due to the height of the proposed residential blocks, performance of the PAR will be affected by this development; and the Ministry of Defence DIO therefore objects to this application in its current form.

The applicant has submitted an aviation report in support of the application (Harefield Road Development, Uxbridge: Assessment of Impact on Heathrow Airport and RAF Northolt dated March 2018). The report considers the impact of the development on the PAR at RAF Northolt and states that as there are existing buildings in the area which would shield the building from the radar and will therefore cause no impact to the radar. However, the DIO have stated that none of the existing buildings identified in the report lie between the radar and the development site so therefore these buildings would not shield Harefield Road from the radar.

The MOD maintains a statutory objection to this proposal in its current form. As such the proposals are deemed to have an unacceptable impact on airport safeguarding and the application is recommended for refusal.

7.05 Impact on the green belt

The site is not located within or close to the Green Belt, as such there are no Green Belt issues relating to this application.

7.07 Impact on the character & appearance of the area

Policy BE13 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seeks to ensure that the layout and appearance of new development harmonises with features of the area which are considered desirable to retain or enhance. Policy 3.5 of the London Plan (2016) states the the design of all new housing developments should enhance the quality of local places, taking into account physical context, local character, density, tenure and land use mix.

The Council's Urban Designer has reviewed the submitted proposals and provided

detailed comments. They raise strong objections to the proposals for numerous reasons, stating that the proposed development is a complete juxtaposition to the local suburban area and edge of town centre location, due to the jump in scale from two to twelve-storeys. The abrupt change in scale does little to soften the transition in height and is considered inappropriate for this location, due to the severity of the proposed change that will impact the streetscene and townscape setting.

Regarding the wider context, the proposed development is a series of very tall buildings for the area. There are only a handful of buildings that are considered 'tall' in Uxbridge. The maximum height to date has been circa twelve-storeys, but this is for a central and well connected location in the town centre. These instances are contained within a cluster of other tall buildings on a very large development site in the central town centre area and part of wider large-scale mixed use development. It is also worth noting that the taller elements in existing developments are more slender, with meaningful breaks in the building line and generous separation distances between the taller blocks. This application does not embody any of these design principles nor benefits from this central location, therefore does not justify such a large and unrelenting height, scale and massing for its edge of town centre location.

In addition the other taller buildings and more intensive development sites reside within the lower topographical areas, which has helped to reduce their impact. Therefore, the proposed eight-storey and twelve-storey elements of the development are further compounded by the site's topography that will see the buildings extrude from a strong topographical location that will amplify the impact of these tall buildings.The impact will further accumulate with little or no breakdown in the sheer height/scale/massing of the proposed buildings. For these reasons the proposed development is considered inappropriate for its location. There has been little or no townscape analysis to establish the wider town centre and hinterland context as a justification for extending the tall building typology beyond the town centre core. The development will clearly be seen from areas far wider that just the Harefield Road, High Street and town centre areas alone.

Planning policies and best practice principles state that good urban design should be encouraged and it is an important part of the development process. Poor designs that are out of scale and/or character with their surroundings are generally not acceptable. The careful design of new buildings, and the spaces between buildings, respecting the historic and architectural character of the area and features of particular interest, can enhance towns centres and the hinterland areas, to maintain local distinctiveness. The proposed development is deemed to fail to meet any of these objectives.

It is also worth considering that the NPPF clearly outlines the importance of good design. It specifically references the prevailing character and setting of an area with regards to development impact on the existing context. And high quality buildings and spaces should be sympathetic to the local area, which is fundamental to creating sustainable development/ positive growth where people want to live and work. Unfortunately, the scale and impact of the proposed development is too much for the proposed site and it will also severely impact on the character and appearance of the local area.

The principle of a gated development is also considered unacceptable in this location. If the ground floor areas are active and the street is well overlooked, thus residents should take ownership of the space and therefore the development will be 'self-policing' to discourage anti-social behaviour and crime. Also, a scheme of any scale, with an active range of uses, should generate sufficient footfall to make the place feel welcoming and

safe. The site is currently a retail park, but this level of non-residential activity has not been replaced. The act of gating a develop will in effect turn its back on the surrounding area and therefore will encourage poor integration with the surrounding neighbourhood and conflicts with the principle of place-making and good urban design.

As such the overall development is considered to be of an inappropriate scale, layout and design that would have a detrimental impact on the character and visual amenities of the surrounding area, failing to encourage integration and thus failing to accord with Policies BE13 & BE19 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), Policy 3.5 of the London Plan (2016) and the NPPF (2018).

7.08 Impact on neighbours

Policy BE21 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) states that planning permission will not be granted for new development, which by reason of its siting, bulk and proximity, would result in a significant loss of residential amenity of established residential areas. The Council's Supplementary Planning Document 'Hillingdon Design and Access Statement' (HDAS) states that where a two or more storey building abuts a property or its garden, adequate distance should be maintained to overcome possible over domination. The distance provided will be dependent on the bulk and size of the building.

The applicant has sought to maximise the level and scale of development on the site with the building footprints pushed close to the site boundaries. Block A would be located on Harefield Road with the element of Block A fronting on to Harefield Road proposed to be four stories in height and maintain the existing building line with residential properties to the north. The Block would however be 'U' shaped with the rear element of the building being eight stories in height and located approximately 22m from the rear of the existing dwellings. This relationship is considered to be unacceptable as the eight storey block would result in a significant overdominance to the south of these properties.

Block B is proposed to be located only 2m to 3m off the north eastern boundary of the site. This block would be between 31m and 33m from the rear elevation of properties on Lancaster Road due to the substantial length of the gardens to the rear of these existing properties. However the proposed Block B would be a solid building that would be viewed as a 'wall' of development to the south of these dwellings. The proposed development would be set too close to the application site boundary to allow for the introduction of any soft landscaping of a sufficient scale to mitigate the visual impact of this block. As such it is considered that the impact of Block B on the amenity of neighbouring properties on Lancaster Road is unacceptable in terms of overdominance and outlook.

Block C is proposed to be set against the south east boundary of the site and would be between nine and twelve stories in height. Whilst the closest residential properties on Wilmar Close are approximately 40m away, the juxtaposition between two storeys and nine stories on the application site boundary is considered to be unacceptable, representing a significant reduction in the outlook of these properties and a significant level of overdominance.

Roof terrace spaces (mid to high level) will effectively create an additional storey, since there is no setback from the edge, creating active edges that will further compound the proposed height of the development and overlooking concerns to neighbouring existing dwellings, and within the development itself.

Therefore in terms of overdominance, the massing of the proposed four, eight and twelve

storey buildings relative to the two storey properties adjacent to the site is considered to be unacceptable. It is considered that the separation distance would not be sufficient to avoid overdominance to these adjoining properties and as such, would significantly detract from the amenities of neighbouring occupiers.

As such the proposed scheme is deemed contrary to Policy BE21 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the Council's Supplementary Planning Document 'Hillingdon Design and Access Statement' (HDAS).

Privacy
Policy BE24 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) seeks to ensure that the design of new buildings protects the privacy of the occupiers and their neighbours. The supporting text to this policy states that 'the protection of privacy, particularly of habitable rooms (including kitchens) and external private amenity space is an important feature of residential amenity'. Whilst the proposed scheme has maximised the development footprint of the site by locating building close up to the site boundaries, it is considered that sufficient privacy distances in excess of 21m would be maintained.

Daylight and Sunlight
The application is supported by a daylight and sunlight report that considers the potential daylight / sunlight effects of the proposed development on adjoining residents. The applicant's Daylight and Sunlight assessment concludes that the development is expected to have a minimal impact on daylight and sunlight received to surrounding properties following a modelled assessment.

The adjoining properties 14-16 Harefield Road are likely to experience overshadowing of their amenity space, however the impact is on the area of garden. The garden is very long and therefore the majority of the overall garden is unaffected. To this end, refusal on these grounds is not considered to be a defensible reason for refusal.

Commercial Use
There are no concerns raised regarding the impact of the proposed commercial elements on adjacent occupiers subject to conditions regarding hours of use and noise. These conditions would be recommended to be attached to any grant of planning consent.

7.09 Living conditions for future occupiers

Internal Space Standards
All of the dwellings proposed would comply with the internal space standards as set out in Table 3.3 'Minimum Space Standards for New Dwellings' of the London Plan 2016 and the Technical housing standards - nationally described space standard (2015).

External Amenity Space
Two child's play space areas are proposed at either end of the access road turning head, these would be 119 sqm and 60 sqm in size with associated play equipment. Residential amenity space is proposed to be provided with Block A designed around a courtyard space. Roof terraces would be provided within Block A at level 5 and within Block C at levels 1, 4, 7 and 8. Within Block C, the units which back on to the roof terrace would have a private external area with direct access to the roof terrace. 110 of the proposed units would also benefit from private balconies. Additional soft landscaping is proposed at ground floor level. In total 2226 sqm of external amenity space is proposed for the 267 units.

The development includes:

32 Studios - (requiring 20m2 each = 640m2)
107 no. 1 Beds - (requiring 20m2 each = 2140m2)
115 no. 2 Beds - (requiring 25m2 each = 2875m2)
13 no. 3 Beds - (requiring 30m2 each = 390m2)

In total therefore 6045m2 of external amenity space is required to accord with Council policy, which means there is a shortfall of 3819m2. In addition the above amenity space includes sections within the shared surface area between buildings that would represent a poor standard of amenity space. In addition a significant proportion of the amenity space proposed, including the child's play space to the north, the central garden within Block A and the podium level of Block C would be positioned to the north of proposed built form that would significantly impact on the level of sunlight/daylight that these areas would receive.

There is also no information on sunlight and daylight to the properties within the development as well as the proposed outdoor space. This would constrain the quality of this open space, and fails to demonstrate whether the proposed development provides suitable amenity for occupants.

The proposed two small play areas are flanked either side by residential dwellings that are only a few meters away. This will constrain their operation with regards to noise and practical hours of usage. The close proximity also raises concerns regarding privacy/ overlooking from the residential habitable rooms to the play areas. And the close proximity of service vehicles that use the adjoining shared surface as the primary access and turnaround space raises further concerns regarding safety and suitable environment. The spaces themselves are very narrow and small. These issues combined highlight the unsuitability of the proposed locations and therefore will compromise their long-term ability to function effectively as play areas or sustain adequate usage.

A majority of the amenity space is provided at roof terrace levels, with a minority of the space at podium level that is very small in proportion to the number of dwellings they are supposed to serve. The layout and location creates a range of overlooking/ privacy, noise and accessibility issues for those elevated spaces, which will constrain their operation and restrict usage due to the small size. The size of these spaces will be further eroded through the defensible space required to protect the units that front the podiums and rooftop areas. Podiums are an acceptable solution if they are circa 1 storey above ground level and the size reflects the quantum of development, which is not the case with this propose development.

Similarly, no information on the impact of wind has been provided to demonstrate that the open space is usable. Again, this is a significant concern given the concentration of tall buildings around the open space presenting a likely wind tunnel affect.

Within the Greater London Authority (GLA) Stage 1 response the Mayor has also objected to this element of the proposal stating that not enough of the proposed units benefit from private external space.

The on-site amenity level, location and size is considered to have been limited by the proposed overdevelopment of the site. For this reason, the low level of external amenity space is considered inadequate, not only in terms of function and location, but also in terms of size to serve 267 homes.The level and quality of amenity space proposed does not accord with the requirements outlined in Hillingdon's Design and Accessibility

Statement Supplementary Planning Document - Residential Layouts SPD (2006). As such the application is recommended for refusal.

Internal Layout
In addition to the limited amenity space, there is little soft landscaping or landscape features at grade to serve the residential development or soften the sheer mass and scale of the development within the site for future occupiers. Indeed there will be a loss of existing mature trees. The street-level external space comprises of service roads, car parking and two small play areas. The size and configuration of the ground floor space has been generated by the separation distances between the buildings. The spaces have clearly not been designed as part of the scheme from inception. In effect, they are residual spaces left over after the planning of the building footprints and basic highways requirements to service the site. The result is a very compressed site with lack of external high quality space, with the close proximity of buildings creating a very uncomfortable and oppressive environment, especially considering the height/ scale/ massing of the buildings that are extruded from the excessively large footprints.

The service road appears to be very tight for refuse vehicles. It may 'technically' work, but large vehicles operating in this space will be overbearing due to the close proximity to dwellings. It will also effectively make what little public realm there is in location unusable or potentially unsafe during the hours of operation - especially if there are designated play spaces in close proximity to the shared surface area at either end of the service road.

Internal Privacy
There are general overlooking/ privacy issues for the residential units as proposed. The separation distance between units in Block A is pinched and would provide a separation distance significantly below the level required. If obscure glazing were to be introduced to the access route then the proposed dwelling would have an unacceptable standard of outlook. A further concern raised with the design of Block A as proposed is the inclusion of the access route to properties fronting onto Harefield Road. This arrangement results in access routes directly adjacent to windows of properties without providing any defensible space, leading to an unacceptable lack of privacy. Additional concerns are raised with regard to the podium level and in particular the corner plots where properties would fail to achieve the required level of privacy separation. As such the proposed scheme is deemed to be contrary to Policies BE21 and BE24 of the of the Hillingdon Local Plan: Saved UDP Policies (November 2012).

Internal Outlook
A portion of the dwellings (50%)and a majority of the habitable rooms are single aspect. This is unacceptable and again indicates the proposed layout is inappropriate for this site, because there is inadequate space between the buildings. The issue is further compounded by the overall height of the proposed buildings that will create a 'canyon' like effect for the ground level area and the dwellings that front these spaces. This will also impact the larger duplex units, which are at the bottom of eight to twelve-storey blocks and therefore not deemed as a suitable environment for families without adequate setbacks and separation between the buildings. This is further compounded by the single aspect nature of the duplex dwellings that should have a secondary aspect, preferable onto a podium deck, to provide a 'back garden' type space that is more suitable for children, rather than a small strip of 'front garden' that is located against the service road, which is too small and inappropriately located for family dwellings.

Within the Greater London Authority (GLA) response the Mayor has also objected to this

element of the proposal stating that there are currently too many single aspect units proposed.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Car parking provision
The application site is located approximately 500m from Uxbridge station with generous access to multiple bus routes resulting from the highly sustainable transport related profile of the shopping centre. The level of readily available and sustainable public transport modes are reflected by the high PTAL, which on a scale of 1-6b, is rated at a level of 5 which is considered as 'very good'.

There is currently a parking quantum of 141 spaces that is provided for the two substantive retail units. The proposal is for a 'car free' development with a nominal provision of disabled compliant parking spaces totalling 9 spaces. Utilising the Hillingdon saved UDP standard, the recommended maximum required parking quantum would be in the region of 396 spaces which equates to an approximate 1.5 parking space ratio per dwelling. The relative absence of on-plot provision for this proposal therefore falls short of the adopted UDP and emerging Local Plan policies which favour a parking provision given its outer London borough status and the modal choice challenges this brings for Hillingdon's residents, both incumbent and new occupiers, who need to travel to destinations extraneous to Greater London (GL) by using convenient major road links such as the M4, M25 and A40/M40 corridors.

It is accepted that this site exhibits a high PTAL, however the PTAL calculation is based on public transport connectivity by bus and rail within the London area alone and does not reflect the deficiencies in connectivity of the public transport network farther afield for commuters residing in outer London boroughs who wish to travel to destinations outside the confines of GL. As a result such reliance on the private motor car as a modal travel choice for Hillingdon's residents is well established.

The Council's Highways Engineer has reviewed the submitted details and raised an objection to the development based on the level of parking proposed, which is well below policy requirements. The submitted proposal, with nominal disabled compliant parking, is therefore considered unacceptable and contrary to Policy AM14 of the Hillingdon Local Plan: Saved UDP Policies (November 2012) and Emerging Policy DMT 6 of the Local Plan: Part 2 - Development Management Policies (October 2015).

The application has been reviewed by the Highway Authority and it is considered that the proposal, presented as 'car free', would be prejudicial to new residential occupiers who would be disadvantaged by a lack of personal travel modal choice options to destinations extraneous to the Greater London area owing to the deficiencies in public transport availability and connectivity outside the confines of London which would be exacerbated by the absence of on-plot parking facilities, contrary to policy AM14 of the Development Plan (2012). Refusal on insufficient parking grounds is therefore recommended.

Electric vehicle charging points (EVCPs)
Should the proposed level of parking be deemed sufficient, the parking requirement for EVCP's in line with London Plan (2016) standards for the proposed residential use and the quantum of on-plot disabled compliant bays would equate to 2 EVCPs for 'active provision' with a minimum of a further 2 spaces acting as 'passive' provision for future activation. Although this has not been indicated by the applicant, this requirement could be secured via appropriate planning condition.

Residential Cycle Parking
In terms of cycle parking there would be a provision of 485 secure and accessible spaces in total for residents and visitors located on the ground floor throughout the site which is acceptable in format and design layout terms. The quantum is welcomed as it conforms to and exceeds LBH Local Plan - saved UDP and London Plan minimum standards.

Parking for proposed A1/A2/A3 Retail and B1 Employment Use
The applicant is proposing a zero parking provision for the retail and business elements given the relative small sale of this aspect (332sqm total). In accordance with the Council standards, a quantum of up to 8 spaces would normally be required for this level of proposed uses. It is reasoned that to justify a 'car free' status for the use, demand will be very local to the development and public transport/pedestrian based given the town centre location which includes patronage by new occupiers of the address. Hence car borne demand is predicted to be relatively low to non-existent. For this reasoning, a 'car free' scheme related to the retail and employment provisions is considered acceptable.

For the scale of proposal (332sqm) there would be a requirement for up to 16 secure and accessible cycle parking spaces to be provided on-site. Although no specific reference to provision has been made, it is considered that the cycle parking 'over-provision' for the residential element can cater for this demand. This aspect of cycle provision is required to be secured by planning condition.

Parking Management Strategy (PMS)
On the premise of best controlling parking provisions and usage within the site which includes new residential disabled compliant and servicing provisions, it is considered that the application of a Parking Management Strategy is a key tool which helps to ensure an unhindered and functional operation for the parking uses within the site envelope. This involves creating an internal site management regime that would enforce and oversee overall parking control on a site wide basis. The Parking Management Strategy can be supported by enforcement structures which encourage the correct use of parking places which assists in ensuring that parking demand and allocation is properly managed and could be secured by planning condition.

Traffic Generation - C3 /A1/A2/A3/B1 use classes
As the proposal is based on a 'car-free' operation with a nominal provision of 9 on-plot disabled compliant parking spaces, there are no specific concerns with the proposal as there would be an expected and substantial decrease in vehicular activity, to and from, the site when compared to the existing activities relating to the two retail units on the site.

Appraisal of the Site Access Infrastructure
The proposals are broadly acceptable in principle due to the anticipated high generation of site related footfall and low traffic generation subject to detail design. Where applicable, relevant designs and implementation would be arranged by legal agreement via S278 of the Highways Act 1980 with all related implementation costs being absorbed by the developer at source negating any up front financial contribution to the Council.

Internal (thru-site) Roadways/Cycling/Pedestrian/Servicing Provisions
The internal roadways give acceptable access to the all of the allocated residential disabled compliant parking spaces and servicing needs with designs broadly conforming to the Department for Transport's Manual for Streets 2007 (MfS) (circa 2007) established road layout design standards for new developments. The design layout benefits pedestrian and cycling permeability through the site by virtue of newly created 'internal to

site' pedestrian/cycling linkages connecting to the external public domain.

It is noted that the land within the site rises considerably from the public highway at the proposed location hence level differences will need to be addressed in order to allow satisfactory use of the realigned footway and convenient/workable 'service related' access and use of the new lay-by. Such detail would be agreed via the aforementioned process by securement of the aforementioned legal agreements. This element of the proposal is therefore considered acceptable and 'fit for purpose' in principle.

Development Footfall
It is a normal requirement for this scale of residential development to be accompanied by a Pedestrian Environment Review System (PERS) audit in order to provide an inventory of local pedestrian facilities thereby allowing an informed determination of the suitability of the local highway network to be made in order to cater for the uplift in foot traffic generated by a proposal.

The projected footfall from the proposal would therefore impinge on the public realm with additional demand on the footway infrastructure, mainly toward the main town centre which already has a high existing demand on provisions.
When reviewing the locality it is clear that there are some physical deficiencies within the existing footway network and pedestrian provisions. It is also apparent that there is no one perfect solution which can address all the aspirations and desires the Council has for improving this aspect of the public realm however the proposal furnishes an opportunity for public realm infrastructure gain which would be complementary to the aims within the Council's 'Uxbridge Town Centre Strategy 2016'.

Under section 106 of the Town & Country Planning Act 1990, the financial contribution of £361,500 offered by the developer towards public realm betterment satisfies the Council's vision of encouraging and improving sustainable travel modes within the proximity of the proposal which includes pedestrian permeability and public transport enhancement within the local town centre area.

Travel Plan - Residential
Irrespective of the proposal being a 'car-free' development, an overarching Framework Travel Plan (FTP) has been submitted in order to capture and develop the residential element on an area wide basis encompassing the whole site.
A travel plan bond amounting to £20,000 satisfies the Council's vision of encouraging and improving sustainable travel modes within the proximity of the proposals and would be secured through a section 106 agreement should the application be recommended for approval.

Construction Logistics Plan (CLP) and Service Delivery Plan (SDP)
A full and detailed CLP and SDP will be a requirement to be secured under planning condition given the constraints and sensitivities of the local road network.

7.11 Urban design, access and security

The Metropolitan Police have been consulted on the proposals and raised no objections to the details submitted. However they have requested that the development has a Secured by Design condition attached to any grant of planning consent and have also stated that monies should be secured through the section 106 agreement to improve security measures within land that directly neighbours this site, which will be affected if this planning application is approved. 126 High Street, Beasley's Yard is a pathway that runs next door to McDonalds on the High Street. The design of this development will result in

increased footfall in this area because it will be the most direct route from the proposal site to the High Street.

The Metropolitan Police have advised that at present this area suffers from anti-social behaviour and drug use, this is in part due to its close proximity to a number of licensed premises, but largely down to its design as it suffers little natural surveillance or activity and can be accessed from two directions. At present this footpath is not heavily used, and as Uxbridge police station is within about 30 metres, it naturally gets a lot of police patrolling it, however with Uxbridge police being scheduled for closure within the next few years, there is potential for the existing issues to worsen, and this development will bring lots of people to the area who will be subjected to this potential crime. The Metropolitan Police are concerned that the increase in footfall will be enough to potentially put people at risk but not enough to provide enough natural surveillance and activity to significantly improve the area.

Therefore the Metropolitan Police have requested that S106 money be secured to improve this area. At present the lighting is poor, it is positioned too low, lacks uniformity and is gloomy. It is recommended that this lighting is improved and that CCTV is installed that is actively monitored by the London Borough of Hillingdon CCTV department.

In addition to the above Uxbridge Police Station have been consulted on the proposed development and raised an objection to the application based on the impact of the development on security levels at the Police Station. The Metropolitan Police (Uxbridge Police Station) and the applicant have discussed the issue and have agreed that in order to resolve the concern a 2.9m high wall along the boundary of the site with Uxbridge Police Station will be provided by the applicant. This would be secured through the s106 agreement if the application was to be approved.

7.12 Disabled access

The Council's Access Officer has reviewed the submitted details and provided comments on the application which were provided to the applicant. The applicant has provided additional information which has satisfied the Council Access Officer's previous concerns.

Subject to the attachment of conditions to any planning consent the proposed scheme is deemed to conform with London Plan 2016, Policy 3.8 (Housing Choice) and the Council's Supplementary Planning Document 'Accessible Hillingdon', adopted September 2017.

7.13 Provision of affordable & special needs housing

Policy H2 of the Local Plan: Part 1 - Strategic Policies (2012) seeks to deliver 35% of all new homes as affordable. Whilst the Council would usually seek to secure part of this as affordable ownership, Paragraph 64 of the NPPF (2018) outlines that build to rent should be exempt from this requirement. The Mayor's Affordable Housing and Viability SPG provides the relevant guidance regarding securing affordable housing on build to rent schemes, including how to implement a threshold approach to viability. Schemes that provide 35% affordable housing on site, without public subsidy, and meet the specified tenure mix are not required to submit viability information or be subject to a late stage review. However, the tenure mix requirement does not apply to Built Build to Rent schemes and the SPG states that this should be entirely discount market rent.

Where this 35% threshold is not achieved, the applicant must submit a financial viability assessment demonstrating why it is not viable to meet the policy requirements.

The applicant proposes 53 units which equals 20% of the total as Discount Market Rent

(DMR) units (23% by habitable room) and have lodged a Financial Viability Appraisal which has been independently reviewed and the above proposed affordable housing provision is deemed the maximum that can be provided. Taking the above matters into account, the affordable housing offer is considered to be justified. The details of the provision of affordable housing would be secured under the S106 Legal Agreement that would include an appropriate review mechanism should the application be recommended for approval.

It should be noted that in the Greater London Authority (GLA) Stage 1 response, the Mayor objected to the level of Affordable Housing being proposed.

7.14 Trees, landscaping and Ecology

LANDSCAPING
Policy BE38 of the Hillingdon Local Plan: Saved UDP Policies (November 2012) states that development proposals will be expected to retain and utilise topographical and landscape features of merit and provide new planting and landscaping wherever it is appropriate.

The Council's Landscape Architect has reviewed the submitted information and raised an objection to the proposals. Whilst there are no TPO or Conservation Area designations directly covering the site, the existing trees and lower shrub planting contribute to the character and appearance of the area and soften the interface between the commercial town centre and neighbouring residential zone. The submitted tree report, assessed 13 individual trees and groups which are on the site, or close enough to be influenced by it. According to the survey there are no 'A' grade trees on the site. There are trees rated 'B' however whose condition and value would normally merit retention. The remaining trees are category 'C' which do not pose a serious constraint on development.

An Arboricultural Impact Assessment confirms that trees will be retained as part of the development proposal, however all of these trees are located off-site on neighbouring land. The on-site trees will all be removed to facilitate the development, including two 'B' grade trees. A landscape strategy has been submitted, however the constraints and opportunities sections fail to acknowledge the on site 'B' grade trees. This is not acceptable without adequate mitigation measure and interventions, for example, an increase in the provision of street level trees and permeable space (above the existing quantum), to justify the loss, this has not been proposed.

The Council's Landscape Architect has objected to the proposed development because it has failed to retain the existing trees that are deemed worthy of protection or proposed any measures to mitigate against the loss of these landscape features of merit. In addition the level of soft landscaping proposed is deemed to be minimal and insufficient to mitigate the urbanising impact of the development of over 11 storeys in this location. The scheme therefore fails to satisfy saved policy BE38 of the Hillingdon Local Plan: Saved UDP Policies (November 2012).

7.15 Sustainable waste management

Local Plan Policy EM11 requires proposed development to address waste management at all stages of a development life. London Plan Policy 5.17 requires suitable waste and recycling facilitates in all new developments. HDAS - New Residential Layouts provides further details on waste management to guide development proposals.

The Council's Waste Strategy Officer has assessed the submitted documentation and has raised objections to the proposals, stating that aspects of the proposed waste strategy are

not considered to be acceptable. These were raised in previous objection comments and have not been adequately addressed. The following objections have been raised:

The swept path analysis fails to demonstrate that refuse vehicles can access and manoeuvre within the site. It highlights how tight the access is and the Council's Waste Strategy Officer has stated that they are not confident that the Council will be able to carry out scheduled collections. An objection is therefore raised to the proposals.

In addition the Council's Waste Strategy Officer has previously raised a concern about the proposed collection area for Block C. This concern remains as the collection point is immediately outside residential properties where 24 bins would cover around 34 metres of the pathway. This would most likely block access to enter / exit these properties and result in a detrimental impact on residential amenity. As such the proposed layout is not deemed to be acceptable.

For the reasons set out above the Council's Waste Strategy Officer has raised an objection to the application and the proposal is deemed contrary to Local Plan Policy EM11, London Plan Policy 5.17 and HDAS - New Residential Layouts.

7.16 Renewable energy / Sustainability

The Council's Sustainability Officer has reviewed the submitted details and held discussions with the applicant through the course of the application process. Despite the applicant providing additional information the Council's Sustainability Officer has retained an objection to the proposed development, stating that the energy strategy does not accord with relevant policies. The submitted energy strategy does not demonstrate sufficient attempts have been made to secure zero carbon development as required by Policy 5.2 of the London Plan (2016). The assessment shows a reduction of 35% in tCO2 per annum, however this is the minimum requirement. Insufficient evidence has been presented as to why a greater degree of saving cannot be achieved on site. As a consequence, the proposals would result in the need for a significant offsite contribution. Based on the energy assessment, this would be £542,070. This would only be acceptable provided there is clear justification as to why greater savings cannot be achieved on site.

Furthermore, the energy strategy states that "The design of the glazed areas will seek to offer good access to natural daylight to reduce consumption of energy for artificial lighting. Overall, a balance shall be sought between achieving day lighting levels and winter solar gains, whilst minimising summer heat gains and cooling loads." The designs attempt to maximise the site's capacity through multiple storey units. No daylight/sunlight assessment has been undertaken of the building itself; the submitted assessment only relates to the impact the development will have on other units. The design is such that some units will be shadowed for large parts of the day by large expanses of built form, particularly those at lower level and those that are single aspect; in these instances limited natural lighting will be achieved resulting in a higher lighting demand. At present there is a disconnect between what the energy strategy requires and what the designs are showing.

Within the Greater London Authority (GLA) Stage 1 response the Mayor has also objected to this element of the proposal.

Justification has not been provided as to why greater savings cannot be achieved on site and a s106 agreement has not been progressed to secure the necessary contribution to mitigate the impact of the development. Therefore the proposal is deemed contrary to Policy 5.2 of the London Plan (2016) and the application is recommended for refusal.

7.17 Flooding or Drainage Issues

Policies OE7 and OE8 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) seek to ensure that new development incorporates appropriate measures to mitigate against any potential risk of flooding. The site falls outside any flood zones as defined in the Council's own Strategic Flood Risk Assessment (SFRA) and is within flood zone 1 on the Environment Agency maps. A flood risk assessment has been submitted with the application and modified following comments received from the Council's Flood and Water Management Officer. The scheme would need to demonstrate that it would incorporate sustainable drainage techniques and reduce the risk of flooding in accordance with the requirements of Policies 5.11, 5.12 and 5.13 of the London Plan and the NPPF.

