Department for Levelling Up, Housing & Communities

Mr S Roberts

Sent by email only:
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Our ref: APP/F5540/V/21/3287726 and 3287727
Your ref: 00505/H/P19 and 01106/B/P137

11 December 2023

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATIONS MADE BY ST EDWARD HOMES LIMITED
HOMEBASE, SYON LANE, ISLEWORTH TW7 5QE
TESCO OSTERLEY, SYON LANE, ISLEWORTH TW7 5NZ
APPLICATION REFS: 00505/H/P19 AND 01106/B/P137

This decision was made by Lee Rowley MP, Minister of State for Housing, Planning and Building Safety, on behalf of the Secretary of State

1. I am directed by the Secretary of State to say that consideration has been given to the report of Mrs J A Vyse DipTP DipPBM MRTPI, who held a public local inquiry between 15 March 2022 and 30 September 2022 into your client's:

    a. application for the demolition of existing building and car park and erection of buildings to provide residential units, a replacement retail foodstore, with additional commercial, business and service space, and a flexible community space, and ancillary plant, access, servicing and car parking, landscaping and associated works in accordance with application Ref. 00505/H/P19, dated 11 September 2020 ('the Homebase scheme'); and

    b. outline application for the demolition of existing building and car park and erection of buildings to provide residential homes, plus flexible non-residential space comprising commercial, business and service space, and/or learning and non-residential institution space, and/or local community space, and/or public house/drinking establishment, and/or a mobility hub, along with associated access, bus turning, car and cycle parking, and landscaping arrangements, in accordance with application Ref. 01106/B/P137, dated 11 September 2020 ('the Tesco scheme').

2. On 24 November 2021, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's applications 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 refused for both applications.

4. For the reasons given below, the Secretary of State disagrees with the Inspector's recommendation. He has decided to grant planning permission for both applications. A copy of the Inspector's report (IR) is attached. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statements which were submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the environmental information referred to at IR1.8. Having taken account of the Inspector's comments at IR1.7-1.9, the Secretary of State is satisfied that the Environmental Statements as a whole comply with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

Procedural matters

6. On 3 and 11 May, emails were received from the Pegasus Group concerning proposals for 931 Great West Road (GWR). Pre-application discussions had taken place with the local planning authority for the site's redevelopment as a self-storage centre of 5 storeys in height, comprising up to 7975 sq m. These issues were being drawn to the Secretary of State's attention as a material change of circumstances post-inquiry, with the potential to impact habitable rooms in Blocks B1 B2 and B3 of the Homebase proposal.

7. The proposed development at 931 GWR was described as being in general accordance with the emerging allocation for the site. However as set out in paragraph 16 of this letter below, no weight now attaches to the emerging plan. In addition, pre-application advice given by the local planning authority was clear that the proposed development would need further assessment to "prevent any negative impacts on the adjacent proposed residential units". Given the fact that the emerging site allocation carries no weight in this decision, and that the pre-application advice offered by the local planning authority was clear on the need to prevent any negative impacts on the adjacent proposed residential units, the Secretary of State does not consider that any of the matters raised in this correspondence would affect his decision on the proposals before him, nor do they raise any issues which would necessitate a referral back to parties.

Matters arising since the close of the inquiry

8. On 27 July 2023, in accordance with regulation 27 of the Town and Country Planning (Local Planning) (England) Regulations 2012 the London Borough of Hounslow formally withdrew Volumes 2 (Site Allocations Local Plan Review), 3 (West of Borough Plan Local Plan Review) and 4 (Great West Corridor Local Plan Review) of its Local Plan Review from examination. The Secretary of State has found at paragraph 16 below that these volumes of the Local Plan Review now carry no weight. He is satisfied that this issue does not affect his decision or necessitate a referral back to parties.

9. A list of representations which have been received since the inquiry is at Annex A. The Secretary of State is satisfied that the issues raised do not affect his decision, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. Copies of these letters may be obtained on request to the email address at the foot of the first page of this letter.

Policy and statutory considerations

10. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

11. In this case the development plan consists of the London Plan (LonP), adopted in March 2021, and the Hounslow Local Plan, adopted in 2015 (LP). The Secretary of State considers that relevant development plan policies include those set out at IR5.4-5.10 (LonP) and IR5.11-5.17 (LP).

12. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), plus the National Design Guide, the Great West Corridor (GWC) Masterplan and Capacity Study, and the other documents identified by the Inspector in IR5.28-5.32.

13. 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.

14. Part of the Tesco scheme to the west of Macfarlane Lane lies within Osterley Park Conservation Area (CA). In accordance with section 72(1) of the LBCA Act, the Secretary of State has paid special attention to the desirability of preserving or enhancing the character or appearance of CAs.

Emerging plan

15. At the time of the inquiry, the emerging plan comprised four Local Plan Review volumes, which includes and which is of relevance to this proposal; Volume 2 Site Allocations Local Plan Review (SALPR) and Volume 4 Great West Corridor Local Plan Review (GWLPR) (IR5.18-5.27). These plans were submitted to the Secretary of State for Examination in December 2020, with Examination Hearings taking place in November 2021. It was a matter of common ground between the Council and the Applicant that the policies in these emerging plans could be given only limited weight, given the stage they were at, a position which the Inspector saw no reason to disagree with (IR5.18).

16. However, since the close of the inquiry, the London Borough of Hounslow has resolved to withdraw volumes 2, 3 and 4 of the Local Plan Reviews from examination, which includes the SALPR and GWLPR. Given the withdrawal of these emerging Local Plan Reviews, the Secretary of State considers that no weight can be attached to these emerging plans, and he has not therefore considered policies in them in reaching his decision on these applications. Any references in the IR related to emerging local plan review policies have not been taken into account by the Secretary of State in reaching the conclusions below and his overall decision.

Main issues

Principle of Development

17. For the reasons given in IR14.4-14.5 and IR14.8, the Secretary of State agrees with the Inspector that the nature of the proposed uses within the GWC Opportunity Area, as defined by the LonP, and the intention for a higher density of development on the sites than is currently the case is appropriate in principle and accords with land use principles set out in the LonP. He further agrees there would be no conflict with LonP policies SD1 and H1 (IR14.8).

18. For the reasons given at IR4.9-14.11 the Secretary of State agrees that in principle, tall buildings on the A4 frontage of the Homebase scheme would accord with LP policy CC3, as would some buildings up to 20m in height on the remainder of the site and on the Tesco scheme. However, he further agrees that the indicative heights for the proposed Tesco scheme would clearly conflict with policy CC3, bringing it into conflict with LonP policy D9, and that the Homebase scheme includes tall buildings on non-A4 frontages, also bringing it into conflict with those policies (IR14.11). In reaching his conclusions on this case the Secretary of State has taken into consideration the provisions of the GWC Masterplan and Capacity Study (IR5.29-30, IR14.14-14.15), and also notes that the evidence before the Inquiry provides a much more detailed assessment of the tall buildings proposed than was carried out to inform the Masterplan (IR14.18).

Design/Character and Appearance

The Homebase Scheme

19. The Secretary of State has carefully considered the Inspector's conclusions at IR14.22-IR14.36. He agrees with the Inspector at IR14.23 that that the proposed corner block, and most of the rest of the scheme, would exceed the indicative heights referred to in Figure 7.22 of the Masterplan by some considerable margin, but that this does not, however, mean that taller development on the site is necessarily inappropriate. He disagrees with the Inspector's view in IR14.26 that the taller blocks B1 B2 and B3, conjoined with lower blocks as seen on the exposed approach from the east, heading out of London on GWR, would present an incongruous, monolithic wall of development. The Secretary of State recognises that while these blocks are taller than surrounding development, they mark a gateway position on GWR. He also finds that views in this location on the GWR would be largely transient. In the context of the development's location in a designated Opportunity Area, significant intensification of development is anticipated to fully realise its growth and regeneration potential, and the Secretary of State considers the proposal would not cause material harm in townscape terms.

20. The Secretary of State disagrees with the Inspector in IR14.27-14.28, and prefers the evidence of the appellant at IR6.89. He considers the varying form and height of the built elements of Blocks E, D and C, the green wall at levels 3 and 4 and the creative use of materials would mean that the development would present with good interest and articulation. He finds that the architectural choice to reduce the height of the main elements of the frontage to a height no greater than the distance across Syon Lane to the facing residential development creates a gradual transition to the lower prevailing scale of development on Syon Lane. Further, he considers the height of Block C would mark a key focal point, as seen from the station and that this would be a useful waymarking effect.

21. For the reasons given at IR14.30-1R4.32 the Secretary of State agrees that the landscape setting would be relatively small, given the scale of the development and inactive frontage would create an unattractive public realm around roughly half of the building perimeter.

22. The Secretary of State disagrees with the Inspector's conclusion in IR14.34 that the proposal would result in significant harm to the character and appearance of the area. Overall, the Secretary of State considers that the development would not appear excessively large in its context but would rather create a gateway position on GWR and create an appropriate transition in scale to the residential areas on Syon Lane. Unlike the Inspector, he finds that there would be moderate harm to the character and appearance of the area via a relatively small landscape setting for the development and some inactive frontages creating an unattractive public realm around roughly half of the building perimeter, this carries moderate weight.

23. Unlike the Inspector, the Secretary of State concludes that the scheme is in compliance with LonP policy D3, in that a design-led approach to the proposal which optimises the capacity of sites has been undertaken, and he finds the development is of the most appropriate form for a site responding to the existing character of the place. He also finds compliance with part of LP policy CC3, which states that tall buildings should be carefully placed so as not to create a wall of tall buildings, ensuring they relate sensitively to surrounding residential areas.

24. The Secretary of State considers the scheme does not comply with LonP policy D9 with regard to maintaining the pedestrian scale, character and vitality of the street. In line with his findings with respect to LonP policy D3, he further finds that the scheme complies with LP policy SC4 which, in seeking to make efficient use of land, also requires that development responds to and reflects local context and character.

The Tesco Scheme

25. For the reasons given at IR14.37-IR14.52 the Secretary of State agrees that the indicative locations and heights of the taller elements demonstrate a layered form which would satisfactorily mediate the transition in scale between the existing and emerging contexts and create interest in the skyline (IR14.50). He further agrees that the Design Code robustly secures the required design principles, and would enable architects working on different phases of the development to secure a coherent scheme that would be compatible with the existing and emerging context (IR14.51). Overall he agrees that in terms of townscape and urban design (sense of place, density, new public realm, landscaped areas and active frontages) this outline scheme would accord with the objectives of chapter 12 of the Framework and LonP policies D3, D4 and D9, and would be in broad accordance too with the design criteria established in policy CC3.

<u>Heritage Assets</u>

26. The Secretary of State agrees with the approach set out in IR14.53-14.64, IR14.140, IR15.9, and notes the Inspector's comments about the views of Historic England at IR14.138. He further agrees neither development scheme would cause direct physical harm to any designated heritage asset; rather, the considerations relate to the impact of development on the settings of the various assets (IR14.58). He notes at IR14.59 that parties agree that the harm would, in all instances, be less than substantial.

Royal Botanic Gardens (RBG), Kew World Heritage Site (WHS); Royal Botanic Gardens, Kew RPG; Royal Botanic Gardens, Kew CA; Isleworth Ferry Gate

27. For the reasons given at IR14.65-14.74 the Secretary of State agrees at IR14.70 that there would be no harm to the heritage significance of the Grade II listed Ferry Gate as a consequence of the development proposed and in this respect no harm to the Outstanding Universal Value (OUV) of the WHS. He further agrees that whilst within the

setting of the WHS, the Thames Path (and views from it) do not contribute to the OUV of the WHS and in this respect there would be no harm to the heritage significance of the WHS as a consequence of the development proposals (IR14.73). Overall he agrees that there would be no harm to the OUV or heritage significance of RBG Kew WHS (IR15.6). He agrees the same applies to the Kew Registered Park and Garden (RPG), the boundaries to which reflect those of the WHS at this point (IR.14.74), and that similarly there would be no harm to the significance of the Kew CA (IR.14.74), as although it encompasses this stretch of the Thames Path, its significance is entirely bound up with RBG Kew.

Syon House; Syon Park RPG; Lion Gate; Isleworth CA; Ornamental Bridge; Pepperpot Lodges; Great Conservatory; Flora's Column

28. For the reasons given at IR14.75-14.83 the Secretary of State agrees that harm to the significance of Syon House is below the middle of the range of less than substantial, whilst the identified effect would also have an impact on the heritage significance of the RPG and the Isleworth CA, but that effect would be at the low end of the scale. Any effect in terms of cumulative impact would be minor (IR14.82).

29. The Lion Gate: For the reasons given at IR14.85-14.91 the Secretary of State agrees that in the direction of the proposed development, the Homebase scheme would be a noticeable addition, and the effect would be some additional visual distraction in the context of a layered townscape setting with a clear presence of buildings along GWR and elsewhere. He considers that in terms of the experience and understanding of the RPG there would be less than substantial harm at the low end of the scale (IR14.91). He further agrees whilst this adds to the cumulative impact, any increased harm in this regard as consequence of the development proposed would be marginal, still at the low end of less than substantial harm (IR14.91 and IR14.139).

30. Ornamental Bridge, Pepperpot Lodges and Great Conservatory: For the reasons given at IR14.92-14.97, the Secretary of State agrees that there would be no harm to the heritage significance of the Ornamental Bridge, Pepperpot Lodges or the Great Conservatory as a consequence of the developments proposed. He further agrees that in each case there would be marginal cumulative impact on heritage (IR14.93, IR14.96-14.97 and IR14.139).

31. Flora's Column: For the reasons given at IR14.98 the Secretary of State agrees that there would be no harm to the setting or the significance of the listed column.

32. RPG and Isleworth CA: The Secretary of State agrees at IR14.99 that any harm to an appreciation and understanding of the heritage significance of the RPG and CA as a whole would be at the low end of the range that is less than substantial harm, and any increased cumulative harm would be marginal, still at the low end of the less than substantial harm range.

Osterley Park RPG; Osterley House; Osterley Park CA; Entrance Lodges and Gate Piers

33. The Secretary of State agrees that there would be no harm to the heritage significance of the Grade I listed, Robert Adam designed Osterley House (IR14.100).

34. For the reasons given at IR14.101-14.106 the Secretary of State agrees that neither of the application sites makes any contribution to an appreciation or understanding of the heritage significance of the RPG or the CA, and the poor townscape quality of the Tesco site, including large swathes of parking, is a detractor (IR14.105). The Secretary of State agrees with the Inspector that having regard to the statutory test relating to development

within CAs, the part of the Tesco scheme which lies within Osterley Park CA would not cause harm to the character and appearance of the CA, which would be preserved (IR14.104 and IR15.7). Regarding the elements of the schemes which are in the setting of the CA, the Secretary of State agrees that the degree of harm would be towards the lower end of the less than substantial harm (IR14.106 and IR14.139). For the reasons given at IR14.107-14.110, With regards to the RPG, the Secretary of State agrees that the impact of the development proposed on the heritage significance of Osterley Park RPG would be relatively minor, towards the lower end of less than substantial harm (IR14.109). He further agrees that for the RPG and the CA there would be a minor cumulative impact which would not move the scale of harm materially higher up the range (IR.14.110 and IR14.139).

35. Gate piers and entrance lodges: For the reasons given at IR14.111-14.112 the Secretary of State agrees that the heritage significance of the lodges and gate piers would remain unaffected (IR14.112).

Other heritage assets

36. Gillette Building: For the reasons given at IR14.113-14.128 the Secretary of State agrees that in relation to the Tesco scheme, there is harm towards the lower end of the less than substantial scale on the approach to Gillette corner from the south and a similar level of harm in the view submitted by the applicant entitled AVR View S from Syon Park. He further agrees that the Homebase scheme would result in less than substantial harm at the lowest end of the scale in views from the Thames Path (IR14.128). He further agrees that the harms identified would have a minor cumulative effect, which does not alter the overall finding of harm towards the bottom of the less than substantial range in relation to the Gillette Building (IR14.128 and IR14.139).

37. Former Coty Building: For the reasons given at IR14.129-14.130 the Secretary of State agrees that there would be some harm to the heritage significance of the building, at the low end of less than substantial harm, due to the visual distraction caused by the Homebase scheme. He further agrees that there would be marginal cumulative impact on heritage (IR14.130 and IR14.139).

38. Pavilion and Clubhouse, Brentford and Isleworth Quaker Meeting House, National Westminster Bank and Westlink House: For the reasons given at IR14.131-14.133 and IR14.136 the Secretary of State agrees that there would be no harm to significance of these buildings and no harm in terms of any cumulative impacts.

39. Old Deer Park CA: For the reasons given at IR14.134 the Secretary of State agrees that there would be no harm to its significance as a consequence of the developments proposed.

40. The King's Observatory: For the reasons given at IR14.135 the Secretary of State agrees that the developments proposed would not affect appreciation of the significance of the building.

41. Homebase store: The Secretary of State agrees that although acknowledged as a non-designated heritage asset, it does not contribute enough, in terms of the character or appearance of the Golden Mile group, for its demolition to constitute harm to its setting (IR14.137). He notes that the building would be demolished, with consequent total loss of its heritage significance, and in line with paragraph 203 of the Framework, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (IR15.12). He notes at IR14.58 that there was no

objection in principle to the development proposed in this regard, subject to the outcome of the relevant planning balance, and considers that the loss of this non-designated heritage asset carries limited weight.

Conclusion on heritage impacts

42. The Secretary of State has considered the Inspector's comments at IR15.17, and has taken into account that there is less than substantial harm to a number of heritage assets. He has further taken into account the Inspector's assessment of the level of less than substantial harm to each designated heritage asset, as summarised at IR14.139, and the provisions of section 66(1) of the LBCA and the Framework. He considers that in the circumstances of this case, great weight should attach to the harm to designated heritage assets. He has attached limited weight to the loss of the non-designated heritage asset of Homebase (paragraph 41 above).

43. The Secretary of State has undertaken the balancing exercise under paragraph 202 of the Framework at paragraph 67 below.

44. The Secretary of State agrees with the Inspector at IR14.141 that given the findings of less than substantial harm to a number of heritage assets there would be conflict with the development plan in this regard.