The Council's Flood and Water Management Officer assessed the submitted documentation and has raised objections to the proposals, stating that aspects of the proposed surface water drainage strategy are not considered to be acceptable. These were raised in previous objection comments and have not been adequately addressed in the amended Flood Risk Assessment, nor the Drainage Strategy. The following objections have been raised:

1. Surface water discharge rate and location - The Flood Risk Assessment states that the proposed surface water drainage strategy is to discharge into the public sewer at a restricted runoff rate of 5l/s. Whilst the rate of runoff is deemed acceptable, it has been acknowledged in correspondence that the existing drainage connection does not discharge to a public sewer and further information has not been provided to suggest that this connection is legal and can be retained for the lifetime of the development. The current information is misleading and does not address the drainage constraints of the site. Additional information is required to demonstrate the continuation of this drainage network to a public sewer, including an indication of the capacity of the network and details of any historic discharge licences/agreements.

2. Blue/green landscaping - there are considerable opportunities within the landscaping strategy for the site that have not been taken in the current drainage strategy. It is critical that areas are safeguarded for landscaping and drainage at the planning stage in order that the appropriate scheme can be implemented. The Flood Risk Assessment discounts the possibility of utilising swales; however, there are multiple linear landscaping features within the development that can be used for conveyance and attenuation. In line with the London Borough of Hillingdon Sustainable Drainage Design and Evaluation Guide, the applicant should consider the proposed landscaping strategy and identify the opportunities for SuDS. The decision to utilise below ground pipes for conveyance at an early stage of design without consulting the landscaping strategy is not adequate justification for omitting blue/green infrastructure.

3. Infiltration drainage - Infiltration drainage is not proposed for the development. Even if the rate of infiltration is low, the purpose of more sustainable options than below ground tanks is that they provide wider multiple benefits such as water quality treatment and deal with surface water at source. Permeable paving should be used throughout the development to reduce the requirement for below-ground storage in addition to other partial infiltration measures.

4. Water reuse - Information has not been provided to demonstrate the proposed methods of water reuse and recycling within the site. The proposals should minimise water consumption and encourage rainwater harvesting where this is suitable. This is of particular importance for the water supply to the landscaping areas in the development.

Despite lengthy discussions between the Council's Flood and Water Management Officer and the applicant the above issues have not been resolved and the Council's Flood and Water Management Officer maintains an objection to the proposal as set out above. Within the Greater London Authority (GLA) Stage 1 response the Mayor has also objected to this element of the proposal.

The proposed drainage strategy fails to demonstrate that surface water run off is controlled to ensure the development does not increase the risk of flooding. This is contrary to Policy EM6 Flood Risk Management in Hillingdon Local Plan: Part 1- Strategic Policies (Nov 2012), Policy 5.12 Flood Risk Management, Policy 5.13 Sustainable Drainage and Policy 5.15 Water use and Supplies of the London Plan (March 2016) and the National Planning Policy Framework.

7.18 Noise or Air Quality Issues

Noise

The Government's National Planning Policy Framework (NPPF) gives the Government's guidance on noise issues. Policy 7.15 of the London Plan (2016) seeks to reduce noise and minimise the existing and potential adverse impacts of noise on, from, within, or in the vicinity of, development proposals.

There is a potential for noise and vibration issues during the construction phase of the development and also for possible noise issues for the future end users of the development. The Council's Environmental Protection Unit have reviewed the submitted details and have commented that the design principles seem reasonable and practical and that issues around noise and vibration can be covered by way of condition. In light of this they have not raised an objection to the application but have suggested a number of conditions should the application be recommended for approval.

The Ministry of Defence: Defence Infrastructure Organisation raised an objection to the development based on the time and date of the noise survey undertaken when RAF Northolt was not at its busiest period. However the applicant has provided a revised Ambient Noise Assessment (Ref. J001807/3048/ECE/03) which the DIO have confirmed is acceptable.

The proposed development is therefore deemed to accord with Policy 7.15 of the London Plan (2016) subject to these conditions being attached to any grant of planning consent.

Air Quality

The assessment has included the provision of air quality monitoring which has indicated there is no requirement for the provision of mechanical ventilation to protect future residents from the ingress of polluted air. The car parking associated with the proposed development is drastically reduced from current use therefore it is not anticipated, in the air quality assessment, that the operation will cause additional congestion on the highway. The submitted Travel Plan also indicates proposed targets for a 13% increase in the use of sustainable modes of transport.

The air quality neutral assessment indicates the development is within the benchmarks set for building and transport emissions. However, the proposed development is just within the Uxbridge Air Quality Focus Area and in these cases the Council require a calculation of the damage costs of the increased emissions associated with the development. The damage costs have been calculated as £29,049, however this is without the reductions in costs that would be applied from mitigation measures which reduce these emissions such as the high level of modal shift from the Travel Plan and any

public realm enhancements in terms of increased facilities for cycling and walking. The Council's Air Quality Officer has discussed the scheme with the Council's Highways Engineer and is satisfied that the public realm improvements agreed with the applicant, along with the proposed Travel Plan, negate the requirement for an air quality contribution. The Council's Air Quality Officer has however requested conditions be attached to any grant of planning consent for the development. Subject to the attachment of these conditions the application is considered to accord with Policy 7.15 of the London Plan (2016).

7.19 Comments on Public Consultations

At the time of writing the report, overall, 228 letters or internet representations have been received objecting to and supporting the scheme.

The main issues raised in the objections are summarised in the 'External Consultee' section of this report. The issues raised are noted and have been addressed in the relevant sections of this committee report.

7.20 Planning obligations

Policy R17 of the Hillingdon UDP is concerned with securing planning obligations to supplement the provision recreation open space, facilities to support arts, cultural and entertainment activities, and other community, social and education facilities through planning obligations in conjunction with other development proposals. These saved UDP policies are supported by more specific supplementary planning guidance.

The Council's Section 106 Officer has reviewed the proposal, as have other statutory consultees. The comments received indicate the need for the following contributions or planning obligations to mitigate the impacts of the development. As the application is being recommended for refusal, no negotiations have been entered into with the developer in respect of these contributions. However, if the application were to be considered for approval, the following heads of terms would have been pursued:

1. Highways: in line with the SPD and depending upon the views of the highways engineer any and all highways works will be required to be met by the applicant, including s278 works.

2. Affordable Housing: In line with the SPD and current planning policy 35% of the scheme is required to be delivered as affordable housing with the tenure and mix to be agreed by the Council. In this case the applicant has demonstrated that 20% affordable housing can be delivered. However, a review mechanism has not been secured.

Built to Rent restrictive covenants in line with Greater London Authority SPG on Affordable Housing (2017)

3. Construction Training: Either a construction training scheme delivered during the construction phase of the development or a financial contribution.

4. Public Realm Contributions: a contribution of £361,500.

5. Contributions towards security measures on land adjacent to the site.

6. Agreement to secure a 2.9m high wall along the boundary with Uxbridge Police Station.

7. Carbon Off-set of £542,070.

8. Travel Plan plus £20,000 Bond

9. Parking Permit free development for all future residents

10. Project Management and Monitoring Fee.

No legal agreement to address these issue has been offered. As such, the proposal fails to comply with Policy R17 of the UDP and it is recommended the application should be refused.

Community Infrastructure Levy (CIL)
In addition to S106 contributions the Council has adopted its own Community Infrastructure Levy (CIL) with a charge of £95 per square metre of gross internal residential floor area and £35 per square metre of gross internal office floor area. This application is CIL liable with respect to new floorspace being created.

In addition to the London Borough of Hillingdon CIL, the Mayor of London's Community Infrastructure Levy (CIL) has introduced a charging system within Hillingdon of £35 per square metre of gross internal floor area to be paid to the GLA to go towards the funding of Crossrail. This application is CIL liable with respect to new floorspace being created.

7.21 Expediency of enforcement action

There are no enforcement issues relating to this site.

7.22 Other Issues

There are no other issues related to this site.

8. Observations of the Borough Solicitor

General
Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions
Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations
Members must be satisfied that any planning obligations to be secured by way of an

agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights
Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable.

10. CONCLUSION

The proposed scheme is considered to be an over development of the site, resulting in an unacceptable level of density, a detrimental impact on heritage assets and the character of the locality, a detrimental impact on neighbouring residents, insufficient standard of living for future occupiers, unacceptable drainage strategy, waste arrangements, car parking provision and energy strategy. In addition the Ministry of Defence have raised an objection to the application based on the scheme's potential to impact on the safe functioning of radar equipment.

As such the proposed scheme fails to accord with policies contained within the Hillingdon Local Plan: Part 1- Strategic Policies (8th November 2012), Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012), the London Plan 2016 and the National Planning Policy Framework (NPPF).

Refusal is therefore recommended.

11. Reference Documents

The Hillingdon Local Plan: Part 1- Strategic Policies (November 2012)
Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)
London Plan 2016

National Planning Policy Framework (NPPF) 2018
The Greater London Authority Sustainable Design and Construction (2006)
Council's Supplementary Planning Guidance - Community Safety by Design
Council's Supplementary Planning Document - Air Quality
Council's Supplementary Planning Document - Noise
Hillingdon Supplementary Planning Document: Accessible Hillingdon January (2010)
Air Safeguarding Circular 01/03
GLA Affordable Housing and Viability Supplementary Planning Guidance (SPG)
Emerging Hillingdon Local Plan: Part 2 Site Allocations and Designations
Emerging Hillingdon Local Plan: Part 2 Development Management Policies
Emerging Hillingdon Local Plan: Part 2 Policies Map
The Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002 (2016)
General Aviation Strategy March 2015

Contact Officer: Ed Laughton **Telephone No:** 01895 250230

CD10.1k – Purely Baptist Church, Purley (2019) – Appeal Ref: APP/l5240/V/17/3174139

Proof Reference – Paragraphs 3.2.53 – 3.2.54;

Relevant Appeal Decision Paragraph – Paragraph 20 of the Secretary of State Letter and Paragraph 15.31 of the Appeal Decision

This report makes a similar acknowledgement as CD10.1j, in that Policy is geared towards persuading people to switch from private cars to public transport in order to try and reduce traffic. One of the best ways of achieving this is to limit parking provisions and one the best opportunities to persuade people to alter this aspect of their lifestyles is when they move home. This was recorded by the Inspector and accepted by the Secretary of State.

Ministry of Housing, Communities & Local Government

Our ref: APP/l5240/V/17/3174139
Your ref:

Nexus Planning
Riverside House
2a Southwark Bridge Road
London
SE1 9HA

3 December 2018

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION MADE BY THORNSETT GROUP AND PURLEY BAPTIST CHURCH
LAND AT 1 RUSSELL HILL ROAD, 1-4 RUSSELL HILL PARADE, 2-12 BRIGHTON ROAD, PURLEY HALL, PURLEY BAPTIST CHURCH, BANSTEAD ROAD, 1-9 BANSTEAD ROAD, PURLEY, CR8 2LE
APPLICATION REF: 16/02994/P

1. I am directed by the Secretary of State to say that consideration has been given to the report of David Nicholson RIBA IHBC, who held a public local inquiry on 9-17 January 2018 into your client's application for planning permission for the demolition of existing buildings on two sites; erection of a 3 to 17 storey development on the 'Island Site' (Purley Baptist Church, 1 Russell Hill Road, 1-4 Russell Hill Parade, 2-12 Brighton Road, Purley Hall), comprising 114 residential units, community and church space and a retail unit; and a 3 to 8 storey development on the 'South Site' (1-9 Banstead Road) comprising 106 residential units, and associated landscaping and works, in accordance with application ref: 16/02994/P, dated 20 May 2016.

2. On 12 April 2017, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that planning permission be granted.

4. For the reasons given below, the Secretary of State disagrees with the Inspector's recommendation. He has decided to refuse planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Ministry of Housing, Communities & Local Government
Jean Nowak, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 444 1626
Email: PCC@communities.gsi.gov.uk

Procedural matters

5. At the time of the Inquiry the Local Plan had not been adopted. Having been informed that the adoption would probably take place before the submission of his report, the Inspector asked parties to make their closing submissions on this basis to avoid seeking further comments. The Council subsequently confirmed the adoption of the Croydon Local Plan 2018 (Croydon LP) on 27 February 2018. The Secretary of State does not consider that the subsequent adoption of the Croydon LP raises any matters that would require him to refer back to the parties for further representations prior to reaching his decision on this application and he is satisfied that no interests have thereby been prejudiced.

Matters arising since the close of the inquiry

6. On 30 July 2018, the Secretary of State wrote to the main parties to afford them an opportunity to comment on the publication of the new National Planning Policy Framework ("the Framework"). These representations were circulated to the main parties on 13 August 2018. A list of representations received since the inquiry closed is at Annex A. Those received in response to the circulation of 13 August 2018 were not circulated as the Secretary of State did not consider that they raised any further matters which might affect the decision. However, they are now attached to this letter for completeness.

7. The Secretary of State is satisfied that no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. Copies of all the letters referred to at Annex A may be obtained on written request to the address at the foot of the first page of this letter.

Policy and statutory considerations

8. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

9. In this case the development plan includes the London Plan 2016 and the Croydon LP referred to in paragraph 5 above. The Secretary of State considers that the development plan policies of most relevance to this case are those set out at IR3.2-3.14.

10. Other material considerations which the Secretary of State has taken into account include the Framework and associated planning guidance ('the Guidance'), as well as the London Mayor's *A City for all Londoners* (October 2017) and the Housing White Paper: *Fixing our broken housing market* (February 2017). The revised Framework was published on 24 July 2018, and unless otherwise specified, any references to the Framework in this letter are to the revised Framework.

11. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

Main issues

Character and appearance

12. Having carefully considered the Inspector's findings at IR15.3-15.8, the Secretary of State disagrees that, for most of the scheme, the overall standard of design can be described as being sufficiently high to merit substantial weight (IR15.7). While the Secretary of State agrees that the standard of design for parts of the scheme is more than acceptable, particularly some of the lower elements, he has some serious concerns around design, as discussed in the next paragraph. The Secretary of State also agrees with the Inspector (IR15.7) that compared with the existing situation, some lower elements of the scheme would provide an enormous lift to the appearance of the area. He further agrees that it is clear that the tower would stand out as a marker of the road junction and the start of the town centre (IR15.8). However, he disagrees with the Inspector that this necessarily amounts to good urban planning and attributes limited weight to this aspect.

Design

13. Having carefully considered the Inspector's reasoning at IR15.9-15.11, the Secretary of State does not agree with him that, taken in the round, the proportions of the tower would be of a high standard of design (IR15.11) and, in particular, he has serious concerns about the height of the tower in this location. Although the Secretary of State acknowledges that LP policy DM42.1 refers to the potential within Purley District centre for "a new landmark of up to a maximum of 16 storeys" (IR15.12), he notes that not only would the current proposal exceed that maximum height but the table 11.10 of the LP is not site specific and no specific justification has been given in either the LP or the application to support the height of this site as proposed, having regard to its relationship with the existing built urban form.

14. The Secretary of State also has concerns about the quality of some of the elements of the design of the South Site proposals which fail to meet the high standards required of a scheme on the site and in proximity to adjoining neighbours with a significantly lower density. The built form, proportions, composition and use of materials of the frontage facing on Banstead Road is unsympathetic to the existing adjoining buildings and the north-west elevation is a featureless elevation that impacts on adjoining owners. There are also a number of single aspect homes that face north east, in conflict with the GLA requirements. The Secretary of State therefore considers that, if the scheme were to proceed, more attention should be given to that aspect. Overall, therefore, while the Secretary of State also agrees with the Inspector in principle that the scheme would improve the current public realm in accordance with LP Policies SP4.5-SP4.10, he considers that this could have been achieved in a way which paid greater respect to the character of the area and he gives substantial weight against the scheme to this factor.

15. The Secretary of State therefore does not consider that the design of the proposal is of 'exceptional quality' as required by LP Policy DM15c nor that it incorporates 'the highest standards of architecture..' as required by London Plan Policy 7.7C(e). Rather, whilst he considers that the design of some elements is more than acceptable, he has concerns about the poor design of the South Side proposals and the intrusive height and proportions of the tower and attributes this

substantial weight against the proposal. Overall, he considers that the proposal is not in accordance with relevant policies in the development plan.

Heritage assets

16. The Secretary of State has given careful consideration to the Inspector's analysis at IR15.17–15.19. He agrees with the Inspector that, in regard to the listed Purley Library, the proposed alterations to the public realm at ground level would amount to both a heritage and a public benefit (IR15.18). However, he further agrees that the presence of the tower would distract from the enjoyment of the facades and civic presence of the library, and cause harm to this heritage asset and this weighs against the proposal (IR15.19). The Secretary of State therefore does not agree that the proposal would comply with LP Policy SP4.13 overall and he considers that the proposal would not comply with LP Policies DM15d, DM18.1 and DM18.2. The Inspector considers that the degree of harm would be at the lower end of less than substantial (IR15.19), but the Secretary of State, for the reasons set out above and having had regard to paragraphs189-197 of the Framework, considers the degree of harm to be of a higher magnitude, at the upper end of less than substantial, and that this would be a further contributory factor against the scheme.

17. The Secretary of State has considered the Inspector's conclusions on non-designated heritage assets and impact on nearby conservation areas at IR15.20-15.22. The Secretary of State disagrees with the Inspector that the overall position regarding these non-designated heritage assets and conservation areas is neutral. In exercising his planning judgement, he takes the view that there would be a clear negative impact on the former bank at 960 Brighton Road, the Brighton Road LHA, and both the Upper Woodcote village and Webb estate conservation areas, and that this counts against the proposal.

18. Overall, however, the Secretary of State agrees with the Inspector that the overall harm is less than substantial, and that any such harm would need to be weighed against the public benefits (IR15.24).

Access/Pedestrian safety

19. For the reasons given at IR15.25-15.29, the Secretary of State agrees with the Inspector at IR15.29 that the potential for some difficulty in exiting onto Russell Hill Road should not count against the scheme.

Parking/highway safety

20. For the reasons given at IR15.30-15.32 the Secretary of State agrees with the Inspector that the limited parking provision should not count against the proposals and that the scheme would comply with London Plan Policy 6.13 and Table 6.2 for parking and all other highway safety issues.

Affordable housing (AH)

21. For the reasons given at IR15.33-15.37, the Secretary of State agrees with the Inspector that, while a tougher negotiation by the Council's consultants might arguably have resulted in a marginally greater proportion of AH (IR15.36), on balance, the scheme cannot be shown to be contrary to the AH requirements of the development plan and LP Policy SP2.5 (IR15.37).

Benefits

22. The Secretary of State agrees in the main with the Inspector's views on benefits at IR15.38-15.40, save for the conclusions on design.

Other infrastructure provision

23. The Secretary of State agrees with the Inspector (IR15.41) that there is sufficient evidence to conclude that flooding can be controlled by the conditions set out at Annex B. In respect of air quality (IR15.42-15.44), the Secretary of State agrees with the Inspector that, on balance and subject to controls, the proposals would ensure that the effects (including cumulative effects) of pollution on health would be taken into account and would accord with London Plan Policy 7.14 (IR15.53). The Secretary of State also agrees with the Inspector's conclusions on foul water (IR15.45).

Planning conditions

24. The Secretary of State has given consideration to the Inspector's analysis at IR13.1-13.2, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector would comply with the policy test set out at paragraph 55 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for refusing planning permission.

Planning obligations

25. Having had regard to the Inspector's analysis at IR14.1-14.6, the planning obligation dated 30 April 2018, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State concludes that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework. However, the Secretary of State does not consider that the obligation overcomes his reasons for refusing planning permission.

Planning balance and overall conclusion

26. Given his serious concerns about the design of the scheme as set out above at paragraphs 13 to 15, for the reasons given above the Secretary of State does not consider that the application is in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

27. In favour, the scheme will provide 220 new homes which he considers should be given significant weight. The Secretary of State also affords significant weight to the benefits to Purley District Centre arising as a result of the regeneration of the site. The provision of a new church and greatly enhanced community facilities are also benefits, to which the Secretary of State gives moderate weight. He considers the level of affordable housing and the potential effects on air quality to be neutral in the planning balance.

28. Against the scheme, however, the Secretary of State gives substantial weight to the poor design of the South Side proposals, and to the height and proportions of

the tower set out in paragraphs 13 to 15 above, which he considers not to be in accordance with relevant policies in the development plan.

29. The Secretary of State has also considered whether the identified 'less than substantial' harm to the significance of Purley Library and surrounding Conservation Areas is outweighed by the public benefits of the proposal. In accordance with the s.66 LBCA duty, he attributes considerable weight to the harm the significance of Purley Library. However, he considers that the benefits of the scheme, as set out in Paragraph 22 of this letter, are insufficient to outbalance the identified 'less than substantial' harm to the significance of Purley Library and surrounding conservation areas. He considers that the balancing exercise under paragraph 196 of the Framework is therefore not favourable to the proposal.

Formal decision

30. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. He hereby refuses planning permission for the demolition of existing buildings on two sites; erection of a 3 to 17 storey development on the 'Island Site' (Purley Baptist Church, 1 Russell Hill Road, 1-4 Russell Hill Parade, 2-12 Brighton Road, Purley Hall), comprising 114 residential units, community and church space and a retail unit; and a 3 to 8 storey development on the 'South Site' (1-9 Banstead Road) comprising 106 residential units, and associated landscaping and works, in accordance with application ref: 16/02994/P, dated 20 May 2016.

Right to challenge the decision

31. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

32. A copy of this letter has been sent to Croydon Council and Riddlesdown Residents Association, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Jean Nowak

Authorised by the Secretary of State to sign in that behalf

Annex A

SCHEDULE OF REPRESENTATIONS

General representations

Party	Date
Croydon Council (re timescale of decision)	9 May 2018
A Rudling (representation)	21 May 2018
Thornsett Group (representation)	6 June 2018
Croydon Council (re timescale for decision)	26 June 2018

Representations received in response to the Secretary of State's reference back letter of 30 July 2018

Party	Date
Croydon Council	9 August 2018
Nexus Planning	9 August 2018
Chris Philp MP	9 August 2018
Riddlesdown Residents Association	12 August 2018

Circulation of responses	13 August 2018

Responses following circulation

Party	Date
Chris Philp MP	15 August 2018
Riddlesdown Residents Association	17 August 2018
Nexus Planning	20 August 2018

Mosaic Place, Purley

APPLICANTS' SUBMISSIONS concerning the new NPPF (July 2018)

RESPONSE to the submissions of the Rule 6 Party and Chris Philp MP

Overview:

1. Nothing in the submissions of the Rule 6 Party or the letter from Mr Chris Philp MP detracts from the submissions of 8th August 2018 made by the Applicants in respect of the new NPPF.
2. The Applicants accordingly maintain their submission that to the extent that the July 2018 NPPF adds to or elaborates relevant national planning policies from those previously set out in the 2012 NPPF, this lends further support to granting planning permission for the proposals; and that there is nothing newly stated in the 2018 NPPF which in any way undermines the Applicants' case as summarised in the Applicants' Closing Submissions. In the main, the new NPPF continues to state relevant national planning policies in the same or a very similar manner to the original NPPF.

The Rule 6 Party's submissions:

3. The Rule 6 Party's submissions purport to address paragraphs 124 to 132 of the new NPPF. In reality, however, the submissions are no more than a re-hash of the points about design already made by the Rule 6 Party at the inquiry.
4. Moreover, and more importantly, the Rule 6 Party fails entirely to address paragraph 130 of the NPPF which states that: *"...where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development."* (Emphasis added.) The inclusion of a tall building in the scheme does indeed accord with clear expectations in the development plan.
5. The clear statement of policy in paragraph 130 is reinforced (if it needed to be) by the passage from the Secretary of State's Written Ministerial Statement quoted by the Rule 6 Party, in which the Secretary of State speaks of providing homes that are "*locally led*". That is exactly the position here, the principle of a tall building in Purley being established in the newly adopted Croydon Local Plan: Detailed Policies and Proposals ("CLP2").

6. The submission made in respect of paragraph 125 of the NPPF is in these circumstances difficult to understand. The Rule 6 Party, like all local residents, had ample opportunity to participate in the development of the new design policies in CLP2 which entirely support the application proposals.

Mr Chris Philp MP's letter

7. Mr Philp MP's letter is likewise no more than a re-hash of the points about design that he made at the inquiry (and in particular whether the application proposals respect and enhance local character). The letter says nothing at all about the new NPPF that assists in the determination of the appeal. Like the Rule 6 Party, the letter also fails to address paragraph 130 of the NPPF, and the fact that the application accords with clear expectations in plan policies.
8. The points about flooding made in respect of paragraph 155 of the NPPF were thoroughly addressed at the inquiry; the stated concerns about flood risk are wholly misconceived. The Applicants rely on the points made in evidence at the inquiry and in their Closing Submissions (see at paragraphs 8 and 73 of the Closing Submissions, the latter paragraph also referencing the flood risk responses to section 11 of the Rule 6 Party's statement of case in ID8).

Christopher Katkowski QC

Andrew Byass

16th August 2018

17 August 2018
E-mail; riddledownresidents@gmail.com

Dear Ms Hardy

Reference back on called-in planning application APP/l5240/V/17/3174139;
Purley Baptist Church, Russell Hill Road, Purley CR8 2LE; APPLICATION REF: 16/02994/P

Thank you for your e-mail of 13 August and we also refer to Ms Nowak's letter of 30 July.

The Rule 6 party would like to respond in particular to the comment made by Christopher Katkowski, in the applicant's submission.

- In paragraph 4 of the applicant's submission, Mr Katkowski states "*the proposals accord with the development plan*" (Croydon's). We believe this comment is not strictly correct.

  In Policy "***DM 42 Purley***"- of the Croydon Local Plan 2018, it states
  "*b. - Complement the existing predominant building heights of 3 to 8 storeys, with a potential for a new landmark of up to a maximum of 16 storeys and..*"

  The tall building as proposed, will be 17 storeys above ground level with an additional 2 storeys partly below ground level, depending on which street the elevation is viewed from. A "storey", as defined in the Collins English Dictionary is; "*A storey of a building is one of its different levels, which is situated above or below other levels."*

  This application will therefore be 19 storeys in total, and exceeds the "maximum**"** of 16 storeys, as stated in the Croydon Local Plan 2018. We therefore, do not believe paragraph 11c of the NPPF 2018 has been adhered to.

In all other respects, the Rule 6 party concur with the comments made by Chris Philp MP, in his letter of 15 August, which is attached as Appendix A.

Yours sincerely,
Phil Thomas

Phil Thomas MRICS (retired),
Riddlesdown Residents' Association,
For and on behalf of the Rule 6 Parties.

Attached – Appendix A – Letter from Chris Philp, MP dated 15 August 2018

Dear Sir / Madam,

Re: APP/l5240/V/17/3174139: Purley Baptist Church, Russell Hill Road, Purley CR8 2LE
PINS ref: 3174139

I have had the opportunity to review submissions by other parties and would like to respond to the points raised on behalf of the applicants by their Barrister, Chris Katkowski QC.

In paragraph 1 of Mr Katkowski's letter he claims that the new NPPF lends "further support" to his client's application. This is far from the case. The new NPPF weakens it. Amongst many things, in paragraph 131 of the new NPPF it is now made explicitly clear that applications must "fit in with the overall form and layout of their surroundings" (which this one very clearly does not).

Mr Katkowski makes some preliminary remarks about the NPPF's continued presumption in favour of sustainable development and the Government's general commitment to building more homes. These are clearly not absolute considerations (otherwise every planning application would be passed), but are subject to the detailed planning policies which are discussed below.

In paragraph 6 of Mr Katkowski's letter he states that his client's proposed tall building of 17 floors "accord[s] with clear expectations in the development plan". Croydon's Local Plan only refers to the "potential for a tall building of up 16 stories" in Purley. A weak reference to mere "potential" is not the "clear expectation" Mr Katkowski suggests. Further, as pointed out in my recent submission, there are numerous London Plan and Croydon Local Plan policies which this application contravenes - mostly to do with the clear adverse impact on local character which a 17 storey building would have on a neighbourhood where most buildings are 3 stories and the highest is 5 stories.

Paragraph 8 of Mr Katkowski's letter analyses the critically important paragraph 12 of the new NPPF, "Achieving Well Designed Places". Mr Katkowski concedes that paragraph 131 of the new NPPF now says for the first time that a design must "fit in with the overall form and layout of their surroundings". These new words in the NPPF are crucial. This application very clearly does not "fit in with the form and layout of the surroundings" - it is a 17 floor building surrounded by existing mostly 3 floor buildings and one 5 floor building. Mr Katkowski's claim that his client's proposed building fits in (saying it "does just this") is laughable.

Mr Katkowski cites new NPPF paragraph 127 (c), which says that development should be “sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change (such as increased densities)”. The development proposed is not "sympathetic to local character" for the reasons already given (excessive height relative to existing buildings). The new NPPF paragraph 127 (c) then says that the requirement for development to be "sympathetic to local character" should not prevent increased density, if that increased density is "appropriate". The question, then, is whether the increased density to 17 stories in this application is "appropriate" or not. It is very clear that it is not appropriate. NPPF paragraph 131 referred to above makes clear that the design at this height is not appropriate, as do numerous London Plan and Croydon Local Plan policies quoted in my recent submission. The passing reference in the Croydon Local Plan to the mere "potential" for a 16 storey building somewhere in Purley is a very weak basis for deeming this application "appropriate" given the weight of Policy in the NPPF (especially para 131), when the London Plan and the rest of the Croydon Local Plan all point to the conclusion that it is in fact inappropriate. Simple common sense also points to this conclusion too - it cannot be "appropriate" to introduce a building three to six times higher than any other in the area.

Paragraph 9 of Mr Katkowski's letter refers to the new NPPF's support for raising density. The new NPPF refers to "appropriate" densities. The density in this application is not appropriate, as is clear from the fact the that the Island site exceeds the relevant London Plan maximum density by over 50% as pointed out in my recent submission and even both sites taken together exceed the maximum London Plan density for this type of location. Further, paragraph 122 (d) of the new NPPF says that any increase in density should take account of "the desirability of maintaining an area's prevailing character". This application manifestly does not do that, by virtue of being six times higher than most surrounding buildings.

I hope these observations on Mr Katkowski's letter for his clients add further weight to the already compelling case for rejecting this application.

Kind regards,

Chris Philp MP
15th August 2018

The Planning Inspectorate

Report to the Secretary of State for Housing, Communities and Local Government

by David Nicholson RIBA IHBC

an Inspector appointed by the Secretary of State

Date: 1 May 2018



TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 77)

THE COUNCIL OF THE LONDON BOROUGH OF CROYDON

APPLICATION BY

THORNSETT GROUP PLC AND PURLEY BAPTIST CHURCH

Inquiry Held on 9 - 17 January 2018

1 Russell Hill Road, 1-4 Russell Hill Parade, 2-12 Brighton Road, Purley Hall, Baptist Church, Banstead Road, 1-9 Banstead Road, Purley

File Ref: APP/L5240/V/17/3174139

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[1] Cover photograph from Design and Access Statement

List of abbreviations used in this Report

AH	Affordable housing
AQ	Air quality
AQMA	AQ management area
CIL Regs	Community Infrastructure Levy Regulations 2010 (as amended)
DSE	Design south-east
EA	Environment Agency
FRA	Flood Risk Assessment
GLA	Greater London Authority (the Mayor of London)
ha	hectare(s)
HE	Historic England
HEDNA	Housing and Economic Development Needs Assessment
LDF	Local development framework
LPA	Local Planning Authority
NPPF	National Planning Policy Framework
P&CP Act	Planning and Compulsory Purchase Act 2004
PDC	Purley District Centre
PPG	Planning Practice Guidance
PTAL	Public transport accessibility level
RA	Residents' Association
s106	Section 106 of the T&CP Act
SoCG	Statement of Common Ground
SoS	Secretary of State (for Housing, Communities and Local Government)
SPD	Supplementary Planning Document
SUDS	Sustainable Urban Drainage System
T&CPA	Town and Country Planning Act 1990
TA	Transport assessment
TfL	Transport for London
TPO	Tree preservation order
WHO	World Health Authority

File Ref: APP/L5240/V/17/3174139
1 Russell Hill Road, 1-4 Russell Hill Parade, 2-12 Brighton Road, Purley Hall, Purley Baptist Church, Banstead Road, 1-9 Banstead Road, Purley CR8 2LE

- The application was called in for a decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 12 April 2017.
- The application is made by Thornsett Group Plc and Purley Baptist Church to the Council of the London Borough of Croydon.
- The application Ref. 16/02994/P is dated 20 May 2016.
- The development proposed is a full phased planning application for the demolition of existing buildings on two sites; erection of a 3 to 17 storey development on the 'Island Site' (Purley Baptist Church, 1 Russell Hill Road, 1-4 Russell Hill Parade, 2-12 Brighton Road, Purley Hall), comprising 114 residential units, community and church space and a retail unit; and a 3 to 8 storey development on the 'South Site' (1-9 Banstead Road) comprising 106 residential units, and associated landscaping and works.
- The reason given for making the direction was that, in the light of his policy on calling in planning applications, the application should be called-in.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application:
  i. its consistency with the development plan including the London Plan;
  ii. policies in the National Planning Policy Framework (NPPF) in requiring good design of the built environment; and
  iii. any other matters the Inspector considers relevant.

Summary of Recommendation: that the application should be approved.

1. Procedural matters

1.1 Prior to being called-in, the application was considered by the local planning authority (LPA) on 15 December 2016 which, in accordance with the Officer's Report[2], resolved to approve the proposed development subject to conditions and a legal agreement. Consultations between the Applicants, the LPA and others took place on 33 occasions[3].

1.2 At the Inquiry the emerging Local Plan (LP) had not yet been adopted. Having been informed that adoption would probably take place before this report was submitted, I asked the parties to make their closing submissions on this basis to avoid seeking further comments. The LPA duly advised that the Croydon LP 2018, comprising the Strategic Policies and the Detailed Policies and Proposals, was adopted by Croydon Council on 27 February 2018 and that the adopted version is now on its website[4]. It later issued its LP adoption statement[5]. I have used the revised policy numbers from the statement in my conclusions to this report but I have not altered the references in the parties' cases.

[2] Core Document (CD)6.1
[3] See the Planning Statement of Common Ground (SoCG) §4.5 as accepted by the Residents' Associations (RAs) in their comments on this dated 1 January 2018
[4] Email dated 28 February 2018
[5] On 14 March 2018. This explains that the Council has combined the two plans into the Croydon Local Plan 2018 and made other additional modifications that, taken together, do not materially affect the policies that would be set out in the plan had it only been adopted with the main modifications alone. It goes on to list the modifications.

1.3 Drawings were amended during the course of consultations; the final versions are as presented to the committee on 15 December 2016[6].

1.4 A Legal Agreement was submitted[7]. Minor amendments were made during the course of the Inquiry to which the LPA confirmed agreement[8]. A final signed and dated version was submitted and I deal with the contents and the justification for this below.

1.5 In the event that permission is granted, listed building consent would be required for the works adjoining Purley library. No such application was before me.

1.6 A joint case was made on behalf of seven Residents' Associations (RAs)[9] who were granted Rule 6 status. These did not include the Purley Residents' Association.

1.7 I conducted an accompanied site visit[10] on Wednesday 17 January 2018. This covered the existing facilities on the Island site and at the Purley Cross Centre and views of both sites from nearby roads. It also took in the edge of the Webb Estate along Furze Lane, the adjacent cycle routes, potential car club spaces, and various views from Farthing Downs.

2. The site[11] and surroundings

2.1 Purley lies about 6.5km south of Croydon town centre and around 21km from central London[12]. It has large residential areas set within wooded hillsides. The local watercourses are channelled under the town centre. Purley has excellent public transport links being around 350m from the railway station, with regular direct trains to London, and on numerous bus routes[13] resulting in a public transport accessibility level (PTAL) of 5 (very good). The western edge of the town is dominated by the A22/A23 Purley Cross gyratory and a branch of Tesco Extra. The sites adjoin a dense network of regional cycle routes and are relatively close to two national ones[14] although the quality of these is variable[15]. The streets within 200m of the site are within a Controlled Parking Zone (CPZ) which operates Monday to Saturday 09:00-17:00[16].

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[6] Ibid §4.7
[7] Inquiry Document (ID)5 made under Section 16 of the Greater London Council (General Powers) Act 1974, Section 106 of the Town and Country Planning Act 1990 (as amended), Section 111 of the Local Government Act 1972, Section 1 of the Localism Act 2011 and all enabling powers
[8] ID26
[9] Riddlesdown, Coulsdon West, East Coulsdon, Hartley and District, Kenley and District, Old Coulsdon and Sanderstead Residents' Associations
[10] See Inquiry Document (ID)21 for full details
[11] See site location plan CD9.2
[12] SoCG §2.8: about 4 miles south of Croydon town centre and 13 miles from central London
[13] CD 1.13 TA Table 3.1 and Fig 3.3
[14] Ibid: TA Fig 3.2
[15] I saw that many of these comprise no more than white lines on the edge of a carriageway, many of which were worn down by vehicle tyres or blocked by parked cars
[16] CD1.13: TA §3.46 and Fig 3.4 which also identifies two car parks

2.2 The application site comprises two plots at the gyratory end of Banstead Road. The Island site extends to about 0.43 hectares (ha). It is currently occupied by the existing Purley Baptist Church, the former hall site (which has been demolished and is used as an informal amenity and parking area), a vacant site (formerly a branch of Sainsbury's which closed in the early 1980s[17] and was since demolished[18]) and redundant retail premises at 1-4 Russell Hill Parade. The Island Site is bounded by Russell Hill Road, Brighton Road, Banstead Road and Purley library. The South site, across Banstead Road, is fractionally smaller and comprises derelict houses or converted offices (including those for Eldon Housing Association).

2.3 There are a number of designated heritage assets near the application sites, including the Purley Library (Grade II listed), the United Reformed Church (Grade II Listed) and the Upper Woodcote Village and Webb Estate Conservation Areas. In addition, there are non-designated heritage assets of local significance nearby in the form of locally listed buildings at 960 Brighton Road and Mafeking Terrace at 1-13 High Street. Part of the neo-Tudor parade of shops along Brighton Road, adjacent to the site, was designated as a Local Area of Special Character under the previous LP but under the new plan is now a Local Heritage Area (LHA)[19].

2.4 Purley Library was designed for Coulsdon and Purley UDC in a *Moderne* style and opened in 1936. It was first listed in 2001. Its description identifies the section of low boundary walling in brick incorporating two square gate piers with ramped up parapet and cast iron overthrow with tapering square lamp which encloses a lawn at the front. Evidence on its significance was not challenged. No.960 (currently occupied by Pizza Express) was built as a bank with elaborate chimneys and decorative architectural treatment to accentuate its significance as a prominent corner building[20]. Mafeking Terrace is separated from the application sites by other buildings. Although the architectural style of the buildings in the LHA differ, they are united by a general consistency in height, form and rhythm which contributes to … its high level of … historic integrity[21].

2.5 The Council's urban design team identified the Island site as: *clearly one of the most prominent within the town, a fact established by the analysis done by the Council and design team. It is also important to recognise that the public realm around the Island Site is of strategic importance being connected to the Library, the Gyratory, Russell Hill Road and Banstead Road, as well as sitting at the intersection of two shopping parades. The site also sits at the end of the Brighton Road shopping parade which arguably is one of the most important vistas within the town*[22].

2.6 Aside from the church hall, the buildings on the sites are derelict, unfit for purpose, or substandard and there was no dispute that the hoardings facing the gyratory blight the town[23]. The church itself has recently been redecorated but

[17] I was told that it had been vacant for 37 years – see below
[18] Evidence varied as to the date it closed and was demolished
[19] Noble §§3.45-3.46
[20] Lacovara §7.99
[21] Lacovara §7.96
[22] ID13, Appendix 6: note from Nexus planning, §3.1
[23] See Matthews Image 3 p9

the site visit revealed the extent of the long term physical deficiencies of the buildings as well as their restricted size.

2.7 At its closest point, the Island site is around 200m from the edge of the Webb Estate within the Conservation Area[24]. It is named after William Webb, a pioneer of the garden estate ideal. The Conservation Areas Appraisal[25] identifies the key features that make a positive contribution to the special interest of the area as: its significance [as a garden estate] in terms of the UK's town planning and landscape history; the landscaping, in particular the specimen trees and other planting which are the most important feature of the Estate; the Estate's unique character including the relative secluded tranquillity of the area; and its relatively short construction period from 1903 to 1925[26].

2.8 Farthing Downs is an open space owned and managed by the Corporation of London[27]. It rises up above Coulsdon with Ditches Lane running along the top of it. The line of sight from here to the application sites runs about 30 degrees east of due north[28]. Views from here extend to Croydon town centre, with the Crystal Palace, Croydon Tower television transmitter masts and Canary Wharf on the skyline. There is residential development in the middle distance.

2.9 The Purley Cross Centre is currently located in small rented premises on the High Street. Established in 2002, it started as a community information resource but now houses a number of charities. Its focus has shifted from simply providing information to becoming a connection point and a hub for local services. It currently handles nearly 400 enquiries a month and has seen a 12% increase this year [29].

3. Planning policy

3.1 The development plan now includes the adopted London Plan 2016 and the Croydon LP 2018 which, following adoption, replaces the Croydon Unitary Development Plan 2006. As above, the LP incorporates both the Strategic Policies Partial Review (CLP1)[30], and the Detailed Policies and Proposals (CLP2)[31].

3.2 London Plan Policy 7.7A sets the strategic context for tall buildings, which *should be part of a plan-led approach to changing or developing an area by the identification of appropriate, sensitive and inappropriate locations* as well as not having *an unacceptably harmful impact on their surroundings*. Policy 7.7B expects an urban design analysis to demonstrate that a proposal is part of a strategy and would meet the criteria in 7.7C, particularly if it is not identified in the [local plan].

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[24] The Webb Estate Conservation Area was designated in June 1983.
[25] Within the *Webb Estate and Upper Woodcote Village Conservation Areas Appraisal and Management Plan SPD* adopted by Croydon Council on 25 June 2007: CD12.14
[26] Ibid §3.4
[27] CD1.27 p38 View15
[28] CD1.10 DAS p100
[29] Collins §4.2.2 and the Purley Cross Centre information pamphlet in Appendix JC2
[30] CD11.1.
[31] CD11.2.

3.3 Of particular relevance in the Policy 7.7C criteria, tall buildings should:
(a) generally be limited to … town centres that have good access to public transport;
(b) only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;
(c) relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;
(d) … improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate …;
(e) incorporate the highest standards of architecture and materials …;
(f) have ground floor activities that provide a positive relationship to the surrounding streets; and
(i) make a significant contribution to local regeneration.

3.4 Section D of London Plan Policy 7.7 expects that tall buildings should not
a. affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference;
b should not impact on local or strategic views adversely.

3.5 LP Policy SP1 *Places of Croydon* sets the strategic tone requiring that: *When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the [NPPF]*. Under LP policy SP2.2, the Council is expected to provide a minimum of 32,890 homes in Croydon between 2016 and 2036. LP Policies SP2.3-SP2.6 detail the requirements for Affordable Housing (AH) and set a target of 25% to affordable or social rented and 15% intermediate starter, shared or for rent. The aim will be to negotiate for up to 50% AH, with 60% of these for rent, of which a minimum of 30% should be on the development site. As a minimum, there should be 15% AH on the site plus a review mechanism. In assessing viability, the Council will compare Residual Land Value with Existing Use Value or Alternative Use Value.

3.6 Tall buildings, dealt with specifically under LP Policy SP4.5, will be encouraged only in … District Centres and locations … around well-connected public transport interchanges and where there are direct physical connections to … District Centres. Detailed criteria for the assessment of tall buildings, consideration of the appropriateness of tall buildings on individual sites, and/or in District Centres, will be contained in the LP's Detailed Policies and Proposals. Policy SP4.6 refers to locations which are inappropriate for tall buildings where further criteria apply. Policies SP4.7-SP4.10 look to improve the public realm.

3.7 LP Policy DM15: Tall and Large Buildings sets criteria for these including that:
a. They are located in areas identified for such buildings;
b. They are located in areas meeting a minimum PTAL rating of 4, with direct public transport connections to the Croydon Opportunity Area;
c. The design should be of exceptional quality and demonstrate that a sensitive approach has been taken in the articulation and composition of the building form which is proportionate to its scale;
d. The building height, footprint and design relates positively to any nearby heritage assets, and conserves or enhances the significance and setting of the assets of the wider historic environment; and

f. To ensure tall and large buildings are well integrated with the local area, they should include at least an active ground floor and inclusive public realm.

3.8 Of the place-specific policies[32], what is now LP Policy DM42.1, for PDC, expects that, to ensure that proposals positively enhance and strengthen the character and facilitate growth, developments should:
a. Reinforce the continuous building line which responds to the street layout and include ground floor active frontages;
b. Complement the existing predominant building heights of 3 to 8 storeys, with a potential for a new landmark of up to a maximum of 16 storeys; and
c. Demonstrate innovative and sustainable design, with special attention given to the detailing of frontages.
Table 11.10 in the LP sets out Proposals for uses of land of specific sites in Purley. Of these, Ref. No.35 for Purley Baptist Church, 2-12 Banstead Road, is for *Mixed use redevelopment comprising new church, community facility and residential*. The South site (Ref. No.130) is proposed for residential use.

3.9 Affordable housing is covered in London Plan Policies 3.11-3.13 with Policy 3.12 seeking the maximum reasonable amount of affordable housing when negotiating on individual private residential and mixed use schemes while acknowledging that negotiations should take account of development viability. LP Policies SP2.3-SP2.6 aim to negotiate up to 50% affordable housing subject to viability; preferably a minimum of 30% on the same site as the development or 15% in a District Centre with a Review Mechanism for the remainder.

3.10 LP Policy SP4.13 aims to strengthen the protection of, and promote improvements to, the heritage assets and their settings including: a. Statutory Listed Buildings; b. Conservation Areas; e. Archaeological Priority Areas; f. Local Heritage Areas; g. Local List of Buildings of Historic or Architectural Importance; i. Croydon Panoramas; and k. Local Designated Views.

3.11 The LP sets a presumption in favour of community facilities under Policy SP5.1; SP5.5 requires these to be well designed and located; SP5.6 aims to support and enable the provision and improvement of places of worship. Criteria for the latter are found in Policy DM19.2. Such facilities should:
a. Include buildings which are flexible, adaptable, capable of multi-use and, where possible, enable future expansion;
c. Are accessible to local shopping facilities, healthcare, other community services and public transport or provides a community use in a location and of a type that is designed to meet the needs of a particular client group; and
d. Are for a use that is a town centre use, as defined by the [NPPF] ….

3.12 London Plan Policy 6.13 provides maximum parking standards for new development. Table 6.2, in the Parking Addendum[33], sets out the maximum for units with 1-2 beds as less than one space per unit and further notes that all developments in areas of good public transport accessibility in all parts of London should aim for significantly less than 1 space per unit. LP Policy SP8.15 encourages car free development in Centres where there are high levels of

[32] Now Table 11.10
[33] CD10.3 Table 6.2 p274

PTAL[34]. There are further requirements for car club spaces, charging points, spaces for those with disabilities and minimum standards for cycle parking.

3.13 The south-eastern half of the Island Site is within Purley District Centre (PDC) as identified on the adopted LP Policies Map – South sheet. The South site is not. The view from the top of Farthing Downs looking from the north-west to the east, and taking in Purley town centre, is defined as a Croydon Panorama, protected by LP Policy SP4.2 together with other important vistas and skylines. The Island site is within the London and Brighton Road Archaeological Priority Area (as the likely alignment of a Roman road) and both sites are within Flood Zone 1 but on the edge of Flood Zone 2.

3.14 Probably as a result of the gyratory, which is 5 lanes wide in places, parts of Purley, including the application sites, have elevated levels of air pollution and are within an Air Quality Management Area (AQMA) with an AQ Action Plan[35]. London Plan Policy 7.14 recognises the importance of tackling air pollution and expects proposals to, amongst other things:
a. minimise increased exposure to existing poor air quality;
b. promote sustainable design and construction to reduce emissions from the demolition and construction of buildings;
c. be at least 'air quality neutral' and not lead to further deterioration of existing poor air quality such as areas designated as AQMAs.

3.15 The London Mayor's *A City for all Londoners* (October 2016) and the Housing White Paper *Fixing our broken housing market* (February 2017)[36] are also relevant and emphasise the need for more intensive housing in London using previously developed land.

3.16 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant to consideration of the settings of the library and the conservation area.

[34] Defined as a PTAL of 5, 6a and 6b.
[35] See AQ Assessment CD1.22 p9
[36] CD12.9 and CD12.10

4. Planning history

4.1 See the SoCG[37] for full details. Of particular relevance, an unimplemented permission for church use and erection of a 6 storey building[38] has now lapsed. On 22 November 2017[39] an article on the website for Chris Philp MP ran the headline: *Stop Purley Skyscraper* together with an image (below). The article highlighted the height of the proposed tower and invited readers to sign an online petition. The Applicants' unchallenged evidence[40] was that this was: *an indicative massing study taken using a digital camera (without our consent) at the initial stakeholder meeting that we invited [Chris Philp MP] to. This image has never formed part of our planning application, and is not the tower design that we are proposing, and yet it has been being [sic] used for almost three years to garner signatures as part of Mr Philp's campaign.*



5. The proposals

5.1 Both sites would be cleared of existing development. The South site would be developed for some 106 units of new housing; the Island site for mixed use. The latter would include 114 units of housing starting at 3 storeys by the library and stepping up to a 17 storey tower by the gyratory[41]. This would contain the relocated church and community facilities with residential units above. The scheme would have an overall density of around 817 habitable rooms per hectare (hr/ha)[42]. Some 18% by unit (15% by bedrooms) of the housing would be affordable and located on the South site. There would be a mix of one to three-bedroom units[43]. Amenity space would comprise 2,014m^2 private and 686m^2 shared with a further 248m^2 of on-site play provision. The South site would be built around a courtyard with building of different heights (3-8 storeys including a basement) rising to a maximum height nearest to the gyratory.

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[37] Planning SoCG CD5.1 s3
[38] Reference 06/02756/P, granted on 30 September 2010 – SoCG p5 - For *Demolition of existing buildings; erection of 6 storey building comprising retail use on ground floor and community/church use on upper floors; erection of 6 storey building comprising 65 flats with basement parking on two levels (115 spaces in total); and construction of vehicular accesses off Russell Hill Road and Banstead Road (Outline application with only siting and means of access to be determined)*
[39] See Pearson Appendix GC5 p94
[40] Ibid Appendix RP/B: Thornsett Group Plc Statement p6 §27
[41] Matthews Fig62 p68
[42] RAs comments on the SoCG §4.2vii
[43] See Planning SoCG §8.7-8.11 for full details

5.2 There would be a small open area, which was described as a public square, in front of the main entrance on the Island site adjoining Russell Hill Road. There would also be a proposed vehicular access alongside this. The three street frontages would include: a retail unit; the church entrance, emphasised by a cylindrical prayer room above; the landscaped public square; the church café; the Purley Cross Centre; the residential entrance; and the rear entrance to the church alongside a semi-circular baptistery. These lower elevations in particular would contain a wide palette of materials[44]. The approach to the library would become public open space in the form of a wider pavement with new steps and ramps on the ground floor and a similar building line to the existing.

5.3 The tower would be framed with what was described as tracery facades where the structure would be emphasised and brought forward from the windows. The upper floors would contain maisonettes which would be set back to allow the tracery to be open and for trees to be planted in between. The site visits focussed on locations from which the tower might be seen including from some distance away along the adjacent streets, the edge of the Conservation Area and Farthing Downs. The Applicants' wireline[45] suggests that, at least in summer, the proposed development would not be seen from Farthing Downs.

5.4 Vehicular accesses would be from Russell Hill Road (for the Island site) and from Banstead Road (for the South site). Subject to the approval of details controlled by conditions, the on-site parking provision would consist of 28 spaces for the 114 dwellings on the Island site and 50 spaces for the church which would include one for a minibus and be managed by a plan controlled by conditions. The 106 dwellings on the South Site would be car free with the exception of 9 Blue Badge parking spaces (for those with disabilities). Leaving the site from the vehicular access to the church onto Russell Hill Road would be controlled by marshalls who would also instruct drivers to switch off their engines rather than allow them to idle. As well as providing land for social housing, an area would be made available, at no cost, for TfL to widen the bottom of Russell Hill Road to eliminate the current chicane if it wishes to do so.

5.5 An air quality (AQ) assessment report was submitted with the application[46]. AQ concerns referred to particulate matter (PM – measured in microns) PM10 and PM2.5 and nitrogen dioxide (NO_2). The LPA put any increase in pollution at 1% or less[47], with regard to conditions in existing buildings. For new dwellings, mitigation would take the form of closed fenestration and artificial ventilation, including air filters and appropriate air handling plant, so that both particulates and NO_2 could be filtered out and this could be required by conditions. The AQ report[48] is dated March 2016, not long after the *VW diesel scandal* broke. However, it did take the latest emission factors into account[49]. The LPA's undated AQ statement was prepared a week before the Inquiry [50].

[44] See elevational drawings CD1.7 A304_PL_100, 101 and 103
[45] CD1.27 p39 Proposed
[46] CD1.
[47] Simmonds §2.9
[48] CD1.22
[49] ID17
[50] ID1, date advised by Simmonds in answer to Inspector's questions (IQs)

5.6 The effect on flood risk was considered by the Environment Agency (EA), The Local Lead Flood Authority (LLFA) and Thames Water[51]. The aim would be to reduce surface water flooding by reducing peak run-off rates.

5.7 Through its development company 58:12, a charity incorporated in 2003[52], the Church has raised around £4m in gifts from the congregation in order to purchase the properties on the site[53] and raised loans from the Baptist Board and local residents[54]. The construction costs were based on the building but not any fitting out of the church[55]. Two community units would be provided to the church on a long lease for revenue.

6 The case for the Applicants

The gist of its case was as follows.

6.1 The applicants have always taken their lead from the development plan which gives strong support for the mix, form and disposition of the proposed uses. This plan-led approach has the unsurprising support of the Greater London Authority (GLA) and the LPA who agree that the scheme would accord with both the London Plan and the LP. This leads to a strong presumption in favour of the scheme under s38(6) of the Planning and Compulsory Purchase Act 2004 (P&CP Act). Moreover, the relevant material considerations are the very real public benefits and the outstanding design quality[56]. When tested, the proposals would accord with the development plan. Apart from London Plan policy 7.7, the Rule 6 parties did not argue breaches of relevant policies[57].

Development plan

6.2 This case proceeds on the basis that the CLP2 will have been adopted when the Decision is made. The scheme would then accord with the most up to date plan. By the end of the Inquiry, the Residents' Associations (RAs) had acknowledged that there was no policy basis to many of its objections and that there would in fact be benefits, for example to flood risk and to PDC[58].

6.3 The development plan allocates the Island site[59] for a *Mixed use redevelopment comprising new church, community facility and residential* and the South site[60] for *residential* uses. As with the NPPF, churches are treated as community

[51] CD7.4, CD7.5 and CD7.7
[52] Collins §3.1.1
[53] Ibid §3.2.2 and IC
[54] Collins IC
[55] Cunningham IC: The building would be provided but not fitted out; *if it were turned upside down, anything which fell out would not be included*.
[56] See Lacovara for the LPA and Noble for the Applicants. NPPF§63 applies. Dennis King for the Rule 6 parties acknowledged that the design of the scheme was excellent albeit while objecting to the tower.
[57] Charles King in XX by CKQC
[58] Ibid
[59] Site reference 35: see CD11.2, CLP2 at appendix 5 or within policy DM44.1, table 11.13, and the CLP2 proposals map at CD11.4
[60] Ibid, per site reference 130

facilities[61] which should be, and will be, located so as to be accessible to all following Policy SP5.5.

6.4 It is not an accident that the mix and disposition of uses would not just accord with the development plan but be an exact fit[62]. Rather, it follows work done by the LPA's Urban Design Team in identifying the island site as a highly prominent strategic location for a mixed use scheme. The proposed civic, church and community facilities would realise the potential of the Island site. They would provide an active public realm which could not be replicated by a purely residential scheme or shopping frontages. The proposed uses would allow a seamless interface between the public realm of the new square, and pedestrian areas, and those within the building to establish the site as the proper heart of Purley. The scheme would also provide a better link between the existing library and the town centre.

6.5 The questions[63] as to the relative weight to be given to the various uses are not relevant to determining compliance with the development plan. They are the wrong questions when applying the first limb of s38(6). The only relevant question is whether the proposed uses and their disposition accord with the development plan allocations. They do so precisely.

6.6 The inclusion of a tall building again takes its lead from the development plan. Through the policies in the London Plan, and policy 7.7A in particular[64], LPAs are encouraged to take a plan-led approach to tall buildings [65]. This LPA has done that through CLP1.1 policy SP4.5, which only encourages tall buildings in specified areas including district centres, referring on to CLP2. Here this is now found in policy DM44.1(b) which provides specific and clear support for a new landmark of up to 16 storeys.

6.7 The proposition made by various objectors that Purley is not an appropriate location for a tall building is fundamentally inconsistent with the development plan, and CLP1.1, which positively encourage tall buildings in district centres. Rather, it is this argument itself which is contrary to a development plan which has been years in the making and progressed from the strategic policies of the London Plan through those of CLP1.1 to the specific support for a single tall building in PDC in CLP2. Objections to CLP2, including the principle of a tall building in Purley, were considered through the examination of CLP2[66]. Nevertheless, policy DM44.1 will shortly be adopted. None of the objections turned on the marginal difference between 16 and 17 storeys.

6.8 Of course, the merits of the design of the tall building must still be examined. This should be particularly important[67] where the location is not identified in the LDF. That is not the case here where detailed scrutiny has already taken place. As well as in principle, the specific proposals have undergone exceptional

[61] NPPF§70, CD12.1, and CLP1 [5.39], CD10.1 (or in CLP1.1 [5.41], CD11.1). See, also, the summary of relevant policies in the Council's supplementary note, ID22
[62] See Matthews explanation to Inspector's questions (IQs) in ID13, Appendix 6, para3.1
[63] IQs
[64] CD10.3
[65] Of the Rule 6 parties and Chris Philp MP
[66] Acknowledged by Charles King and Chris Philp MP in XX
[67] See London Plan policy 7.7B

scrutiny[68], were many years in the making, and are the product of a very extensive, rigorous and careful process of analysis with, amongst others, the LPA, the GLA and TfL. The result would be by far and away the highest quality modern development in Purley and would ultimately become a source of pride.

6.9 The design quality of the scheme has been thoroughly addressed by both the Applicants[69] and the LPA[70] against London Plan policy 7.7, CLP1.1 policy 4.6, and CLP2 policy DM16, as well as the NPPF. The following conclusions with regard to London Plan policy 7.7 refer equally to the LDF and NPPF:

Policy 7.7C(a)

6.10 There was no dispute that the application site is in a highly sustainable location with good access to public transport.

Policy 7.7C(b),(c) and (e)

6.11 The scheme would be a considerable asset to Purley; this is not an area that would be harmed by a tall building. The slenderness and the perforate, tree-lined form of the crown, and the tracery elements of the tower, will create a three-dimensional richness that will enhance Purley's skyline and provide for a building of exceptional quality[71]. The buildings would relate to the site's boundaries and topography by increasing in scale as the site drops down to the gyratory with the lowest building adjacent to the library and the tallest element facing the large open area of the gyratory. The design experts affirmed that the scheme would relate well to the form, proportion, composition, scale and character of Purley by complementing and enhancing its character without replication. Great care and attention has been given to the fine details[72], as well as the other elements of the design[73]. It would provide a marked contrast with the bland modern buildings in Purley, an exemplar of the best of contemporary architecture and be one of the best schemes that the LPA has ever considered[74]. It would readily satisfy CLP2 policy DM16.

Policy 7.7C(d), (f), (g) and (h)

6.12 A key benefit would be how the new public space on Russell Hill Road and its transparent design would emphasise a point of civic significance and play a key role in identifying and enhancing the heart of Purley. It would reinstate active frontages, provide a positive link with the existing shops and services and enhance permeability. The s106 obligation would secure substantial set backs from its key boundaries and additional public realm on Russell Hill Road and Banstead Road. A small area of land alongside Russell Hill Road would be safeguarded for adoption as highway improvements by TfL[75] and the RAs accepted that this would be a positive step[76].

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[68] Pearson and White IC
[69] See Pearson's summary §§5.19 – 5.21 and proof pp33-39
[70] Lacovara §7.30 re London Plan policy 7.7 and section 7 generally
[71] Noble §6.11
[72] Best seen on the full size plans
[73] Matthews IC
[74] Lacovara IC
[75] As identified on drawing number A304_P_010 Rev B
[76] C King in XX of Balboa

Policy 7.7C(i)

6.13 The regenerative potential of the scheme, both on the site as well as through the increased local spending, was conservatively estimated as being £1.24m just in Purley. It would act as a catalyst to inspire other new investment in the town.