Living Conditions – Existing Residents

45. For the reasons given at IR14.142-14.159 the Secretary of State agrees that the effects of the development in terms of daylight, sunlight and overshadowing for neighbouring properties and amenity spaces are acceptable in the circumstances that prevail in this urban area. He further agrees there would be no conflict in this respect with LonP policies D6 and D9, LP policies SC4 and CC2 and Standard 32 of the Mayor's Housing SPG (IR14.159).

46. For the reasons given at IR14.160-14.166, the Secretary of State agrees that the proposals could achieve satisfactory privacy and outlook for existing residents, and that there is no conflict in this respect with LonP policies D3 and D6, with policy CC2 of the LP, or with Standard 28 in the Mayor's Housing SPG (IR14.166). For the reasons given at IR14.167, he agrees that there would be at worst moderate adverse temporary noise and disturbance impacts during the construction phase, and negligible noise impacts once the development was completed and operational, and that there is no conflict with LonP policies D3 and D14 (IR14.167).

Living Conditions – Future Residents

47. For the reasons given at IR14.168-14.177 the Secretary of State agrees that when considered in the round, the outlook for future residents would be acceptable and would accord with LonP policies D3 and D6 (IR14.177).

48. For the reasons given at IR14.178-14.180 the Secretary of State agrees that when considered in the round, being mindful of the urban nature of the location, future occupiers would be provided with an acceptable level of private amenity space (IR14.180). For the reasons given at IR14.181-14.14.188 he agrees that future occupiers on the Tesco scheme would enjoy an acceptable level of access to communal amenity space (IR14.185) and there would be no telling departure from the relevant policies in that regard. He further considers that the communal podium space on the Homebase scheme, which would feature a series of gardens linked by a footpath network would also

provide an acceptable level of access to communal amenity space for future occupiers of the Homebase scheme. For the reasons given at IR14.189-14.190 the Secretary of State agrees that the provision of play space on both sites would comply with LonP policy S4. He further agrees that there would be no conflict with development plan policies relating to amenity space (IR14.191)

49. For the reasons given at IR14.192-14.194 the Secretary of State agrees that in respect of noise and overheating, there would be no conflict with LonP policy D14, SI4 and LP policy EQ5 (IR14.195).

Environmental Impacts

50. For the reasons given at IR14.197-14.207 the Secretary of State agrees that opportunities to reduce on-site emissions have been appropriately taken in line with the energy hierarchy, and would meet the requirements of LonP policy SI2 (IR14.207) and EQ2 (IR.204). He further agrees that the proposals would make a wider contribution to climate change objectives (IR14.207).

51. For the reasons given at IR 14.208-14.225 the Secretary of State agrees that subject to conditions the development is acceptable in terms of air quality and does not conflict with LonP policy SI1 and LP policy EQ4 (IR14.255).

52. The Secretary of State agrees with the Inspector's analysis of glare at IR14.226-14.227 and that there is no conflict with LonP policy D9 in this regard.

53. For the reasons given at IR14.187 and 14.228-14.230 the Secretary of State agrees that the development is acceptable in terms of wind impacts and there is no conflict with LonP policies D8 and D9 in this regard (IR14.230).

Housing Mix

54. For the reasons given in IR14.231-14.239, the Secretary of State agrees with the Inspector that in response to an increasing need for one-bedroom homes, identified in the Council's Housing Need Register (September 2021) and the 2018 SHMA, it is appropriate for the schemes to focus on providing a greater proportion of homes for single persons and couples, whilst still providing a meaningful proportion of three-bedroom and four-bedroom homes. Like the Inspector, the Secretary of State finds no conflict with the relevant development plan policies; LP policies SC2 and SC3 or LonP policies H5 and H10.

Local Infrastructure

55. For the reasons given in IR14.240-14.260, the Secretary of State agrees with the Inspector that the provisions secured by the planning obligations would be sufficient to ensure that the impacts on transport networks and supporting infrastructure are fully mitigated, and that there would be no conflict in this regard with LP policy EC1, LonP policy T1 and the vision in the GWC Masterplan (IR14.260).

56. For the reasons given in IR14.261-14.270, the Secretary of State concludes that through appropriate mitigation there are no adverse impacts or objections to the proposal in respect of education, leisure, local healthcare provision, emergency services and sewerage capacity and water supply.

Other matters

57. For the reasons given in IR14.271-14.273, the Secretary of State agrees that the schemes would significantly enhance the biodiversity and ecological value of the sites, and that there is no conflict with LP policies G5 and G6.

Benefits

58. For the reasons given at IR15.1 the Secretary of State agrees that the regeneration of under-utilised brownfield land in a location that is capable of becoming relatively sustainable in terms of accessibility, helping to bring forward the growth envisioned in the GWC Opportunity Area carries substantial weight. He agrees that delivery of up to 2,150 homes which would make a significant contribution, not only towards the Borough's needs, but also to the London-wide need and the recognised shortfall which exists, carries substantial weight, and that the provision of some 750 affordable homes, which would contribute to the pressing need with in the Borough, also carries substantial weight.

59. For the reasons given at IR15.2 the Secretary of State agrees that the economic benefits of the schemes carry significant weight. He further agrees for the reasons given at IR15.3 that the reprovision of an existing Tesco store and the provision of community space each carry limited weight. The Secretary of State further agrees at IR15.3 that the provision of open space, significant areas of which would be publicly accessible, would be a shared benefit for the wider community which carries moderate weight.

60. For the reasons given at IR15.4 the Secretary of State agrees that inasmuch as there would also be associated benefits for the wider community, the package of highway and transport improvements carries limited to moderate weight.

61. The Secretary of State considers that the significant biodiversity net gain, with some 3 hectares of green space provided across both sites, including green/brown roofs and the planting of at least 459 trees, plus reinvigoration of the Water Gardens, carries moderate weight.

Planning conditions

62. The Secretary of State has given consideration to the Inspector's analysis at IR12.1-12.9, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 56 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 56 of the Framework, and that the conditions set out at Annexes B and C should form part of his decision. For the reasons given at IR12.4, he does not consider that a condition relating to the removal of Japanese Knotweed is necessary.

Planning obligations

63. Having had regard to the Inspector's analysis at IR13.1-13.4 and IR13.8, the planning obligations dated 20 October 2022, paragraph 57 of the Framework, the Guidance and the Community Infrastructure Levy (CIL) Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion at IR13.8 that the obligations comply with Regulation 122 of the CIL Regulations 2010 and the tests at paragraph 57 of the Framework. For the reasons given at IR13.7, he agrees that the exception is engaged, and thus there is no requirement for First Homes on these sites. As such an alternative planning obligation is not required.

Planning balance and overall conclusion

64. For the reasons given above, the Secretary of State considers that the application is not in accordance with LonP policies D9 and HC1 and LP policies CC3 and CC4 of the development plan, and is not 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 line with the development plan.

65. Weighing in favour of the proposal is the regeneration of under-utilised brownfield land which carries substantial weight. Also weighing in favour is the delivery of up to 2,150 homes which carries substantial weight, and the delivery of 750 affordable homes designed to meet the current housing need profile in Hounslow, which each carry substantial weight. Economic benefits carry significant weight whilst the provision of open space and significant biodiversity net gain both carry moderate weight. Highway and transport improvements carry limited to moderate weight and the reprovision of an existing Tesco store and the provision of community space each carry limited weight.

66. Weighing against the proposal is less than substantial harm to a number of designated heritage assets which carries great weight. Moderate harm to the character and appearance of the area in relation to the Homebase scheme carries moderate weight. Heritage harm caused by the total loss of a non-designated heritage asset (the Homebase store) carries limited weight and the Secretary of State has considered paragraph 203 of the Framework in coming to this decision.

67. In line with the heritage balance set out at paragraph 202 of the Framework, the Secretary of State has considered whether the identified less than substantial harm to the significance of each designated heritage asset is outweighed by the public benefits of the proposal. Taking into the account the public benefits of the proposal as identified in this decision letter, the Secretary of State agrees with the Inspector at IR15.11 that the public benefits of the appeal scheme are more than sufficient to outweigh the identified harm,including cumulative harm, to the significance of the designated heritage assets. He considers that the balancing exercise under paragraph 202 of the Framework is therefore favourable to the proposal.

68. Overall, in applying s.38(6) of the PCPA 2004, the Secretary of State considers that despite the conflict with the development plan, the material considerations in this case indicate that permission should be granted.

69. The Secretary of State therefore concludes that planning permission should be granted.

Formal decision

70. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. He hereby grants planning permission subject to the conditions set out in Annexes B and C of this decision letter for:

    a. the demolition of existing building and car park and erection of buildings to provide residential units, a replacement retail foodstore, with additional commercial, business and service space, and a flexible community space, and ancillary plant, access, servicing and car parking, landscaping and associated works in accordance with application Ref. 00505/H/P19, dated 11 September 2020; and

b. an outline application for the demolition of existing building and car park and erection of buildings to provide residential homes, plus flexible non-residential space comprising commercial, business and service space, and/or learning and non-residential institution space, and/or local community space, and/or public house/drinking establishment, and/or a mobility hub, along with associated access, bus turning, car and cycle parking, and landscaping arrangements, in accordance with application Ref. 01106/B/P137, dated 11 September 2020.

Right to challenge the decision

71. 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.

72. A copy of this letter has been sent to the London Borough of Hounslow, Historic England and Osterly and Wyke Green Residents' Association, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Andrew Lynch

Andrew Lynch
Decision officer

This decision was made by Lee Rowley, the Minister of State for Housing, Planning and Building Safety on behalf of the Secretary of State, and signed on his behalf

Annex A

SCHEDULE OF REPRESENTATIONS

General representations

Party	**Date**
Greater London Authority	20/1/23
M & G Real Estate	26/1/23
West London Chambers of Commerce	26/1/23
West Thames College	27/1/23
Cllr Bruce, LB Hounslow	1/2/23
Wyke Green Golf Club	6/2/23
Tesco	7/2/23
Nick Rogers AM	7/2/23
Berkeley Group	22/2/23
M & G Real Estate	23/2/23
WSP	8/3/23
OWGRA	31/3/23
Pegasus Group	3/5/23
Pegasus Group	11/5/23
London Borough of Hounslow	28/7/23

ANNEX B
Schedule of conditions: APP/F5540/V/21/3287726
Homebase, Syon Lane, Isleworth

TIME LIMIT

1. The development hereby permitted, shall begin no later than the expiration of three years from the date of this permission.

Reason: To comply with the provision of Section 91(1) of the Town and Country Planning Act 1990.

EXTENT OF DEVELOPMENT AND APPROVED PLANS

2. The development hereby permitted shall consist of no more than 473 residential units, a replacement retail foodstore with additional commercial, business and service space, flexible community space, and ancillary plant, access, servicing and car parking (400 customer spaces and 99 residential spaces), landscaping and associated works.

Reason: To ensure that any development that is carried out is that which has been assessed.

3. Unless required otherwise by any of the following conditions, the development hereby permitted shall be carried out in in accordance with the following plans:

General arrangement plan Ground floor	579-PTA-ZZ-00-DR-A-1001_P37
General arrangement plan Level 01	579-PTA-ZZ-01-DR-A-1001_P43
General arrangement plan Level 02	579-PTA-ZZ-02-DR-A-1001_P50
General arrangement plan Level 03	579-PTA-ZZ-03-DR-A-1001_P37
General arrangement plan Level 04	579-PTA-ZZ-04-DR-A-1001_P32
General arrangement plan Level 05	579-PTA-ZZ- 05-DR-A-1001_P36
General arrangement plan Level 06	579-PTA-ZZ-06-DR-A-1001_P32
General arrangement plan Level 07	579-PTA-ZZ-07-DR-A-1001_P31
General arrangement plan Level 08	579-PTA-ZZ-08-DR-A-1001_P28
General arrangement plan Level 09	579-PTA-ZZ-09-DR-A-1001_P27
General arrangement plan Level 10	579-PTA-ZZ- 10-DR-A-1001_P26
General arrangement plan Level 11	579-PTA-ZZ-11-DR-A-1001_P28
General arrangement plan Level 12	579-PTA-ZZ-12-DR-A-1001_P28
General arrangement plan Level 13	579- PTA-ZZ-13-DR-A-1001_P27
General arrangement plan Level 14	579-PTA-ZZ-14-DR-A-1001_P27
General arrangement plan Level 15	579-PTA-ZZ-15-DR-A-1001_P22
General arrangement plan Level 16	579-PTA-ZZ-16-DR-A-1001_P22
General arrangement plan Lower ground floor	579-PTA-ZZ-B1-DR-A-1001_P33
General arrangement plan Upper ground floor	579-PTA-ZZ-M1-DR-A-1001_P23
General arrangement plan Roof plan	579-PTA-ZZ-RF-DR-A-1001_P11

Site Block Plan Proposed	579-PTA-ZZ-ZZ-DR-A-0051_P04
Proposed Site Plan	579-PTA-ZZ-ZZ-DR-A-1001_P02
General arrangement Elevation – south west Syon Lane	579-PTA-ZZ-ZZ-ELE-A-0001_P08
General arrangement Elevation – south east Syon gateway	579-PTA-ZZ-ZZ-ELE-A-0002_P09
General arrangement Elevation – north east	579-PTA-ZZ-ZZ-ELE-A-0003_P09
General arrangement Elevation – north west Great West Rd	579-PTA-ZZ-ZZ-ELE-A-0004_P07
General arrangement Elevation – south courtyard	579-PTA-ZZ-ZZ-ELE-A-0005_P08
General arrangement Elevation – north courtyard	579-PTA-ZZ-ZZ-ELE-A-0006_P07
General arrangement Elevation – Block A east courtyard	579-PTA-ZZ-ZZ-ELE-A-0007_P06
General arrangement Elevation – south west Syon Lane	579-PTA-ZZ-ZZ-ELE-A-0008_P07
General arrangement Elevation – Block E east courtyard	579-PTA-ZZ-ZZ-ELE-A-0009_P06
General arrangement Elevation – Block D west courtyard	579-PTA-ZZ-ZZ-ELE-A-0010_P08
General arrangement Elevation – Block D east courtyard	579-PTA-ZZ-ZZ-ELE-A-0011_P07
General arrangement Elevation – Block C west courtyard	579-PTA-ZZ-ZZ-ELE-A-0012_P07
General arrangement Section A and B	579-PTA-ZZ-ZZ-SEC-A-0001_P08
General arrangement Section C and D	579-PTA-ZZ-ZZ-SEC-A-0002_P07
Combined all-levels Landscape Masterplan	1553/004 Rev Y
Ground floor Landscape Masterplan	1553/013 Rev F

Reason: To provide certainty for all parties.

PRE-COMMENCEMENT CONDITIONS

Construction Logistics and Environmental Management Plan

4. Prior to the commencement of development (including any site investigations, site clearance and works of demolition) a detailed Construction Logistics and Environmental Management Plan (CLEMP) shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved CLEMP which shall remain in force for the entire demolition and construction period. For the avoidance of doubt, this condition can be discharged either for the development as a whole, or in the following stages:

    a. demolition works and construction up to and including the ground floor slab and,

    b. construction works above ground floor slab.

The CLEMP shall be informed by the Construction Logistic Planning Guidance prepared by Construction Logistics in association with Transport for London. It must include as a minimum:

i) a plan showing the area to be surveyed to establish existing public highway condition;

ii) a pre-start record of the condition of the public highway identified by the plan referred to above, undertaken in consultation with Hounslow Highways, together with a written commitment (including a timetable for implementation) to repair any damage caused by the carrying out of the development;

iii) on-site parking and turning provision for site operatives, visitors and construction vehicles;

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

v) location of temporary offices, contractors compounds and welfare facilities within the site;

vi) details of points of access and egress to and from the site for construction traffic;

vii) details of signage at all vehicular exits from the construction site advising drivers of preferred routes;

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

ix) works of demolition and construction shall only take place between the hours of 08.00 and 18.00 Monday to Friday and between 09.00 and 13.00 on Saturdays, and at no time on Sundays or Bank/Public Holidays;

x) deliveries to the site shall take place only between the hours of 09.30 and 15.00 Monday to Saturday, and at no time on Sundays or Bank/Public Holidays;

xi) a plan identifying neighbouring residential, commercial and medical properties relevant to an assessment of noise and vibration impacts during the demolition and construction phases of the development;

xii) details of how noise and vibration levels at the properties identified above will be supressed, measured and monitored during demolition and construction works, including a review mechanism;

xiii) confirmation that daytime noise levels from demolition and construction works at the identified properties above shall not exceed 75dB $L_{Aeq,T}$ during the following time periods:

Monday to Friday (08.00 – 18.00 hours) Saturday (09.00 to 13.00 hours)

xiv) details of measures to prevent the deposition of mud and debris on the public highway, including wheel washing facilities and the sheeting of vehicles transporting loose aggregates or similar materials on or off site;

xv) a Demolition and Construction Waste Management Plan that identifies the main waste materials, including vegetation, expected to be generated by the development during demolition and construction, together with measures for dealing with such materials so as to minimise waste and maximise re-use and recycling;

xvi) measures to ensure the safety of users of the adjacent public highways during the construction period, in particular cyclists and pedestrians, especially at the site access/egress points;

xvii) measures to minimise the emission of dust from the site during the construction period;

xviii) arrangements for any temporary site lighting, including security lighting, its location and hours of operation;

xix) arrangements for liaising with other contractors in the vicinity of the site to maximise the potential for consolidated construction traffic movements and to minimise traffic impacts;

xx) procedures for maintaining good public relations, including complaint management, public consultation and liaison contact details;

xxi) details of a booking system for construction traffic to minimise the number of construction vehicles waiting on the public highway; and

xxii) confirmation that all Non-Road Mobile Machinery (NRMM) with a net power between 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases, will comply with the emission standards set out in chapter 7 of the Mayor's SPG *Control of Dust and Emissions During Construction and Demolition* (dated July 2014), or subsequent guidance. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at: https://nrmm.london/.

Reason: In order to protect the environmental quality of the surrounding area, to safeguard the amenities of those living, working and receiving medical treatment in the locality, and in the interest of highway safety, pursuant to Local Plan policies EQ4, EQ5, EQ6 and EQ7.

District Heating Network

5. Other than site investigations and works of demolition, no development shall take place until evidence has been submitted to and approved in writing by the local planning authority to show appropriate provision to enable connection to a feasible district heating network in the future, including a safeguarded pipe route for future connection at the site boundary. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with the Local Plan policy EQ1 and London Plan policy SI2.

Cranes/Tall Construction Equipment

6. Prior to the commencement of any piling, details of cranes and other tall construction equipment (including details of obstacle lighting) shall be submitted to and approved in writing by the local planning authority. Such details shall comply with Advice Note 4 'Cranes' (published by the UK Civil Aviation Authority). Development shall be carried out in accordance with the approved details for the duration of the remaining construction period.

Reason: In the interest of aviation safety.

Contamination - Site Investigation

7. Prior to the commencement of development (excluding works of demolition):

   a. Details of further intrusive site investigation in addition to the phase 1 desk study and phase 2 intrusive investigation set out in the Geo-Environmental Assessment (September 2020) prepared by Waterman Infrastructure and Environment Limited, shall be submitted to and approved in writing by the local planning authority. The site investigation, which shall be carried out by a competent person, is to identify the extent and nature of any contamination. The report shall include a tiered risk assessment of the contamination based on the proposed end use of the site.

   b. Based on the results of the intrusive site investigation, an Options Appraisal and Remediation Strategy, giving full details of the remediation measures required and how

they are to be undertaken, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Remediation Strategy.

c. If, during the course of development, contamination not previously identified pursuant to the provisions of clauses a and b above is found, then no further development shall be carried out until there has been submitted to and approved in writing by the local planning authority, an amendment to the approved Remediation Strategy detailing how this unexpected contamination will be dealt with. Thereafter, the development shall be implemented in accordance with the approved Remediation Strategy as amended.

Reason: To ensure that any risks from contamination are properly dealt with in order to protect the health of future occupiers and prevent pollution of the environment.

Circular Economy Statement

8. No development shall take place until a final Circular Economy Statement (CES) has been submitted to and approved in writing by the local planning authority. The CES shall include a Bill of Materials, including kg/m^2 and recycled content (target for a minimum 20%) for the proposed new buildings, which shall be provided and completed for each 'building layer' where practicable. Development shall be carried out in accordance with the approved CES.

Reason: In the interests of sustainable waste management and in order to maximise the re-use of materials in accordance with policy SI7 of the London Plan.

Surface Water Drainage

9. Prior to the commencement of development (excluding site investigations and works of demolition) a final detailed surface water drainage scheme, including drawings and supporting calculations and an updated Drainage Assessment Form, shall be submitted to and approved in writing by the local planning authority. The scheme shall align with the September 2020 Flood Risk Assessment and FRA Addendum and Drainage Assessment Form (March 2021) and associated drawings prepared by AECOM. Development shall be carried out in accordance with the approved details and no part of the development shall be occupied until the drainage works have been implemented in accordance with the approved details. The submitted details shall:

a)provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

b) include a timetable for implementation; and

c) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the risk of flooding in accordance with London Plan policy SI13, the Mayor's Sustainable Design and Construction SPG, the Non-Statutory Technical Standards for Sustainable Drainage Systems and Local Plan policy EQ3.

Tree Protection

10. Prior to the commencement of development, including site investigation, site clearance and works of demolition, trees on adjacent land (as identified in the submitted Arboricultural Report 2020 prepared by Tree Fabrik) shall be protected in accordance with BS5837:2012, with any tree work carried out in accordance with BS3998:2010 – Tree Work - Recommendations. The protection shall be retained intact for the full duration of the development hereby permitted until all equipment and materials have been removed from the site. If the protection is damaged, all operations shall cease until it is repaired in

accordance with the approved details. Nothing shall be stored or placed in any protected area in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavations be made without the prior written approval of the local planning authority.

Reason: In the interests of biodiversity and visual amenity, pursuant to policies CC1, CC2 and GB7 of the Local Plan.

Air Quality

11. For a period of at least six months prior to commencement of development (including works of demolition and site clearance), and throughout the construction period, diffusion tube monitoring at heights of 2, 4, 6 and 8m, shall be undertaken on the corner of Syon Lane and Great West Road and along Great West Road, at locations that shall previously have been submitted to and approved in writing by the local planning authority. The diffusion tube monitoring shall utilise a methodology that has also previously been submitted to and approved in writing by the local planning authority. If, at any time during the monitoring, the annual mean concentration of NO_2 exceeds 36 $\mu g/m^3$, filtered mechanical ventilation shall be installed at the relevant facades of the affected residential accommodation prior to first occupation, in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. The installed measures shall be permanently retained thereafter.

Reason: To ensure satisfactory living conditions and minimise air pollution in accordance with Local Plan policy EQ4 and London Plan policy SI1.

ABOVE SLAB LEVEL CONDITIONS

Materials

12. No development above slab level shall commence until details and samples of all external facing materials have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples and details. The samples and details to be provided shall include:

    a) brick/stonework (including brick/stone and mortar on-site sample panels measuring at least 2m x 2m);

    b) cladding materials (including system specifications/details and on-site samples (where relevant);

    c) windows (including sections/head/cill/reveals and on-site sample);

    d) privacy measures (including obscure glazing details where separation distances between habitable room windows are less than 18m and privacy screens);

    e) balustrades (including details/sections/materials for each balcony type);

    f) rainwater goods; and

    g) any other materials/details to be used in the façades.

Reason. In order to safeguard the visual amenity of the area and to satisfy the requirements of policies CC1, CC2, CC3 and SC4 of the Local Plan and London Plan policies D3, D4, D8 and D9.

Hard and Soft Landscaping

13. Prior to the commencement of development above slab level, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and timetable. The details to be submitted shall include:

a) soft planting, including any grass and turf areas, trees, planters, shrub and herbaceous areas including details of species, sizes, numbers/densities and sections of landscaped areas;

b) a Tree Planting Statement providing full details, locations, specifications and construction methods for all purpose-built tree pits and associated above ground features, including specifications for tree protection and a stated volume of suitable growing medium to facilitate and promote the healthy development of the proposed trees;

c) hard landscaping, including ground surfaces, kerbs, edges, rigid and flexible paving, furniture, steps, refuse disposal points and, if applicable, synthetic surfaces for the podium level;

d) fences, walls and any other boundary treatments;

e) quiet zones;

f) outdoor play spaces and play equipment;

g) any signage and information boards;

h) brown and green roofs and green walls;

i) any CCTV equipment;

j) the wind mitigation measures referred to in paragraph 13.111 of the Barton Willmore LLP Environmental Statement (30220/A5/ES2020);

k) any other landscaping features forming part of the scheme;

l) a landscape management plan for the lifetime of the development, which shall include long term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, and details of any temporary landscaping (including boundary treatment); and

m) a timetable for implementation and completion of the landscaping scheme relative to the commencement of development, first occupation and completion of relevant construction works.

Reason: In order to provide acceptable and usable space for future occupiers and in the interests of visual amenity and biodiversity, in accordance with Local Plan policies CC1, CC2 and GB7, and London Plan policy S4.

Cycle Parking

14. Prior to the commencement of development above slab level, and notwithstanding details shown on the approved plans, full details (including manufacturers' specifications) of residential and visitor cycle parking facilities including storage, access and lifts, shall be submitted to and approved in writing by the local planning authority. The details to be submitted shall conform to guidance in Chapter 8 of the London Cycling Design Standards in relation to design and layout and shall be fully implemented and made available for use before first occupation of the development hereby permitted. Thereafter they shall be retained for use at all times without obstruction for the lifetime of the development.

Reason: To promote sustainable modes of transport and healthy communities pursuant to Local Plan policy EC2 and London Plan policy T5.

15. Prior to the commencement of development above slab level, and notwithstanding details shown on the approved plans, full details (including manufacturers' specifications) of cycle parking facilities for the commercial floorspace and foodstore hereby permitted, including storage, access and lifts, shall be submitted to and approved in writing by the local planning authority. The details to be submitted shall conform to guidance in Chapter 8 of the London Cycling Design Standards in relation to design and layout and shall be fully implemented and

made available for use before the premises are brought into use. Thereafter they shall be retained for use at all times without obstruction.

Reason: To support sustainable transport objectives in accordance with Local Plan policy EC2 and London Plan policy T5.

Water Usage

16. No development shall commence above slab level until written documentary evidence in the form of a water efficiency calculator has been submitted to and approved in writing by the local planning authority demonstrating that each of the dwellings hereby permitted will achieve a maximum internal water usage of 105 litres/person/day. The dwellings shall be constructed in accordance with the approved details.

Reason: In order to protect and conserve water supplies and resources in accordance with Local Plan policy EQ2.

BREEAM

17. No development shall commence above slab level until a BREEAM Retail New Construction Shell Only Design Stage certificate and summary score sheet (or such equivalent standard that replaces this) for the foodstore hereby permitted has been submitted to and approved in writing by the local planning authority to show that an 'Excellent' (minimum score 70%) rating will be achieved. Development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions pursuant to Local Plan policies EQ1 and EQ2 and London Plan policy SI2.

Habitat Management and Monitoring Plan

18. No development shall commence above slab level until a Habitat Management and Monitoring Plan has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Plan and adhered to thereafter.

Reason: To secure improvement in biodiversity at the site in accordance with Local Plan policy EQ4 and London Plan policies G6 and G7.

Bird Hazard Management Plan

19. No development shall commence above slab level until a Bird Hazard Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include details for the management of any flat/shallow pitched/green roofs and green walls on buildings within the site which may be attractive to nesting, roosting and loafing birds. The Plan shall also demonstrate compliance with Advice Note 6 *Potential Bird Hazards from Sustainable Drainage Schemes* produced by the Airport Operators Association and General Aviation Council. The Bird Hazard Management Plan shall be implemented as approved and shall remain in force in perpetuity.

Reason: In the interest of aviation safety.

Whole Life Carbon Cycle

20. No development shall commence above slab level until a scheme securing the following has been submitted to and approved in writing by the local planning authority:

    a) 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 BRE's *Green Guide to Specification*;

    b) at least 50% of timber and timber products used are to be sourced from accredited Forest Stewardship Council (FSC) or Programme for the Endorsement of Forestry

Certification (PEFC) scheme, as set out in the Mayor's Sustainable Design and Construction SPG; and

c) details of the measures to be taken to avoid construction or insulation materials which would release toxins into the internal and external environment, including those that deplete stratospheric ozone.

Development shall be carried out in accordance with the approved scheme.

Reason: In order to ensure the sustainable sourcing of materials in accordance with the Mayor of London's Sustainable Design and Construction SPG.

Wind Mitigation

21. Prior to the commencement of development above slab level, details of wind mitigation measures for probe points 45, 59, 62, 66 and 171 (referred to in paragraph 13.112 of the Barton Willmore LLP Environmental Statement (30220/A5/ES2020)) shall be submitted to and approved in writing by the local planning authority. The details to be submitted shall demonstrate that the proposed mitigation will result in acceptable conditions in terms of safety and comfort around the development. The development shall thereafter be constructed in accordance with the approved details, with the approved mitigation measures permanently retained thereafter.

Reason: To ensure a safe and comfortable environment for existing and future residents, in accordance with Local Plan policy CC3 and London Plan policy D9.

Accessible Homes

22. Prior to commencement of development above slab level, a scheme securing a minimum of 10% of the total dwellings across the development site as a whole to be provided as 'wheelchair user dwellings' built to Building Regulations M4(3) standard, with all other dwellings designed so as to meet building regulation M4(2) 'accessible and adaptable dwellings' requirements, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.

Reason: To ensure a socially inclusive and sustainable development in accordance with London Plan policy D7 and Local Plan policies CC2, SC3 and SC5.

Photovoltaics

23. Prior to the commencement of development above slab level, elevations and sections of the roofs showing roof mounted photovoltaic arrays, with details showing how power output will be optimised through efficient PV cell specification and layout, shall be submitted to and approved in writing by the local planning authority. The photovoltaic arrays shall be implemented in accordance with the approved details before first occupation of any part of Blocks A, D and E of the development hereby permitted and shall be retained and maintained in working order thereafter.

Reason: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with according with London Plan policy SI2 and Local Plan policies EQ1 and EQ2.

Sound Insulation

24. Prior to the commencement of development above slab level, details shall be submitted to and approved in writing by the local planning authority showing sound insulation measures, including anticipated noise levels within the dwellings hereby permitted as a result of those measures, for the floor/ceiling/wall structures separating the foodstore/ commercial and communal part of the development from those dwellings. Development shall be carried out in accordance with the approved details. None of the relevant residential accommodation shall be occupied until the measures installed have been tested and proven to be effective in accordance with a scheme that has previously been submitted to and approved in writing by

the local planning authority. The approved measures shall be permanently retained thereafter.

Reason: To provide acceptable living conditions for future residents in accordance with Local Plan policy EQ5 and London Plan policy D14.

Building Emissions

25. Prior to the commencement of development above slab level, details of how the scheme will meet the two air quality neutral emissions benchmarks for buildings set out at Appendix 5 of the Mayor's Sustainable Design and Construction SPG shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To minimise air pollution in accordance with Local Plan policy EQ4 and London Plan policy SI1.

PRE-OCCUPATION CONDITIONS

Contamination – Verification Report

26. No part of the development hereby permitted shall be occupied until a Verification Report demonstrating completion of the works set out in the Remediation Strategy approved pursuant to condition 7, and the effectiveness of the remediation, has been submitted to and approved in writing by the local planning authority. The Verification Report shall include the results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in a Verification Plan (a long-term monitoring and maintenance plan). The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that any risks from contamination are properly dealt with in order to protect the health of future occupiers and prevent pollution of the environment.

Waste Management and Recycling

27. No part of the residential accommodation hereby permitted shall be occupied until a Waste Management Strategy showing full details of the waste and recycling facilities, including management of storage areas, internal collection and collection from the site, for that accommodation, has been submitted to and approved in writing by the local planning authority. The waste and recycling facilities shall be provided in accordance with the approved details prior to occupation of the relevant residential element. They shall be retained throughout the lifetime of the development and shall be used for no other purposes.

Reason: To encourage the sustainable management of waste, to ensure acceptable living conditions for future occupiers and in the interest of visual amenity, pursuant to Local Plan policies CC1, CC2 and EQ7.

28. Neither the foodstore, nor any of the other commercial floorspace hereby permitted, shall be occupied until a Waste Management Strategy showing full details of the waste and recycling facilities, including management of storage areas, internal collection and collection from the site, for the relevant unit has been submitted to and approved in writing by the local planning authority. The waste and recycling facilities shall be provided in accordance with the approved details prior to occupation of the relevant unit. They shall be retained throughout the lifetime of the development and shall be used for no other purposes. No refuse or recycling waste bins shall be stored outside the building.

Reason: To encourage the sustainable management of waste and to ensure that refuse can be properly stored and removed from the site as soon as the building is occupied in accordance with Local Plan policies CC1, CC2 and EQ7.

Electric Vehicle Charging Points

29. None of the residential accommodation hereby permitted shall be occupied until details of the number, location and management of electric vehicle charging points associated with the residential element of the development, including a timetable for implementation, have been submitted to and approved in writing by the local planning authority. The details to be submitted shall include a minimum 20% of all residential parking spaces to be active Electric Vehicle Charging spaces, with the remainder provided as passive Electric Vehicle Charging spaces, together with identified triggers and the process for the future conversion of passive spaces to active spaces. Development shall be carried out in accordance with the approved details. Once provided, the charging points and spaces shall be permanently retained in working order thereafter.

Reason: In order to promote sustainable transport modes in accordance with policies CC1, CC2 and EC2 of the Local Plan.

30. Neither the foodstore, nor any of the other commercial units hereby permitted, shall be brought into use until details of the number, location and management of electric vehicle charging points associated with the car parking for those premises have been submitted to and approved in writing by the local planning authority. The details to be submitted shall include a minimum 10% of all foodstore/commercial spaces to be provided as active Electric Vehicle Charging spaces, with the remainder provided as passive Electric Vehicle Charging spaces, together with identified triggers and the process for the future conversion of passive spaces to active spaces. Development shall be carried out in accordance with the approved details. Once provided, the charging points and spaces shall be permanently retained in working order thereafter.

Reason: In order to promote sustainable transport modes in accordance with Local Plan policies CC1, CC2 and EC2.

Energy Strategy

31. a) No residential accommodation hereby permitted shall be occupied until evidence (including photographs, installation contracts and As-Built certificates under the Standard Assessment Procedure/National Calculation Method) has been submitted to and approved in writing by the local planning authority showing that the development has been constructed in accordance with the Energy Strategy detailed in the Energy Statement and Sustainability Statement prepared by Hodkinson (both dated March 2021) (and any subsequent approved revisions) sufficient to achieve a minimum 51% reduction in carbon dioxide emissions.

    b) The foodstore/commercial floorspace hereby permitted shall not be occupied until evidence (including photographs, installation contracts and As-Built certificates under the Standard Assessment Procedure/National Calculation Method) has been submitted to and approved in writing by the local planning authority showing that the development has been constructed in accordance with the approved Energy Strategy (and any subsequent approved revisions) sufficient to achieve a minimum 51% reduction in carbon dioxide emissions.

    c) Devices for the monitoring of the low and zero carbon technologies approved pursuant to parts a and b above shall be installed upon final commencement of operation of those technologies 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 of the development hereby approved.

Reason: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with according with London Plan policies SI2, SI3 and SI4 and Local Plan policies EQ1 and EQ2.

Whole Life Carbon Cycle

32. No part of the development hereby permitted shall be occupied until evidence (including photographs and copies of installation contracts) has been submitted to and approved in writing by the local planning authority to demonstrate that it has been carried out in accordance with the details approved pursuant to condition 20 above. The development shall be maintained in accordance with the approved details at all times thereafter.

Reason: In order to ensure the sustainable sourcing of materials in accordance with the Mayor of London's Sustainable Design and Construction SPG.

33. Prior to first occupation of any part of the development hereby permitted, a detailed Whole Life Cycle Carbon assessment shall be submitted to and approved in writing by the local planning authority, demonstrating that the Whole Life Cycle Carbon emissions savings secured pursuant to condition 20 above achieve the benchmarks set out in the Mayor of London's Whole Life-Cycle Carbon Assessment Guidance. The assessment shall include details of measures to reduce carbon emissions throughout the whole life cycle of the development and provide calculations in line with the Mayor's Guidance.

Reason: In order to ensure the sustainable sourcing of materials in accordance with the Mayor of London's Sustainable Design and Construction SPG.

Sustainable drainage

34. No part of the development hereby permitted shall be occupied until evidence (including photographs and installation contracts) has been submitted to and approved in writing by the local planning authority to demonstrate that the sustainable drainage scheme for the site approved pursuant to condition 9 above has been completed in accordance with the approved details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the approved details.