Policy 7.7D

6.14 All the technical aspects of a tall building would be acceptable including wind, overshadowing and noise. The Townscape and Visual Impact Assessment[77] shows that there would be no adverse effect to any designated local or strategic view. The alleged impact from Farthing Downs[78] was not from the protected panorama, would almost certainly not be seen[79], and even if it could be seen, would not result in any adverse impact. The argument[80] that unless the scheme proposed something the same or similar to that which currently exists in Purley it could not respect and enhance local character, would prevent any tall buildings in an area where there are none. It would go against CLP2 policy DM44.1.

Affordable housing

6.15 The objectors argued both that *too much* is proposed[81] and that there would not be enough. The policy requirement is essentially to provide as much affordable housing as would be viable[82]. This is precisely what would be done. The viability assessments have been subject to rigorous independent review, found to be robust[83] and been rigorously reviewed by the GLA[84]. Given this independent and thorough testing on behalf of the LPA and the GLA, there is no well-founded basis upon which to unpack (let alone unpick) the analysis. Queries[85] concerning the affordable housing assessments have all been addressed satisfactorily and submitted to the Inquiry[86] and the s106 review mechanism would ensure further affordable housing should the scheme prove to be more profitable than presently assessed[87]. All this is in accordance with policy and guidance which requires a mixed use scheme not, as the alternative considered in the viability assessment, one which would be entirely residential[88].

[77] CD1.27
[78] Chris Philp MP's representations point 3
[79] CD1.27, view 15, pp38 and 39
[80] By Chris Philp MP in XX
[81] Chris Philp MP's webpage seeking opposition to the scheme; see Cunningham's appendix GC5 attached Pearson's appendix B
[82] The London Plan policy 3.12A requirement is to seek *the maximum reasonable amount*
[83] CD13.9, 13.10 and 13.11, and ID15, ID16, ID 23 and ID25
[84] CD7.2: GLA stage 2 letter
[85] IQs sent out by email on 15 January 2018
[86] ID15, 16, 23, and 25.
[87] Pearson IC
[88] The right approach and the only one open to the decision-maker is to assess (to use the language of London Plan Policy 3.12A) the "*mixed-use*" scheme that is proposed

Density

6.16 London Plan §3.28 states that density guidelines in table 3.2 are not to be applied *mechanistically*[89]. The GLA was entirely content with and supportive of the housing density of the scheme. Two thirds of London development is above the indicative maxima in the density guidelines. This is ***not*** because it is acceptable to breach these, but because the guidelines are just that, i.e. guidelines and not ceilings. What matters is the quality of the scheme not a mathematical calculation. There would be no breach of policy[90].

Conclusion on the development plan

6.17 All of the evidence convincingly demonstrates that the scheme would accord with the development plan including recently adopted CLP1.1 and CLP2. There are no material considerations to indicate determination otherwise and so, in the language of s38(6) of the 2004 Act and NPPF§14, planning permission should be granted without delay.

Other material considerations

Social benefits

6.18 The scheme would provide 220 new homes against the site's CLP2 allocation of 211 homes towards the CLP1.1 (policy SP2.2) requirement of 32,800 new homes in Croydon between 2016 and 2036, or an average of 1,640 every year. It would accord with the Government's aim to boost significantly the supply of housing. It would meet an urgent need[91] in a highly accessible location and so amount to quintessential good planning.

6.19 The proposed 39 affordable homes would accord with the development plan and amount to a considerable benefit and arrangements with the providers are already in place for swift delivery[92]. A much improved church and community facilities[93] would enhance an admirably impressive range of services and to the public. The s106 obligation would secure the spaces required and their anticipated usage[94]. These social benefits should be given very significant weight.

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[89] See also the *draft* London Plan 2017 topic paper on Housing Density attached to ID8. This confirms at [3(b)] that the London Plan's "*density matrix was only meant to be a conceptual and indicative too of what could be developed on a site, and not to be used prescriptively"* and at [3(c)] that the "*density matrix is not being followed, 50% of development is above the matrix maximum for its location, 25% is double the maximum and 15% is below the minimum, i.e. only 35% of development is within the appropriate density matrix range."*

[90] See also the *draft* London Plan 2017 topic paper on Housing Density attached to ID8. This confirmed at [3(b)] that the London Plan's "*density matrix was only meant to be a conceptual and indicative too of what could be developed on a site, and not to be used prescriptively"* and at [3(c)] that the "*density matrix is not being followed, 50% of development is above the matrix maximum for its location, 25% is double the maximum and 15% is below the minimum, i.e. only 35% of development is within the appropriate density matrix range."*

[91] The evidence of Councillor Scott

[92] In phase 1

[93] As Rev Dr Collins explained IC, the existing hall if often packed such as by the Wednesday toddler Group. See also appendix JC1 and the extensive list in ID18

[94] ID18. To include: a) community health care facilities, b) work with children and young people, c) work with families, parents, and carers, d) work with disabled people, e) work with

Environmental benefits

6.20 The unanimously held view was that much of the application site is currently an eyesore. Its regeneration would undoubtedly benefit the town's environment. The enhancements would include the new public square on Russell Hill Road and the public realm along Banstead Road to Purley Library. The scheme's design was praised by two very experienced professionals[95], who agreed that NPPF§63 would be met[96]. The architects would be retained through the s106 Agreement and the proposals would be carried out by a developer with a track record of delivering high quality schemes[97].

6.21 The only point of difference concerned whether there would be any heritage harm. It is hard to see how transforming the site from an eyesore to one with a well-designed contemporary scheme and public realm enhancements could undermine the significance of the listed Purley Library or any other heritage assets. However, even if there would be some modest harm to the library's setting[98] and that of nearby non-designated heritage assets, under NPPF§134 and §135, the considerable public benefits, including those to the community and the outstanding design quality of the scheme, would very easily outweigh this limited harm.

6.22 Finally, with regard to environmental matters, the scheme would reduce peak run-off rates and so reduce surface water flooding[99]. Having heard this evidence the Rule 6 parties accepted[100] that this benefit would arise.

Economic benefits

6.23 Purley BID believes that the scheme would *clearly have a positive impact on local business within the town centre* and *will be the start of significant regeneration … which is long awaited*[101]*.* As explained, *times are tough… we need the influx of people*[102]*.* The tall building in particular, would announce Purley as a place to stop and one that is open for business. It would generate new business for the town centre, including by new residents and users of the community facilities shopping in the town centre or stopping for food and drink[103].

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unemployed people, f) work with refugees and asylum seekers, g) Christian activities, h) work with excluded or marginalised social groups, i) education and training, j) arts and drama including film or music performances, and k) sports, exercise and recreation activity

[95] Noble and Lacovara. The latter, who has 14 years' experience working in Croydon, sits on the Design South East Design Review Panel and is one of the Mayor of London's 50 appointed Design Advocates, described the scheme as one of the finest that he has seen come through the planning process in Croydon

[96] Noble §6.20, Lacovara §7.14. See also Applicants' closing §68

[97] Examples at ID13, appendix 4, in response to IQs

[98] Noting that this should be given considerable importance and weight – see *Barnwell Manor*

[99] Linardatos IC. See also the flood risk responses to section 11 of the Rule 6 parties' statement of case in ID8.

[100] Charles King, in questions asked of Mr Linardatos.

[101] In its letter in Collins proof, appendix JC3

[102] Cripps evidence (Purley BID)

[103] Pearson section 4.41

Other matters

6.24 Traffic concerns related to both the proposed access on Russell Hill Road and the limited parking when greater provision would exacerbate any traffic problems. In fact, the traffic generated by the scheme would create a negligible increase in traffic, it has been subject to a stage 1 safety audit, Transport for London (TfL) had no objections, and its highly sustainable location strongly accords with relevant transportation policies[104]. Any adverse effects would be negligible rather than severe[105].

6.25 Concerns over air quality were greatly exaggerated. The development would not lead to an exceedance of EU standards as these are already breached[106]. Notwithstanding the diesel emissions scandal, levels of air pollution are predicted to decline[107]. Church members do not all leave at the same time following Sunday services[108] and car park marshals would manage departures and encourage drivers to switch their engines off. Any modest air quality impacts from development traffic would be mitigated by traffic management and anti-idling measures undertaken by the Council[109].

6.26 Pedestrian safety was considered in the scheme design with measures to ensure safety from vehicles. The five year period analysed in the Transport Assessment (TA)[110] showed only two accidents involving pedestrians (both involving a pedestrian walking into traffic rather than waiting for the green signal to cross) and there would be plenty of space for more pedestrians to use the present crossings without interfering with traffic flows[111].

6.27 With regard to parking, the London Plan expects significantly fewer than one space per housing unit in areas of good public transport accessibility and so the scheme would be entirely policy compliant[112]. Limited parking would be a clear benefit as it would encourage sustainable transport options. New residents would not be so committed to having a car that they would constantly move their vehicle to avoid the controlled parking zone (CPZ) times[113] for which, due to the s106 Agreement, they would not be entitled to have a permit. Car parking spaces with recently marketed flats had in fact failed to sell[114]. For its Sunday service, the church's car park would provide for around 88 members, leaving more than sufficient parking in the long stay car parks which are free on

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[104] Balboa IC
[105] NPPF§32 provides that *[d]evelopment should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*
[106] Simmonds in ReX
[107] Ibid
[108] Rev Dr Collins in ID13, §8.b
[109] See Burton and ID12
[110] CD1.13
[111] Balboa IC
[112] Ibid. It was acknowledged that there was an error in the TA regarding rail services but this was corrected in Table 3.1 to CD2.10 Technical note 05. The RAs accepted that the PTAL level of 5 was correct, pointing to a better bus service than indicated by the TA.
[113] which extend in adjacent streets from 8am to 5pm on weekdays and on Saturday
[114] See letter of 7 December 2017 from Frost Estate Agents, appendix 5 to ID13. Gershon, the author, spoke in support and explained that there was a lack of interest in parking as the flats' purchasers were predominantly non-car owning and not interested in a parking space.

Sundays and a short walk away. Any redevelopment of these would require re-provision or evidence that alternative parking is available[115].

The overall planning balance

6.28 Through the care and attention over design and addressing all relevant planning considerations, the application scheme would accord with the development plan including the London Plan. Its outstanding design would accord with NPPF§63. Further issues and queries raised[116] have been addressed through the evidence at the Inquiry, including a series of documents[117]. The scheme would accord with the development plan, represent sustainable development, and material considerations provide additional support in favour of granting planning permission.

Conclusion

6.29 The proposed development is a once in a generation opportunity for Purley Baptist Church to improve its church and community facilities. Thornsett Group has an exemplary track record of delivering high quality, community-led, developments, which here would benefit the community at large. The SoS should grant planning permission.

7 The case for the Local Planning Authority

The gist of its case was as follows.

7.1 The opening reference[118] to an exceptional quality and policy compliant design has been borne out by the evidence to this Inquiry. This was through painstaking evolution in the context of a plan led approach, in particular in accordance with London Plan policy 7.7A[119]. Indeed, matters were gone into in such depth that the scheme was *tested to destruction*[120]. 10 points illustrate this.

(i) Both sites are crying out for re-development.

7.2 No one disagreed with the principle of developing the two sites and the urgency for it. Apart from the tall building on the Island site[121], the proposed Church and other community facilities were largely supported by very many. Through the proposals, the two sites, which currently have a negative effect on the setting of the listed library, would both address the vastness of the gyratory system and deliver a desirable mix of uses as emerging policy CLP2[122]. A widened public realm towards the library would allow an opportunity for a new stepped access to the library forecourt. The aim would be to better connect the library, a Grade II listed building and community facility, with the remainder of the PDC. The scheme would also be optimal through appropriate intensification

[115] Burton IC
[116] In IQs
[117] ID8, 9, 13, 15 – 18, 22 – 24.
[118] Inquiry Document 3 (ID3) at §4
[119] CD10.3 (Vol 5) at p. 293
[120] Pearson IC
[121] *The main sticking point*, as Hearne stated for the RAs
[122] Lacovara §7.53 p.38

which is an ever-increasing theme in the London Plan[123] and strongly supported by the GLA[124]. There is no ready alternative that would be viable and deliverable as the unimplemented 2011 permission and the Applicants' lengthy efforts demonstrate[125].

(ii) The Site has a PTAL of 5 and is within and adjacent to the Purley District Centre (as designated in the existing and emerging LP).

7.3 The site has excellent transport accessibility[126]. It has undisputed opportunities for sustainable development, in accordance with NPPF §§30, 32 and 33, arising from its accessible location partly within and partly adjacent to PDC. Its high PTAL level means that it has potential for high density, intensification and low parking levels.

(iii) The site's development potential is recognised in both LPs

7.4 The proposals are plan-led and in accordance with the development plan as a whole. The Island Site is allocated for mixed use development comprising community uses, a significant residential element and shopping[127]. The Community Services policies[128] expressly include places of worship, consistent with NPPF §70[129]. CLP1 states[130] that the Council will support and enable the provision and improvement of places of worship[131]. This is carried through in CLP1.1[132]. Both sites are allocated in the LP: Detailed Policies and Proposals (MM) (CLP2)[133]. Although not site specific, CLP2 policy DM44 (Purley) states that within the District Centre developments should complement the existing predominant building heights of 3 to 8 storeys with a potential for a new development of up to a maximum of 16 storeys[134].

7.5 Existing and emerging policy strongly support the principle of a tall building in Purley and it was no part of any objector's case that there is a more appropriate site for one in Purley. The potential for a tall building in Purley (then for 14 storeys) was included in the emerging LP as long ago as 2013[135] and the Mayor

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[123] E.g. London Plan Policy 2.15(C) p. 70 - CD10.3 and policy 3.3E at p. 99 – which refer to intensification; e.g. Mayor's Housing SPG, CD12.8 pp. 41-44; Mayor's City for All Londoners, CD12.9 pp. 9, 19 and 23; the Housing White Paper, CD12.10 para. 1.53 at p.32 – as referred in White's §§8.15-8.18 pp. 54-56
[124] CD7.2 – §46 pp. 10-11 of the Stage 2 Report
[125] Collins proof and IC; Cunningham IC that the previous scheme could not be funded
[126] Even if some train split at Purley, the bus service was underplayed – Charles King IC
[127] by proposal H85 under policy H3(ii) of the CLP 2006 (UDP saved policies) CD10.2 pp.151-4
[128] in the Saved Replacement UDP CD10.2
[129] Policy CS1 (new community facilities) p 197 of CD10.2; CS2 on p 199 (loss of community facilities) and ID22 on p4.
[130] Policy SP5.6 (within SP5: Community Facilities)
[131] CD10.1 (Vol 5) on p. 44. See also para. 5.39 on p. 47 (under "Providing new community facilities"), referred to in re-examination of Mr White on Day 4.
[132] With an added reference to policy DM20.3 of CLP2. CD11.1 (Vol 6) at p. 72: and CLP2, CD11.2 (Vol 6) at p. 125
[133] Island Site – Site 35 for mixed use comprising new church, community facility and residential for 20 to 111 homes. South Site – Site 130 for 77 to 100 homes. CD11.2
[134] CD11.2 (Vol 6) p. 213. Lacovara §§7.44-7.51 on pp.35-7
[135] Lacovara IC

sees tall buildings as playing a role in London's future where they can add to the existing community[136].

(iv) The development will help meet important planning objectives

7.6 This development would deliver an impressive array of benefits[137] and the Applicants have shown unusual willingness to deliver a first class scheme including a covenant[138] to retain its architect. There can be little doubt regarding the shortcomings of the existing facilities and the scope of the community facilities that would be available to the public merits very great weight. While the substance of this was properly tested[139], these have been clarified and confirmed to be in no way overstated[140]. This would not be a money-making exercise by the Church, which would donate land for social housing and for TfL, and all the community facilities, apart from the office area and prayer room, would be open for use by the local community[141].

7.7 Following the evidence, the RAs and other objectors have fairly recognised many of these benefits while they still queried whether the benefits could not be delivered without the 17 storey element. However, some possible alternative is not relevant as there is no such proposal before this Inquiry and the correct approach[142] to the proposals is to consider whether they are themselves acceptable having regard to the development plan and to any other material considerations. If the proposals are considered acceptable on that approach, as they are, the existence of some alternative is, as a matter of law, not material to determining this application. For the avoidance of doubt, that would be so even if an alternative were preferable in some respects. Relying on some unspecified possible future alternative scheme would be unrealistic given the pressing need for housing, community facilities and the Church itself, and moving the Church would not accord with either LP allocation.

7.8 The use of a well located brownfield site for both market (181 units) and affordable housing (39 units) would be very significant and make an important contribution to the borough wide housing needs[143]. The housing mix would be entirely appropriate, given its location[144] and although affordable housing (18%) would be below the policy target figures, a higher level is not supported by viability[145]. The conclusion drawn over viability is robust and was accepted by the Mayor whose new unit also assessed this[146]. In any event the 39 units of affordable housing would make an important contribution in Purley and there is

[136] CD12.9, A City for All Londoners (October 2016), p65 under "Higher density"
[137] Collins §4.2.1 p7 and Appendix 1 – enhanced and enabled by new activity – and answers to IQs and further clarification provided by Applicants and White.
[138] Clause 6.20 p60 of the legal agreement, ID5B
[139] Through IQs
[140] Collins and Pearson orally and ID18
[141] White IC: His evidence of the community benefits that could be achieved from the new facilities (from numerous unannounced visits) was compelling and he was clearly impressed by the current use and reach, even under palpable constraints
[142] in applying section 38(6) of the P&CP Act 2004
[143] Cllr Scott's evidence
[144] White §7.31 pp20-1 and ReX
[145] as the Council's independent advisers confirmed CD13.10 and 11 for updated viability appraisals
[146] As confirmed by the Applicants

also the review mechanism in the legal agreement[147]. Both the Applicants and the LPA were keen to see affordable housing but there is nothing in policy to suggest that other mixed use elements should be removed to make the scheme's affordable housing policy *compliant*. The Mayor accepted this recognising the policy requirement for re-provision of community facilities[148].

7.9 The scheme would add activity to PDC, have an active frontage, and increase vitality and viability[149] in a centre which struggles with the road network and the disconnected Tesco. The proposals are supported by Purley BID. There would be added economic benefits from construction and local employment.

(v) The proposals accord with the adopted and emerging plans and would be of a very high quality design

7.10 The detailed, conscientious and convincing assessment[150], in establishing the proposals' accordance with the development plan, is unusual. The importance of good design is clear from NPPF section 7 and the relevant development plan policies. A detailed assessment of the proposals has been made against NPPF§58[151] and criticisms nearly always refer to the tower. Even these criticisms were limited in scope. Those based on townscape impact refer to the tower being much taller than existing buildings and to policies requiring development to respect or relate to its surroundings. However, policies have to be read as a whole and do not require development to closely resemble or be similar to that which exists[152]. Rather, they have to be read alongside CLP1 policy SP4.5 and CLP2 policy DM44.

7.11 Turning to London Plan policy 7.7[153], the assessment[154] should be that the scheme would satisfy all the stated criteria and improve legibility as policy 7.7C. Nor should policies preclude outstanding or innovative designs which help raise the standard of design more generally in the area (NPPF§63). In terms of *relating* and *respecting*, the proposals would *call on* local features and materials which have inspired the design and its details[155]. Placing the single, slender, taller element adjacent to the gyratory on the Island Site with the remainder of the site stepping down would be a sensitive and sensible design approach. Impact on daylight and sunlight; outlook; privacy; and overshadowing of PDC have all been assessed and found to be satisfactory. Fire risk can be addressed by the use of sprinklers as confirmed in the Applicants' Supplementary Points[156].

7.12 The design approach of a tall building was supported by the LPA, the GLA, and Design south-east (DSE) which recognised the suitability of a tower to address the gyratory[157]. The DSE's comments have been appropriately addressed by

[147] Clause 6.21 of the legal agreement, CD5(B). See also the example provided by White where a review mechanism has been used successfully – ID22 p1
[148] CD7.2 §§8-11 p4
[149] Pearson IC and ID11
[150] White s7 and appendix JW1
[151] Lacovara §105 pp55-57
[152] E.g. §§7.58-7.59 p85 of CLP1 (2013) relating to Purley
[153] CD10.3 at p.293
[154] Lacovara §7.30 pp 27-31 and IC
[155] As recognised by Matthews, Noble and Lacovara
[156] In response to IQs - ID13 at §1 and Appendices 1 and 2.
[157] CD12.7 (Vol 7) on 2nd page

the increased height and reduction in height of the *campanile* and there was no requirement or need to refer back to them. The building would fulfil a landmark role that signposts PDC from a good distance without impinging on any designated views. The designated panorama viewpoint[158] on Farthing Downs is not the same as that referred to[159] and it is highly unlikely that more would be seen as one descends. In any event, seeing the development would in no way make it unacceptable.

7.13 Compared with the existing position, there would be an enormous improvement in public realm[160], including landscaping and the entrance square on Russell Hill Road. While the acceptability of the design does not hinge upon the trees in the crown element of the tower, they would be an innovative embellishment, secured by proposed condition 6(2)[161], and likely to be delivered and retained successfully[162].

7.14 If the overall merits of the design are accepted, density should not be of any concern. The density figures in the London Plan[163] are not a ceiling or to be applied mechanistically. The need for higher densities, for sites with high levels of public transport is becoming more and more important. Put simply, if the design and all other aspects of the scheme would be acceptable, then density should be applied flexibly and should not be an impediment[164].

(vi) The design would be appropriate and acceptable with regard to existing heritage assets

7.15 There would be no loss of designated or non-designated heritage assets. Consequently, there would be no significant impact on any heritage assessment as meant by the NPPF. The Grade II listed library has been fully assessed[165] and while there would be a degree of harm, it would amount to less than substantial[166]. The quality of the resulting townscape compared with the existing site would far exceed the relatively minor harm to the heritage assets.

(vii) The living conditions for the new occupiers would be acceptable

7.16 There was no challenge to the acceptability of the new homes in terms of internal space, noise and sunlight/daylight[167]. The AQ Assessment recognises the existing conditions[168] and design measures would ensure that the residential occupiers of the lower floors of the buildings, which would be affected by these conditions, would be adequately protected[169]. For the community use areas[170]

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[158] CLP Proposals Map as Chris Philp MP's submission of 14 December 2017 s3 p6
[159] By Chris Philp MP
[160] See UU plan no.4
[161] ID7C
[162] See section 4 of ID13
[163] CD10.3 (Vol 5) at pp.100-101 re. Policy 3.4, §3.28 and Table 3.2
[164] CD10.3 pp 100-1 including §3.28. See also the Mayor's Housing SPG - CD12.8 pp42-46 and 54; the Housing White Paper - CD12.10 §1.53 p32 and the Mayor's City for all Londoners on pp9, 19 and 23.
[165] Against s66 of the Planning (Listed buildings and Conservations Areas) Act 1990.
[166] See SoCG – CD 6 – Section 9 "Matters of Disagreement" pp34-5
[167] White §§7.78-7.85 pp34-36
[168] Simmonds' Statement: ID1 §§2.8-2.9
[169] ID1 §2.13

this would be addressed by the use of mechanical ventilation[171], secured by the proposed conditions with an example of where this has been used[172]. Flood risk has been adequately addressed and the appropriate bodies consider the proposals to be acceptable. Appropriate measures to protect the occupants would be incorporated into the scheme[173].

(viii) The impact on existing occupiers and users of the area

7.17 There would be no unacceptable impact on neighbouring occupiers in terms of privacy, visual intrusion, daylight and sunlight, and noise and disturbance[174]. The implications in terms of air quality, wind and flooding would be acceptable[175].

7.18 With regard to air quality, the development would not cause any exceedances of any EU or other standards[176] other than the world health authority (WHO) levels which are not applied in the UK[177]. The robustness and conservative nature of the AQ Assessment has been confirmed by the Applicants' consultant[178]. There are existing exceedances in terms of NO_2 but any increase would be marginal. There is no existing or resulting exceedance of any relevant UK or European levels in relation to PM10 and PM2.5. Everyone wishes to see this allocated site developed and appropriate measures would be included through conditions, including the use of idling patrols aimed at parked vehicles with their engines left running, and Croydon is to be commended for introducing this then innovative measure back in 2005[179]. The £6,000 contribution under the legal agreement would ensure the resources to police the site and surrounding[180] and electric charging points would be provided.

7.19 The proposals would reduce existing flooding problems in the area as rainwater currently runs straight into the public sewer leading to flash flooding whereas with the development water would be stored in tanks and released slowly into the sewers [181].

(ix) The highways and parking aspects of the proposals would be acceptable

7.20 There was no highways objection from TfL[182]. The proposed accesses and additional pedestrian activity would be safely accommodated on the existing crossings and would be a benefit to PDC. The impact on the highway network from the additional traffic would only lead to a less than 0.5% increase in two-

[170] Explored with Simmonds by IQs
[171] Supplementary Note ID13 §5
[172] ID22 pp2-3
[173] Linardatos confirmed. See also CD1.20 and CD1.21
[174] White §§7.47-7.77 pp26-34
[175] Ibid §§7.86-7.126 pp 36-45
[176] Simmonds's Statement ID1 and IC and ReX
[177] Ibid section 15 and the ID8 pp12-13
[178] ID17
[179] See the Council's leaflet produced by Mr Simmonds, ID12
[180] Simmonds XX by Charles King
[181] Linardatos IC. See plan of surface water flooding mitigation measures at CD2.4 and Applicants' Supplementary Note §6
[182] TfL response at CD 7.6; Burton §§4.1-4.3, pp7-8. See also the Transport SoCG – CD5.2

way traffic per day[183]. Concern related to traffic from the exit/access on Russell Hill Road (rather than Banstead Road) crossing the gyratory would happen at slow speeds and the negligible additional traffic will not add unacceptably to the congestion. The crossing of lanes, which is the nature of a gyratory, would continue as now but with an area of land safeguarded for TfL to straighten out the kink using land offered through the development. The accident record is of no particular concern given the volume of traffic.

7.21 The possibility of an alternative access on Banstead Road is not relevant to whether the proposed access is acceptable but this would have its own problems[184]. A Delivery and Servicing Plan, to be secured by condition, would ensure that there will no unacceptable difficulties with white van deliveries. The restricted parking provision is appropriate given the high PTAL and consistent not just with the NPPF and the London Plan but also local policy[185]. It would be backed up by the restriction on any future resident to apply for a parking permit[186] as has been successfully enforced in the Borough[187]. The travel plan and car club would also assist and further spaces could be provided[188].

7.22 With regard to the 50 spaces for Church use, management measures would ensure that no unacceptable problems arise and ensure, if necessary, that there is a spread of exiting from the car park[189]. There is currently ample spare capacity in the two existing car parks and the site proposals for the existing leisure facilities in the CLP2 include the requirement for public car parking[190]. The objectors' case for more parking would not be consistent with policy in the development plan or the NPPF.

(x) An overall assessment of the proposals demonstrates the proposals are not just acceptable but would meet significant planning objectives

7.23 The NPPF expects local planning authorities to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area[191]. This scheme would deliver all three. The concerns of the objectors, and the RAs in particular, have been fully addressed. The scheme would be one of rare quality for Croydon[192] which would deliver very great benefits to the people of Purley[193]. The SoS should be able to agree that this would be an unusually splendid scheme and too good an opportunity to be missed.

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[183] Burton §§4.27-4.30, pp15-16.
[184] Burton in oral evidence
[185] CD10.1, CLP 2013 SP8.15; CD10.2 CLP 2006 policy T8 & Appendix 2; CD11.2, CLP2 policies DM30 & DM31.
[186] Clause 6.4 of the legal agreement
[187] White answering IQs. The lawfulness of this under section 16 of the Greater London Council (General Powers) Act 1974 was confirmed by the Court of Appeal in May 2017 in *R (oao Khodari) v Royal Borough of Kensington and Chelsea Council* [2017] EWCA Civ 333 – ID19
[188] As indicated on the site visit
[189] See also §8(b) of the Applicants' Supplementary Note where Collins confirms that members of the congregation do not all depart at the same time
[190] CD11.2 Proposal Site 30
[191] NPPF §§186-187 – CD12.1
[192] Lacovara
[193] White

8 The case for Chris Philp MP

His statement was relatively succinct and so is reproduced here in full.

A. Personal Background

8.1 I was elected in May 2015 as the Member of Parliament for Croydon South and re-elected in June 2017. Purley is at the geographic centre of the Croydon South parliamentary constituency. In the 2015-17 Parliament, I served on the Housing and Planning Public Bill Committee (now enacted as the Housing and Planning Act 2016) and the Neighbourhood Planning Public Bill Committee (now enacted as the Neighbourhood Planning Act 2017). In June 2017 I was appointed Parliamentary Private Secretary to the Treasury Ministers. I have a first class degree in Physics from Oxford.

B. Document List

8.2 In this written submission or in my oral submission, I may make reference to some of the documents listed below.

	Name	Abbreviation
1	Croydon Local Plan (CLP) 1 – Strategic Policies – March 2013 – Adopted	CLP1 (2013)
2	Croydon Unitary Development Plan Saved Policies 2006 – Adopted	CUDP (2006)
3	Croydon Local Plan (CLP) 1.1 – Strategic Policies – August 2017 – Final proposal for consultation	CLP1.1 (2017)
4	Croydon Local Plan (CLP) 2 – Detailed Policies – August 2017 – Final proposal for consultation	CLP2 (2017)
5	London Plan March 2016 – Adopted	LP (2016)
6	London Housing Supplementary Planning Guidance 2016 – Adopted	LHSPG (2016)
7	London Plan 29th November 2017 – First draft for consultation	LP (2017)
8	National Planning Policy Framework - March 2012	NPPF (2012)

C. Principle of Development on the Site

8.3 I fully accept the principle that this site is suitable for residential, mixed use or commercial development. It has a high PTAL rating and is in an area that is already developed, with a suburban character. There is no current amenity value to the site, which has been vacant for a long period, and it would benefit from development.

8.4 However, I feel very strongly indeed that the site is not suitable for a 17 floor building of the design proposed, for the five reasons listed below in Section D. My view is that a suitable development of this site which would comply with Planning Policy would be a development which:

a) was 5-7 floors in height, and
b) had suitable flood mitigation measures (such as a raised podium for the ground floor) and
c) had reasonable parking provision relative to its number of residential units

D. Grounds for Objection

8.5 In each section below, I list the relevant planning policy and then explain why I feel that this application does not meet it.