Reason: To comply with London Plan policies S12 and SI13, along with associated guidance and Local Plan policy EQ3.

Water Infrastructure Phasing Plan

35. Prior to first occupation of the residential accommodation hereby permitted, a development and water infrastructure phasing plan shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied other than in accordance with the approved development and infrastructure phasing plan.

Reason: To ensure that adequate water infrastructure is provided for the development.

Secured by Design

36. No dwelling hereby permitted shall be occupied until Secured by Design accreditation has been achieved for the implemented development and evidence of such accreditation has been submitted to and approved in writing by the local planning authority. The measures installed in accordance with the accreditation shall be permanently retained in working order thereafter.

Reason: In the interest of community safety.

Trolley Management

37. The foodstore hereby permitted shall not be brought into use until details of a shopping trolley management plan to ensure that trolleys cannot be taken off the premises have been submitted to and approved in writing by the local planning authority. The measures secured by the plan shall be implemented prior to first commencement of trading and the shopping trolleys shall subsequently be managed in accordance with the approved management measures at all times thereafter.

Reason: In the interests of highway safety and visual amenity.

POST-OCCUPANCY CONDITIONS

BREEAM

38. Within six months of the first operation of the foodstore hereby permitted, a post-construction stage BREEAM Retail New Construction Shell Only Design Stage certificate and summary score sheet (or such equivalent standard that replaces this) shall be submitted to

and approved in writing by the local planning authority to show that an 'Excellent' (minimum score 70%) rating has been achieved.

Reason: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with London Plan policies SI2 and Local Plan policies EQ1 and EQ2.

Circular Economy Reporting

39. Within 12 months of completion of the development hereby permitted, a Post Completion Report setting out the predicted and actual performance against all numerical targets in the Circular Economy Statement secured pursuant to condition 8 shall, together with any supporting evidence, be submitted to and approved in writing by the local planning authority. The Post Completion Report shall provide updated versions of Tables within the approved Circular Economy Statement and Bill of Materials.

Reason: In the interests of sustainable waste management and in order to maximise the re-use of materials.

Noise

40. The cumulative noise from any fixed external plant associated with the development hereby permitted shall not exceed levels more than 5dB below representative background (LA_{90}) levels at free field locations representing the façades of nearby dwellings/noise sensitive premises. Noise levels shall be assessed by measurement or calculation based on the guidance in BS4142: 2014+A1:2019.

Reason: To protect the amenities of existing and future residents in accordance with Local Plan policy EQ5 and London Plan policy D14.

41. Maximum noise levels within the dwellings hereby permitted shall not exceed:

    Living Rooms = 35 dB $L_{Aeq,\ 16hour}$;

    Dining room/area = 40 dB $L_{Aeq,\ 16hour}$;

    Bedrooms = 35 dB $L_{Aeq,\ 16hour}$ during day-time (07.00 – 23.00) and 30 dB $L_{Aeq,\ 8hour}$ in the night time (23.00 – 07.00).

    The maximum noise levels described must be achieved during background ventilation rates, as defined in Part F of the Building Regulations.

Reason: To ensure appropriate living conditions for residents in accordance with Local Plan policy EQ5 and London Plan policy D14.

Opening Hours

42. The foodstore hereby permitted shall not be open to customers other than between 07.00 and 22.00 Monday to Saturday and 10.00 – 16.00 on Sundays and bank/public holidays.

Reason: To protect the amenities of existing and future residents in accordance with Local Plan policy EQ5 and London Plan policy D14.

43. The commercial floorspace hereby permitted (other than the foodstore) shall not be open to customers other than between the hours 07.00-22.00 on any day.

Reason: To protect the amenities of existing and future residents in accordance with Local Plan policy EQ5 and London Plan policy D14.

Removal of Permitted Development Rights

44. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended), or any order subsequently revoking and re-enacting that order with or without modification, the commercial floorspace hereby permitted (other than the foodstore) shall be used only for purposes within Use Class E part (g) of The Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other use as defined within this use class or its associated approved change of use in the Order.

Reason: In the interest of the amenity of the area, and to ensure that the non-residential functions will continue to meet the needs of local residents.

Landscape

45. Any trees or shrubs planted pursuant to condition 13 (including any such replacements) which die or are removed or become seriously damaged or diseased within three years from the date of planting, shall be replaced in the next planting season with the others of the same species, and of comparable maturity.

Reason: In the interests of visual amenity and to ensure that the planted areas continue to be able to be enjoyed for their intended purpose.

External Lighting

46. No external lighting shall be installed other than in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. The details to be submitted shall demonstrate accordance with the *Guidance Notes for The Reduction of Light Pollution (2011)*, produced by the Institute of Lighting Professionals.

Reason: In the interest of visual amenity and in order to protect the living conditions of occupiers of nearby dwellings and to provide acceptable living conditions for future occupiers.

ANNEX C
Schedule of conditions: APP/F5540/V/21/3287727
Tesco Osterley, Syon Lane, Isleworth

RESERVED MATTERS

1. Details of the following matters (the Reserved Matters) as relevant for each phase of the development hereby permitted, shall be submitted to and approved in writing by the local planning authority before any development commences within that phase (other than works of demolition, site clearance and remediation) and the development shall be carried out as approved:

    - layout (to include details of the areas to be used for each land use, including car and cycle parking)
    - appearance
    - scale
    - landscaping (hard and soft)

Reason: The application has been made for outline permission only and the submitted details (other than access) are for illustrative purposes only.

2. The first application for approval of the Reserved Matters shall be made to the local planning authority before the expiration of three years from the date of this permission. All subsequent Reserved Matters applications shall be submitted no later than ten years from the date of this permission.

Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990, but with a longer period for subsequent Reserved Matters submissions reflecting the anticipated build period.

3. The development hereby permitted shall begin before the expiration of three years from that date of approval of the first of the Reserved Matters to be approved. The relevant parcel(s) must begin no later than the expiration of two years from the final approval of the Reserved Matters applications for the relevant phase or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the provision of Section 51 of the Planning and Compulsory Purchase Act 2004.

APPROVED PLANS AND QUANTUM OF DEVELOPMENT

4. Unless required otherwise by conditions below, the submission of all reserved matters and the implementation of the development hereby permitted shall accord with the following parameter plans:

Site Location Plan	01754-S-01
Proposed Site Levels	01754-JTP-DR-MP-PP-001 Rev P5
Maximum Building Heights	01754-JTP-DR-MP-PP-003 Rev P5
Predominant Ground Floor Uses	01754-JTP-DR-MP-PP-004 Rev P5
Predominant First Floor Uses	01754-JTP-DR-MP-PP-005 Rev P5
Access and Movement	01754-JTP-DR-MP-PP-006 Rev P5
Open Space at Ground Level	01754-JTP-DR-MP-PP-007 Rev P5

Open Space at Ground Level	01754-JTP-DR-MP-PP-007 Rev P5
Open Space at Podium Level	01754-JTP-DR-MP-PP-008 Rev P5
Open Space at Roof Level	01754-JTP-DR-MP-PP-009 Rev P5
Basement Provision	01754-JTP-DR-MP-PP-0010 Rev P5
Energy Centre Location	01754-JTP-DR-MP-PP-011 Rev P5
Key Minimum Distances	01754-JTP-DR-MP-PP-012 Rev P5
Proposed Site Access Arrangements	PB9283-RHD-GE-SW-DR-R-0093 Rev P04

Reason: To provide certainty for all parties.

5. The maximum permitted floorspace (gross internal area in square meters (sqm)) for each use granted by this permission shall be:

    - Residential (Use Class C3) - 146,700 sqm (up to 1,677 residential units and ancillary areas, excluding energy centre, plant, refuse, car parking and cycle parking)
    - Residential (use Class C3) - 160,400 sqm (up to 1,677 residential units, including all ancillary areas, energy centre, plant, refuse, car parking and cycle parking)
    - Flexible commercial floor space (Use Classes E and F) - 5,000 sqm
    - Pub/drinking establishment/Mobility Hub (Sui Generis) - 1,000 sqm

    Non-residential floorspace in the Reserved Matters details shall be subject to the following minimum floorspace requirements:

    - A minimum of 1,000 sqm within use as shops (Use Class E(a)), financial and professional services (Use Classes E(c)), cafes and restaurants (Use Class E(b)), public house/drinking establishment (sui generis) and mobility hub (sui generis)
    - A minimum of 1,000 sqm within use as business, research and development and/or industrial process (Use Class E(g))
    - A minimum of 1,000 sqm within use as healthcare (Use Class E(e)), gym and leisure (Use Class E(d)), community (Use Class (F), creche (Use Class E (f))

Reason: To ensure that the quantum of floorspace aligns with the parameters assessed pursuant to the Environmental Statement and in the interest of the amenity of the area.

DESIGN STATEMENTS/LANDSCAPE MANAGEMENT

Design Statements

6. Each application for Reserved Matters approval shall be accompanied by a Design Statement which shall explain how the proposal conforms to the requirements of the Design Code document (Design Code Osterley Place 01754 dated January 2021 prepared by JTP) and a Development Specifications Compliance Statement, which shall explain how the proposal conforms with the Development Specifications document (Rev 2 March 2021 prepared by WSP).

Reason: For the avoidance of doubt, to accord with the terms of the application and to provide an appropriate design, appearance, scale and form of development in the interest of visual amenity.

Landscape Management Plan

7. Each Reserved Matters application for approval of details relating to landscaping shall include a landscape management plan that is subject to the written approval of the local planning authority. Each landscape management plan shall include long term design objectives, a timetable for implementation, management responsibilities and maintenance schedules for all landscape areas, including all proposed trees, shrubs and hedgerows for a minimum period of five years from implementation of the final planting scheme. The landscape management plan shall be carried out as approved.

Reason: In the interests of visual amenity and biodiversity.

PRE-COMMENCEMENT CONDITIONS

Phasing

8. No development shall take place until a programme of phasing for implementation of the whole development site, which takes into account the timescales set out in conditions 2 and 3, has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved phasing programme. The programme shall also include details, where relevant, of the timing for the delivery of:

    a) hard/soft landscaping;

    b) the public open spaces (The 'Clearing', The Meander and The Water Garden);

    c) other public realm relative to each phase.

Reason: In the interests of visual amenity and to ensure that adequate facilities are available for residents.

Detailed Submission Requirements

9. Except for any works relating to demolition, site clearance and/or remediation, development shall not commence within any phase until details of the following have been submitted to and approved in writing by the local planning authority:

    a) floor, elevation and section plans;

    b) details of ground floor level shopfronts where proposed;

    c) daylight and sunlight report, including shadow plot diagrams;

    d) details of play space, amenity space and landscaping strategy;

    e) details of works to the public realm and highways, including any traffic calming measures;

    f) statement of community involvement;

    g) affordable housing statement;

    h) fire strategy;

    i) updated drainage assessment form and assessment demonstrating compliance with the principles set out in the September 2020 Flood Risk Assessment and FRA Addendum and Drainage Assessment Form March 2021 and associated drawings prepared by Ramboll;

    j) wind assessment (based on Chapter 10: Wind Microclimate of the Environmental Statement dated September 2020 prepared by Ramboll);

    k) ecological enhancement and mitigation measures, including details of a minimum urban greening factor of 0.4 and biodiversity net gain calculations, based on the Ecology and Biodiversity Report 2020 prepared by Derek Finnie Associates;

    l) circular economy statement; and

m) vehicular and pedestrian access within the site and to the buildings.

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

Reason: To ensure that high standards of urban design, landscaping and environmental mitigation, which informed assessment of the proposal, are achieved.

Construction Logistics and Environmental Management Plan

10. No development shall commence in any phase, including works of demolition and site clearance, until a detailed Construction Logistics and Environmental Management Plan (CLEMP) for that phase has been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved CLEMP, which shall remain in force for the entire demolition and construction period for that phase. The CLEMP shall be informed by the Construction Logistic Plan Guidance prepared by Construction Logistics in association with Transport for London. It must include, as a minimum:

a) a plan showing the area to be surveyed to establish existing public highway condition;

b) a pre-start record of the condition of the public highway identified by the plan referred to above, undertaken in consultation with Hounslow Highways, together with a written commitment (including a timetable for implementation) to repair any damage caused by the carrying out of the development;

c) on-site parking and turning provision for site operatives, visitors and construction vehicles;

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

e) location of temporary offices, contractors compounds and welfare facilities within the site;

f) details of points of access and exits to and from the site for construction traffic;

g) details of signage at all vehicular exits from the construction site advising drivers of preferred routes;

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

i) all works of demolition and construction to take place only between the hours of 08.00 and 18.00 Monday to Friday and 09.00 and 13.00 on Saturdays, and at no time on Sundays or Bank/Public Holidays;

j) deliveries to the site shall take place only between the hours of 09.30 and 15.00 Monday to Saturday and at no time on Sunday or Bank/Public holidays;

k) a plan identifying neighbouring residential and commercial properties relevant to an assessment of noise and vibration impacts during the demolition and construction phases of the development;

l) details of how noise and vibration levels at the properties identified above will be suppressed, measured and monitored during demolition and construction works, including a review mechanism;

m) confirmation that daytime noise levels from demolition and construction works at the identified properties above shall not exceed 75dB $L_{Aeq,T}$ during the following time periods:

Monday to Friday (08.00 – 18.00 hours)

Saturday (09.00 to 13.00 hours);

n) details of measures to prevent the deposition of mud and debris on the public highway, including wheel washing facilities and the sheeting of vehicles transporting loose aggregates or similar materials on or off site;

o) a Demolition and Construction Waste Management Plan that identifies the main waste materials expected to be generated by the development during demolition and construction, including vegetation, together with measures for dealing with such materials so as to minimise waste and to maximise re-use and recycling;

p) measures to ensure the safety of all users of the adjacent public highways, in particular cyclists and pedestrians, especially at the site access/egress points;

q) measures to minimise the emission of dust from the site during the construction period;

r) arrangements for any temporary site lighting, including security lighting, its location and hours of operation;

s) arrangements for liaising with other contractors in the vicinity of the site to maximise the potential for consolidated construction traffic movements and to minimise traffic impacts;

t) procedures for maintaining good public relations, including complaint management, public consultation and liaison contact details;

u) details of a booking system for the arrival and departure of construction traffic to avoid vehicles waiting on the public highway; and

v) confirmation that all Non-Road Mobile Machinery (NRMM) with a net power between 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the Mayor's SPG *Control of Dust and Emissions During Construction and Demolition* (dated July 2014), or subsequent guidance. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at: https://nrmm.london/.

Reason: In order to protect the environmental quality of the surrounding area, to safeguard the amenities of those living and working in the locality and in the interest of highway safety, pursuant to Local Plan policies EQ4, EQ5, EQ6 and EQ7.

Cranes/Tall Construction Equipment

11. Prior to commencement of piling in any phase, details of cranes and other tall construction equipment (including details of obstacle lighting) shall be submitted to and approved in writing by the local planning authority. Such details shall comply with Advice Note 4 'Cranes' (published by the UK Civil Aviation Authority). Development shall be carried out in accordance with the approved details for the duration of the remaining construction period within that phase.

Reason: In the interest of aviation safety.

Tree Protection

12. Prior to the commencement of development in any phase, including site investigations, site clearance and works of demolition, retained trees within that phase and any trees on adjacent land (as shown within the submitted Arboricultural Report 2020 prepared by Tree Fabrik), shall be protected in accordance with BS5837:2012, with any tree work to be carried out in accordance with BS3998:2010 – Tree Work - Recommendations. The protection shall be retained intact for the full duration of the development within that phase until all equipment and materials have been removed from the site. If the protection is damaged, all operations shall cease until it is repaired in accordance with the approved details.

Nothing shall be stored or placed in any protected area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the local planning authority.

Reason: In the interests of visual amenity and biodiversity pursuant to policies CC1, CC2 and GB7 of the Local Plan.

Contamination - Site Investigation

13. Prior to the commencement of development in any phase (excluding works of demolition):

    a. Details of further intrusive site investigation in addition to the phase 1 desk study and phase 2 intrusive investigation set out in the Geo-Environmental Assessment 2020 prepared by Waterman Infrastructure and Environment Limited have been submitted to and approved in writing by the local planning authority. The site investigation, which shall be carried out by a competent person, is to identify the extent and nature of contamination. The report shall include a tiered risk assessment of the contamination based on the proposed end use of the site.

    b. Based on the results of the intrusive site investigation, an Options Appraisal and Remediation Strategy, giving full details of the remediation measures required and how they are to be undertaken, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Remediation Strategy.

    c. If, during the course of development, contamination not previously identified pursuant to the provisions of clauses a and b above is found, then no further development shall be carried out until there has been submitted to and approved in writing by the local planning authority an amendment to the approved Remediation Strategy detailing how this unexpected contamination will be dealt with. Thereafter, the development shall be implemented in accordance with the approved Remediation Strategy as amended.

Reason: To ensure that any risks from contamination are properly dealt with to protect the health of future occupiers and to prevent pollution of the environment.

Surface Water Drainage

14. Prior to the commencement of development in any phase (excluding site investigations and works of demolition) a final detailed surface water drainage scheme (including drawings and supporting calculations and an updated Drainage Assessment Form) shall be submitted to and approved in writing by the local planning authority. The design shall align with the details approved pursuant to condition 9i) above. Development shall be carried out in accordance with the approved details for the relevant phase and the relevant part of the development shall not be occupied until the surface water drainage works have been implemented in accordance with the approved details. The submitted details shall:

    i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

    ii) include a timetable for its implementation; and,

    iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the risk of flooding in accordance with London Plan policy SI13, the Mayor's Sustainable Design and Construction SPG, and Local Plan policy EQ3.

Air Quality Monitoring

15. For a period of at least six months prior to first commencement of development (including works of demolition and site clearance), and throughout the entire construction period, diffusion tube monitoring at heights of 2, 4, 6, and 8m, shall be undertaken at the locations identified in Figure:1 in Appendix 8 of the Ramboll Monitoring Study 2020 (Osterley Place) (Ref:1620006465 Issue: Final). The diffusion tube monitoring shall utilise a methodology also to have previously been submitted to and agreed in writing by the local planning authority. If, at any time during the monitoring, the annual mean concentration of NO_2 exceeds 36ug/m3, filtered mechanical ventilation shall be installed at the relevant facades of the residential accommodation hereby permitted prior to first occupation, in accordance with details that shall previously have been submitted to and agreed in writing by the local planning authority. The installed measures shall be permanently retained thereafter.

Reason: To ensure satisfactory living conditions and minimise air pollution in accordance with Local Plan policy EQ4 and London Plan policy SI1.

Construction Phase Ecological Management Plan

16. No development shall commence in any phase until a Construction Phase Ecological Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Construction Phase Ecological Management Plan shall incorporate details of the ecological clerk of works supervision to be put in place to monitor the clearance of vegetation to ensure no impact on undiscovered or other unexpected faunal encounters.

Reason: In the interests of nature conservation pursuant to Local Plan policy GB7 and London Plan policy G6.

ABOVE SLAB LEVEL CONDITIONS

Bird Hazard Management Plan

17. No development shall commence above slab level in any phase until a Bird Hazard Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include details for the management of any flat/shallow pitched/green roofs on buildings within the site, and any water bodies within the site, which may be attractive to nesting, roosting and loafing birds. The Plan shall also demonstrate compliance with Advice Note 6 *Potential Bird Hazards from Sustainable Drainage Schemes* produced by the Airport Operators Association and General Aviation Council. The Bird Hazard Management Plan shall be implemented as approved and shall remain in force in perpetuity.

Reason: In the interest of aviation safety.

Water Usage

18. No development shall commence above slab level in the relevant phase until written documentary evidence in the form of a water efficiency calculator has been submitted to and approved in writing by the local planning authority demonstrating that each of the dwellings in the relevant phase will achieve a maximum internal water usage of 105 litres/person/day. The dwellings shall thereafter be constructed in accordance with the approved details.

Reason: in order to protect and conserve water supplies and resources in accordance with Local Plan policy EQ2.

BREEAM

19. No development shall commence above slab level in any phase until a BREEAM New Construction Shell Only Design Stage certificate and summary score sheet for commercial units within that phase (or such equivalent standard that replaces this) has been submitted to and approved in writing by the local planning authority to show that an 'Excellent' (minimum score 70%) rating will be achieved. Development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions pursuant to London Plan policies SI2 and Local Plan policies EQ1 and EQ2.

Accessible Homes

20. Prior to commencement of any development above slab level, a scheme securing a minimum of 10% of the total dwellings across the development site as a whole to be provided as 'wheelchair user dwellings' built to Building Regulations M4(3) standard, with all other dwellings designed so as to meet building regulation M4(2) 'accessible and adaptable dwellings' requirements. Development shall be carried out in accordance with the approved scheme.

Reason: To ensure a socially inclusive and sustainable development in accordance with London Plan D7 and Local Plan policies CC2, SC3 and SC5.

Sound Insulation

21. Prior to the commencement of development above slab level in any phase, details shall be submitted to and approved in writing by the local planning authority showing sound insulation measures, including anticipated noise levels within the dwellings hereby permitted as a result of those measures, for the floor/ceiling/ wall structures separating the commercial and communal premises from those dwellings. Development is to be carried out in accordance with the approved details. None of the relevant residential accommodation is to be occupied until the measures installed have been tested and proven to be effective in accordance with a scheme that has previously been submitted to and approved in writing by the local planning authority. The approved measures shall be permanently retained thereafter.

Reason: To provide acceptable living conditions for future residents in accordance with Local Plan policy EQ5 and London Plan policy D14.

Whole Life Carbon Cycle

22. No development shall commence above slab level in any phase until a scheme for that phase securing the following has been submitted to and approved in writing by the local planning authority:

    a) 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 BRE's *Green Guide to Specification*.

    b) at least 50% of timber and timber products are to be sourced from accredited Forest Stewardship Council or Programme for the Endorsement of Forestry Certification scheme, as set out in the Mayor's Sustainable Design and Construction SPG; and

    c) details of the measures to be taken to avoid construction or insulation materials which would release toxins into the internal and external environment, including those that deplete stratospheric ozone.

    Development shall be carried out in accordance with the approved scheme.

Reason: In order to ensure the sustainable sourcing of materials in accordance with the Mayor's Sustainable Design and Construction SPG.

Habitat Management and Monitoring Plan

23. No development shall commence above slab level in any phase until a Habitat Management and Monitoring Plan for all the habitat areas within that phase has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Plan and adhered to thereafter.

Reason: To secure improvement in biodiversity at the site in accordance with Local Plan policy EQ4 and London Plan policies G6 and G7.

PRE-OCCUPATION CONDITIONS

Waste Management and Recycling

24. No part of the residential accommodation hereby permitted shall be occupied until a Waste Management Strategy showing full details of the waste and recycling facilities, including management of storage areas, internal collection and collection from the site, for that accommodation, has been submitted to and approved in writing by the local planning authority. The waste and recycling facilities shall be provided in accordance with the approved details prior to first occupation of the relevant residential element. They shall be retained throughout the lifetime of the development and shall be used for no other purposes.

Reason: To encourage the sustainable management of waste, to ensure acceptable living conditions for future occupiers and in the interest of visual amenity, pursuant to Local Plan policies CC1, CC2 and EQ7.

25. No commercial unit in any phase of the development hereby permitted shall be occupied until full details of the waste and recycling facilities, including management of storage areas, internal collection and collection from the site, for that unit, have been submitted to and approved in writing by the local planning authority. The waste and recycling facilities shall be provided in accordance with the approved details prior to first occupation of the relevant unit. They shall be retained throughout the lifetime of the development and shall be used for no other purposes. No refuse or recycling waste bins shall be stored outside the building.

Reason: To encourage the sustainable management of waste, to ensure acceptable living conditions for future occupiers and in the interest of visual amenity, pursuant to Local Plan policies CC1, CC2 and EQ7.

Wastewater

26. No part of the development in any phase hereby permitted shall be occupied until confirmation has been provided that either:-

    a) all wastewater network upgrades required to accommodate the additional flows from that part of the development have been completed; or

    b) a development and wastewater infrastructure phasing plan has been submitted to and agreed in writing by the local planning authority to allow that part of the development to be occupied. Where a development and wastewater infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the approved plan.

Reason: In order to ensure that adequate wastewater infrastructure is available to meet the demands of the development so as to avoid sewage flooding and/or potential pollution incidents.

Water Network

27. No part of the development in any phase hereby permitted shall be occupied until confirmation has been provided that either:

    - all water network upgrades required to accommodate the additional demand flows to serve that part of the development have been completed; or

    - a development and water infrastructure phasing plan has been submitted to and agreed in writing with the local planning authority to allow that part of the development to be occupied. Where a development and water infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the approved housing and infrastructure phasing plan.

Reason: In order to ensure that adequate water infrastructure is available to meet the demands of the development so as to avoid incidents of no/low water pressure.

Sustainable Drainage Monitoring

28. No part of the development in any phase hereby permitted shall be occupied until evidence (including photographs and installation contracts) has been submitted to and approved in writing by the local planning authority to demonstrate that the sustainable drainage scheme

for the relevant phase, as approved pursuant to condition 14, has been completed in accordance with the submitted details.

Reason: To prevent the risk of flooding in accordance with London Plan policy SI13, the Mayor's Sustainable Design and Construction SPG, and Local Plan policy EQ3.

Whole Life Carbon Cycle

29. No part of the development hereby permitted shall be occupied until evidence (including photographs and copies of installation contracts) has been submitted to and approved in writing by the local planning authority to demonstrate that it has been carried out in accordance with the details approved pursuant to condition 22 above. The development shall be maintained in accordance with the approved details at all times thereafter.

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.

30. Prior to first occupation of any part of the development hereby approved, a detailed Whole Life Cycle Carbon assessment shall be submitted to and approved in writing by the local planning authority, demonstrating that the Whole Life Cycle Carbon emissions savings of the development secured pursuant to condition 22 above, achieve the benchmarks set out in the Mayor of London's Whole Life-Cycle Assessment Guidance. The assessment shall include details of measures to reduce carbon emissions throughout the whole life cycle of the development and provide calculations in line with the Mayor's Guidance.

Reason: In order to ensure the sustainable sourcing of materials in accordance with the Mayor's Sustainable Design and Construction SPG.

Secured by Design

31. No dwelling within any phase of the development hereby permitted shall be occupied until Secured By Design accreditation has been achieved for that phase and evidence of such accreditation submitted to and approved in writing by the local planning authority. The measures installed in accordance with the accreditation shall be retained in working order thereafter

Reason: In the interest of community safety.

POST-OCCUPANCY CONDITIONS

External lighting

32. No external lighting shall be installed in any phase other than in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The details to be submitted shall demonstrate that the proposed lighting will comply with the *Guidance Notes for The Reduction of Light Pollution (2011)*, produced by the Institute of Lighting Professionals.

Reason: In the interest of visual amenity and in order to protect the living conditions of occupiers of nearby properties and future occupiers of the site, in accordance with Local Plan policies CC1 and CC2.

BREEAM

33. Within six months of occupation of any of the commercial units hereby permitted, a post-construction stage BREEAM Retail New Construction Shell Only Design Stage certificate and summary score sheet (or such equivalent standard that replaces this) shall be submitted to and approved in writing by the local planning authority to show that an 'Excellent' (minimum score 70%) rating has been achieved.

Reason: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with according with London Plan policy SI2 and Local Plan policies EQ1 and EQ2.

Noise

34. The cumulative noise from any fixed external plant associated with the development hereby permitted shall not exceed levels more than 5 dB below representative background (L_{A90}) levels at free field locations representing the facades of nearby dwellings/noise sensitive premises. Noise levels shall be assessed by measurement or calculation based on the guidance presented within BS4142: 2014+A1:2019.

Reason: To protect the amenities of existing and future residents in accordance with Local Plan policy EQ5.

35. Maximum noise levels permitted within the dwellings hereby permitted shall not exceed:

    Living Rooms 35 dB $L_{Aeq,\ 16hour}$;

    Dining room/area 40 dB $L_{Aeq,\ 16hour}$;

    Bedrooms 35 dB $L_{Aeq,\ 16\ hour}$ during day-time (07.00 – 23.00) and 30 dB $L_{Aeq,\ 8hour}$ in the night time (23.00 – 07.00).

    The maximum noise levels described must be achieved during background ventilation rates, as defined in Part F of the Building Regulations.

Reason: To protect the amenities of residents in accordance with Local Plan policy EQ5 and London Plan policy D14.

Removal of Permitted Development Rights

36. Notwithstanding the provisions of the Town and Country Planning (General Approved Development) Order (England) 2015, as amended (or any order revoking and re-enacting that order with or without modification) any non-residential development hereby permitted shall be used only for purposes falling within the Use Class associated with the first established use of the premises and for no other use as defined within that Use Class or its associated approved change of use in the Order.

Reason: In the interests of the amenity of the area and to ensure that the non-residential functions will continue to meet the needs of local residents.

The Planning Inspectorate

Report to the Secretary of State

by Mrs J A Vyse DipTP DipPBM MRTPI

an Inspector appointed by the Secretary of State

Date: 14 December 2022

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPLICATIONS MADE BY

EDWARD HOMES LIMITED

TO

THE COUNCIL OF THE LONDON BOROUGH OF HOUNSLOW

Inquiry opened on 15 March 2022

Sites at Homebase and Tesco Osterley, Syon Lane, Isleworth

File Refs: APP/F5540/V/21/3287726 and APP/F5540/V/21/3287727

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ABBREVIATIONS

APSH	Annual Probable Sunlight Hours
AOD	Above Ordnance Datum
AVR	AVR London (Architectural Visualisation Studio)
CIL	Community Infrastructure Levy
BRE	Building Research Establishment
CPZ	Controlled Parking Zone
DAS	Design and Access Statement
Defra	Department for Food, Environment and Rural Affairs
DfT	Department for Transport
dpa	dwellings per annum
DRP	Hounslow Design Review Panel
EIA	Environmental Impact Assessment
Framework	National Planning Policy Framework
GLA	Greater London Authority
GPA	Historic England Good Practice Advice Note
GWC	Great West Corridor
GWCOA	Great West Corridor Opportunity Area
GWCLPR	Great West Corridor Local Plan Review
HE	Historic England
ICOMOS	International Council on Monuments and Sites
$kgCO_2$	kilogram of carbon dioxide equivalent per kilogram
$ktCO_2e$	kilotonne of carbon dioxide equivalent per kilogram
LBCA	The Planning (Listed Buildings and Conservation Areas) Act 1990
LFH	large(r) family homes
LonP	London Plan
LP	Hounslow Local Plan
LSH	less than substantial harm
m	metres
MSE	Mike Spence Environmental
NO_2	Nitrogen dioxide
OUV	Outstanding Universal Value
NSL	no sky line
OWGRA	Osterley and Wyke Green Residents' Association
PTAL	Public Transport Accessibility Rating
PV	photovisualisation
RBG	Royal Botanic Gardens
RPG	Registered Park and Garden
SALPR	Site Allocations Local Plan Review
SH	substantial harm
SoCG	Statement of Common Ground
SOUV	Statement of Outstanding Universal Value
SPG	Supplementary Planning Guidance
sqm	square metres
SWR	South Western Railways
TfL	Transport for London
TVIA	Townscape and Visual Impact Assessment
UNESO	United Nations Educational, Scientific and Cultural Organisation
VSC	Vertical Sky Component
WHS	World Heritage Site
WLCCE	Whole Life-Cycle Carbon Emissions

Application A: APP/F5540/V/21/3287726
Homebase, Syon Lane, Isleworth TW7 5QE

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 24 November 2021.
- The application is made by Edward Homes Limited to the Council of the London Borough of Hounslow.
- The application, No 00505/H/P19, is dated 11 September 2020.
- The development proposed comprises the demolition of existing building and car park and erection of buildings to provide residential units, a replacement retail foodstore, with additional commercial, business and service space, and a flexible community space, and ancillary plant, access, servicing and car parking, landscaping and associated works.
- The reason given for making the direction was that, having regard to his policy relating to the power to call-in planning applications, the Secretary of State concluded on the facts of this case that it was appropriate to do so.
- On the information available at the time of making the direction, the Secretary of State particularly wished to be informed on the following matters in relation to his consideration of the application:
  a) the extent to which the proposed development is consistent with Government policies for conserving and enhancing the historic environment in the National Planning Policy Framework (Chapter 16);
  b) the extent to which the proposed development is consistent with the development plan for the area; and,
  c) any other matters the Inspector considers relevant.

Summary of Recommendation: That planning permission be refused.

Application B: APP/F5540/V/21/3287727
Tesco Osterley, Syon Lane, Isleworth TW7 5NZ

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 24 November 2021.
- The application is made by St Edwards Homes Limited to the Council of the London Borough of Hounslow.
- The application, No 01106/B/P137, is dated 11 September 2020.
- The development proposed comprises an outline application for the demolition of existing building and car park and erection of buildings to provide residential homes, plus flexible non-residential space comprising commercial, business and service space, and/or learning and non-residential institution space, and/or local community space, and/or public house/drinking establishment, and/or a mobility hub, along with associated access, bus turning, car and cycle parking, and landscaping arrangements.
- The reason given for making the direction was that, having regard to his policy relating to the power to call-in planning applications, the Secretary of State concluded on the facts of this case that it was appropriate to do so.
- On the information available at the time of making the direction, the Secretary of State particularly wished to be informed on the following matters in relation to his consideration of the application:
  a) the extent to which the proposed development is consistent with Government policies for conserving and enhancing the historic environment in the National Planning Policy Framework (Chapter 16);
  b) the extent to which the proposed development is consistent with the development plan for the area; and,
  c) any other matters the Inspector considers relevant.

Summary of Recommendation: That planning permission be refused.

References to Core Documents in this report are prefixed with 'CD'. Copies of the respective proofs, appendices and rebuttals etc are prefixed with 'ID1'. Documents handed up to the Inquiry are prefixed with 'ID2'. All of

these documents, listed at Annexes B, C and D below, can be accessed via the electronic Inquiry library https://syon-lane-Inquiry.cms-cmno.com/

1. PRELIMINARY MATTERS

1.1 The Council was minded to approve both applications. However, in November 2021, they were called in for determination by the Secretary of State.

1.2 Pre-Inquiry meetings were held on 10 January and 28 February 2022 to discuss procedural and administrative matters. As agreed by the parties, I carried out an unaccompanied visit on 8 February 2022, in order to familiarise myself with the sites and their surroundings in advance of hearing the evidence. The Inquiry opened on 15 March 2022 and I carried out two accompanied site visits on 28 and 29 March 2022. I closed the Inquiry on 30 September 2022.[1]

1.3 At the Inquiry, Historic England (HE) and the Osterley and Wyke Green Residents' Association (OWGRA) appeared as Rule 6(6) parties). Many members of the public and their elected representatives addressed the Inquiry too. Concern was mentioned by OWGRA in passing, about equality of arms and the disparity of resources available. I am mindful, in this regard, of Article 6 of the European Convention on Human Rights (Right to a Fair Trial) which seeks to ensure that people have an equal opportunity to put their case.

1.4 It is not uncommon for parties to come to events such as this with varying levels of representation. I was very aware of the duties imposed on me as the appointed Inspector, in particular the duty to ensure that the Inquiry was conducted fairly and that all participants were afforded the opportunity to present their cases to the best of their ability, whilst observing the rules that govern the conduct of such events. I therefore assisted those opposing the development on behalf of the residents' group to present their case so far as I was able within the scope of the powers afforded to me, and within the constraints of my own impartiality, having regard to the need to run proceedings as efficiently and effectively as possible. I am satisfied that the conditions under which the objectors were able to present their cases was as fair as it could be to all parties and am content that their Convention rights in this regard have not been offended.

1.5 A General Statement of Common Ground (SoCG) was agreed between the Applicant and the Council.[2] A separate Heritage SoCG between the Applicant, the Council and HE was submitted, plus a later addendum.[3] A supplementary SoCG on First Homes between the Applicant and the Council was also submitted.[4]

1.6 Three draft Planning Obligations in the form of Deeds of Agreement were discussed at the Inquiry. They cover a wide range of matters and were accompanied by a Community Infrastructure Levy Compliance Schedule

[1] Part way through the Inquiry, just before the start of the heritage evidence, one of the main witnesses was unexpectedly unable to attend. Unfortunately, due to other commitments on all sides, that evidence (and the round table session on character and appearance) as well as closings, had to be postponed until week commencing 26 September.
[2] CD11.1
[3] CD11.2 and CD11.6 respectively. The Council's position on harm as set out in the Addendum in relation to Kew Gardens WHS and Kew RPG was amended in both instances, from low LSH, to no harm.
[4] CD11.7

prepared by the Council.[5] With my agreement, executed versions were submitted shortly after the close.[6] My assessment of the obligations against the relevant tests is set out in more detail later on in this Report.