1. Excessive Height which is severely out of keeping and contrary to five Planning Policies

8.6 This proposal is for a building of 17 floors. The next tallest building in Purley is 4 to 5 floors (the red brick building opposite Tesco, at the southern end of the High Street, at the junction with the Purley Cross gyratory). This proposed building is therefore around 4 times taller than the next tallest building and 5 times taller than most buildings in Purley, which are typically 3 floors. To find another building anywhere close to this high, you have to travel 3 miles north to Croydon town centre. So this proposed building is 4x to 5x taller than any other building for some miles around.

8.7 This proposal will fundamentally change the character of Purley as a place. It is currently a peaceful suburban district centre, surrounded by quiet residential housing. The built landscape does not consist of any tall buildings at all. This proposed 17 floor building simply does not fit in with the surrounding area at all, and fundamentally conflicts with it. People have chosen to live in this neighbourhood because it has a peaceful suburban feel to it, and because the built environment is not unduly intrusive. Were a tall building of this substantial height built, the character of Purley would be fundamentally and adversely altered. The building would loom over people, dominate the streetscape and block light. The proposed building is manifestly out of keeping, and I therefore oppose it in the strongest possible terms.

8.8 In my view, this issue of excessive height is the main ground for refusal.

8.9 Below are listed 5 Planning Policies which this proposal breaches. I have offered a brief comment below on each one, but the common theme is that these Planning Policies require a tall building to fit in with its surroundings. This proposal manifestly does not do so, by virtue of being 4 to 5 times taller than the other buildings in the immediate area – and indeed is 4x to 5x taller than any other building for some miles around.

Document Ref	Policy
CLP2 (2017) DM 16	Tall buildings should "Respect and enhance the local character" and (section d) "conserve or enhance the significance and setting of the assets of the wider historic environment" and (section c) "The design should be of exceptional quality and demonstrate that a sensitive approach has been taken in the articulation and composition of the building form which is proportionate to its scale"

8.10 This proposal quite clearly does not "respect and enhance the local character" (as required by this new version of Croydon's own Local Plan) by virtue of its size relative to existing buildings. The design cannot be considered exceptional.

Document Ref	Policy
LP (2016) Policy 7.7	7.7 A: "Tall & large buildings should not have an unacceptably harmful impact on their surroundings" 7.7C (b) "tall buildings may only be considered in areas whose character would not be adversely affected by the scale, mass or bulk of a tall or large building" 7.7C (c) "tall buildings must relate well to the form, proportion,

composition, scale and character of surrounding buildings, urban grain and public realm, particularly at street level"
Para 7.25 – Defines Tall & Large buildings as being "substantially taller than their surroundings" and says "they should be resisted in areas that will be particularly sensitive to their impacts"
Para 7.27 – "Ideally tall buildings should form part of a cohesive building group that enhances the skyline" [i.e. not a one-off like this one]

8.11 These important London Plan policies are blatantly contravened by this proposal as follows:

7.7 (A) – This proposal will have a harmful impact on its surroundings by virtue of being 4-5x higher than the surrounding buildings
7.7 (C) (b) – The character of this area will be adversely affected by the building, as outlined above
7.7 (C) (c) – The building clearly does not relate well to the "composition, scale and character" of the surrounding area given that it is a standalone building 4-5x higher than any other in the area. At street level, this building will loom over people and dominate the street scene and public realm
Para 7.27 – This building is a standalone building, and does not form part of a "cohesive building group" as clearly required by policy.

Document Ref	**Policy**
CLP1.1 (2017) Para 7.59 CLP1 (2013) Para 7.58	In relation specifically to Purley: "As a broad location the main focus of major residential growth will be in and around the District Centre with high quality residential development that will respect the existing residential character and local distinctiveness." "The main focus of major residential growth will be the District Centre with high quality residential development that will respect the existing residential character and local distinctiveness."

8.12 The proposed 17 floor building does not "respect the existing local character and local distinctiveness". The building is fundamentally and profoundly different to the existing character of Purley. This important Croydon Local Plan Policy (both existing from 2013 and current emerging) is quite clearly breached.

Document Ref	**Policy**
CLP1.1 (2017) and CLP1 (2013) Policy SP4, Clause SP4.6 (the wording is identical in both versions)	"Some locations within the areas listed in SP4.5 [which includes Purley District Centre] will be sensitive to, or inappropriate for, tall buildings and applications for tall buildings will be required to: a) Respect and enhance local character and heritage assets; b) Minimise the environmental impacts and respond sensitively to topography; c) Make a positive contribution to the skyline and image of Croydon; and d) Include high quality public realm in their proposals to provide a setting appropriate to the scale and significance of the building and the context of the surrounding area."

8.13 There is no high quality public realm (indeed there is no public realm at all) in this proposal, breaching item (d) above. Again, this 17 floor building does not "respect and enhance local character" as required by item (a) above due to its excessive height relative to other local buildings.

Document Ref	Provision
NPPF (2012) Para 58, sub point 4	"Planning policies and decisions should aim to ensure that developments: … respond to local character and history, and reflect the identity of local surroundings and materials"

8.14 The scheme as designed quite clearly does not "respond to local character," principally on the grounds that it is substantially too tall by comparison to surrounding buildings. This point has been made repeatedly above. The NPPF is an important planning document which this proposal contravenes.

- NPPF (2012), in force
- London Plan (2016), in force
- Croydon Local Plan, both in force (2013) and emerging (August 2017)

8.15 I have not analysed the newly published London Plan (November 2017) as this is a first draft published on 29th November 2017 and it has not even had initial consultation responses gathered on it yet.

8.16 There is a sixth Policy which the applicants and council may cite in support of the application:

Document Ref	Provision
CLP2 (2017) DM 44.1	DM44.1(b): Development in Purley should "Complement the existing predominant building heights of 3 to 8 storeys, with a potential for a new landmark of up to a maximum of 16 storeys".

8.17 I would make three points in pre-rebuttal to any such claim, should the applicants make it:

- DM44.1 is the only piece of policy which can be read as supportive of the proposed 17 floor building. The other five polices cited above all point clearly for rejection of the proposal. So by a margin of 5:1, relevant Planning Policy is against this proposal
- DM44.1 claims that current buildings in Purley are 3 to 8 floors. A glance out of the window shows that this is not the case – there is very little over 4 floors and nothing over 5 floors. The premise of DM44.1 is therefore patently inaccurate which materially undermines its persuasiveness
- The policy only refers to the "potential" for a tall building. "Potential" is an extremely weak formulation. A site may have "potential" for 16 floors, yet that does not mean it has to be developed as such. A weak reference to "potential" is therefore not a compelling point in favour of the application. This is insufficiently strong to overcome the very clear Policy opposition to this proposal which flow from the other 5 Policies quotes above – and which apply at the national, regional and local level.

8.18 It is clearly a matter of plain fact that the proposal is 4 to 5 times taller than any other building in Purley, and is therefore not respecting the character of the area and is fundamentally changing it. In confirming this view, it is relevant to consider the opinions of local people who know the area well and live here. It is therefore pertinent to note that this proposal is objected to by:

- 7 local Residents Associations representing approx. 15,000 households or 35,000 people.
- Me as the local MP, re-elected by 33,334 local people in June 2017

- The local Greater London Assembly Member, elected by 70,156 people across Croydon and Sutton in May 2016
- 11,933 local people (almost entirely from local postcodes CR8, CR5 and CR2) who responded to my survey on this topic (up to 14 December 2017), of whom 95.44% were opposed
- At least 15 local councillors (being all or virtually all of those representing broadly affected residents)
- When the original application was heard, the council received 616 formal responses: 551 objecting, 57 supporting and 7 commenting. This is an 89% rate of objection

8.19 On the other side, there is only one Residents Association in favour (whose own residents take a dim view of their committee's support) and one business association. The balance of local opinion is overwhelmingly opposed.

8.20 This shows clearly that the objections I have made in this section – namely, that the proposed 17 floor development is fundamentally out of keeping with the local area – commands very widespread local support.

2. Density which exceeds current London Plan Policy

Document Ref	Policy
LP (2016) Policy 3.4 & Table 3.2	Habitable Rooms should be 200-700/Ha. This application is 817/Ha (note that Croydon Council incorrectly stated 717/Ha in the original Planning Cttee report). The Island Site on its own is 1,052 Habitable Rooms/Ha

8.21 The development as proposed, taken as a whole, exceeds the upper end of the density reference range (700) by 117 habitable rooms per hectare or 17%. It exceeds the lower end of the range (200) by 308% and exceeds the mid-point of the range (450) by 82%. The Island Site taken on its own (and this is important since the Island Site is physically separate to the South Site) has 1,052 habitable rooms per hectare. This is 50% higher than the top end of the policy range (700) and over double the mid-point (450). The proposed scheme is materially denser than the current London Plan allows for in a setting such as this one, especially the Island Site taken on its own. This is clear grounds for refusal.

8.22 *(Note – the "Island Site" is the part of the site adjacent to the current Baptist Church where the 17 floor tower is proposed)*

3. Damage to a protected panorama view

Document Ref	Provision
CUDP (2006) Policy UD11	"The Council will ensure that all new development and proposed alterations to existing buildings do not have an adverse impact on the designated panoramas, local views and landmarks". Para 4.65 goes on to define the view from Farthing Downs (View "CP5") as a protected Panorama.
LP (2016) 7.7 D (b)	"Tall buildings … should not impact on local or strategic views adversely"

8.23 The view from Farthing Downs, a protected open space of very considerable beauty, is protected as described above. This proposed building would be very clearly visible from Farthing Downs and spoil this protected panorama, contrary to Policy UD11 and LP (2016) 7.7 D (b) as specified above. From the

135m above sea level contour on Ditches Lane (which runs along the top of Farthing Downs), the line of sight to the development runs about 30 degrees east of due north. The highest point on this line of sight is along a road called Hartley Down which is 100m above sea level. The base of the tower sits at 65m above sea level, and has a total height of about 60m, so the top of the tower is 125m above sea level. So at least the top 25m of the tower (around 8 floors) will be clearly visible. An illustrative diagram is given below. This development will quite clearly have an adverse impact on the protected panorama from Farthing Downs, and as such is contrary to Policy.



4. Flood risk not mitigated

Document Ref	Provision
NPPF para 100	"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk"
CLP1.1 (2017) Para 6.6	"The SFRA identifies significant episodes of surface water flooding at Purley Cross"
CLP1 (2013) Para 6.6	"The Strategic Flood Risk Assessment (SFRA, 2009) identifies the main risks of fluvial flooding in the vicinity of the Norbury Brook through Thornton Heath and Norbury and through Kenley, Purley and Waddon along the Brighton Road and Godstone Road valleys and around the culverted River Wandle"

8.24 The NPPF as referenced above is clear that development should not take place in a flood risk area. CLP1 (2013) and CLP1.1 (2017) both acknowledge that this is a high flood risk area. Purley Cross has severely flooded several times in recent years, as is well documented. As recently as February 2014 the whole underpass at Purley Cross was completely underwater. Any proposed building on this site should therefore have substantial flood mitigation measures in place – such as a raised podium for the main ground level – which this design does not have.

5. Inadequate Parking arrangements, with unacceptable consequences

Document Ref	Provision
NPPF (2012) para 29	"The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel."

8.25 This scheme does not give the choice referred to in the policy above. For the 220 flats there are only 37 parking spaces. In the Council's planning report for Committee, paragraph 8.149 admits that the development needs 165 car

spaces, and clause 8.147 of the same report recommends that future residents of the scheme are excluded from residents parking permits. This will cause parking chaos on other roads where there is not a CPZ (Controlled Parking Zone) and on unrestricted parking spaces. Moreover, the very large numbers of pedestrians leaving the building may pose a safety risk at busy times as much larger numbers than now seek to cross the very busy roads surrounding the Island Site.

E. Summary

8.26 This building will fundamentally and detrimentally change the nature of Purley, and is manifestly out of keeping with the place – being 4x to 5x higher than any other building for some miles. For this and the other reasons outlined above, which are fully shared by the vast majority of local residents (95% according to my survey of 11,933 people), I urge the Inspector in the strongest possible terms to reject this application.

Cross examination

To questions on behalf of the Applicants, the Council and from the Inspector, Chris Philp MP gave the following answers:

8.27 With regard to London Plan Policy 7.7, he acknowledged that the criteria in 7.7C were particularly important if the site is not identified as a location for a tall or large building in [an adopted plan] which it is here. With reference to LP Policy SP4.5, he accepted that this encourages tall buildings in District Centres.

8.28 He explained that his interpretation of LP Policy SP4.6 was that it was only possible to respect or enhance local character with development which was broadly similar, though he accepted that there could be exceptions for regenerating derelict areas such as Canary Wharf.

9 The case for the Residents' Associations (RAs)

The joint case was made on behalf of seven Residents' Associations (RAs). These were Riddlesdown, Coulsdon West, East Coulsdon, Hartley and District, Kenley and District, Old Coulsdon and Sanderstead Residents' Associations.

A summary of their case is as follows.

9.1 The seven RAs in areas adjoining the proposed development at Mosaic Place have been grateful to the Inspector for allowing us the opportunity over the past week or so, to present our case and summarise why we and the overwhelming majority of our members formally object to the proposed scheme.

9.2 We are a group of lay-people who represent up to 15,000 members and our case is built largely upon the concerns expressed by our local communities across Purley, Coulsdon, Sanderstead and Kenley.

9.3 The Residents' Associations are non-political and non-sectarian, representing the wider community. Our members are drawn from a varied section of demographics and it is those people whom we represent during this inquiry.

9.4 We do wish to make it clear that all of the aforementioned RAs support the work that PBC does for the community and we have no problem in principle with the

expansion of the church and associated facilities. We share many of the aspirations behind the proposed schemes - the provision of affordable housing, the regeneration of Purley town centre and increasing the community facilities available to local residents.

9.5 We are not anti-development. We wish to see this site redeveloped as part of it has been waste land and detrimental to Purley for more than 30 years now. However, we do not believe a 17-storey development in the centre of Purley is appropriate or necessary to deliver the aspirations behind the scheme. Instead we contend that the proposed development will generate a large number of significant problems for PDC and beyond, due largely to its inappropriate scale.

Landmark building

9.6 We do not in principle object to a landmark building on the site.

Proposed building height

9.7 It is our contention that the sheer height of the proposed development is excessive and wholly out of place in respect to the Purley townscape.

9.8 We do not believe that adequate consideration has been taken into account in relation to London Plan Policies 7.7, 7.7C(b), 7.7C(c), 7.25 and 7.27.

9.9 Policy 7.7C "Tall and Large buildings should: (b) only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building (c) relate well to the form, proportion, composition, scale and character of surrounding buildings, urban gain and public realm (including landscape features), particularly at street level;". We do not believe the Applicants' case has taken local heritage into account.

9.10 Policy 7.25 states "tall and large buildings are those that are substantially taller than their surroundings, cause a significant change to the skyline….". "However they can also have a significant detrimental impact on local character. Therefore, they should be resisted in areas that will be particularly sensitive to their impacts and only be considered if they are the most appropriate way to achieve the optimum density in highly accessible locations, are able to enhance the qualities of their immediate and wider settings, or if they make a significant contribution to local regeneration." Again we do not believe the applicants have demonstrated that a tall building, very close to the highway boundary on Brighton Road, is appropriate and it would dominate the nearby three and four storey shopping parade.

9.11 Croydon's emerging local plan is also contradicted by this proposal. Emerging CLP2 (2017) Policy DM 16 says that: *Tall buildings should "Respect and enhance the local character" and "conserve or enhance the significance and setting of the assets of the wider historic environment".* This proposed building does not meet this criteria because it does not respect, conserve or enhance the setting.

9.12 Further, emerging Policy CLP1.1 (2017) Para 7.59 says in relation specifically to Purley: "As a broad location the main focus of major residential growth will be in and around the District Centre with high quality residential development that will respect the existing residential character and local distinctiveness." Existing Policy CLP1 (2013) para 7.58 says "The main focus of major

residential growth will be the District Centre with high quality residential development that will respect the existing residential character and local distinctiveness. "Local character is not respected by this proposed building, which is completely out of keeping with the local area because it is 4x to 5x higher than the immediate surrounding buildings.

9.13 Finally, Policy SP4.6 of both the existing and emerging Croydon Local Plan makes clear in section (a) that a building must "respect and enhance local character and heritage assets". Again, this proposal does not do that due to its design and excessive height compared to other nearby buildings.

9.14 NPPF Para 58 point 2 also requires local character to be respected.

9.15 Despite the reference in the emerging Croydon Plan CLP2 Policy DM44.1 to the "potential" for a tall building in Purley, the other criteria mentioned above are not met and are grounds for refusal.

Overshadowing

9.16 We do not believe that our concerns regarding overshadowing were addressed by the applicants. We contend that overshadowing will occur to neighbouring properties, especially Tudor Court and the surrounding PDC in Russell Hill Road and Brighton Road, especially in November, December and January.

Planning

9.17 On the planning issue, we note that policy DM44, as part of the emerging CLP2, has not yet been adopted, which means that it cannot carry the full weight of development plan status.

Density

9.18 As the London Plan is part of Croydon's 'Development Plan', this proposal does not present convincing evidence for going beyond the appropriate density range of 700 hr/ha in the London Plan, neither does it demonstrate that it represents an appropriate configuration in terms of scale, massing and layout given the existing Purley townscape. On average, it is 17% above the upper end of the appropriate PTAL range in the density matrix.

9.19 While the overall proposed site is 807 Habitable Rooms per Hectare ("hr/ha"), the Island Site has a density of 1,052 hr/ha which is 50% higher than the top end of the range of 200-700 hr/ha specified in Table 3.2 in the London Plan (2016). London Plan (2016) Policy 3.4 says clearly that any development in excess of these figures should be "resisted" – that is, these densities are not merely guidelines that can be ignored or overlooked.

Heritage

9.20 We do not believe that these proposals seek to form a positive relationship with the PDC, principally the Victorian shopping parades in Brighton Road and Russell Hill Road.

9.21 The bulk and massing of the buildings proposed mean that they will dominate the townscape particularly the existing character of the area and skyline, which is exacerbated by the lack of any architectural rhythm or shared detailing.

9.22 The contrast between the proposed development and the existing urban grain is jarring (described as dramatic by the heritage witness) rather than striking, reflecting the lack of any positive relationship between the proposal and PDC.

9.23 Specifically the schemes will have a detrimental effect on 960 Brighton Rd (Pizza Express). The Council's Heritage Officer[194] agreed that this development will present a degree of harm to this building.

Affordable housing

9.24 The RAs strongly support the provision of affordable housing for the local people in the Purley area. We do not, however, believe that the low level of affordable housing proposed is acceptable, given the strategic importance and location of these sites. We do not agree that the provision of community facilities as part of this scheme constitutes exceptional circumstances for the low level of affordable housing proposed on site.

Community facilities

9.25 We were surprised to hear the statement from PBC, in which it clearly stated these community facilities would not be available to everyone in the wider community, as restrictions will apply.

9.26 Croydon Council has a responsibility to ensure that the community facilities are available to all sections of the Purley community. These should be marketed to all community groups, however this is in contention with the ethos and the statements we have heard from the Baptist Church. If the facilities are not going to be available to various sections of society, it is difficult to see how Croydon Council can be satisfied that the facilities are available to the wider community.

9.27 We feel that the community spaces are inadequate on both proposed sites and the south side courtyard site would be overshadowed.

Regeneration of Purley town centre

9.28 We strongly support the regeneration of the island and south sites and we continue to work with other stakeholders to help facilitate this.

9.29 We do not however believe that these proposals will create sustainable social, economic and environmental benefits for PDC and the wider area. Rather, the lack of relationship with PDC will further lead to the decline of the viability and vitality of the district centre as has been evident since the Tesco development in the 1980's.

Parking

9.30 We believe the parking provision will exacerbate the existing parking problems Purley residents face in the surrounding area, as it has done in other areas.

9.31 Our experience also shows us that residents of social and affordable homes also have similar levels of usage and ownership of cars and vans, as they frequently have the use of company vehicles.

[194] Mr Lacovara

9.32 The uncertain future of the Council-owned multi-storey and the Russell Hill Place car parks diminishes the claims that there is plenty of other parking in Purley.

9.33 We are also well aware of the congestion and pollution caused by car use, but we believe that persuasion is more effective than coercion. Purley is in outer London and is not the same as Camden, Islington or inner London District Centres, where many facilities are geographically close.

9.34 We do not believe that sufficient parking has been provided for deliveries such as fast food, white goods, supermarket deliveries, or online mail order deliveries. Not enough consideration has been given to this and the likely increase of this trend. The biggest increase in traffic over the past 10 years has been in white vans (LCVs), typically for mail-order deliveries[195].

Transportation

9.35 We, as local residents who use the junction on Russell Hill Road (A23), on a regular basis, do not believe that the Council or TfL have made the correct decision in relation to the vehicle entry and exit point from the proposed development, which is so close to the signalled junction of Brighton Road. TfL also raised adverse comments in relation to this on their initial site visit.

9.36 We are still of the view that when a major event has finished in the auditorium, up to 80% of vehicles will attempt to leave at the same time, adding to congestion on the already very busy Russell Hill Road. The proposed exit is on the narrowest part of Russell Hill Road almost opposite the junction to Russell Hill Place, a public car park exit.

9.37 It has been agreed that the A23 and the Purley gyratory are one of the busiest and complex traffic areas in the borough of Croydon. It is also clear that when traffic exits the island site, lane changes will have to occur either before the traffic lights at Brighton Road or immediately thereafter for those wishing to travel along the A22 towards Whyteleafe. In our view this will increase the likelihood of further accidents by these junctions.

9.38 It is clear that the majority of accidents which happen around the gyratory are close to the Russell Hill Road entrance/exit. Fortunately these accidents generally result in minor injuries with the majority being just vehicle shunts (non-injury accidents are not recorded), but these can cause considerable delays to traffic flow, subsequently resulting in delays and additional pollution.

Air quality

9.39 Purley gyratory already has poor air quality and is above WHO guidelines and parts of the Brighton Road also exceed EU air quality levels. The exit onto Russell Hill Road will decrease local air quality due to the need for vehicles exiting the site having to queue to enter in Russell Hill Road.

9.40 The Council's Air Pollution representative[196] has agreed with us that the proposed development will take place within an area where harmful levels of

[195] RAC Van Trend 2014
[196] Mr Simmonds

NO_2 already exceed EU legal limits and that the proposed development will only increase these levels.

9.41 Studies by both Dudley and Lambeth Councils conclude that stationary vehicles create twice as much pollution as moving vehicles. Forty or more vehicles could be leaving the site at the same time after a major event. This will increase the level of pollution at the exit and in Russell Hill Road at these times.

9.42 We welcome that Croydon Council has instigated Idling Patrols to deal with this problem. However, we note that this a small team and is only likely to visit the site infrequently and only more frequently if there have been complaints. The Idling Patrol will have no jurisdiction for vehicles queuing in traffic on the public highway nor on the Island site.

Flooding

9.43 It has not been proved that during flash floods the main water holdings tanks would be sufficient to avert flooding outside the proposed development in Purley Town Centre. What if the surface water sewers are backed up due to flooding in Purley Cross? Where does the surface water from the sites then go? We do not believe this question was answered satisfactorily at the Inquiry.

9.44 It was also stated that under certain flash flood situations, the proposed development carpark would flood, possibly putting the basement site machinery and services in jeopardy.

9.45 We do not believe that flooding by the Caterham & Coulsdon Bournes (which meet under the gyratory at Tesco's) has been sufficiently addressed, as these tend to flow above ground and flood on a 5-7 year basis when the aquifers on the North Downs overflow. From previous history of flooding, this has caused extensive flooding immediately in front of the proposed tower on Brighton Road.

Pedestrian routes

9.46 The exit into Russell Hill Road will interfere with pedestrian flow and affect air quality in Russell Hill Road especially when cars leave after an event. We question what contingency plan is in place, especially for the additional pedestrians when the traffic lights on the gyratory system fail, as was the case on Wednesday 10 January. Pedestrians needing to cross these junctions at that time, put themselves at huge risk.

Landscaping

9.47 We are not convinced that the proposed Scots Pine trees would be best suited to roof conditions and in gale force winds, these trees will either be blown over, or have branches snapped off and fall onto the streets below. We contend that sufficient evidence has not been provided as to the depth of root support system and whether the restraint straps and root system will support these trees in high winds.

'Section 106'

9.48 We find it disappointing that none of the Section 106 monies is proposed to be spent on other areas within the centre of Purley.

Conclusion

9.49 Our residents are not natural revolutionaries. They accept that growth is necessary if we are to provide homes for local people and ensure that our district centres provide the services that we need. However, the strong reaction to these schemes is noteworthy, given the overwhelming concerns over the detrimental impact that they will have on the locality.

9.50 On balance, whilst we accept and acknowledge that there are many good parts to the application, the joint RAs are firmly against this development in its present form.

9.51 Finally, we would like to acknowledge the hospitality that has been provided to us over the past six days of the Inquiry by the Purley Baptist Church, the Minister, and his staff. We would also like to thank the Planning Inspector for his impartiality in adjudicating this Inquiry.

Cross examination

To questions on behalf of the Applicants, the Council and from the Inspector, the RAs witnesses gave the following answers:

9.52 Other than with regard to London Plan Policy 7.7, the RAs did not allege any breach of policies. Notwithstanding the provisions of the LP, they acknowledged that they objected to a 16 storey tower in principle. They took no issue with the difference between 16 and 17 storeys. The architectural detailing was generally excellent. They had concerns with regard to the effect on the old NatWest bank (960 Brighton Road) but not on the library.

10. The cases for interested persons opposed to the application

The gist of their cases is as follows. Where points reiterate those already made they are not repeated.

10.1 **Kevin Williams** has been a resident of Purley for all his life; some 50 years. He saw the closure of Sainsbury's around 40 years ago and has seen the site deteriorate over that time. The town is missing a central component and needs developing but not with an ugly structure.

10.2 **Cllr. Donald Speakman** has been a resident for 32 years and a Councillor for 16 years. He was not against development, indeed supported 8 storeys, but disagreed that something would be better than nothing. He considered that the 17 storey tower would be monstrous and that there would be a lack of surrounding open space.

10.3 **Cllr. Christopher Wright** has been a resident for 50 years, and a Councillor for 28 years, and has seen the site deteriorate over that time. It needs developing. His concerns were: the height of the tower, added traffic at the

dire Purley Cross, over-development of the site, and impact such that Purley would lose its character.

10.4 **Cllr. Luke Clancy** has represented Coulsden West since 2014. He acknowledged that this is a development site and that there is a need for more homes. His two objections were height and parking. The tower would be significantly higher than other buildings which were typically 4 storeys. Local residents already report that parking is inadequate and in this regard Purley is similar to Coulsden.

10.5 **Geoff Hunt** also approved of housing and affordable housing but was concerned about the height, parking provision and access.

10.6 **Steve O'Connell** is Councillor for Kenley and a member of the London Assembly. He accepted the need for regeneration and supported facilities for PBC but was concerned that the scheme would significantly change the character of the town. He highlighted the dysfunctional A22/A23 junction which needs addressing. He raised the issue of commuter parking while supporting the trend towards public transport. He felt that an iconic gateway could be 8-12 rather than 17 storeys which he would support in Croydon but not in Purley.

10.7 **Peter Davis** objected in 2015 and did not renew his membership of Purley RA following its support. He felt that the design would not be a landmark but took its values from the Tesco supermarket.

10.8 **Jui-Hsuan Tang** is a practising chartered architect who has lived locally for 8 years. In objecting to the proposed height, he emphasised the effect on the listed library, the proposal for the tower being 6 times taller, and compared the number of flats on each side with the relative heights. He felt that the proposed civic space would be in the middle of the busiest road junction, too small to accommodate the over ambitious scheme and might be reduced further by road widening. It would be an over-polluted, windswept and north facing dark corner. He explained the higher construction costs associated with high-rise building, which is reflected in the viability assessment, reducing the proportion of affordable housing. He argued that a good example of a more sustainable development could be found at Highbury Gardens on the Holloway Road was limited to 7 storeys. He found no evidence that the scheme had been sensitively designed to match the local character and heritage.

10.9 **Enid Allen** has been a resident of Purley for 34 years and raised her family there. She found that the many Edwardian houses, and stylish more modern homes, made it appealing and a good place to live and to raise a family. She advised that the Island site had been derelict all the time she had lived in Purley and, while not speaking out against new homes generally, she was concerned by the excessive height and claimed that it would conflict with the emerging LP which states that residential *growth should respect the existing residential character and local distinctiveness.* She objected to the CIL requirement which had driven the higher rise and would not necessarily be spent in Purley.

10.10 **Jan Stollery** is Chair of Old Coulsden RA and a signatory to the joint statement. She introduced **Julie Blackburn,** who is a local flooding expert, and gave evidence that the Coulsden and Caterham Bournes rise every 7

years and have no spare capacity. She said that flooding led to psychological distress and was likely to get worse. Surface water already enters the foul sewers leading to effluent flooding.

10.11 **Alan Bates** lives off Foxley Lane and rejected the accusation that most objectors were older and well-heeled owner-occupiers. He has a young family and was pro-development providing that it would not ruin the town. He raised the issue of narrow and sometimes unusable cycle routes as well as those beyond the CPZ which are blocked by parked cars. With regard to the proposed tower, he felt that the lattice would do little and that the trees would draw the eye towards it making matters worse.

10.12 **Tim Pollards** acknowledged that opinion on architecture can be personal but argued that the tower would be a standard design suitable for Croydon town centre. He considered that a landmark need not be big. While public transport from Purley is good travelling north or south, it is poor east or west. He denied that objectors were 'NIMBYs' but was wary of the direction of change.

10.13 **Philip Gibson** has been a resident of Woodcote Valley Road for 37 years. He focussed on landscape and submitted photographs and analysis[197] of more distant viewpoints from where he argued the impact of the tower would be *major detrimental*. He referred to potential redevelopment of the Tesco site and his concern that, were this application allowed, this might be hard to resist. He listed other recent developments, all of which are significantly lower in height, and referred to Croydon where he felt developments are graduated in height. He also expressed concern with regard to air quality[198] and the effect on heritage.

10.14 **Malcolm Saunders** focussed on parking issues. He looked at the stated car usage of 0.75 cars per household and calculated the number of spaces required. On this basis, he considered that the number of residential units should be reduced to a reasonable level. He argued that there should be reserved spaces for visitors, doctors/care workers, grocery deliveries and ambulances. Overall, he put the shortfall at 174 spaces.

10.15 **Dr James Robertson** was the Chief Economist for the National Audit Office. He is a member of Purley RA but takes no active part. By reference to the agenda and minutes of the Planning Committee, he queried the soundness of the conclusions reached and the recommendation to approve the application. In particular, he criticised consideration of the affordable housing provision, the conclusion of less than substantial harm to the listed building, the subjective architectural assessments, the design of the tower by reference to 1960s problem tower blocks, the levels of natural light, density, unit sizes, privacy and parking. He added that the necessity for sprinklers throughout the buildings was an outstanding issue.

10.16 **Cllr. Lynne Hale** was concerned that the scheme would put Purley on the map for all the wrong reasons. She reflected on how some jobs, such as care

[197] See illustrations in ID20
[198] By reference to a May 2014 extract from the 2013 Air Quality Progress Report for the Borough

workers, needed a car and that it was not fair to house people next to a dual carriageway. As the Bourne rises every 7 years, she was surprised that there were not more substantial flood defences.

10.17 **Siva Param's** family have been residents for 34 years. Amongst other things, they were concerned over the impact on Foxley Lane, Russell Hill Road and Moor Close and said that the development would affect the privacy of the neighbourhood and back gardens.

10.18 **John Clarke** is a member of the Hartley and District RA. He reiterated common concerns and added that there could be construction lorries for 47 months. **Laura Stringer** reiterated concerns over parking, air quality and an unfair housing burden being placed on Purley. **Frederick Kippin** is a retired civil engineer who was particularly concerned that the tower element would be one which belongs in Croydon not close to the Webb Estate in Purley.

10.19 **Cllr. Margaret Bird** has lived in Coulsden for 34 years and reiterated residents' views over the 17 storey tower including the protected view from Farthing Downs. She added that some of those in social housing would be unable to refuse the offer but would be refused a permit for an essential work van. She was also concerned that it would be unhealthy for families to live near the gyratory with little green space.

10.20 **Nick Barnes** opposed the proposed development, as he believes most of local residents do, while his local RA, the Purley and Woodcote RA, did not. The two previous permissions only led to one objection. The present scheme, for 17 storeys, would be totally out of keeping, dominate the townscape and was opposed in a petition by 95% of local people. This was also true of the Croydon Plan proposals. These views have been ignored by the Council, PBC and the developer. He claimed that the scheme would result in a considerable increase in the population of Purley and he was not clear that the health authorities had been consulted. The reaction to pollution, a requirement for filters, acknowledges that the community's health would be jeopardised. Surface water would be deflected to existing businesses and it is not clear how the sewers would cope with an additional 24m litres of waste water. He added his concern that it could set a precedent and submitted documents on air quality, flooding and housing intensification.

10.21 **Maureen Levy** is secretary of the East Coulsdon RA, a member of the Committee of Friends of Farthing Downs and Happy Valley, and has worked for the Planning Department of the Council and another borough. She was concerned that having previously believed that planning control was there to ensure the right development in the right place, it now seemed that consultations, as here, were sham and generally ignored. She argued that it was not *nimbyism* to try and protect the built environment for residents and future generations. The proposed 17 storey building would be a monstrosity and the same number of flats could, as she illustrated, be delivered through raising the height of the other blocks along Banstead Road. Parking and traffic would be further problems, as would flooding, and it would spoil protected views.

10.22 **Yvette Hopley** is a Ward Councillor who has lived all her life in Sanderstead and Purley. Her particular objection was the lack of respect for 'Tudor' Purley as can still be seen along the High Street and Russell Hill Road.

Stephen Smurthwaite has been a resident for over 40 years. As well as objecting to the lack of sympathy with the gabled frontages nearby he was concerned about parking for deliveries and essential services such as midwives. **John Hain** is a retired solicitor who has lived locally all his life. He voiced objections regarding infrastructure including schools, doctors, dentists and water supplies with a 5% increase in the population of Purley. **Alan Torry**, a long term resident, was confused about the density and why an urban range was being applied to a suburban market town on a woody hillside. He pointed out that while the local RA backed the scheme it did so as a least worst option rather than a ringing endorsement. **Moya Gordon** acknowledged that it was important that the site should be developed soon but would have preferred a maximum of 10 storeys. Submitting an article by Mark Easton for the BBC, based on research by Professor Alasdair Rae, she highlighted the misconception that most of the UK is built on when in fact it is only 0.1%. It is not necessary to build up to provide new housing.

11 The cases for interested persons in support of the application

The gist of their cases is as follows. Where points reiterate those already made they are not repeated.

11.1 **Cllr. Paul Scott** has represented Woodside Ward for the last 15.5 years. He has been a member of the Planning Committee for the whole of that period and the Chair of the Committee for 4.5 years. He is also the Deputy Cabinet Member for Housing, Planning and Regeneration. He has taken a leading role in the development of the new CLP and especially CLP1.1 and CLP2. He was not representing the Planning Committee but was giving a perspective from the Committee which approved the application by a majority vote.

11.2 He submitted detailed evidence to support the ambitions of the Council in delivering high quality, distinctive and sustainable places, new housing and community facilities. He wished to provide some balance to the inappropriate political interference in the planning process. He found it disappointing that the SoS appeared to have failed to comply with the Caborn principles [for calling in planning applications]. The application is not of national interest and should have been left to the local, democratically elected, Council to decide. He refuted the suggestion that the application was *rammed through by a Labour dominated Council*[199] and explained decision making process.

11.3 The derelict Island site has blighted the centre of Purley for years despite its owners' endeavours. A mixed-use development is needed to fund the new church and community complex. The previous, unimplemented, 2006 consent was significantly smaller and would not have funded the overall scheme. Purley's capacity to accommodate a new tall building was identified under the previous, Tory, administration which introduced a 14 storey landmark in the town centre with the presumption that it would be on the Island site[200]. The final policy description in the 2016 CLP remains virtually unchanged from 2013 with the landmark building's height increased marginally to 16 storeys. CLP1.1

[199] By Chris Philp MP. It should be noted that he was not present at that time to challenge this suggestion

[200] CLP Detailed Policies and Proposals Oct 2013 PDC and its environs §11.82 and policy DM35

and CLP2 are due to be adopted in February 2018 with the Purley's Island site policies unaltered.

11.4 The implications of a building of this scale, such as: limited parking provision, taking advantage of the very good public transport links, a level of impact on the outlook, daylighting and access to sunlight of some neighbouring properties, impact of the setting of local listed buildings, and the current character of the area, have all been recognised. The form and density of the proposed building are supported not only by emerging policy, but current national, regional and local policy.

11.5 Purley's location was no doubt determined by an ancient north-south route through the North Downs, with cross roads bisecting it. It is a pleasant small town despite the A23 and high levels of traffic. It continues to evolve and, while the Edwardian buildings dominate the High Street in the town centre, it is composed of many building styles that have typically increased in size. The A23 corridor is a key spine for intensification and the scale of the buildings along this route is already increasing. A taller landmark would act as an appropriate marker reflecting its importance of Purley and this key junction.

11.6 The Borough's biggest challenge is massively increasing the supply of homes. Bold interventions such as the proposed tower in Purley will be needed to provide these homes. The Applicants engaged closely with Croydon Council to develop an acceptable proposal. Initial concerns were raised about the then total absence of affordable housing as a result of which the southern site was incorporated to provide more housing overall and affordable housing.

11.7 The Councillor alleged that while a lot of the objection to what was dubbed *The Purley Skyscraper* was apparently organised by the local MP, and supported by a number of RAs, there were also many supporters including the actual local RA and the BID organisation. He considered that the campaign against the application was misleading and designed to exaggerate the impact of the scheme and try to directly blame the size of the tower on to the Labour Council. He told the Inquiry that a major part of the campaign was run through an online survey petition organised by Chris Philp MP and that the image used to illustrate the scheme was an early iteration with a much bulkier form than in the planning application. The grey massing for this created a very negative image[201]. He noted that the £2m referred to on the website presumably referred to the CIL and s106 obligations that would be expected to be met by any developer. He denied that there was ever any threat of compulsory purchase. The Council had followed advice in the Government's PPG[202] in turn based on NPPF§§11 and 14.

[201] See Cllr. Scott Statement ID20 p7 and Cunningham's appendix GC5 attached to Pearson's appendix B

[202] Reference ID: 21b-016-20140306: *Where members take decisions on planning applications they must do so in accordance with the development plan unless material considerations indicate otherwise. Members must only take into account material planning considerations, which can include public views where they relate to relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons*.

11.8 The principle of a 16 storey landmark tower in Purley has been tested through a Public Inquiry into CLP1.1 and CLP2 and will be adopted by the Council next month. The Island site is a focal point in the urban structure and an appropriate location for a tall landmark building. The density guidelines are not ceilings and the scheme was well designed both in its general modelling and finer detail which reflects and complements the local area.

11.9 Car parking provision is a concern across the whole borough with objectors typically calling for the levels of provision provided in the past. National, London and local policy all seek to reduce car dependence and encourage greater use of other modes of transport. Parts of the area are prone to flooding and ensuring that the development would not increase the risk or magnitude of flooding was a key consideration especially given the proposed basements. Experts from The EA, Thames Water and the Lead Local Flood Authority all examined the proposed protection, mitigation and sustainable urban drainage systems and found that the issues had been appropriately addressed.

11.10 The provision of 18% affordable housing by unit numbers is lower than the Council would normally expect but it was accepted that the wide range of community facilities would mitigate against this. The insistence on a reasonable proportion of affordable homes only resulted in the marginal increase in the height of the tower from 15 to 17 storeys. The Planning Committee would normally expect many more family, 3 bed, and units in Purley but accepted a much lower proportion given the town centre location.

11.11 In summary he considered that the quality of the design of the overall development was excellent and that the scheme had been very well designed to accommodate its community uses whilst providing a large number of new homes in an elegant solution to fit the context. He hoped that the application would progress rapidly to completion for the benefit of Purley, the Church and its community, and for Croydon as a whole.

11.12 **Simon Cripps** is the Chair of Purley BID, represents 180 businesses in the town and has lived locally all his life. The Purley BID Board believe the scheme would have a positive impact on local business within the town centre; be the start of significant, and long awaited, regeneration of the town centre; increase footfall and customer numbers within the centre; provide a significant benefit to the BID members; and attract new businesses to the area. He explained the current difficulties for the town's businesses and emphasised the benefits of straightening the kink in Russell Hill Road, the restriction on parking permits and that the site is currently a mess.

11.13 **Ben Gershon** is the director of Frosts Estate Agents which he has owned for 10 years. He confirmed that the smaller scheme, granted permission 5 years ago, didn't work. Referring to parking, he advised that at a recent development of 40 apartments only 3 parking spaces sold. In his experience, young buyers do not want to buy spaces but say that they don't drive[203].

11.14 **Myles McCarthy** said that he had bought his house for £65,000 but that his daughters could only dream of buying one. He emphasised the excellent

[203] In XX by King

public transport links, the growing use of car clubs and electric bicycles, and noted that the High Street was not doing well.

11.15 **Graham Bass** is President of, and represented, the Purley and Woodcote RA. He has always lived in Purley, was a Councillor for 22 years and a past Mayor of Croydon. He was aware that the proposals were not popular and of the number of names collected in petitions. He was sceptical as to how much weight, if any, should be given to these if they were in response to an emotive and simplistic question. Not all of his RA members, or its Committee, are enthusiastic supporters but by engaging in discussions and consultations they should at least be well-informed.

11.16 He had been involved since the year 2000 and was disappointed that the Financial Crisis meant that the previous scheme was not implemented but felt that this scheme was now as good as Purley is going to get – if you like, the least worst option – and certainly better than the present eyesore, vacant for 37 years, and realistically the best possible long term outcome. While many objectors, including the surrounding RAs, were opposed, no more than a dozen members of the Purley and Woodcote RA had resigned over its support.

11.17 He emphasised that the scheme would add footfall and vitality to the town to offset the depressing impact of Tesco. He doubted that the shortage of parking would be a deterrent, and has supported a study of the gyratory which would have to look well beyond Purley. He noted that the proposals would accord with policy, that no viable alternative had been put forward, and believed that the building would be of outstanding quality and a major asset to Purley. He answered[204] that any increased congestion on Russell Hill Road would be a drop in the ocean.

11.18 **Badsha Quadir** has lived in Purley for 40 years and been a Councillor for 8 years. He felt that the site has been an eyesore for many years and that it was about time something was done. His personal view was that it was not necessary for it to rise to 17 storeys and added his concern with the number of parking spaces for those with disabilities. **Richard Shakespeare** submitted a list of benefits to the community church and Council. He was in favour of more affordable housing but acknowledged that this would be a start. **Roxanne Bignol** reiterated other concerns and emphasised her concerns with regard to precedent and the effects of construction.

11.19 **Deborah Baggott** is a member of PBC, a member of the church's 58:12 Committee and would be responsible for the facilities to be provided at the new centre. In particular, she addressed the social value given to the community facilities. She first clarified that the only spaces dedicated to the church would be some office areas and a prayer room[205]. The new facilities would be well used, enable the church to enhance and increase the number of services it runs as well as allow the community to run its own activities and this would be protected by the s106 Agreement. There has already been significant interest by charities and key local service provide such as Croydon Adult Learning and Training (CALAT) and the submitted letter from its

[204] In XX by King
[205] Plus two apartments for rent by the Church to supplement its income – in answer to IQs

Strategic Service Manager, Sidra Hill-Reid set out how keen it is to use the proposed facilities.

11.20 She went on to address the quantum of development and the height of the tower and assured the Inquiry that she had done all she could to temper the size of the development without losing the community facilities. There had been compromises from all sides to achieve a viable scheme. It was good that the local MP was interested but disappointing that, even last Monday, his website was showing a scheme which was rejected a long time ago. She commended the warm brick and stone materials, the open space around the library and the trees on the top of the tower.

11.21 **Mike Rodwell** has resided in the ward for 40 years, is a member of the Kenley & District RA, and is responsible for the upkeep of the church premises. He outlined the history of the church which was built up over 130 years but the facilities for which are no longer fit for purpose. The Purley Cross Centre, in the High Street, had 3,605 visitors in 2017 and provides services, training and advice[206] while the main site accommodates over 30 activities[207]. He dealt with a point regarding teenagers who would be extensively catered for by a full time member of staff and support team and reiterated PBC's mission to serve the local community.

11.22 **Rev. Bill McIlroy** works as a Placement Tutor for Spurgeon's College, where people train for Christian Ministry, and visits students at their placement churches. He gave evidence that PBC is one of a small number that he would describe as outstanding and the quality of its ministers is exemplary. He was left with little doubt that PBC would sustain the maximum good from the development. He was conscious of the time, effort, thought and goodwill that had gone into the scheme and considered that it would be a shame, if not a scandal, if it did not proceed.

Finally,

11.23 **Lewis White** was ambivalent. As a landscape architect and resident of Coulsdon for 15 years he was broadly supportive of redeveloping a site next to the A22/A23, which has been derelict for decades, and to the stepping down in height to the listed library. He supported the use of facing brick, variation in materials and the landscaping along Banstead Road. He was concerned that the shops might not work in isolation, that the tower would be higher than the hills, and that the *campanile* element was too wide, too big and too dark. He submitted copies of the photo-montages with annotations to explain this and other points. The high level Scots Pine trees would appear caged in a portal, be dark rather than green, lose their lower branches and it was hard to predict how they would perform in 20 years' time. He submitted details on the trees and on wind speeds to illustrate his points.

[206] Listed in his statement
[207] Submitted as ID18

12. Written Representations

12.1 **Laszlo Heckenast** has a background in traffic management but was unable to attend. He submitted a letter to the Inquiry objecting particularly on the grounds of parking and access[208]. He calculated the parking provision to be wholly inadequate and illustrated the length of Furze Lane, in the conservation area, which he believed would be affected. Much of this is an unadopted highway and parking is already a problem on account of Purley Station. He reiterated concerns, and suggested improvements to, the Russell Hill access.

12.2 **Dr Peter Boffa**, a local doctor, submitted a statement in an email via Chris Philp MP regarding the availability of air quality data.

The points raised by the very substantial number of other written representations were taken up by the RAs and are not repeated here.

13. Conditions

13.1 The suggested conditions were discussed at the Inquiry[209]. These must be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects[210]. Most of these were agreed between the Council and the Applicants, without dissenting voices. Other than a few changes by me, to avoid duplication with reserved matters, for clarity and precision, to add retention clauses, or as set out below, suggested conditions are set out in the attached Appendix.

13.2 In the agreed[211] interests of fire safety, sprinklers should be required by the addition of criterion xii to Condition 37. A car park management plan, which could include a requirement for marshalls to direct the traffic, should be controlled by Condition 40. To minimise water use by the church and community uses, a strategy should be required by Condition 57.

14. Obligation

14.1 A summary and explanation for the various elements of the Legal Agreement is set out in the Planning SoCG[212]. My conclusions (below) are based on an assessment in the light of the Community Infrastructure Levy (CIL) Regulations 2010, and NPPF§204, which set 3 tests[213] for such obligations. From April 2015, CIL Regulation 123(3) also restricts the use of pooled contributions that may be funded via a s106 agreement if five or more obligations for that project or type of infrastructure have already been entered into since April 2010 which could have been funded by the levy.

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[208] Which he illustrated with photographs and maps
[209] ID7a-d
[210] NPPF§206
[211] See ID13 item 1.
[212] Pp37-39
[213] CIL Regulation 122:(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is —
(a) necessary to make the development acceptable in planning terms;
(b) directly related to the development; and
(c) fairly and reasonably related in scale and kind to the development.

14.2 The provisions were discussed on two occasions at the Inquiry. Where appropriate the contributions have been assessed against agreed formulae, the calculations have been set out, and the justifications relate the contributions to the impact of the development and to relevant policies.

14.3 Clause 2.4 would exclude enforcement of funding in the event that the SoS identifies an obligation which would not satisfy the various statutory tests. The Applicants confirmed that they did not expect this to apply and, given the Conclusions below, this should not apply to any of the obligations.

14.4 The Legal Agreement sets out covenants that would be imposed on the owners in favour of the Council and TfL in the event that planning permission is granted. It makes provisions for 15% of the habitable rooms to be constructed as affordable housing (AH) in accordance with an attached Schedule. Subject to an agreed viability review, the Owner would be obliged to pay a Deferred AH Contribution (of 60% of any surplus) up to a maximum sum of nearly £8.5m.

14.5 By reference to other statutes than just s106, the Agreement prevents any owner or occupier applying for a parking permit. A Local Employment and Training Strategy must be approved and a contract entered into with a Car Club Operator. It requires the owner to complete Public Realm works to the Council's satisfaction following details to be submitted in accordance with a Condition 6. It obliges the Community Facilities, identified on a plan, to be provided for the lifetime of the development and makes these subject to a Community Facility Management and Maintenance Plan, along the lines of an attached draft Schedule of activities, under the control of the Council.

14.6 Works linking the Island site with Purley Library are required, as are Highway Works, to the satisfaction of TfL. The Agreement also safeguards land alongside Russell Hill Road for free transfer to TfL for highway improvements. It requires payment of reasonable monitoring and legal costs to the Council and that the Owner retains the services of the scheme architects[214] until Practical Completion. It controls phasing such that the Island site could not reach Practical Completion before the AH on the South site and requires an AQ contribution of £6,000.

[214] Proctor and Matthews

15. Conclusions

From the evidence before me at the Inquiry, the written representations, and my inspection of the application sites and their surroundings, I have reached the following conclusions. The references in square brackets [] are to earlier paragraphs in this report.

These conclusions assume that development would be completed as required by the Legal Agreement and through control by the suggested conditions.

Main considerations

15.1 The main considerations in this application are:

a) its consistency with the development plan including the London Plan;
b) its effect on the character and appearance of the area;
c) the quality of its design with particular regard to its height and its conformity with Policy 7.7B of the London Plan regarding tall buildings;
d) its effect on heritage assets;
e) its access arrangements with particular regard to pedestrian safety;
f) its parking provision with particular regard to highway safety;
g) its affordable housing provisions;
h) its other infrastructure provisions;
i) its potential benefits for housing and community facilities, and;
j) any other substantive matters listed in paragraph 7.4 of the committee report (material issues raised in representations) and not covered above;
k) its consistency with policies in the NPPF in requiring good design of the built environment.

The development plan

15.2 The relevant policies are set out above. Under s38(6) of the P&CP Act, reiterated in NPPF§2 and NPPF§210, it forms the starting point for any consideration of the scheme. Given that the LP has very recently been adopted, there is no reason for any relevant LP policies to be afforded reduced weight. Whether or not there would be conflict with these policies is a matter of fact and degree which needs to be assessed for each issue before determining the accordance or otherwise with the development plan as a whole. Assessing material considerations follows on from this. [1.2][3.1-3.14][6.2][6.28][7.10][8.9][9.8]

Character and appearance

15.3 Purley is a commuter town with excellent rail and road links to and from Croydon and central London. While there were concerns that travelling north or south is much easier than going east or west, there was no challenge to the site's PTAL level of 5. The High Street and Brighton Road, at the heart of PDC, generally date from the early 20th century and much of these were built in a distinctive mock-Tudor style with a proliferation of black and white first floor frontages rising to 3 storeys. It has pleasant, attractive and bustling shopping frontages which appear reasonably vibrant. On the other hand, the town centre lacks many of the major fashion or department stores which tend to

draw shoppers. It has a very large branch of Tesco quite close to one end of the High Street but the intervening gyratory junction probably makes linked shopping trips unattractive. [2.2-2.3]

15.4 Despite the charms of the main shopping streets, Purley is likely to be identified in the minds of many as the road junction between the A23, from London south to the M23, and the A22 to Eastbourne. The junction itself comprises a large gyratory system, extending to 5 lanes in places, which is slightly offset so that at street level there is only a pub and a few shops to suggest the extent of PDC that lies beyond. Instead, the gyratory is flanked by views down the 3 main approach roads, the late 20th century ubiquitous 'barn-style' Tesco (albeit with the addition of some black and white false gables) and by the hoardings around much of the Island site. [2.1][2.6][7.9]

15.5 The application sites comprise two elements: the Island site and the South site. Significant parts of both are vacant. Behind the hoarding on the Island site, the former Sainsbury's may have been boarded up for as much as 35 years and there was no dispute that this site is long overdue for redevelopment. The Applicants boasted that the scheme would be by far and away the highest quality modern development in Purley. Bearing in mind the design of the highway, the Tesco store and the Island site's hoardings, this is not an excessive claim. [2.2][2.6][10.1]

15.6 The proposals would be as described above. There were few objections to the scheme for the South site, even though it would rise well above the existing and adjacent buildings, or to the section of the Island site further up Banstead Road and adjacent to the library. On both sites the appearance of the scheme would be of blocks which would step up towards a tower at the point nearest to the gyratory. On the South side, this would result in two-to-three storeys (above ground) alongside existing buildings on Banstead Road and seven storeys at the corner across the road from the proposed tower. For the Island site, the residential units next to the library would start at three storeys and rise steadily to seven storeys followed by a slight break before the 17 storey tower. On the ground floor to the Island site there would be active frontages visible from the gyratory and the adjoining streets. The external materials to be used for all the buildings would be of a varied palette. [5.1][6.7][9.52]

15.7 The lower buildings, the bottom storeys of the tower, and their range of facing materials would all provide attractive features to this part of the town and be more than acceptable. Compared with the existing situation, the lower elements of the scheme would provide an enormous lift to the appearance of the area. Providing lively frontages, which are likely to attract footfall, would be a boon to the vitality and viability of this part of the town. Rather than a loss of character, these features would provide a welcome improvement. There can be little doubt that the scheme's designers have gone to painstaking efforts to achieve exceptionally high quality. There is no good reason that new development should mimic the neo-Tudor in order for its design to complement the existing streets. For most of the scheme, it was not disputed that the high standard of design merits substantial weight. [3.8][5.2][6.4][6.12][10.22]

15.8 The tower would be slightly offset from the gyratory but would stand in line with the route of the A22 from the south as it passes under the railway bridge. It would be close to the line of approach of the A23 from the west. In both

these views it would stand out as a marker of the road junction and the start of the town centre. In these regards it would amount to good urban planning. The tower would be roughly square on plan and rectangular in elevation, with a proportion of around 3:1, and an attached element described as a *campanile*. The structural grid would be emphasised and open at the top where the Applicants hope that trees would grow successfully. [4.2][5.1][6.6][6.11][7.7][7.10][7.12-7.13][8.22-8.23][9.5][9.52]

Design

15.9 It was the view of the LPA that positioning the tower next to the gyratory on the Island site, with the remainder of the development stepping down to the library, would be a sensitive design approach. The DSE panel, which saw an earlier version of the scheme, generally welcomed both the thoughtful approach and that the site would be brought back into use. It also welcomed the coherent landscape scheme around the sites. The panel supported both a single very tall building in Purley and the Island site as the location for it where it might enhance the hostile gyratory, provide a viewpoint and contrast with the wider townscape. It felt that the tower could be slimmed further as well as removing the attached *campanile* element. It did not resist the tower becoming taller than the 16 storeys proposed at that time but sought a more elegant form. [2.6][5.1][7.12][11.11][11.23]

15.10 Revisions were made, including reductions to the height of the *campanile*, but the proportions of the tower remained the same and so are still unlikely to be quite as elegant as the DSE might have wanted. The Applicants considered that the DSE's comments had been appropriately addressed by the reduction in height of the *campanile* and that there was no need to refer back to the panel. The designers also hoped that the open grid at the top, with the fairly novel idea of trees at that height, would be a successful solution. As above, a requirement of the s106 Agreement would be to retain the architects who not only have a very high reputation to maintain but would be working with a developer with a track record of delivering high quality schemes. [5.3][7.13][9.47][10.11][11.20][11.23]

15.11 Given the novelty of trees open to the elements on the upper storeys of a tower block, it is difficult to know with any certainty whether the proposed trees would become established as quickly and effectively as hoped and so produce an attractive apex to the tower. Given the depth of the tracery, the architect's assertion that one would be able to see through the façade at the top of the tower, such that it would dematerialise, may be somewhat fanciful for views from many angles. Nevertheless, even if the appearance of the upper floors would not be quite as insubstantial as was hoped, any minor shortcomings in the elegance and variety of appearance of the tower would be more than compensated for by the vast improvements to the appearance of the public realm. While it might be stretching a point to describe the proportions of the tower as slender, taken in the round, it would be of a high standard. [2.5-2.6][6.4][6.12][6.20][7.2][7.13][8.11][8.13][9.9][14.5]

15.12 The vast majority of the objections to the scheme focussed on the height of the tower. In particular, there was concern that it would rise to 17 storeys in a town of predominantly 3 storeys with only a relatively few buildings rising to 5 or 6 storeys. The DSE panel used its expertise to assess the scheme and supported a very tall building which would be highly visible from many places

and a focal point in many long views. The principle of a tower in this location has been accepted in the development plan which could not be more up to date. [3.7][4.2][5.1][8.6][8.8][8.13][8.23][9.7][9.13][10.3-10.5][10.8-10.9] [10.13][10.21][11.10][11.20]

15.13 Distant viewpoints from where the tower could potentially be seen would include Farthing Downs. As above, the Applicants' wireline suggests that the proposed development would not be seen from there. In truth, even after the site visit it was not clear whether or not the tower would be visible from the protected viewpoint or not, or whether it might be visible in summer but not in winter. What was evident was that, if visible, it would be in the context of plenty of other built development including the tower blocks of central Croydon's more-or-less directly beyond the centre of Purley. In either regard, the proposed tower would do no harm to the view. From further down the road on the way back into Purley, such as from the position photographed by Chris Philp MP and from other viewpoints which are not protected in the LP, the potential for harm would be further reduced. There would be no conflict with London Plan Policy 7.7D. [1.7][2.8][5.3][6.14][7.12][8.23][10.19][10.21]

15.14 With regard to London Plan Policy 7.7B, the site is identified in the LP. Even if it were not, and the scheme had to be measured against Policy 7.7C: the site has good (indeed very good) access to public transport; with the exception of heritage assets (see below) it is in an area whose character would not be affected adversely by the scale, mass or bulk of a tall or large building - rather the site is appropriate for a focal point; again, apart from heritage assets, the scheme would relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm, particularly at street level; it would certainly improve the legibility of the area, by emphasising a point of civic and visual significance next to the gyratory; it would incorporate the highest standards of architecture and materials; have ground floor activities that would provide a positive relationship to the surrounding streets; and it would make a significant contribution to local regeneration. On all these criteria it would comply with or exceed the requirements of London Plan Policy 7.7.
[3.3][6.11-6.13][7.11][8.10][8.27][9.8-9.9]

15.15 On the criterion of satisfying the design policy standards required for a tall building in the various strands of the development plan, the site is in an appropriate location, within PDC, and with a PTAL of 5, and would lead to considerable improvements to the public realm in accordance with LP Policies SP4.5-SP4.10. For the above reasons (under London Plan Policy 7.7C) the proposals would satisfy or exceed the criteria under LP Policy DM15. The scheme would not only accord with LP Policy DM42.1, but has been plan-led in the way its design has followed its place-specific requirements.
[2.1][3.7-3.8][7.2-7.3][7.21][8.3][9.18]

15.16 It follows that the proposals would be of a much better than satisfactory design. On balance, the height of the tower would comply with the LP and the quality of its design should weigh in favour of the scheme.