1.7 The proposals constitute EIA development for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations and each of the applications was accompanied by an Environmental Statement.[7] During the long adjournment, it transpired that some of the figures attached to the Environmental Statement relating to the Homebase Application may have been omitted from the electronic version which underwent public consultation.[8] The Tesco Environmental Statement was unaffected.

1.8 The omitted figures comprise supporting or underlying tables or drawings which support the Environmental Statement conclusions which are (and always have been) found in the main text of the Environmental Statement and were the subject of consultation. Since the information was intended to form part of the original Environmental Statement, I took the view that it did not need to be treated as 'further information' as defined in Regulation 25. Rather, I considered it most appropriate to deal with the figures as 'any other information'. In any event, the Applicant agreed to advertise the information in the spirit of Regulation 25(3) which was a pragmatic and inclusive approach in the circumstances. The responses to the consultation did not raise any additional matters not already raised.[9]

1.9 I am satisfied that the Environmental Statements as a whole comply with the above Regulations and that the information provided is sufficient to enable the environmental impact of the developments to be assessed. The content of the Statements, comments received on them and all other environmental information submitted in connection with the applications, has been taken into account in arriving at my recommendations.

1.10 In order to be able to assess the schemes against London Plan policy SI2,[10] both applications included Energy Statements based on an assessment of carbon emissions against the baseline of Part L in the Buildings Regulations 2013.[11] Footnote 152 in the London Plan confirms that the policy threshold will be reviewed if the Regulations are updated. During the summer, amendments to the Building Regulations relating to carbon emissions came into force.[12] The approach of the main parties on this matter is confirmed in a Supplementary SoCG between the Council and the Applicant and in a supporting letter from the Greater London Authority (GLA).[13] In essence, there is no published date for when the Part L 2021 software will become available. In the meantime, as confirmed on the GLA's webpage on Energy Planning Guidance, Part L 2013

[5] ID2.31 and ID2.32
[6] ID2.75, ID2.76, ID2.77
[7] ID2.40.1 - 2.43.16 (Homebase) and ID2.44.1 - 2.45.21 (Tesco)
[8] The omission relates to 20 figures in three chapters of the Homebase Environmental Statement dealing with noise and vibration (Figs 10.1-10.12) air quality (Figs 11.1-11.4) and daylight, sunlight, overshadowing and solar glare (Figs 12.1-12.4). Those figures are included in the Homebase ES at ID2.40-2.43.
[9] ID2.59
[10] CD6.2.12
[11] The Homebase Statement is at CD10.3 and that for Tesco is at CD4.10.
[12] The Building Regulations etc. (Amendment) (England) Regulations 2021 were made on 15 December 2021 and the Amendment Regulations and accompanying Approved Document L came into force on 15 June 2022.
[13] ID2.65 and ID2.66

continues to be the appropriate baseline for assessment of carbon emissions savings. Should the Part L 2021 software be made available prior to determination of these applications by the Secretary of State, the parties are agreed that Part L 2013 continues to be the more appropriate baseline for the assessment of carbon emissions savings and compliance with policy SI 2 for the purpose of these planning applications. That would be my recommendation too.

1.11 The Applicant's assessment of sunlight and daylight is based on the BRE guidance on site layout (2011)[14], which guidance was current when the Inquiry opened. During the summer, that guidance was updated. It was a matter of agreement between the Council and Applicant that it would not be worthwhile providing a completely new set of data in this regard, not least because the minimum daylight recommendations in the revised British Standard (revisions to which necessitated a change in the guidance) are intended to result in similar levels of compliance in the earlier standard.[15] I have no reason to disagree.

1.12 This Report includes a description of the sites and their surroundings, the gist of the representations made both orally at the Inquiry and in writing, and my conclusions and recommendations. Lists of appearances, Core Documents, statements and proofs of evidence, and documents handed up during the Inquiry, are attached at Annexes A, B, C and D respectively. Should planning permission be granted for the schemes, recommended conditions are set out at Annexes E and F.

1.13 There were no applications for costs by any party to the Inquiry.

2. THE APPLICATION SITES AND THEIR SURROUNDINGS

Homebase

2.1 A detailed description of the Homebase site and its surroundings is set out in the related committee report.[16] In brief, the site is bounded by a railway to the south, with frontages to both the Great West Road (A4) and Syon Lane to the north and west respectively. To the immediate east, the application site is adjoined by a car showroom and then the Grade II listed 'Coty Factory' (now the Syon Clinic). Syon Gate Way, which gives vehicular access to service neighbouring commercial premises, extends along the south-eastern site boundary, parallel to the railway.[17]

2.2 The site occupies a prominent position at Gillette Corner, lying at a point of transition between the largely commercial development along the Golden Mile stretch of the Great West Road (to the north and east) – so-called due to the concentration of industrial buildings of Art Deco style, many of which are listed, including the Coty building and the Gillette Tower - and generally suburban scale housing to the south and west, including two-storey semi-detached maisonettes on the Northumberland Gardens estate on the opposite side of Syon Lane, and two-storey dwellings on Brambles Close/Cherry

[14] BRE Site layout planning for daylight and sunlight: a guide to good practice (2011)
[15] ID2.64
[16] CD5.2 paragraphs 2.1-2.15. See also eg Section 3.1 - 3.3 of Mr Patel's proof (ID1.5.2) section 4 of the proof of Mr Roberts (ID1.7.2) and section 3 of the proof of Mr Smith (ID1.12.1)
[17] CD1.1 (site location plan)

Crescent on the far side of the railway line to the southeast. There is also a recent commercial self-storage building on the opposite corner of Syon Lane and the Great West Road (up to five storeys).[18]

2.3 The site currently accommodates a large, low-rise retail DIY store (Homebase), provided within a modern industrial style building with a distinctive, tall, mast-like structure which gives structural support to the main building. The building is identified as a non-designated heritage asset. Surface parking is provided to both main road frontages, with a fenced yard to the rear that is used as an outdoor garden centre.

Tesco

2.4 A detailed description of the Tesco site is set in the related committee report.[19] The application site comprises an irregular shaped plot, extending to some 5.45 hectares, located on the north-eastern side of Syon Lane, to the west of Grant Way.[20] The site encompasses part of Macfarlane Lane and an area of land to the west of the Lane, backing onto residential properties on Oaklands Avenue.[21] That part of the site to the west of Macfarlane Lane lies within Osterley Park Conservation Area.[22]

2.5 The site currently accommodates a two/three storey supermarket building within the northern (rear) part of the site, with the south and west of the site utilised for surface car parking accessed off a roundabout junction on Syon Lane. A single storey petrol filling station and car wash is positioned at the front of the site. Behind the store is a largely overgrown landscaped garden area, known as the Water Garden, which provides a public pedestrian link between Grant Way and MacFarlane Lane.

2.6 As with the Homebase site, Syon Lane marks a change in two built scales: to the east, large scale commercial uses such as the Sky Campus and the Gillette building; to the west, predominantly two-storey, semi-detached housing with a pleasant suburban character. To the north is an area of Metropolitan Open Land and sports ground, hosting the Goals Soccer Centre and the Grade II listed Centaurs RFC Pavilion and Club House building. The Bolder Academy School also lies to the north of the site, at the end of MacFarlane Lane.

Wider Context

2.7 As well as a number of listed buildings on the Great West Road, the wider heritage context for both sites includes the landscapes of Osterley Registered Park and Garden (RPG) and Syon RPG, as well as the Royal Botanic Gardens, Kew, which is a World Heritage Site. Relevant heritage assets are set out in the Heritage SoCG[23] and Addendum.[24]

[18] See eg Figures 1.5 and 3.2 in ID1.5.2
[19] CD5.3 paragraphs 2.1-2.12. See also section 3 of the proof of Mr Adams (ID1.6.1) section 4 of the proof of Mr Roberts (ID1.7.2) and section 3 of the proof of Mr Smith (ID1.12.1)
[20] CD2.1 (Site location plan)
[21] Eg pages 22 and 23 ID1.6
[22] CD10.29
[23] CD11.2
[24] CD11.6

2.8 Both Mr Patel and Mr Roberts (the architects for the Homebase and Tesco schemes respectively) refer to taller buildings in the emerging context.[25] A plan handed up to the Inquiry shows new developments/ applications of height in the locality.[26]

3. PLANNING HISTORY

3.1 There is no site specific planning history of significance to either of the planning applications.

3.2 The planning histories for the Gillette building, the Sky Campus, and the Access Storage building (former Syon Gate Service Station) are set out in Section 3 of the related officer's reports.[27]

4. THE PROPOSALS

4.1 The two applications are interlinked, with relocation of the existing Tesco Osterley supermarket to the Homebase site allowing for comprehensive redevelopment of the Tesco site. As confirmed by the Council and the Applicant, the applications stand or fall together.

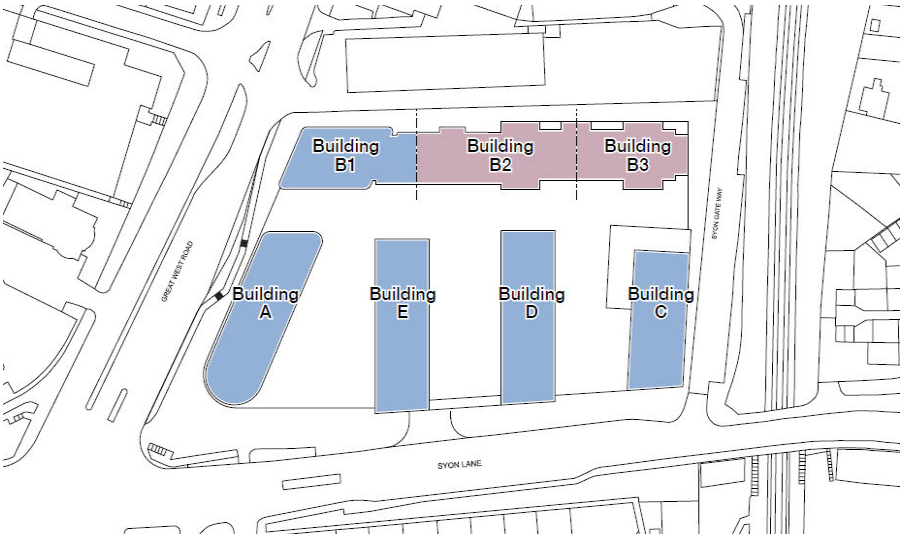
Application A: Homebase[28]

4.2 This detailed application proposes redevelopment of the Homebase site with a mixed-use proposal in the form of a new urban block, comprising a new Tesco superstore of around 10,550 square metres (sqm) gross internal area and

[25] ID 1.5 paras 3.10.10 – 3.10.13 (Mr Patel) and ID1.7.2 Para 4.6.1-4.6.2 (Mr Roberts)
[26] ID2.52 **Inspector's note**: whilst the Access storage building on the opposite corner to Homebase (location 5 on the plan) is referred to in the document as 6 storeys, the officer's report confirm that it 5 storeys (CD5.2 para 3.5)
[27] CD5.2 Homebase site: CD5.3 Tesco site
[28] More detail can be found in CD1, CD3, ID1.5, ID1.12 and ID1.15

associated car parking (400 car parking spaces and 88 cycle spaces) as well as 473 homes, of which 164 would be affordable, plus residential parking (99 car parking spaces and 843 cycle spaces).

4.3 The new homes would be provided as a series of seven tall buildings, some of which would be conjoined, sitting above a four-storey height podium containing the supermarket and car parking. Single aspect flats would wrap around the north-eastern and south-eastern faces of the podium from level one and above.[29]



4.4 The new store, fronting the Great West Road and Syon Lane, would occupy much of the ground floor with servicing, staff areas, plant and storage provided to the rear of the main retail area. The main entrance would face Gillette Corner, with the Syon Lane/Great West Road frontages comprising glazed frontages in the main.[30] Around 200 sqm of community space would be provided above the main entrance, with 137 sqm of flexible commercial floorspace at ground floor level on the Syon Lane frontage.

4.5 The existing vehicular access from Syon Lane would be used to provide access to the main car parking area for the new store and residential parking spaces, with new signal controls at the point of access. Works to Syon Lane, the Great West Road and the Gillette Corner junction, including pedestrian crossings, are also proposed.[31] The cycleway along the Great West Road frontage would be made continuous and separated from the adjacent traffic lanes.

4.6 Block A would have a terraced form with a curved floorplan to the west.[32] It would comprise 8 storeys of accommodation above the podium (12 storey height in total - 62.8m above ordnance datum (AOD) (+0.3m overrun) 43.25m above ground level). It would have Art Deco inspired styling and looks to mark the junction. It would be of brick construction with a distinctive blue colour articulated by a hierarchy of horizontal banding, including white brick with bronze and white metal details.

[29] Proof of Mr Patel ID1.5.2 Figures 5.50-5.54 (pages 86-87) demonstrate the massing and storey heights of the blocks. Figures 5.150-5.159 (pages 110-112) show the residential layout.
[30] Ibid Figure 5.139 (page 103)
[31] ID1.15 (Bundle of key drawings) pages 27-29
[32] Proof of Mr Patel ID1.5.2 Figure 5.139 (page 103)

4.7 Blocks B1, B2 and B3 would extend from the northeast corner fronting the Great West Road along the length of the rear (eastern) side of the site.[33] Together, these conjoined blocks would form the tallest and largest buildings proposed for the site. Block B1 would rise to 17 storeys (78.55m AOD (+1.8m overrun) 59m above ground level). It would have vertical detailing with strong horizontal banding every two, three or four floors, with curved corners, and similar Art Deco inspired styling to Building A. Blocks B2 (72.25m AOD (+1.8m overrun)) and B3 (71.95m AOD (+1.8m overrun))[34] would be located in the middle and rear of the site respectively. Each would be 15 storeys, with 9 and 10-storey elements joining them to each other and Block B1. They would have a more regular form, articulated by different brickwork, balconies and recesses.

4.8 Block C (55.9m AOD (+1.8m overrun) 38.2m above ground level on the Syon Lane frontage – ground levels fall to the east) would be located at the southern end of the Syon Lane frontage.[35] It is designed to emphasise the main arrival point for the housing, the ground floor providing the main

[33] Ibid Figures 5.139 and 5.140 (pages 103 and 104)
[34] 55.25m and 55.7m above ground level respectively
[35] Ibid Figure 5.141

residential entrance and residents' lobby. It would have 10 storeys with a residential character, including wide balconies to Syon Lane and projecting balconies to the south. It would be of brick construction (brown coloured) with secondary brick and metal detailing for articulation. The ground floor would be recessed at the corner.

4.9 Blocks D and E, also fronting Syon Lane, would be of 7 storeys with an additional storey set back 17.3m from the street frontage (46.45m-49.9m AOD, 27.65-31.1m above ground level).[36] These blocks share the same design. They would extend back into the site, perpendicular to Syon Lane. Both buildings would be of brick construction, with lighter colours (white and cream) accentuated by green coloured glazed brick panels to the façade.

4.10 The scheme proposes new landscaped public realm around the base of the building, with new and improved walking and cycling routes along the perimeter of all four sides. A 'Clean Air' route, providing an alternative to using Syon Lane and the Great West Road, is proposed along the southern and eastern sides of the site. Along Syon Lane and the Great West Road, enhanced cycleways and new street tree planting is proposed. A stepped 'amphitheatre' space, providing new public realm for access and seating is proposed to the north-east corner, outside the proposed store entrance.[37]

4.11 Private residential amenity space would be provided as balconies and roof terraces, with two units having an internal amenity area. Communal amenity space would be provided on the roof of the podium, with landscaped areas and play space between the blocks.[38]

Application B: Tesco Osterley[39]

4.12 This is an outline application, with all matters other than access reserved for future consideration.

[36] Ibid Figure 5.141
[37] ID1.15 (Bundle of key drawings) page 27
[38] ID1.5.2 Figures 1.2 and 1.3 (pages 6 and 7), Figure 4.21 (page 59) 5.40 (page 80) and 5.41 (page 81)
[39] More detail can be found in CD2, CD4, ID1.6, ID21.12 and IDS1.16

4.13 The application comprises complete redevelopment of the site to provide a mixed use, residential-led scheme comprising up to 1,677 homes (35% affordable) provided as a mix of studio, one, two, three and four bedroom flats and houses; between 3,000 and 5,000 sqm flexible non-residential uses; a minimum of 20,000 sqm publicly accessible open space; a minimum of 8,000 sqm of communal amenity space; a minimum of 5,000 sqm play space; enhancements to the existing Water Gardens; a new bus turning facility and welfare facilities; and a mobility hub. It also includes residential parking (up to 400 spaces) and cycle parking. Illustrative plans show the residential offer comprising a series of tall buildings ranging in height up to 17 storeys (up to 78.9m AOD) across nine development plots.

4.14 The parameter plans[40] provide details of the maximum scale, massing and footprint proposed and are supported by a Development Specification document which sets maximum and minimum limits on the quantum of development, as well as confirming other key elements such as housing tenures, residential quality, open space, play space and other transport and environmental standards which would be achieved by future Reserved Matters Applications.[41] A Design Code has also been submitted which sets out mandatory requirements and further guidance for later detailed design stages of the scheme.[42]

4.15 The lowest buildings (2 storeys) would be located along the west side of Macfarlane Lane, comprising a terrace of houses. Blocks proposed along the southern, Syon Lane boundary of the site would be 2-9 storeys in height.

[40] ID1.6.6
[41] CD4.6
[42] CD4.5 and ID1.6.7

4.16 The height of the blocks would step up through the site towards the north and the Water Gardens, and along other strategic points. The tallest, 17 storey block, would be located towards the centre of the site.

4.17 The main point of access to the site would be from Syon Lane, to the south of the site. The existing roundabout would be removed and the new access would be the primary vehicle access to the application site. Whilst a connection to Macfarlane Lane would be provided in the north-west corner of the site, that would be restricted to refuse vehicles. Detailed design of internal roads and access to individual plots and buildings would come forward later, were permission to be granted. A new bus turning facility, bus stops and stands

would be provided for the E1 and H28 routes, as well as bus driver welfare facilities.