Heritage assets

15.17 There was no disagreement as to the significance of Purley library as a listed building. This includes its simple but distinctive 1930s style, high quality

materials and detailing including modest carvings. With regard to the contribution the setting of the library makes to its significance, this includes the green space and trees which provide relief from the otherwise hard landscaping around the site when viewed from adjoining roads. [2.2-2.5]

15.18 The proposed alterations to the public realm at ground floor level adjoining the library (including the changes to the wall which would require listed building consent) would help to link this community facility to the other aspects of the Purley Cross Centre and PDC as a whole. They would amount to both a heritage and a public benefit. [5.1-5.2]

15.19 The tower would be prominent in views looking down Banstead Road past the library which include the two principal elevations. Its presence would lead the eye away from these façades and so, to a small extent, distract from the enjoyment of experiencing them and from the civic presence of the library. However, the degree of harm would be at the lower end of that of less than substantial harm as referred to in NPPF§134. Even within the proposals affecting the library, that is the alterations to the walls and new steps, the harm as a result of the loss of historic material and the impact of the tower on its setting would be outweighed by the heritage benefits of better and more extensive public realm. The wider, and more substantial, public benefits, including better links between the library and PDC, are assessed below. [5.2][6.4][6.11][6.20-6.21][7.2][7.15][9.52][10.8][11.20][14.6]

15.20 The former bank at 960 Brighton Road is a locally listed building or, in terms of the NPPF, a non-designated heritage asset. Its significance stems from its elaborate architectural treatment and its prominent corner position. The proposed tower would be seen in several views of the building and be a distraction. To this extent it would detract slightly. Conversely, the positive regeneration of the derelict site and the removal of the hoardings would improve the context and the public realm and enhance the contribution which the setting makes to the significance of the building. The net result would be neutral. [2.3][9.23][9.52]

15.21 Similar considerations would apply to the Brighton Road LHA where the tower would replace the hoardings with a neutral impact in heritage terms. Due to the separating distances involved, there would be no harm caused to the setting of the listed United Reformed Church. [2.3]

15.22 It is unlikely that the tower would be visible from within either the Upper Woodcote Village or Webb Estate Conservation Areas. It would be visible from Furze Lane just outside the Webb Estate. Within the Conservation Area, it would be more distant and more likely to be screened by trees so that any impact would be reduced or eliminated. From Furze Lane, the tower would appear in the context of tree-lined roads and existing development. Even if it could be seen from just within the conservation area boundary, it would not be prominent but would have the benefit of helping to identify the edge of the town centre. At worst, the effect would be neutral. [1.7][2.3][2.7][10.18]

15.23 With regard to designated heritage assets, the same considerations apply to the considerable importance and weight to be given to the special regard to be had to the listed building and to the special attention to be paid to the conservation area; both would be preserved. The proposals would therefore

comply with sections 66 and 72 of the Planning (Listed buildings and Conservations Areas) Act 1990. [3.16][7.15]

15.24 For the above reasons, the scheme would not cause any net harm to heritage assets, as assessed in terms of the heritage balance alone against NPPF§134. Even if it were assessed that, on balance, it did cause some less than substantial harm, it would be necessary to go on to weigh this against the considerable public benefits (see below), which would very easily outweigh any very limited harm. The proposals would comply with the aims and requirements of LP Policy SP4.13. [6.21][7.15][10.15]

Access/pedestrian safety

15.25 Alongside the Island site, Russell Hill Road is a multi-lane one-way street which leads down the hill towards the gyratory; it is often busy. The proposed vehicular access would be onto Russell Hill Road quite close to its junction with Brighton Road at the start of the gyratory. Concerns were raised regarding the potential for vehicles trying to exit from this access experiencing delays. These echoed comments by TfL following its initial site visit. [2.1][7.20][7.22][9.35-9.38][9.46]

15.26 The objection centred on vehicles leaving after a church service or event. In theory, up to 50 cars might all try to get onto the road at the same time, at an exit only a few car lengths from the start of the gyratory, where the road is likely to be already full of traffic. The evidence at the Inquiry was that, although services are very well attended and end at a particular time, the congregation often stay on a little longer and do not all rush away at the same moment. The requirement for marshalls would not only control the traffic but ensure that stationary car engines are not idling. [5.4][6.19][6.25][9.35-9.38][13.2]

15.27 While there might be some delays in exiting, there was no evidence that the number of accidents (typically vehicle shunts) near to the Russell Hill Road junction is likely to be repeated at the proposed access and a variation to the kerb alignment would ensure adequate forward visibility of pedestrians by drivers. For these reasons, any residual cumulative impacts would be slight and fall well short of the requirement for refusing development, under NPPF§32.3, that it would need to be *severe*. [6.26][9.37-9.38]

15.28 The RAs repeatedly claimed that the access would be better taken from Banstead Road rather than from Russell Hill Road. In terms of congestion, this might be true. If it was found that the proposed access was unacceptable, but argued that the benefits would outweigh this harm, then the possibility of an alternative access, that avoided unacceptable harm, would be relevant. However, for the above reasons, the scheme put forward would not be unacceptable or lead to a severe impact under NPPF§32.3, and so there is no need to consider further options. Moreover, there was no alternative scheme before the Inquiry, let alone one which was tested, and no evidence to show that such an alternative would be workable, regardless of its implications for the streetscape and links between the proposed entrance to the Purley Cross Centre and the existing library. [5.4][6.224][7.20-7.21][9.35-9.38][10.5][12.1]

15.29 Access to the South site would be from Banstead Road. Although some concern was raised regarding the overall increase in traffic, given the limited number of new parking spaces and the very high levels of existing traffic, the difference would be negligible. The proposals have all been subject to safety audits. For the above reasons, the potential for some difficulty in exiting onto Russell Hill Road should not count against the scheme. The proposed access arrangements would comply with NPPF§32.3 and relevant development plan policies. [6.24][6.26][8.25]

Parking/highway safety

15.30 Streets close to the application sites are within a CPZ. The on-site parking provisions would accord with what are maximum car parking standards for locations with high PTAL levels. Apart from these spaces, new residents would be excluded from applying for parking permits. Objectors were concerned that such a low level of provision would exacerbate existing problems and produced evidence that this has happened elsewhere. They claimed that car usage was likely to be similar for market and for social housing, which would be on the South site with spaces limited to those with disabilities. The RAs pointed to the uncertain future of the Council's nearby car parks, did not accept that there were adequate facilities nearby to compensate for the lack of parking, and highlighted the rise in online deliveries of food and other purchases. [2.1][5.4][6.27][8.25][10.11][11.12]

15.31 Notwithstanding the Applicants' survey indicating free spaces in nearby car parks, it is likely that it can sometimes be difficult to park in and around Purley and that this will probably continue. If this were not the case there would be no need for any of the streets to be subject to a CPZ. However, as well as parking concerns, the objectors also, quite rightly, pointed to congestion and poor air quality both of which are the result of high levels of traffic. Policy is geared towards persuading people to switch from private cars to public transport in order to try and reduce traffic. One of the best ways of achieving this is to limit parking provisions and one the best opportunities to persuade people to alter this aspect of their lifestyles is when they move home. While not a perfect solution, it follows that providing new residential accommodation with little or no parking at this highly accessible location is likely to help achieve that end and, on balance, would be a positive step. [6.24][6.27][7.3][7.20-7.22][8.25][9.30-9.34][10.4-10.6][10.11][10.14-10.15] [10.18][10.21-10.22][11.4][11.9][11.12-11.13][11.17-11.18][12.1]

15.32 With regard to the Council's car parks, any redevelopment would be required to take existing parking provision into account. Although deliveries can pose problems, the scheme would include the ability for delivery vehicles to turn into the Island site to unload and to use the refuse lay-by on the South site. In any event, the number of parking spaces would comply with relevant policies in the development plan which set maximum requirements. The evidence fell well short of demonstrating that there would be a *severe* impact, or that it would pose an increased risk to highway safety. For all these reasons, the limited parking provision should not count against the proposals. The scheme would comply with London Plan Policy 6.13 and Table 6.2, and the NPPF§32.3 for parking and all other highway safety issues. [3.12][7.21][8.25][9.46]

Affordable housing (AH)

15.33 The Legal Agreement would require a proportion of AH calculated at 18% by units or 15% by rooms. The viability study also looked at an alternative without the church. However, no other scheme has been suggested for the Island site that would accord with the development plan and delivery of a new church is now expected by LP Table 11.10, Ref. No.35. Both the Applicants and the LPA argued that considering some possible alternative was not relevant as there was no such proposal before the Inquiry and the correct approach to the proposals is to consider whether they are themselves acceptable having regard to the development plan and to any other material considerations. [3.5][3.9][5.1][6.15][6.19][7.8][9.4][9.24][10.5][10.8][10.15][11.6][11.10][11.18][14.4]

15.34 That is correct as far as it goes. However, should a proposal fail to accord with the development plan then it would be relevant to consider whether an alternative, viable, scheme would comply with policy and weigh this in the balance. From the evidence at the Inquiry, comparing the scheme with the LP requirements for the site and for all the reasons in these conclusions, the proposals would comply. Only if the SoS were to find that the scheme would conflict with relevant policies would he need to consider if an alternative viable scheme might deliver a more policy compliant contribution towards affordable housing. Indeed, the LPA more or less acknowledged as much. [6.15][7.2][11.17][11.20]

15.35 The Applicants' consultants' original report found only marginal viability. Following a review after house price inflation, they found there should be no change despite a significant improvement to the anticipated profit margin. This was justified by their doubts over the original scheme despite the developer's confidence. The LPA commissioned consultants to check this who, on balance, found it to be reasonable. Questions at the Inquiry did not go into details regarding the high construction costs given that the scheme is particularly complex as a result of the mixed use development which accords with the site allocation. The GLA reviewed the findings, and agreed with the other consultants, but did not instigate any fresh assessment. [5.7][6.15][7.8][10.8][14.4]

15.36 In further representations, both consultants accepted the need for the church to clear its current liabilities through development profit, on top of provision of a church, community facilities, a retail unit and two apartments (which would essentially be provided to PBC at no cost) was reasonable. This was despite the fact that this both effectively inflates the existing use value and ignores funds that the church has raised to clear its debts through its development company. There was also some doubt as to whether the fitting out had been double counted. The upshot of these considerations is that a tougher negotiation by the Council's consultants might arguably have resulted in a marginally greater proportion of AH. [3.5][5.7]

15.37 Nonetheless, the extent of viability could yet be reversed to a marginal level should house prices turn down as low as in the initial assessment. Moreover, the Legal Agreement includes a review mechanism which could fund additional affordable housing off-site. The LPA provided some confidence that this mechanism might realise tangible benefits by citing an example of where just over £½m for AH was received by the Council in October 2017 through a

similar undertaking. On balance, the scheme cannot be shown to be contrary to the AH requirements of the development plan, including LP Policy SP2.5 which a sets a minimum of 15% in a District Centre plus a Review Mechanism. [7.8]

Benefits

15.38 The proposals would result in 220 new homes, a new church and greatly enhanced community facilities as part of the mixed use of the Island site as allocated under Ref. No.35 in the LP. While there would be some limitations over the use of the community facilities to prevent egregious conflict with the aims of the church, these would be limited and within the control of the LPA. Moreover, church and community use of the site would be entirely policy compliant. There would be benefits to PDC, estimated by the applicants at some £1.24m, and new jobs both during construction and in the long term for those employed by the church or in the new retail and community facilities. [6.1][6.18-6.19][6.23][7.6-7.9][10.4][11.6][11.10-11.11]

15.39 Regeneration of the derelict parts of the sites would benefit the town's environment. From various approach roads the scheme would emphasise the start of PDC and, with additional public realm along Banstead and Russell Hill Roads, would help to link it to the library. The active street frontages and the outstanding design quality of the scheme would also be benefits. [6.2][6.20][6.23][9.4][9.10][9.28][10.6][11.1][11.12]

15.40 It would be overstating matters to accept that, through encouraging sustainable transportation options, limited on-site parking would be a clear benefit, that there would be overall benefits to heritage assets or that there might be some flood risk alleviation from reduced surface water run-off rates (see below) that would go beyond mitigation. Rather, these would be neutral items. Nevertheless, the weight to be given to the various benefits overall should be considerable. [5.4][6.19][9.21][7.6]

Other infrastructure provisions

15.41 With regard to **flooding**, the RAs felt that the question of where the surface water from the sites would go, if the sewers backed up due to flooding in Purley Cross, was not answered satisfactorily and that not enough work had been done. However, the Applicants explained, with evidence, that if the sewers backed up the sites themselves would flood, specifically the car parks where the storage tanks would be located. The requirement for the scheme was not to prevent flooding at Purley Cross, which would require works well beyond the sites, but to ensure that existing flooding, including that leaking into foul sewers, was not made any worse. There was sufficient evidence at the Inquiry, including that from the relevant authorities, the EA, the LLFA and Thames Water, to conclude that this requirement could be met, subject to further details being submitted, and these could be controlled by the suggested conditions.
[5.6][6.22][7.17][7.19][8.24][9.43-9.45][10.10][10.20-10.21][11.9]

15.42 The submitted **air quality** assessment, which included detailed data on monitoring, background concentration and traffic, found negligible effects on existing buildings and that impact on proposed dwellings could be dealt with by appropriate ventilation. A contribution towards the AQ Action Plan would be

secured through the Legal Agreement as would limitations on parking permits, requirements for marshalls and car club provisions to reduce the need to use private cars. [3.14][5.5][6.25][7.17][9.39][9.46][10.13][10.18][10.20][12.2]

15.43 Concerns were raised by the RAs and by local residents that many parts of the borough are already well above WHO guidelines and parts of the Brighton Road also exceed EU air quality levels. They felt that the exit onto Russell Hill Road would decrease local air quality due to the need for vehicles having to queue to exit the site onto Russell Hill Road with consequential engine idling. [7.18][9.39]

15.44 While the Applicants' closing focussed on the modest air quality impacts from development traffic, when a major concern was that providing new housing in an area with serious existing air quality problems, the LPA responded in detail to these concerns both in its statement and at the Inquiry. It was satisfied, with evidence, that a building design with appropriate mechanical ventilation equipment to the lower floors would ensure that the new dwellings would have internal air with NO_2 concentrations below the annual mean air quality objectives. Rightly or wrongly, there is no requirement in England to meet WHO standards. On balance, and subject to controls, the proposals would comply with policy in NPPF§120 and ensure that the effects (including cumulative effects) of pollution on health would be taken into account. [5.5][7.16]

15.45 With regard to **foul water**, conditions controlling the consumption of water in each flat, by the church (notwithstanding that it is a Baptist Church, this could be recycled) and communal uses, should reduce the outflow to rather less than that suggested by objectors and should not lead to problems over and above those which exist already. [7.19][9.43][10.10][10.20]

Other matters

15.46 The potential impact of the scheme, and the tower in particular, on daylight and sunlight, outlook, privacy and any **overshadowing** of PDC or neighbouring properties have all been assessed and were considered on the site visit. The reports all found that these would be satisfactory and there was no substantive evidence to the contrary. The **density** guidelines in the London Plan are just that. They are not intended as ceilings. [3.4][5.1][6.14][6.16] [7.11] [7.14][8.20-8.21][9.10][9.18-9.19][10.15][10.22][11.4][11.8]

15.47 Turning to the strength of **public opinion**, insofar as it is a planning matter, it should be noted that there is no Neighbourhood Plan, which would have required a referendum (i.e. an assessment of local opinion) on its contents which might have included proposed site allocations. Otherwise, it is more useful to look not so much at the strength of opinion but at the reasons for any objections. This Inquiry has done so in some detail. For whatever reason, from a simple reading of the extract from the MP's website, it is likely that the campaign against the application, promoting the online petition, may have led some people astray insofar it showed an image that bore only limited resemblance to that of the actual application. Whether or not calling in the planning application failed to comply with the Caborn principles is beyond the scope of this report. [4.2][8.18-8.19][11.15]

15.48 With regard to the soundness of the conclusions reached, and the recommendation to approve the application, by the Planning Committee, this Report demonstrates that the case officer considered all relevant factors in a thorough, detailed and comprehensive report and reached a fair and balanced conclusion which was adopted by the Committee. [10.15][11.1]

NPPF

15.49 NPPF§7 defines the three dimensions to sustainable development as: economic, social and environmental. The scheme would lead to substantial investment during the construction phase and Purley BID considered that new residents and users of the community facilities would generate new business for the town centre. [6.23][7.9][11.7][11.12]

15.50 Regarding the social role to sustainable development, the scheme would provide 220 new homes, above the requirement in Policy SP2.2, and so *boost significantly the supply of housing* (NPPF§47). It would do so in a location with accessible local services and so amount to good planning. A new church and community facilities would enhance these services. [6.18-6.19][7.6][11.6]

15.51 On the environmental side, there would be some harm to the settings of the listed library, 960 Brighton Road and the Brighton Road LHA. However, setting against this the improvements to the public realm, the net result for each heritage asset would be neutral. The net effect on flooding would be neutral at worst. There would be no harm to protected views. On the other hand, the overwhelming opinion was that the Island site is currently an eyesore. Its regeneration and the enhancements to the public realm along Russell Hill Road and Banstead Road would benefit the town's environment as would the scheme's design in accordance with section 7 of the NPPF. [6.22][7.23]

15.52 The proposals should therefore be viewed positively with each role. Measured against the policies in NPPF§§18-219 as a whole, the scheme would amount to sustainable development. [3.5][6.18-6.23][7.3][7.23][9.29][10.8][11.2]

Conclusion on the development plan

15.53 The starting point for consideration of the application is the development plan. This includes the London Plan and the very recently adopted Croydon LP. Given the above conclusions concerning the tower, the scheme would comply with London Plan Policies 7.7A, 7.7B, 7.7C and 7.7D. On balance, it would satisfy Policies 3.11-3.13 with regard to affordable housing. Parking provision would be appropriate and accord with what are in any event maximum standards in London Plan Policy 6.13. Given that the scheme would minimise additional vehicle use and that otherwise external air quality is largely beyond the Applicants' control, the mitigation would accord with Policy 7.14. [3.1][3.2-3.4][3.9][3.12][6.1][6.17]

15.54 The church, mixed uses and tall building on the Island site would reflect allocation No.35 in Table 11.10 of the LP Proposals for uses of land on specific sites in Purley. Indeed, the LP sets a presumption in favour of community facilities under Policy SP5.1; they would be well designed and located as required by Policy SP5.5; and accord with Policy SP5.6 which aims to support and enable the provision and improvement of places of worship. The scheme would comply with the criteria for these in Policy DM19.2. [3.8][3.11]

15.55 The proposals would therefore closely follow the expectations of the LP; indeed, they were probably led by it. Virtually all aspects of the scheme would indicate that it would amount to sustainable development under the NPPF and so also accord with LP Policy SP1. The scheme would provide a significant number of new homes towards the target in LP Policy SP2.2. It would accord with: Housing Policies SP2.3-SP2.6; Croydon Panorama Policy SP4.2; requirements for tall buildings in Policies SP4.5-SP4.10 and the specific criteria in Policy DM15; those for heritage assets and their settings in SP4.13; car free Policy SP8.15; and the place-specific requirements in Policy DM42.1. There would be no significant conflict with any relevant policy in either the London Plan or the LP. [3.5-3.8]

Conclusions

15.56 Although many issues were raised, and these are covered above, the main concern for most objectors was the height of the tower. As set out above, the principle of a building of roughly the height proposed on the Island site would not only accord with the development plan, but be led by it, and has been part of the emerging LP for several years. No concerns other than affordable housing and air quality merit any significant weight. For the reasons explained above, these negative aspects should be tempered and, on balance, neither would conflict with the development plan. As material considerations they warrant limited weight when compared with that which should be given to the substantial benefits of new homes, a new church, greatly enhanced community facilities and extensive regeneration.

15.57 Despite a thorough overhaul of all the issues at the Inquiry, the overwhelming evidence was that the scheme would fully comply with the requirements of the up-to-date LP, indeed was probably designed to do so. The balance of material considerations, including the NPPF, also weighs heavily in its favour. Overall, the scheme closely accords with the development plan as a whole and so, under NPPF§14, should be approved without delay.

16. Recommendation

16.1 I recommend that the application should be approved and planning permission granted subject to the attached Schedule of conditions and all the obligations in the Legal Agreement.

David Nicholson

INSPECTOR

Schedule of conditions

Where in these conditions the following defined terms and expressions are used they shall have the following respective meanings:
"Phase 1" means all elements of the Development relating to the South Site, proposed Class C3 (residential use);
"Phase 2" means all elements of the Development relating to the Island Site, proposed Class A1 (retail use), Class C3 (residential use) and Class D1 (community use);
"Occupation of Phase 1" means 'residential occupation';
"Occupation of Phase 2" or "occupied" means the earliest of either 'opening to trade'/ 'opening to the public'/'residential occupation';
"Highway Agreement(s)" means one or more agreements made under s38 and/or s278 of the Highways Act 1980 (or under other appropriate statutory powers) relating to works on in under or adjacent to a highway or creating new highway.

Conditions specifically related to Phase 1

1. The windows on the north western elevation of Phase 1, other than those serving bedrooms, shall be obscure glazed prior to occupation of the units. The obscure glazing shall be retained for the life of the development.

Reason: To protect the privacy of adjacent occupiers.

2. The roof areas of the building within Phase 1 hereby permitted shall not be used as a balcony, roof garden or similar area and no alterations at upper floor levels shall be carried out to create access to it.

Reason: To protect the amenities of adjacent occupiers

3. Fencing for the protection of those trees and other planting on this site shown to be retained shall be erected in accordance with the tree survey report dated Jan 2016 (Rev 25 Oct16) including plan in appendix 3B before any materials, equipment or machinery are brought onto the site for the purposes of development within Phase 1, including demolition. The fencing shall be retained in position until Phase 1 is complete and nothing shall be placed within the fencing, nor shall any ground levels within be altered, nor shall any excavation within be made without the prior written consent of the Local Planning Authority (LPA).

Reason: To ensure that the trees to be retained are not damaged by the construction and associated works.

4. Prior to the commencement of Phase 1 development the developer shall enter into Highway Agreement(s) to secure the delivery of works in accordance with drawing number A083346-SK037 (and drawings numbered 1272-CA-A-DR-LEGAL-002-P1 and 1272-CA-A-DR-LEGAL-001-P1 attached to the Section 106 as plan 5a and plan 5c respectively). The agreed works shall include but not be limited to, the provision of new accesses, and the proposed layby. These works shall be carried out prior to the occupation of Phase 1 and implemented in accordance with such approved details.

Reason: To ensure that traffic generation can be accommodated on surrounding roads.

5. Prior to above ground works taking place on Phase 1, full details of the following shall be submitted to and approved in writing by the LPA:

   i) External facing materials including sample boards of all facing materials and finishes;
   ii) Full scale (1:1) mock ups of:
      - A typical panel of loggia brickwork
      - A typical panel of principal elevation treatment including brickwork and cast composite buff stone lintels
      - A typical panel of standing seam zinc
      - A typical black painted balustrade
      - A typical panel of the dark oak screen
   iii) Sectional drawings at 1:5 (unless otherwise noted below) through all typical external elements/details of the facades including all openings in external walls including doors, the vehicular access and all window-type reveals, heads and cills;
   iv) Details of junctions between external facing materials at 1:5;
   v) Typical details of all balconies;
   vi) Roof details in plan and section showing the detail of and relationship between solar arrays, plant, extracts and parapets ;
   vii) Plans of ground-floor residential entrance lobbies at 1:20, elevations of residential entrance doors at 1:10 and details of entrance-door thresholds;
   viii) Details of mechanical ventilation systems as proposed across all aspects of the development and identified in the Sustainability and Energy Report by Peter Brett and Associates (September 2016, Revision C);
   ix) Details of rainwater goods

   The details approved shall be provided and completed in accordance with this condition prior to first occupation of Phase 1.

Reason: To ensure that the appearance of the development is of a high quality

Conditions relating to Phases 1 and 2

6. Prior to the first occupation within each Phase, a landscaping strategy to include full details of all hard and soft landscape works within the site shall be submitted to and approved in writing by the LPA. Such details shall include, but not be limited to:
   1) public realm design (including proposed seating, cycle storage and street furniture);
   2) species, planting density and size of proposed new planting, including girth and clear stem dimensions of trees (including trees on roof terraces and on top of tower and including details of planters and means of permanently securing trees);
   3) hard landscaping materials (including samples which shall be permeable as appropriate), including dimensions, bonding and pointing;
   4) details of junctions with other areas of public realm including drainage
   5) all boundary treatments within and around the development;
   6) Details at 1:5 in plan and section of retaining walls to ground floor amenity areas (Phase 1) and ramps and steps to all entrances (Phases 1 and 2);
   7) Details of ramps and steps to Library Forecourt at 1:5 (Phase 2);
   8) Details of the interface between the retained library wall and the north-west corner of the development (Phase 2);

9) Details of roof gardens and courtyard play areas (Phase 2);
All landscaping works shall be provided in accordance with the approved details on site before any part of the development within each Phase is occupied or within such longer period or periods as the local planning authority may previously agree in writing. All planting shall be maintained for a period of five years from the date of planting; any planting which dies or is severely damaged or becomes seriously diseased or is removed within that period shall be replaced by planting of similar size and species to that originally provided. The strategy for permanently securing trees shall be retained and maintained in perpetuity.

Reason: To enhance the appearance of the development, protect the visual amenities of the locality, and to ensure that the new planting becomes established.

7. No residential occupation of either Phase shall take place until full details of the equipment to be contained within the identified playspace of each Phase have been submitted to and approved in writing by the LPA. The facilities shall then be provided on site in accordance with the approved details prior to the first occupation of each Phase or within such longer period or periods as have been previously agreed in writing by the LPA. The playspace shall be retained for the life of the development.

Reason: To ensure a quality appropriate play space provision is made.

8. Prior to commencement of development for each Phase a detailed drainage strategy detailing on and/or off site drainage works for that Phase, shall be submitted to and approved in writing by the LPA. No discharge of foul or surface water from the Site shall be accepted into the public system for any part of the Site until the relevant drainage works have been constructed and completed in accordance with the details approved pursuant to this condition and such works shall be thereafter retained in accordance with the details approved pursuant to this condition for the life of the Development.

Reason: The Development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the Development; and in order to avoid adverse environmental impact upon the community.

9. Prior to commencement of development for each Phase detailed impact studies on the existing water supply infrastructure for that Phase shall be submitted to, and approved in writing by, the LPA. The detailed impact studies for each Phase should determine the magnitude of any new additional capacity required in the system and a suitable connection point. The outcomes of the impacts studies approved pursuant to this condition should be implemented and completed for each Phase in accordance with the details approved pursuant to this condition and should thereafter be retained in accordance with those details for the life of the Development.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.

10. No demolition or development of either Phase shall take place until an archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing for each phase. For land that is included within the WSI, no demolition or development shall take place other

than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. 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 and 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 WSI's.

Reason: Heritage assets of archaeological interest may survive on the site. The planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results.

11. Prior to above ground slab construction works for each Phase, details of all external mechanical plant on the roof to be provided and details of the screening to any such external mechanical plant within that Phase shall be submitted to and approval in writing obtained from the LPA. The screening of external mechanical plant shall be implemented and completed in accordance with the details approved pursuant to this condition prior to the commencement of operation of the plant within each Phase and all external mechanical plant shall be screened in accordance with the details approved pursuant to this condition for the life of the development.

Reason: To enhance the appearance of the roof of the development and protect the visual amenities of the locality.

12. Prior to the first occupation of each Phase of the development (or within such other time period or periods as had been previously agreed in writing by the LPA) electric vehicle charging points to serve 20% of the car parking spaces, and passive provision for electric vehicle charging points for a further 20% of spaces shall be provided as specified in the application. These shall be retained for the life of the development.

Reason: To ensure a satisfactory standard of development.

13. Prior to the first occupation of both Phases the development (or within such other time period or periods as has been previously agreed in writing by the LPA) the following matters shall be provided in each Phase in accordance with the approved planning drawings or those drawings subsequently approved:
    Phase 1
        1) Vehicle access and egress arrangements.
        2) Car parking spaces
        3) Refuse storage arrangements
        4) Courtyards and communal areas
    Phase 2
        1) Vehicle access and egress arrangements.
        2) Car and mini bus parking spaces
        3) Refuse storage arrangements
        4) Terraces/courtyards and communal areas

Reason: To ensure a satisfactory standard of development.

14. Prior to the first occupation of each Phase a travel plan (TP) in relation to the occupiers of both Phases to encourage sustainable modes of transport, including a cycle strategy, shall be submitted to and approved in writing by the LPA. The TP shall be in accordance with the aims, objectives and targets identified in the Residential Travel Plan completed by WYG (May 2016) and the Purley Baptist Church Travel Plan completed by WYG (May 2016) and TfL best practice guidance at the time.
    The TP shall be implemented fully in accordance with the details approved pursuant to this condition prior to first occupation of each Phase and shall thereafter continue to be implemented in full in accordance with the details approved pursuant to this condition for the life of the development.
    The TP may be revised with the written approval of the LPA in consultation with TfL and any revised TP approved pursuant to this condition shall be implemented in full in accordance with the details approved pursuant to this condition.

Reason: To encourage sustainable modes of transport and reduce reliance on the car.

15. Prior to first occupation of either Phase, a Delivery and Servicing Plan for vehicles in relation to that Phase shall be submitted to and approved in writing by the LPA. Vehicles servicing each Phase shall do so in accordance with the details approved pursuant to this condition, from first occupation in either Phase and shall continue to do so for the life of the development.
    The approved Servicing Plan may be revised with the written approval of the LPA and vehicles serving any Phase the subject of a revised Servicing Plan approved pursuant to this condition shall do so in accordance with the details approved pursuant to this condition.

Reason: To ensure that delivery and servicing traffic does not interfere with the safety and free flow of the highway.

16. Prior to first occupation in either Phase, details of a waste collection management plan for the relevant part of that Phase shall be submitted to and approval in writing obtained from the LPA. Refuse shall be collected for each Phase in accordance with the details approved pursuant to this condition for the lifetime of the development.

Reason: In the interests of visual amenity of the area.

17. Prior to first occupation in either Phase, a ventilation strategy (including the recommended mitigation measures identified within the air quality assessment by AMEC Foster Wheeler dated March 2016 (ref: 37742rr005i2) and any other mitigation measures required for an acceptable level of internal air quality throughout the development) shall be submitted to and approved in writing by the LPA. The development shall be carried out entirely in accordance with the approved details which shall be maintained and retained thereafter.

Reason: To ensure that an acceptable standard of development is provided.

18. The development shall be carried out in accordance with the recommendations made within the Noise Impact Assessment by AMEC Foster Wheeler dated April 2016 (ref: 37742 Final Report 16072i4) and retained thereafter.

Reason: To ensure that an acceptable standard of development is provided.

19. The noise level from any air handling units, mechanical plant, or other fixed external machinery on either Phase shall be at least 10dB below existing background noise levels.

Reason: To protect residential amenity.

20. Prior to occupation of either Phase, insulation to all flats shall be provided to ensure noise levels shall not exceed the Guidelines for Community Noise (World Health Organisation, 1999). These levels are:
    1) 35 dB LAeq, [16hours] within the dwelling during the day and evening;
    2) 30 dB LAeq[8hours] and 45 dB LAmax in bedrooms during the night.

Reason: In order to ensure a satisfactory noise environment for future residents.

21. Any heat and power systems to be installed shall be air quality neutral in line with London Plan policy 7.14.

Reason: To protect air quality.

22. Prior to above ground slab construction works for each Phase the following shall be provided to and approved in writing by the LPA to ensure the incorporation of green and brown roofs:

    - The planting details of the green and brown roofs;
    - A programme for the provision of the green and brown roofs;
    - The green and brown roofs shall be provided, completed and thereafter retained in accordance with the details for the green and brown roofs approved in writing by the LPA pursuant to this condition.

Reason: In the interests of visual amenity.