5. PLANNING POLICY AND GUIDANCE

5.1 Relevant policy and guidance, including supplementary planning guidance and emerging policy is listed in various places including the respective committee reports,[43] the Statements of Case,[44] the joint Policy Position Statement,[45] and the various proofs of evidence.

5.2 The development plan for the area includes the London Plan, adopted in March 2021, and the Hounslow Local Plan, adopted in 2015. Numerous policies are referred to by all parties, with the Council and the Applicant setting out what they consider to be the salient policies in the joint Policy Position Statement. The policies summarised below are not an exhaustive list. Rather, they are those I consider to be of particular relevance to these applications.

London Plan 2021 (LonP)[46]

5.3 The LonP sets out an integrated economic, environmental, transport and social framework for the development of London over the next 20-25 years. The areas that will see the most significant change are identified as Opportunity Areas, many of which are already seeing significant development. All have the potential to deliver a substantial amount of the new homes and jobs.

5.4 Both application sites lie within the Great West Corridor Opportunity Area (GWCOA). Policy SD1 seeks to fully realise the growth and regeneration potential of all the Opportunity Areas, with Figure 2.1 setting an indicative capacity for the GWCOA of 7,500 new homes and 14,000 jobs. Table 4.1 of the LonP sets out ten-year housing completion targets for the Boroughs. The target for Hounslow is 17,820 new homes. Policy H1 sets out that, to achieve these targets, development plans should enable the capacity of development identified in the Opportunity Areas.

5.5 In relation to major developments, policy H4 requires that affordable housing be provided through the threshold approach. As set out in policy H5, that requires a minimum 35% provision (or 50% on other specified sites, none of which are applicable here). To follow what is described as a fast track route, certain criteria have to be met, including being consistent with the relevant tenure split. Fast track applications are not required to provide a viability statement, although provision for an early stage viability review must be secured. Policy H6 sets out the required split of affordable products. It also makes the fast track route available if an Applicant elects to provide low-cost rented homes in place of intermediate homes. Part B of policy H10 requires that, for low-cost rent accommodation, boroughs should provide guidance on the size of units required by number of bedrooms.

5.6 Among other things, policy D2 seeks to ensure that development density is linked to the provision of future planned levels of infrastructure, rather than existing levels, and that it should be proportionate to the site's connectivity and accessibility by walking, cycling and public transport to jobs and services.

[43] CD5.2 Section 7 (Homebase) CD5.3 Section 7 (Tesco)
[44] ID1 (Applicant) ID2 (Council) ID3 (Historic England) and ID4 (OWGRA)
[45] CD11.4
[46] CD6.2

On unallocated sites where capacity would be exceeded, additional infrastructure will need to be delivered. Policy T1 requires that new development makes the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes and that any impacts on London's transport networks and supporting infrastructure are mitigated.

5.7 Policy D3 requires a design-led approach to new development that optimises the capacity of sites, ensuring that development is of the most appropriate form and land use for the site, with consideration of design options required to determine the most appropriate form of development that responds to a site's context and capacity or growth. Among other things, development proposals should be of high quality that enhances local context and which respects, enhances and utilises heritage assets that contribute towards local character. Policy D4 requires that the design of development proposals be thoroughly scrutinised, including making use of the design review process to assess and inform design options early in the design process. Policy D6(B) sets out that the key qualitative aspects identified in Table 3.2 of the LonP are addressed in the design of housing development.

5.8 Policy D9 sets out that development plans should define what is considered to be a tall building for specific locations and identify any locations where tall buildings may be appropriate. Tall buildings should only be developed in locations that are identified as suitable in development plans. The policy requires that tall buildings should contribute positively to the character of the area, should reinforce the spatial hierarchy of the local and wider context and that architectural quality should be of an exemplary standard. Tall buildings should also avoid harm to the significance of London's heritage assets.

5.9 Policy HC1 requires that proposals affecting heritage assets and their settings conserve the significance of the assets and that the cumulative impacts of incremental change from development are to be actively managed. Development should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process. In relation to the setting of World Heritage Sites (WHSs) including their Buffer Zones, policy HC2 requires that development proposals should conserve, promote and enhance their Outstanding Universal Value (OUV) or the authenticity and integrity of their attributes.

5.10 Policy SI2 requires that major new development should be net zero-carbon and should include a detailed energy strategy to demonstrate how that will be met. A minimum on-site reduction of at least 35% beyond Building Regulations is required for major development. Where the zero-carbon target cannot be fully achieved on-site, any shortfall is to be provided, in agreement with the Borough, either through a cash in lieu contribution to the Borough's carbon off-set fund, or through off-site provision.

Hounslow Local Plan 2015 (LP)[47]

5.11 Policy SC1 seeks to maximise the supply of housing in the Borough in a manner consistent with sustainable development principles to achieve at least 12,330 new homes between 2015 and 2035.

[47] CD6.1

5.12 Policy SC2 aims to maximise the provision of affordable mixed tenure housing on development sites and confirms a strategic target that 40% of additional housing delivered across the Borough between 2015 and 2030 should be affordable. Development is expected to deliver a mix of 60% affordable/social rented and 40% intermediate tenures, as well as providing an appropriate mix of housing size and tenure. Policy SC3 expects development to provide a mix of housing as per Table SC3.1, unless agreed otherwise with the Council, with policy SC4 balancing the need to make efficient use of land against the need for high quality design and accessibility, whilst responding to and reflecting local context and character and protecting the amenity of existing residents.

5.13 Policy CC1 recognises the context and varied character of the Borough's places and seeks to ensure that all new development conserves and takes opportunities to enhance their special qualities and heritage. Policy CC2 seeks to retain, promote and support high quality urban design and architecture to create attractive, distinctive, and liveable places.

5.14 To contribute to regeneration and growth, policy CC3 supports tall buildings of high quality in identified locations which accord with the principles of sustainable development. At (d), the policy supports tall buildings along sections of the A4 Golden Mile frontage, confirming that specific sites will be identified in the Great West Corridor Plan subject to the delivery of public transport improvements. Development should be carefully placed so as not to create a wall of tall buildings, ensuring that they relate sensitively to surrounding residential areas and do not have a significant adverse impact on the setting of, or views from heritage assets, including Royal Botanic Gardens Kew WHS, Syon Park and Osterley Park. At (i), tall buildings are expected to be sensitively located, of a height and scale that is in proportion to their location and setting and relate carefully and respond to the character of the surrounding area. At (j), tall buildings are required to be of the highest architectural design and standards. At (p), proposals are required to take opportunities to enhance the setting of surrounding heritage assets, the overall skyline, and views, and at (l), the policy expects tall proposals to be designed with full consideration given to their form, massing and silhouette, including any cumulative impacts, and the potential impact on the immediate and wider context.

5.15 Policy CC4 requires that development should conserve and take opportunities to enhance the significance of the Borough's heritage assets and their settings, in a manner appropriate to their significance. Substantial harm to heritage assets is to be avoided. Where development would result in less than substantial harm, that is to be balanced against the public benefits of the proposal. Among other things, the policy requires that developments conserve and enhance conservation areas and the OUV of Kew Gardens WHS and its Buffer Zone and setting, including views to and from the site.

5.16 Policy SV1 sets out that a partial Local Plan review will be progressed to identify the extent of the Great West Corridor and coordinate its regeneration. At (g), it confirms that the review will identify sites with suitability for tall buildings following further urban design work.

5.17 Policy EQ2 promotes the highest standards of sustainability, design and construction in development to mitigate and adapt to climate change.

Emerging Policy

5.18 The Council is currently undertaking Local Plan reviews, including the Site Allocations Local Plan Review (SALPR) and the Great West Corridor Local Plan Review (GWLPR). These plans were submitted to the Secretary of State for Examination in December 2020, with Examination Hearings taking place in November 2021. A post-Hearing letter from the Inspector in December 2021 identified that there was sufficient prospect that any existing legal compliance and soundness deficiencies could be overcome and that it was reasonable to proceed to the next stages of the Examination. Further Hearing sessions had not been scheduled at the time of this Inquiry. It was a matter of common ground between the Council and the Applicant that the policies in these emerging plans can be given only limited weight at the present time, given the stage they are at.[48] I have no reason to disagree.

SALPR [49]

5.19 Draft Site Allocation 2 identifies the Tesco site for a mixed-use, residential-led scheme providing at least 1,030 residential units, a minimum 540 square metres of retail floorspace, plus enhanced public realm.

5.20 Draft Site Allocation 11 identifies the Homebase site for mixed-use development incorporating large format retail, new housing and employment uses, with structured parking and enhanced public realm. The minimum development quantum is identified as at least 370 residential units, 8,650 sqm of retail floorspace and 2,290 sqm of business/Class D uses.

5.21 Both allocations set out that the GWCLPR will identify what are considered to be appropriate development heights and that assessments, including heritage and views testing, will need to be carried out at development stage to test development impact on heritage assets. If development exceeds the heights set out, proposals will need to demonstrate that the heights can be achieved without causing harm to heritage assets or that the harm is outweighed by public benefits.

GWCLPR [50]

5.22 Policy GWC1 seeks to deliver the employment growth for the area envisaged by the LonP through intensification of existing employment sites and promotion of the Great West Corridor (GWC) as a place for enterprise and innovation. Through policy GWC2, the Council seeks to facilitate the housing growth envisaged for the area by the LonP in places that optimise high density, mixed use development served by a range of public transport links and social infrastructure. At part (h), proposals providing more than 10 dwellings are expected to provide 50% affordable dwellings, applying a fast track route in line with LonP policy H5. Part (j) expects affordable housing tenure to be provided as a split of 70% London Affordable Rent and/or Social Rent and 30% Intermediate. Part (l) requires that affordable housing provision should include a range of unit sizes in proportions that reflect local need.

[48] CD11.1 paragraph 3.6
[49] CD7.1
[50] CD7.2 (Volume 4 Submission November 2020)

5.23 Among other things, policy GWC4 seeks to protect and enhance existing open space and enhance biodiversity and opportunities for relaxation, recreation and a healthy lifestyle. Policy GWC5 seeks to create a strong sense of place and identity for the GWC through an urban design-led approach which seeks to knit the GWC into its surroundings whilst conserving, restoring and enhancing heritage assets, both within the GWC and in the wider area, and their settings. Among other things, development is required to accord with the GWC Masterplan heights and design framework[51], which identifies appropriate building heights, all of which should be subject to and dependent upon site specific testing. Development must safeguard the historic integrity, character and appearance and avoid any further harm to the setting, views, significance, OUV and Buffer Zone of the Royal Botanic Gardens WHS and other designated assets and their settings. Development must be subject to a high quality and comprehensive design review process.

5.24 Among other things, policy GWC6 expects development proposals to be of a scale and nature appropriate to its location, particularly in relation to access by public transport and active travel modes.

5.25 Policy P1 is specific to the western end of the GWC. The supporting text notes that the area is largely under-utilised and offers significant capacity for intensification. Among other things, the policy is supportive of redevelopment opportunities for high quality mixed tenure housing and employment spaces. Specifically, part (f) supports the comprehensive redevelopment of the Tesco and Homebase sites with high quality mixed use schemes that can animate and improve the western entrance to the Corridor.

5.26 Part (r) supports development that has been subject to site specific testing to determine capacity, scale and massing, to ensure it responds to the area's sensitive heritage locations, character and important views by delivering, among other things: general building height parameters of 12 - 24m where appropriate to its local context, and clusters of modestly scaled taller buildings with varying height parameters between 30 and 42m high (up to 65.5m AOD) at the identified Tesco Cluster (CL1 as shown on Figure 5.4). A focal buildings and local highpoint is identified at the Golden Mile Station (further east along the Great West Road). Figure 5.4 shows the Homebase site as the location of a taller structure and identifies the site for residential and retail mixed use, with retail frontages to Great West Road and Syon Lane.

5.27 Part (s) supports development that delivers design excellence and contributes positively to creating a strong sense of place, whilst responding sensitively to the area's heritage assets. The design of tall buildings is required to be of an exemplary standard and should follow the criteria set out in policy GWC5.

Supplementary Planning Guidance

5.28 The Mayor of London has produced various Supplementary Planning Guidance (SPG) documents of potential relevance. They include:

[51] Set out at policy P1 and figure 5.4 of the GWCLPR (CD7.2.7)

- Affordable Housing and Viability SPG (2017)[52]
- Housing SPG (2017)[53]
- London's World Heritage Sites: Guidance on setting SPG (2012)[54]
- Accessible London SPG (2014)[55]
- Shaping Neighbourhoods: Play and Informal Recreation SPG (2012)[56]
- Character and Context SPG (2014)[57]
- Control of Dust and Emissions SPG (2014)[58]

Other

5.29 In October 2020, the Council commissioned a Great West Corridor Masterplan and Capacity Study[59] to establish a vision and spatial framework for the development of seven new and enhanced quarters in the GWC, updating the 2017 version of the Masterplan. The application sites lie in Quarter 1, the Golden Mile Station Quarter. In response to concerns raised by HE about the impact of tall buildings on the setting of a significant number of important heritage assets, the Study undertook 3D testing and makes recommendations about tall buildings and their height.

5.30 In relation to the Tesco Cluster referred to above, Table 7.2 of the GWC Masterplan suggests a height range of approximately 10 to 14 residential storeys (53.5m to 65.5m AOD), delivered as a compact neighbourhood with occasional mid-rise buildings, avoiding towers as the dominant built form. Sensitivities are identified as views from Syon Park and House, from Osterley Park and House, from Kew Gardens (especially Syon View), the Gillette Factory (avoid over-dominating factory building and undermining the chimney's silhouette against the sky), from Osterley Park Conservation Area, and from other local heritage assets.

5.31 The Council also undertook an Urban Context and Character Study (2014)[60] to inform the 2015 Hounslow Local Plan. It analyses the urban character of the Borough to inform planning policy, design and conservation and future development management.

5.32 Other documents of particular relevance in this case include Good Practice Advice notes produced by HE, especially GPA2: Managing Significance in Decision-Taking in the Historic Environment and GPA3: The Setting of Heritage Assets[61]. Historic England's Advice Note 4: Tall Buildings is also of relevance.[62]

5.33 The National Planning Policy Framework (July 2021) (the Framework) the Government's Planning Practice Guidance and the National Design Guide (January 2021), are also material considerations in determination of these applications.

[52] CD10.45
[53] ID1.10.2
[54] CD10.44
[55] CD10.46
[56] CD10.49
[57] CD10.47
[58] CD10.48
[59] CD10.39
[60] CD10.38
[61] CD10.21 and CD10.22 respectively
[62] ID2.17 and ID2.18

6. THE CASE FOR THE APPLICANT

6.1 This is set out in full in the evidence before the Inquiry.[63] What follows is a summary based on the case as presented in closing.[64] It is important that the evidence, together with the application and supplementary material, is considered in full in order to gain a proper understanding of the case. Other than where specifically noted as *Inspector's Note*, the footnotes in this section of the Report containing supplementary submissions reflect the Applicant's closing submissions as opposed to any findings of mine.

Introduction

6.2 Together, the application proposals[65] comprise an ambitious, comprehensive scheme for the regeneration for residential-led mixed-use development of, in total, nearly 7 hectares of under-used commercial land in Hounslow.[66] Both sites lie within the GWCOA. They come before the Secretary of State with the full backing and support of both the local and strategic planning authorities.

6.3 The Opportunity Area designation sits within the recently-adopted LonP, which begins by setting out the challenge for all those concerned: "*if London is to meet the challenges of the future, all parts of London will need to embrace and manage change … the areas that will see the most significant change are identified as Opportunity Areas*."

6.4 In practice, that means seeking ways to optimise previously-developed land to meet the identified needs. Inherent in the idea of 'optimisation' is that, although needs must be met, that should not be at any cost. Opinions will differ about judgemental matters which are relevant to the question of optimisation. The key is to strike the right balance, accepting some harm if, in the wider assessment, there is much more to be gained[67].

6.5 The Inquiry has heard focused objections from OWGRA and from HE. Neither of those parties is responsible for undertaking a balanced assessment of optimisation, and they do not bring evidence to the Inquiry which carries out the necessary planning balance. On the other hand, it is critical for a balanced approach to be taken by the Applicant (part of the Berkeley Group)[68] and for those with the democratic responsibilities for making decisions about planning in London (here, the GLA and the Council) striking a balance between many competing issues is a statutory obligation. It is, therefore, really important in this case to take into account that the Council and the GLA have both decisively judged that the scheme, despite heritage and some other negative impacts, should be delivered so that its benefits can be realised.

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[63] CD1-CD4, ID1.1, ID1.5-ID1.10, ID1.15-ID1.17, ID2.19, ID2.20, ID2.24, ID2.40-ID2.47
[64] ID2.73 and ID2.74
[65] See Mr Roberts' proof (ID1.7.2), paragraphs 5.1 (Homebase) and 5.2 (Tesco), pages 14-15, for a full summary of the applications.
[66] As made clear throughout the process, the two applications are not severable – they are part of a composite whole in which the Homebase scheme enables the Tesco scheme to proceed.
[67] The only point that ought to be made in an Inquiry when the only professional objector is HE, is that there is nothing in law or national policy which makes heritage protection inherently more important than the role of planning to make provision for people to have somewhere to live.
[68] Generalised criticisms in the OGWRA closing submissions about the character and quality of new build housing should obviously not be given any weight in this case, given not just the identity of the Applicant but the quality of the two first rate architects practices involved, and the Design Code for the Tesco scheme. High design quality was one of the reasons why the schemes won and retained the support of the GLA and The Council.

6.6 The issues of particular importance identified at the outset of the Inquiry are facets of the optimisation question:

(1) The principle of development;

(2) Heritage and design;

(3) Living conditions for future residents;

(4) Environmental issues;

(5) Housing mix; and

(6) Local services and infrastructure.

6.7 There is overlap between some of the main issues, so some are dealt with together, returning towards the end to consider the balancing exercises required by policy and law. The merits of the two proposals are addressed in a composite way, unless specific issues require a different approach.

The Principle of Development

6.8 Both schemes accord with the development plan overall. The emerging plan and associated masterplan have not been adopted but should be given some, relatively limited, weight at this stage – both schemes are in accordance with the emerging plan.