23. The development shall be constructed to achieve a reduction in carbon dioxide emissions of 35% over the Target Emission Rate (as outlined in the Building Regulations 2013) in accordance with the submitted Energy & Sustainability Statement. Prior to occupation in each Phase of the development details confirming the carbon dioxide emissions reductions shall be submitted to and approved in writing by the LPA and thereafter retained and used for energy supply for so long as the development remains in existence.

Reason: To provide a sustainable development.

24. No works shall take place prior to commencement until the applicant has provided to the LPA for approval a District Energy Connection Strategy. This will show how the development has incorporated design features which facilitate future connection to a District Energy Network. The development shall only be implemented in accordance with the approved details.

Reason: To enable future connection.

25. The development shall achieve a water use target of 110 litres per head per day for residents.

Reason: To ensure the efficient use of energy and water.

26. Prior to commencement of either Phase, a detailed drainage strategy should be submitted for approval in writing by the LPA and Lead Local Flood Authority (LLFA) in line with Flood Risk Assessment and SuDS Assessment for both Phases (South and Island sites - Price & Myers, October 2016) and Geotechnical Assessment (Geotechnical Consulting Group, 10th November 2016) and accounting for LLFA comments (July, October & November 2016).
The Strategy should conform to requirements of NPPF and Planning Practice Guidance, the London Plan (2011), policy 5.13, its supporting document; Sustainable Design and Construction Supplementary Planning Guidance (2014), the SuDS Non-Statutory Technical Standards (2015) and Croydon Local Plan Policies on Flood Risk and Drainage. Specifically the following elements must be included;
    - Provision of floatation calculations to ensure any proposed below ground attenuation tanks are resilient to high groundwater (both sites);
    - Confirmation of construction measures to reduce the impediment of sub-surface flow around the south site basement including the inclusion of viable flood paths either side of the basement;
    - Confirmation that all raised thresholds will maintain a 300mm freeboard above predicted flood levels;
    - Updated drainage strategy plan to show the dimensions of proposed SuDS, for both sites, with consideration of buffer distances from buildings and boundaries.
    - Provision of a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime; and,
    - Provision of additional mitigation and/or clarification to ensure properties adjacent to Flood Zone 3 are not affected by watercourses (in accordance with the LLFA Response Statement (Price & Myers, 2016).

    The development shall be carried out in accordance with the approved strategy and retained thereafter.

Reason: To ensure the provision of a sustainable development.

27. 10% of the dwellings shall be designed to be Category 3 'wheelchair user dwellings' M4(3). The units shall be provided prior to any residential occupation of the building in either Phase and shall be retained as such for so long as the development remains in existence.

Reason: To ensure that an acceptable standard of flexible and adaptable housing is provided and retained in accordance with the London Plan

28. 90% of the dwellings shall be designed to be Category 2 'accessible and adaptable' M4(2) and shall be provided prior to any residential occupation of the building in either Phase and shall be retained as such for so long as the development remains in existence.

Reason: To ensure that an acceptable standard of flexible and adaptable housing is provided and retained in accordance with the London Plan.

29. Prior to the commencement of development in each Phase approved by this planning permission (or such other date or stage in development as may be

agreed in writing with the LPA), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the LPA:

1. A site investigation scheme, based on the Phase 1 report, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
2. The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the LPA. The scheme shall be implemented as approved.

Reason: For the protection of controlled waters. The site is located over a Principal Aquifer and within SPZ1. It is possible that the site may be affected by historic contamination.

30. If, during development in either Phase, contamination of a type not previously identified (and for which a remediation strategy has not been previously agreed by the Local Authority) is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the LPA.

Reason: There is always the potential for unexpected contamination to be identified during development groundworks. The LPA should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.

31. Prior to occupation of each Phase of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

Reason: Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

32. No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

33. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters.

34. Notwithstanding anything contained in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any amendment or replacement thereof), prior to the commencement of any demolition, building or engineering operations, a Construction Method Statement and a Construction Logistics Plan (which shall include a site waste management plan) shall be submitted to the LPA for approval in writing. The documents shall include the following information for all phases of the development, which shall only be carried out as approved:-

    1) hours of deliveries,
    2) parking of vehicles associated with deliveries, site personnel, operatives and visitors,
    3) facilities for the loading and unloading of plant and materials,
    4) details of the precautions to guard against the deposit of mud and substances on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances prior to entering the highway
    5) details outlining the proposed range of dust control methods and noise mitigation measures during the course of construction of the development, having regard to Croydon Councils 'Code of Practice on Control of Pollution and Noise from Construction sites', BS 5228, Section 61 consent under the Control of Pollution Act 1974, and the 'London Best Practice Guidance to Control Dust and Emissions from Construction and Demolition'.

Reason: In order to ensure that the development does not prejudice the safety or free flow of pedestrians, operation of the tram system and vehicular traffic on the highway or cause undue inconvenience to other users, or adversely impact on the amenities of the occupiers of nearby properties.

35. Unless otherwise previously agreed by the LPA in writing the development shall be carried out in accordance with the approved drawings and other documents submitted with the application.

    Phase 1
    A304_PL_001 Rev C,
    1272-CA-A-XX-DR-PL-095 Rev P3, 1272-CA-A-XX-DR-PL-096 Rev P2, 1272-CA-A-LG-DR-PL-099 Rev P1, 1272-CA-A-GF-DR-PL-100 Rev P3, 1272-CA-A-01-DR-PL-101 Rev P5, 1272-CA-A-02-DR-PL-102 Rev P5, 1272-CA-A-03-DR-PL-103 Rev P2, 1272-CA-A-04-DR-PL-104 Rev P2, 1272-CA-A-05-DR-PL-105 Rev P2, 1272-CA-A-RL-DR-PL-106 Rev P1, 1272-CA-A-RL-DR-PL-107 Rev P1, 1272-CA-A-XX-DR-SE-200 Rev P1, 1272-CA-A-XX-DR-SE-201 Rev P1, 1272-CA-A-XX-DR-EL-300 Rev P1, 1272-CA-A-XX-DR-EL-301 Rev P1, 1272-CA-A-XX-DR-EL-302 Rev P3, 1272-CA-A-XX-DR-EL-303 Rev P2, 1272-CA-A-XX-DR-EL-310 Rev P1, 1272-CA-A-XX-DR-EL-311 Rev P1, 1272-CA-A-XX-DR-EL-320 Rev P1, 423.01 Rev E, 423.02 Rev D, 423.03 Rev D, 423.04 Rev A, 423.05 Rev A, 423.06 Rev A, 423.07, 423.08, 423.09, A083346-SK037 and 13718-100 2DT (3).

    Phase 2
    A304_PL_001 Rev C, A304_PL_002 Rev A, A304_PL_003 Rev A, A304_PL_004, A304_PL_005 Rev A, A304_PL_006 Rev B, A304_PL_010 Rev A, A304_PL_011 Rev A, A304_PL_012 Rev B, A304_PL_013 Rev C, A304_PL_014 Rev C, A304_PL_015 Rev C, A304_PL_016 Rev A, A304_P_017 Rev A, A304_PL_018 Rev A, A304_P_019 Rev A, A304_P_020 Rev A, A304_P_021 Rev A, A304_PL_022 Rev A, A304_PL_023 Rev A, A304_PL_024 Rev A, A304_PL_025 Rev A, A304_PL_026 Rev A, A304_PL_027 Rev A, A304_P_028 Rev A, A304_P_029 Rev A, A304_PL_050, A304_PL_051, A304_PL_100, A304_PL_101, A304_PL_102, A304_PL_103, A304_PL_104, A304_PL_105, A304_PL_106, A304_PL_107, A304_PL_108, A304_PL_109, A304_PL_110, A304_PL_111, A304_PL_112, A304_PL_113, A304_PL_114, A304_PL_115, A304_PL_116, A304_PL_117 Rev B, A304_PL_130, A304_PL_131, A304_PL_132, A304_PL_133, A304_PL_150, A13392-T-01, and MSTE100 Rev 0.

Reason: To ensure that an acceptable standard of development is provided and retained.

36. The development shall be begun within three years of the date of the permission.

Reason: To comply with the provisions of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Conditions specifically related to Phase 2

37. Prior to above ground works taking place on Phase 2, full details of the following shall be submitted to and approved in writing by the LPA:
    i. External facing materials including sample boards of all facing materials and finishes;
    ii. Detail and sample of the precise colour and specification of the buff coloured Dryvit reconstituted stone tracery material;
    iii. Full scale (1:1) mock ups of:
        - A typical bay of buff tracery showing a corner and typical joins between elements
        - A typical bay of tower curtain walling system
        - A panel of typical tower infill panel material
        - A panel of typical tower terracotta pier
        - A mock-up of the junction between panels of the main ground floor tower materials (red/brown/grey brick, terracotta pier, composite panel, ceramic tile)
        - A typical panel of brickwork ventilation
        - A typical panel of terracotta perforated feature brickwork panel (prayer room)
        - A panel of typical ceramic tile feature cladding
        - A panel of typical stainless steel perforated screens depicting imagery
        - A panel of typical dark grey polyester coated metal ventilation grill
        - A panel of the terracotta feature brickwork (perforated brick Flemish bond)
        - A panel of the terracotta feature brickwork (split projecting brick Flemish bond)
        - A typical panel of the red/brown/grey brickwork intended to be similar to Purley Library
        - A typical panel of the red/brown/grey brickwork (vertical stack bond triple course recessed 25mm)
        - A typical panel of the red/brown/grey brickwork (herringbone pattern recessed 75mm)
        - A typical panel of pink/brown brickwork (stretcher bond)
        - A panel of Banstead Road car park vent system
        - A typical panel of perforated brickwork as shown on elevation SS
    iv. Sectional drawings at 1:5 (unless otherwise noted below) through all typical external elements/details of the facades including all openings in external walls including doors, the vehicular accesses and all window-type reveals, heads and cills;
    v. Details of junctions between all external facing materials at 1:5;
    vi. Typical details of all balconies including fixing details;
    vii. Sections through typical winter gardens at 1:10;
    viii. Roof details in plan and section showing the detail of and relationship between solar arrays, plant, extracts and parapets ;
    ix. Plans of ground-floor residential entrance lobbies at 1:20, elevations of residential entrance doors at 1:10 and details of entrance-door thresholds;
    x. Details of mechanical ventilation systems as proposed across all aspects of the development and identified in the Sustainability and Energy Report by Peter Brett and Associates (September 2016, Revision C);
    xi. Details of rainwater goods;
    xii. Details of the sprinkler fire suppression system in the tower.

The details approved shall be provided and completed in accordance with this condition prior to first occupation of Phase 2 and retained and maintained for the lifetime of the development.

Reason: To ensure that the appearance of the development is acceptable

38. Prior to any above ground slab construction works for Phase 2, a public arts feature strategy, including, but not limited to, selection of the artist, the final proposal, the detailed design of the proposals at 1:5 in plan, section, elevation, and samples of the materials to be used shall be submitted to the LPA for written approval. The public art shall be implemented in accordance with the approved details prior to occupation of the building and maintained for the lifetime of the development or as otherwise approved by the LPA.

Reason: In the interests of the visual amenity of the area and in accordance with Croydon UDP Saved policy UD16

39. Prior to the commencement of development of Phase 2 the developer shall enter into Highway Agreement(s) to secure the delivery of works in accordance with drawing number A13392-T-01 (and drawing numbered A304_L_00_006 attached to the Section 106 as plan 5b). The agreed works shall include but not limited to, the provision of new accesses, removal of redundant crossovers, the proposed loading and drop off bays, cycle parking, footpaths and tree planting. These works shall be carried out prior to the occupation of Phase 2 and implemented in accordance with such approved details.

Reason: To ensure that traffic generation can be accommodated on surrounding roads.

40. Before Phase 2 opening for occupation, a car park management plan ("CPMP") shall be submitted to and approved in writing by the LPA. The operation of the car park shall be carried out in accordance with the details approved pursuant to this condition for the lifetime of the development.
The approved CPMP may be updated from time to time provided the revised CPMP has been approved in writing by the LPA and the car parks shall be operated in accordance with any revised plan approved pursuant to this condition.

Reason: To ensure that cars parking in the Development do so safely and that it does not interfere with the free flow of the highway.

41. Petrol and oil interceptors shall be fitted and retained in all new car parking facilities within Phase 2 and retained thereafter.

Reason: To prevent oil-polluted discharges from entering local watercourses.

42. The windows on the north western elevation, serving Core A at first to third floor level of Phase 2 shall be obscure glazed prior to occupation of the units. The obscure glazing shall be retained for the life of the development.

Reason: To protect the privacy of adjoining occupiers.

43. Prior to the first occupation of Phase 2 details of any window cleaning equipment (including machine tracks) for the relevant part of that Phase shall be submitted

to and approved in writing by the LPA. Window cleaning equipment shall be provided and completed in accordance with the details approved pursuant to this condition prior to occupation of the relevant part of Phase 2. The window cleaning equipment shall thereafter be retained in accordance with the details approved pursuant to this condition for the life of the Development.

Reason: To enhance the appearance of the roof of the Development and protect the visual amenities of the locality.

44. Prior to the operation of the community facilities within Phase 2 the following details/documents shall be submitted to and approved in writing by the LPA –
    1) Visitor Management strategy
    2) Noise insulation details for exit doors, windows and walls to the multi-purpose hall.
    3) Ventilation strategy for when the multi-purpose hall is in use (to ensure these doors and windows remain closed)

    The development and community uses shall be carried out entirely in accordance with the provisions of the strategy prior to opening, for so long as the use remains in existence.

Reason: To protect the residential amenities of adjoining occupiers and highway safety.

45. All exit doors and windows serving the multi-purpose hall within Phase 2, at both first and second floor level, to remain closed while the room is in use.

Reason: To protect the amenities of adjoining occupiers.

46. No sound amplification equipment shall be used in the multi-purpose hall within Phase 2 until suitable noise limiting and cut out devices have been fitted to the electrical supply and the fire exit doors and windows. These devices should cut out the supply to amplified music should noise levels exceed levels, to be agreed by the Council in writing prior to sound amplification equipment being used on site, or when windows or the fire exit doors are opened. Such measures shall be retained for so long as the development remains in existence.

Reason: To protect the amenities of adjoining occupiers

47. Within one month following the installation of the noise limiting and cut out devices in the multi-purpose hall, in accordance with condition 46, a noise assessment shall be carried out to the written approval of the LPA assessing the effectiveness of these devices in safeguarding local residential amenity. The report shall identify any necessary additional remedial measures which shall be carried out to the written approval of the LPA within two months of the approval of the noise assessment. Such measures shall be retained for so long as the development remains in existence.

Reason: To protect the amenities of adjoining occupiers.

48. Community uses (including the Church) that involve amplified speech or music, or any sporting activity shall not be open to the public (which includes congregation) except:-

Mon-Thur	07:00 to 23:00
Fri-Sat	07:00 to 23:00
Sun	08:00 to 21:30
Bank Holiday	08:00 to 20:00

Reason: To protect the amenities of adjoining occupiers

49. Prior to the installation of any architectural lighting for Phase 2, a scheme for the night time illumination of the exterior of the buildings, including details of fixtures, fittings and operation, shall be submitted to and approved by the LPA in writing. Any night time illumination shall only be installed and completed in accordance with the details approved pursuant to this condition prior to first occupation and the night time illumination shall thereafter be retained in accordance with the details approved pursuant to this condition for the life of the development.

Reason: To ensure an acceptable standard of development.

50. The development shall be constructed to achieve a BREEAM 'Excellent' rating in accordance with the submitted BREEAM pre-assessment. The approved scheme shall then be provided in accordance with these details. A certificated BREEAM Post Construction Review, or other verification process agreed with the LPA, shall be provided, confirming that the agreed standards have been met, prior to phase 2 occupation of the development.

Reason: To ensure a sustainable standard of development.

51. Prior to commencement of development for Phase 2, a scheme for the protection of the adjacent Listed Library during the demolition of the existing buildings and the construction of the Development shall be submitted to and approved by the LPA. The approved scheme shall be implemented prior to demolition and retained for the period of the demolition of the existing buildings and construction of the development.

Reason: To ensure the protection of a Grade II Listed building.

52. Prior to commencement of development for Phase 2, a construction methodology for works adjacent to the Listed Library shall be submitted to and approved by in writing the LPA. The approved scheme shall be implemented in accordance with the approved details and methodology.

Reason: To ensure the protection of a Grade II Listed building.

53. No occupation of Phase 2 shall commence until the approval of the LPA has been obtained with respect to a CCTV scheme for the publicly accessible areas. The scheme shall include details of fixtures and fittings and location of cameras. This shall be provided before any part of the development is occupied and shall be retained for so long as the development remains in existence.

Reason: To enhance the appearance of the development and protect the visual amenities of the locality.

54. Cranes used during the construction phase shall be provided with aviation warning lights in accordance with the following details:

    1. For those which extend the maximum height (building plus crane mounted above it) to 150m / 492ft or more, aviation warning lighting shall be provided in accordance with Article 219 of the UK Air Navigation Order.
    2. For those which extend the maximum height (building plus crane mounted above it) to 60-90m, low intensity steady red aviation warning lighting shall be provided
    3. For those which extend the maximum height (building plus crane mounted above it) to between 90-150m high, medium intensity steady red aviation warning lighting shall be provided.

Reason: To prevent an adverse environmental impact on aviation for reasons of safety.

55. If 12 months after demolition of the buildings on Phase 2 rebuilding does not commence, the developer shall submit a strategy for meanwhile uses of the site which shall be submitted to the LPA for approval in writing to identify uses and activities on site. The approved strategy will be implemented in accordance with the approved details, which shall include a timetable for implementation of meanwhile uses.

Reason: To protect the setting of the adjacent Listed building.

56. Prior to above ground slab construction of Phase 2 a tree planting strategy for street trees (including, but not limited to the guying system and tree surrounds) shall be submitted to the LPA for written approval. The details shall be carried out entirely in accordance with the provisions of the strategy prior to occupation of phase 2.

Reason: To protect the residential amenities of adjoining occupiers and highway safety.

57. Prior to above ground slab construction of Phase 2 a strategy for minimising the water use in relation to the church and community uses shall be submitted to the LPA for written approval. The details shall be carried out entirely in accordance with the provisions of the strategy prior to occupation of the community use and shall be retained for the lifetime of the development.

Reason: To ensure the efficient use of energy and water.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Stephen Morgan of Counsel	instructed by Samra Yunus, solicitor for Croydon Council
He called	
Ronald Burton BSc MILT	Croydon Council
Vincent Lacovara MA Reg Arch	Croydon Council
Clive Simmonds	Croydon Council
James White MA RTPI	Croydon Council

FOR THE APPLICANT:

Christopher Katkowski QC and Andrew Byass of Counsel	instructed by Paul Thompson, Partner, Temple Bright LLP
They called	
Rev Dr James Collins BSc BA PhD	Purley Baptist Church
Andrew Matthews BA DipArch RIBA	Proctor and Matthews
Geoff Noble BA DipUD DipConsAA MRTPI IHBC	Sole practitioner, Townscape and Heritage evidence
Victoria Balboa BEng MILT MCIHT	Technical Director, Pell Frischmann
Rob Pearson BSc DipTP MRTPI	Nexus Planning
Dimitros Linardatos BEng MSc CEng MICE FIHE	Price & Myers, Flooding
Cunningham	Director, Thornsett Group Plc

FOR THE RESIDENTS' ASSOCIATIONS:

Charles King, MBE	Chair, East Coulsdon RA.
Diane Hearne, Hartley & District RA.	Hartley & District RA
Dennis King, RIBA (retired)	Sanderstead RA.
Lee Cooper	Vice chair Hartley RA
Jan Stollery	Old Coulsdon RA.

INTERESTED PERSONS:

The names of those who spoke at the Inquiry are set out with their summary above.

INQUIRY DOCUMENTS

1	Statement by Clive Simmonds
2	Opening Statement on behalf of the Applicants
3	Opening Statement on behalf of the LPA
4	Presentation to inquiry by Andrew Matthews
5a-b	Agreement under s106 of the T&CP Act
6	Photograph from Farthing Downs
7a-d	Draft suggested conditions
8	Applicants' comments on matters raised by RAs' statement of case
9	Headline summary of ownership and transaction structure from Stephenson Harwood
10	Letter in support dated 15 January 2018 from Partners Advocacy

11 Note on financial benefits to Purley District Centre
12 *Switch off that engine.* Croydon Council leaflet on engine idling powers
13 Applicants' supplementary points in response to Inspector's questions
14 Complete set of full size plans
15 Letter dated 15 January 2018 from Douglas Birt Consulting
16 Letter dated 15 January 2018 from BNP Paribas Real Estate
17 Air quality note dated 15 January 2018
18 Purley Baptist Centre New Facility Usage dated 15 January 2018
19 Judgment in *Khodari*
20 Statements by interested parties
21 Site visit routes
22 Further notes from the LPA regarding: affordable housing review mechanism; air quality ventilation systems, and; policies relating to places of worship
23 Letter dated 16 January 2018 from Douglas Birt Consulting
24 Email exchange dated 16 January 2018 regarding sprinklers
25 Letter dated 16 January 2018 from BNP Paribas Real Estate
26 Email dated 16 January 2018 from the LPA confirming agreement to the s106 amendments
27 Closing submissions on behalf of the Joint Residents' Associations
28 Closing submissions on behalf of the LPA
29 Closing submissions on behalf of the Applicants

CORE DOCUMENTS

CD1.1	Planning Application Cover Letter	Nexus Planning	May 2016 /-
CD1.2	Planning Forms and Certificates	Nexus Planning	May 2016 /-
CD1.3	CIL Liability Form	Nexus Planning	May 2016 /-
CD1.4	Planning Statement	Nexus Planning	May 2016 /-
CD1.5	Draft S106 Heads of Terms Agreement	Temple Bright	-
CD1.6	Draft Community Facilities Management Plan	Nexus Planning	-
CD1.7	Application Drawings–Island Site	Proctor& Matthews	April 2016 /-
CD1.8	Application Drawings–South Site	Capital Architecture	May 2016 /-
CD1.9	Landscape Plans (including amenity space proposals)	Philip Cave Associates	May 2016 /-
CD1.10	Design and Access Statement (including amenity space proposals)	Proctor and Matthews /Capital Architecture /Philip Cave Associates	May 2016 /-
CD1.11	Tree Survey Report	RGS	January 2016 /-
CD1.12	Statement of Community Involvement	Bellenden Consultants	March 2016 /-
CD1.13	Transport Assessment	WYG	May 2016 / 6
CD1.14	Residential Travel Plan	WYG	May 2016 / 2
CD1.15	Purley Baptist Centre Travel Plan	WYG	May 2016 / 2
CD1.16	Draft Construction Logistics Plan	WYG	April 2016 / 2
CD1.17	Sustainability and Energy Statement	Peter Brett Associates	March 2016 / B
CD1.18	Pedestrian Wind Assessment	Price and Myers	April 2016 / 1
CD1.19	Television Reception Analysis	G-Tech Surveys	March 2016 / 1
CD1.20	Flood Risk Assessment for the Island Site	Price and Myers	May 2016 / 3
CD1.21	Flood Risk Assessment for the South Site	Price and Myers	April 2016 / 4

CD1.22	Air Quality Assessment	Amec Foster Wheeler	March 2016 / 2
CD1.23	Noise Impact Assessment	Amec Foster Wheeler	April 2016 / 5
CD1.24	Land Quality /Contamination Assessment	Amec Foster Wheeler	March 2016 / 2
CD1.25	Archaeology Desktop Assessment	Amec Foster Wheeler	March 2016 / 3
CD1.26	Heritage Statement	Geoff Noble	May 2016 /-
CD1.27	Townscape and Visual Impact Assessment	Geoff Noble	May 2016 /-
CD1.28	Sunlight and Daylight Assessment	BLDA Consultancy	May 2016 / 2
CD1.29	Topographical Survey (Island Site)	Met Surveys	August 2016 / 0
CD1.30	Topographical Survey (South Site)	Met Surveys	May 2006 / 0
CD1.31	Viability Assessment	Douglas Birt Consulting	May 2016
CD2.1	Island Site Architectural Plans (Final Revisions)	Proctor & Matthews	Various
CD2.2	South Site Architectural Plans (Final Revisions)	Capital Architecture	Various
CD2.3	Landscape Plans (Final Revisions)	Philip Cave Assoc.	October 2016 / E
CD2.4	Flood Risk Assessments (Final Revisions for Island Site & South Site)	Price & Myers	October 2016 / 7
CD2.5	Sustainability & Energy Statement (final revision)	Peter Brett Associates	September 2016 / E
CD2.6	Daylight & Sunlight Addendum - 11 Banstead Rd.	BLDA	November 2016 / -
CD2.7	Tree Survey (final revision)	RGS	October 2016 / -
CD2.8	Pedestrian Wind Assessment – Addendum	Price & Myers	-
CD2.9	Transport Technical Note TN04 August 2016	WYG	August 2016
CD2.10	Transport Technical Note TN05 November 2016	WYG	November 2016
CD3.1	Island Site Architectural Plans	Proctor & Matthews	Various
CD3.2	South Site Architectural Plans	Capital Architecture	Various
CD3.3	Landscape and Other Plans	Various	Various
CD4.1	Applicant Statement of Case	Nexus Planning	May 2017
CD4.2	Council Statement of Case	Croydon Council	-
CD4.3	Rule 6 Party Statement of Case	Rule 6 Party	30 November 2017
CD5.1	Planning Statement of Common Ground	Nexus Planning and Croydon Council	December 2017
CD5.2	Transport Statement of Common Ground	Pell Frischmann and Croydon Council	December 2017
CD6.1	Croydon Committee Report and Minutes	Croydon Council	15 December 2016
CD6.2	Croydon Committee Report Addendum	Croydon Council	15 December 2016
CD6.3	Draft Planning Permission	Croydon Council	-
CD7.1	GLA Stage 1 Letter and Report	GLA	2 August 2016
CD7.2	GLA Stage 2 Letter and Report	GLA	14 March 2017
CD7.3	Historic England Representation	Historic England	23 June 2016

CD7.4	Environment Agency Representation	Environment Agency	29 July 2016
CD7.5	LLFA Representation	LLFA	14 November 2016
CD7.6	TfL Representation	Transport for London	14 July 2016
CD7.7	Thames Water Representation	Thames Water	7 July 2016
CD7.8	NPCU Representation	NPCU	22 July 2016
CD8.1	Local Organisation Letters	Various	Various
CD8.2	Local Politicians and MP Letters	Various	Various
CD9.1	Cover letter	Nexus Planning	29 September 2016
CD9.2	Site Location Plan	Proctor & Matthews	April 2016 / A
CD9.3	Listed Building Interface Plans	Proctor & Matthews	September 2016 / A
CD9.4	Heritage Statement Addendum	Geoff Noble	September 2016
CD10.1	Croydon Local Plan: Strategic Policies (CLP1)	Croydon Council	April 2013
CD10.2	Croydon Unitary Development Plan (Saved Policies)	Croydon Council	July 2006
CD10.3	London Plan	Mayor of London	March 2016
CD10.4	Croydon Local Plan CLP1 Policies Map	Croydon Council	-
CD11.1	Croydon Local Plan: Strategic Policies (CLP1.1) Partial Review – Main Modifications	Croydon Council	August 2017
CD11.2	Croydon Local Plan: Detailed Policies and Proposals (CLP2) – Main Modifications	Croydon Council	August 2017
CD11.3	Croydon Local Plan CLP1.1 Draft Policies Map – Main Modifications	Croydon Council	-
CD11.4	Croydon Local Plan CLP2 Draft Policies Map – Main Modifications	Croydon Council	-
CD12.1	National Planning Policy Framework	Department of Communities and Local Government	March 2012
CD12.2	Guidelines for Landscape and Visual Impact Assessment (GLVIA3)(extract)	Landscape Institute + IEMA	April 2013
CD12.3	The Setting of Heritage Assets: Good Practice Advice in Planning: 3	Historic England	March 2015
CD12.4	Historic England Tall Buildings Advice Note 4	Historic England	December 2015
CD12.5	Assessment of Local Designated Landmarks, Local Designated Views and Croydon Panoramas	Croydon Council	August 2016
CD12.6	Affordable Housing and Viability Supplementary Planning Guidance	Mayor of London	August 2017
CD12.7	Design South East Panel Letter	Design South East Panel	October 2015

CD12.8	The London Plan Housing Supplementary Planning Guidance	Mayor of London	March 2016
CD12.9	The London Mayors 'A City for all Londoners'	Mayor of London	October 2016
CD12.10	Housing White Paper 'Fixing our broken housing market'	Department for Communities and Local Government	7 February 2017
CD12.11	Croydon Borough Character Appraisal	Croydon Council	21 September 2015
CD12.12	Croydon Public Realm Design Guide	Croydon Council	23 April 2012
CD12.13	Croydon Conservation Area General Guidance SPD	Croydon Council	22 April 2013
CD12.14	Webb Estate and Upper Woodcote Village Conservation Area Appraisal and Management Plan SPD	Croydon Council	25 June 2007
CD12.15	Section 106 Planning Obligations in Croydon and their Relationship to the Community Infrastructure Levy – Review 2017	Croydon Council	June 2017
CD12.16	Brighton Road (Purley) Local Area of Special Character Supplementary Planning Guidance	Croydon Council	27 September 1997
CD12.17	Local Heritage Areas 2016	Croydon Council	5 August 2016
CD13.1	Representations on Croydon Local Plan: Detailed Policies and Proposals (Preferred and Alternative Options)	Nexus Planning	17 December 2015
CD13.2	Correspondence from NPCU to Nexus Planning and Croydon Council	NPCU	12 April 2017
CD13.3	Correspondence from PINS to Nexus Planning	PINS	28 April 2017
CD13.4	Stage 1 GLA Applicant Response	Nexus Planning	17 September 2016
CD13.5	Stage 2 GLA Applicant Response	Nexus Planning	28 October 2016
CD13.6	Stage 3 GLA Applicant Response	Peter Brett Associates	9 November 2016
CD13.7	LLFA Applicant First Response	Price & Myers	-
CD13.8	LLFA Applicant Second Response	Price & Myers	-
CD13.9	Review of Financial Viability and Planning Obligations Report Update (May 2016)'	BNP Paribas Real Estate	September 2016
CD13.10	Viability Exercise Letter to Croydon Council	Douglas Birt Consulting	18 October 2017
CD13.11	Response to Viability Exercise Letter to Croydon Council	BNP Paribas Real Estate	November 2017
CD13.12	Croydon Strategic Housing Market Assessment	Croydon Council	June 2015

Ministry of Housing, Communities & Local Government

www.gov.uk/mhclg

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand,London,WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act
With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act
Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.