6.9 Focusing on the adopted LP, overarching questions of land use have not been the subject of any real debate or dispute at the Inquiry. It is fair to say that there is general acknowledgement of the need to regenerate the sites and of the acceptability of mixed uses led by residential to come forward on them.

6.10 Obviously, objectors raise concerns about heritage, design and a number of other matters, but nothing which goes to the principle of development. For instance, there is no issue over the Homebase scheme's compliance with LP retail policy in policy TC3[69], or flooding[70]. Policy CC3 of the LP refers the question of tall building locations to the emerging plan[71].

6.11 With regard to the LonP, the principle of development directly accords with policy H1[72], which asks Boroughs to optimise the potential for housing delivery on all suitable and brownfield sites, focussing on the mixed-use redevelopment of car parks and low-density retail parks and supermarkets. Policy SD1 of the LonP[73] also supports the applications, since it requires Boroughs to enable housing delivery in Opportunity Areas[74]. Nothing in the LonP therefore, indicates any issue with regard to the principle of development. Something which the GLA also confirms[75].

[69] See CD5.2 (Homebase Committee Report) paragraph 8.37-8.39 page 52.
[70] Ibid paragraph 8.456 page 143.
[71] See Ibid paragraph 8.150, page 74.
[72] CD 6.2.5.
[73] CD 6.2.1.
[74] The LP also notes what was, in 2015, the incipient Opportunity Area in which the sites now lie: see the SCG between the Applicant and The Council, in the section which covers the principle of development: CD11.1 Section 8.
[75] GLA Stage 1 Report, page 5 of CD 8.3.

6.12 Beyond the development plan, as major residential-led mixed-use development, both schemes accord in terms of land use principle with the emerging GWCLPR and the accompanying SALPR, supported by the GWC Masterplan and Capacity Study.

6.13 The other major consideration in terms of land use principle is the Framework, with which both schemes comply. They provide multiple benefits from a mixed-use redevelopment of the land; they attract significant weight because of their re-use of brownfield, currently under-utilised retail and car park sites[76]. The Framework lays a heavy emphasis on meeting housing needs and urges a proactive approach to applications for change of use to land currently not allocated, where this would meet identified development needs – again, there is a special focus on using retail and employment land for homes in areas of high housing demand[77].

6.14 There is no force to any suggestion that the grant of permission for the schemes would be premature in the sense of paragraphs 49 and 50 of the Framework, given the in-principle alignment between the emerging plan and the two schemes.[78]

6.15 The position on the principle of development has not really changed throughout the application process. The contested issues on design and heritage are relevant to the assessment of the schemes but are not in the same sense issues which go to the principle of what the Applicant seeks to bring forward. Whilst the Framework and the emerging Local Plan are behind the schemes, there is ample within the adopted Plan, the LonP in particular, to justify the land use principles, and in that respect the schemes are in accordance with the development plan.

Heritage

General points

6.16 Heritage is one of the main contentious issues. The schemes would cause a degree of harm to designated (and undesignated) heritage assets, some of which are of the highest importance (Syon House and RPG, and Osterley Park RPG). As such, the intricate series of policy tests which bind together the statutory duty under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) and policy in the form of the Framework are engaged.

6.17 It is agreed that harm to a designated asset, even ones as important as Kew WHS and Grade I assets, does not determine the outcome of a planning application[79]. HE does not say at this Inquiry that permission must be refused – it cannot, given that it does not carry out the determining balances under paragraph 202 of the Framework or in s.38(6) of the Planning and Compulsory Purchase Act 2004.

[76] Paragraph 120 of the Framework.
[77] Ibid paragraph 123.
[78] See CD5.2 page 25 and the GLA Stage 2 reports, both of which consider and reject the idea that the applications are premature by reference to the Framework tests.
[79] Agreed Mr Stroud XX, with reference to the Framework.

6.18 Indeed, given that these are applications within the GWCOA, the decision examples of Citroen and Albany Riverside are relevant.[80] In both cases permission was granted by the Secretary of State despite less than substantial harm being caused to relevant assets, including the WHS at Kew and Grade I Listed Buildings. Whilst all cases turn on their own particular facts, these recent examples are material when considering how to frame or judge a balance between harm to important assets and the much-needed benefits of housing and affordable housing in Hounslow. In principle, meeting the needs of the future is every bit as important as conserving the significance of the past. The question at the heart of these applications is how great the benefits would be compared to any harm they would cause.

6.19 As Mr Stroud[81] accepted, the general dictum that decision-makers must give great weight to the organisation's views[82] must be applied reasonably in the particular case – if the views of HE are rejected for clear and cogent reasons in a specific case[83], there would be little rational purpose in nonetheless giving them "*great weight*"[84] in some generalised sense.

Questions of approach

6.20 Much of the correct approach is agreed:

(1) Harm to a designated heritage asset falls within one of two categories, substantial harm (SH) or less than substantial harm (LSH); and one should locate where on the spectrum of LSH the harm lies[85].

(2) Considerable importance and weight should be given to any harm to designated assets; the application of the Framework tests will satisfy the requirements of the statutory provisions (eg s.66 LBCA) but there is no prescribed way for a decision-maker to carry out the assessment of harm[86].

(3) If LSH would be caused to the asset or assets, the decision-maker should assess whether the harm (to which great weight should be given, taking into account also the degree of harm) would be outweighed by the public benefits that the scheme would bring. That balancing exercise is tilted against the public benefits and has been described as amounting to a presumption against the grant of permission. However, a finding that public benefits would outweigh harm would stand as a "*clear and compelling reason*" for allowing a harmful development to occur.

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[80] CD9.1 (Citroen) CD9.5 (Albany)
[81] Witness for HE
[82] See for instance *Shadwell Estates Ltd v SSCLG* [2013] EWHC 12 at [72].
[83] HE in closing pray in aid the support of RBG Kew: but an eye now the evidence has been heard to their written representation shows that Kew proceeded on a misapprehension about serious points – for instance, they assert a clear view of the scheme from the Syon Outlook.
[84] Again, the recent history of called-in applications in this area of London is to some extent instructive: in the *Citroen* case, HE objected to the grant of permission, alleging at first that the scheme would cause substantial harm, and later amending its case to LSH. The Inspector disagreed in terms with the judgements expressed by HE as to degree of LSH, and therefore expressed clear and cogent reasons for departing from their advice: see CD9.1, IR15.24ff versus the HE case, IR section 8. The Inspector has a further very recent example of the same exercise being undertaken by an Inspector, in rejecting the objections of HE to development opposite Hampton Court Grade I RPG and Palace: the *Jolly Boatman* at ID2.67.
[85] Planning Practice Guidance - Paragraph: 018 Reference ID: 18a-018-20190723
[86] *City & Country Bramshill Ltd v SSCLG [2021] EWCA Civ 320* (CD 9.4).

(4) When assessing the degree of harm to be caused to a designated asset, it is agreed that the key question is the degree of harm to the particular aspects of significance that the scheme would cause, rather than the extent to which other aspects of the asset's significance would be left unharmed. This is agreed[87] subject to the qualification that one must at least bear in mind the context of the asset in question. That point assumes more importance when what is being analysed is harm to setting alone.

6.21 Three areas of potential disagreement are relevant to all the identified designated assets.

Degree of LSH

6.22 First, the question of how LSH harm is '*calibrated*', or judged: the Framework contains only two categories of harm, and the threshold between SH and LSH is clearly a guide to the upper bound of the lower category (which runs from just above 'no harm' to the point at which SH begins). In upholding an Inspector's exercise of judgement, the *Bedford* case[88] involves the High Court describing SH as '*draining away'* the asset's significance, or an effect that would cause its significance to be "*vitiated altogether or very much reduced*."

6.23 The Inspector in the *Edith Summerskill House* decision[89] (writing just before the *Holocaust Memorial* judgement emerged) put it this way[90]:

> *"Essentially, substantial harm is set at a high bar, such that a good deal (or all) of the significance of a designated heritage asset would have to be removed for it to be reached. That means that the range for a finding of less than substantial harm is very wide indeed, from a harmful impact that is hardly material, to something just below that high bar."*

6.24 In the *Holocaust Memorial* judgement,[91] the High Court explained the language of "*draining away*" in *Bedford* as nothing more than a metaphorical way of expressing a serious degree of harm to an asset. The Court referred to the Government's Planning Practice Guidance and said this:

> *"52. It is plain that Jay J [in Bedford] saw the Inspector's approach as essentially the same as the approach that he (Jay J) endorsed* [in 25] *as a correct basis for addressing the question, i.e. a decision maker would properly both interpret and apply the concept of substantial harm in the Framework, if s/he assessed whether the impact of the proposed development was sufficiently serious in its effect that the significance of the designated heritage asset, including the ability to appreciate that asset in its setting, was (if not vitiated altogether) at least very much reduced. Jay J considered the reference to significance being "very much …drained away" as no more than an alternative, metaphorical means of expressing the concept of substantial harm. In considering that "substantial' and 'serious' may be regarded as interchangeable adjectives in this context"*

[87] For instance by Dr Miele in his XX by Mr Lyness KC.
[88] Bedford BC v Secretary of State [2013] EWHC 2847 – see citation in the Holocaust Memorial judgment (ID2.68).
[89] ID2.54, at IR2.48ff
[90] Ibid, IR12.48.
[91] ID2.68

> [26], *his judgment is consistent with the advice in the Planning Practice Guidance that, when considering whether or not any harm is "substantial", an important consideration would be whether the adverse impact seriously affects a key element of special architectural or historic interest."*

6.25 Therefore, the correct position is that, when reaching a judgement on where to pitch LSH in a particular case, the category runs from just above 'no impact' to just below the point at which the significance of the asset or one's ability to appreciate it in its setting is (if not vitiated altogether) then very much reduced (emphasis added). That will become important here, in weighing up the evidence given by the experts.

Setting harm

6.26 As HE's guidance states,[92] the setting of an asset is not a heritage asset itself. Its importance lies in what it contributes to the significance of the asset, or one's ability to appreciate the significance. Impacts on setting, therefore, other than in the most extreme of cases, are unlikely to cause very serious harm to the significance of the asset, as the Inspector said in the *Edith Summerskill House* Report[93]:

> "*In cases where the impact is on the setting of a designated heritage asset, it is only the significance that asset derives from its setting that is affected. All the significance embodied in the asset itself would remain intact. In such a case, unless the asset concerned derives a major proportion of its significance from its setting, then it is very difficult to see how an impact on its setting can advance a long way along the scale towards substantial harm to significance*."

6.27 That approach is consistent with HE's GPA3 guidance and with the Government's Planning Practice Guidance. In this Inquiry, when considering, for instance, the effects on the setting of Syon House or its RPG, it puts in the foreground the question of whether those assets derive "*a major proportion of [their] significance*" from their setting.

6.28 That proposition casts an interesting light on the principle (addressed earlier) that the key point of assessment is the damage to the aspect of significance, rather than what significance remains. That idea applies only once one has assessed how much of its significance the asset derives from its setting. In other words, in order to decide whether it derives a "*major proportion*" of its significance from its setting, one has to reach a (logically) prior view on that point which inevitably involves considering where, or how, the overall significance of the asset is constituted. To put it simply, if one takes the view that some, but not the major proportion, of the asset's interest lies in matters other than in its setting, then that gives one a useful steer as to the overall degree of harm which might be caused to the asset by setting impacts.

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[92] CD 10.22 paragraph 9.
[93] ID2.54, IR12.50. HE in closing criticise the Inspector for this paragraph – but bear in mind that Mr Griffiths was the Inspector on the Curve as well. It is not accepted that he was advancing a quantitative or mechanical "numbers game" approach to the question – "a major proportion" just means an important amount and can be approached qualitatively.

6.29 Before the Inquiry are a couple of good examples of that in practice: the way the Inspector in the Syon Park allotments appeal contextualised the overall effect of the scheme on the significance of Syon House[94], and the way the Inspector in the *Edith Summerskill House* Report assessed the impact of the proposal, as per the Framework, on the significance of designated assets[95].

Cumulative harm

6.30 What is the correct way to consider past, or existing, harm within the setting of a designated asset, when assessing potential LSH caused by a proposed scheme? The starting point is that the Framework requires an assessment of whether there would be LSH harm "*to the significance of a designated heritage asset*". The plain words indicate that one must form a view about the current significance (including setting contribution) and then assess the extent to which that significance would be harmed.

6.31 The contribution of setting may already be, to some extent, attenuated by past changes. Having regard to those is part of assessing what the current setting contribution may be. For instance, in the case of rural views towards a listed country house, the presence of major modern infrastructure may well limit the current contribution that setting makes to significance. That much is common sense and, as Dr Miele said, has the added support of the advice in HE's guidance, which sets out a lengthy (but non-exhaustive) list of things to assess when defining the current setting of an asset[96]. They include 'surrounding landscape or townscape character'.

6.32 Existing or past harm may, therefore, have affected in some way the contribution that setting makes to significance. That is not the fault of the new proposal – it is part of the baseline. Now the trouble starts. Assessments which (in line with HE's guidance) identify past changes (i.e. the baseline) as having already affected the contribution of setting, are accused of seeking to "*justify*" any new harm by reference to the pre-existing situation. That, everyone agrees, would not be permissible.

6.33 But none of that means that the existing baseline harm, in a curious reversal, should be treated as part of the *proposed* effect. That would certainly not make any sense, in a system which is considered on a case-by-case, fact sensitive assessment of proposed future change.

6.34 HE places some reliance on the view expressed on this point by the *Citroen* Inspector, who was dealing with a case where the proposal caused a degree of visual intrusion into the heart of the WHS at Kew, in a location already affected by the intrusive views afforded of the Haverfield Estate towers. Mr Nicholson's summary (in that factual context) was this:

> *"To my mind, cumulative harm should be assessed in three ways. First, it is the proposal that should be assessed initially, followed by a cumulative assessment. As HE AN4 notes: Each building will need to be considered on its merits, <u>and</u> its cumulative impact assessed* [emphasis added]*. Which of*

[94] ID 1.11.3 Appendix HE03, pdf page 13, DL14 last three sentences.
[95] ID2.54 at IR12.51, 12.53.
[96] CD 10.22 page 11, guidance on 'Step 2'.

these considerations carries more weight, and how these are combined, will be a matter for the decision-maker based on the circumstances. Second, existing harm should never be used to justify additional harm. Policy is unequivocal that the quantum of proposed harm should not be compared with existing harm in assessing whether it would make a significant difference. Finally, if the combination of existing and proposed harm would reach a tipping point then this would be particularly relevant in judging the overall effects."[97]

6.35 I would make the following points about that paragraph (and it will emerge from this that the points made about Mr Nicholson's findings in *Citroen* by HE in its closing are not accepted):

(1) The last of the three points is plainly right. A "*cumulative effect*" might well arise if (to put it a slightly different way) when the 'new' harm was added to the existing baseline, the overall situation changed in a very major way. Hence the reference to 'tipping point', which is what RBG Kew were alleging would be reached with the addition of the *Citroen* scheme impact. The Inspector was right to define a cumulative effect as <u>including</u> the situation where the advent of the new harm combines with the baseline to reach a tipping point.

(2) As to the first point, the Inspector seems right to say that one looks at the effect of the proposed scheme first, and then turns to the potential cumulative effect. That does not cast much additional light on what a cumulative effect may be, other than rightly to reject the idea that the correct approach to assessing effects is to add A (baseline harms occurring in the past) to B (the proposed harm) to arrive at the "*cumulative harm*". That however is, on one reading, the way that HE is suggesting one should carry out a cumulative assessment; it is nonsensical for the reasons I have given.

(3) The point Mr Nicholson makes has two parts – he also says that whether the standalone or cumulative assessment is more important, will depend on the facts of the case. That may well be a reflection of the case advanced by RBG Kew at the *Citroen* Inquiry, which was to the effect that (due to Kew's "world apart" aspect of OUV), <u>any</u> further visual intrusion would be harmful. That does not arise in this case.

(4) As to the second point Mr Nicholson makes, as already said, there is no dispute that one should not justify harm to a designated asset on the basis that a previous development has already harmed it. But that is not the same thing as assessing what its current setting contribution may be. Further, the sentence that follows "[p]*olicy is unequivocal that the quantum of proposed harm should not be compared with existing harm in assessing whether it would make a significant difference",* is a little ambiguous and could be misleading. Just as a matter of common sense, it is difficult to ascertain whether the current contribution a setting makes to an asset's significance would be affected by a new scheme, without asking whether the new scheme would make any difference to the setting as it currently

[97] CD9.1

stands. Reading the Inspector's Report as a whole though, it seems clear that he undertakes exactly the exercise which the Applicant supports in this case – seeing what, if any, difference the scheme itself would make in context[98].

(5) The reason HE takes its approach is because, as an institution, it plainly feels that too much development is justified on the basis of what exists already. But it has a feel of "*I see no ships*" about it – the idea that one should only treat existing London around Osterley, for instance, as "*existing harm*" to be added to the harm from any new proposal, obviously gives rise to the likelihood that perfectly acceptable development will be refused on the basis of development which represents the organic growth of London.

6.36 Applying those observations to the instant case, the current degree of urban intrusion into the relevant settings here (of Syon, Syon RPG and Osterley RPG) is relevant when considering what contribution setting currently makes to significance. It does not *justify* further harm, because that is a paragraph 202 exercise. It simply allows for a sensible conclusion to be reached as to the actual harm to significance now, that would be caused by the schemes in front of the Inquiry.

6.37 A short point about images – HE refers to the Site Visit cropped views;[99] they are helpful on site but, away from the place itself, they don't show the context that one sees on site. So, particularly for those receiving the Inspector's Report, the images using a 24mm lens at the beginning of CD10.51 are more reliable. The point is of some importance because visibility itself does not equate to harm. In order to judge what the current setting is, and what the effect of the scheme will be, one has to approach the assessment realistically.

WHS Kew

6.38 There would be no harm to the OUV of the WHS as a result of the proposals. The very great importance of the asset has never been in question. Nor has the potential adverse impact of visual intrusion into the WHS, bearing in mind how recently *Citroen* and *Albany Riverside* were decided.

6.39 Prior to the Inquiry documentation being assembled, HE and others had formed the view that the application schemes would be visible from the lawn known variously as the Syon Outlook or Syon Lawn. Indeed, that was clearly the basis on which communication had been had with ICOMOS about the two schemes[100].

6.40 The Inspector now has the benefit of a full suite of verified images from relevant viewpoints, and has undertaken site visits at a time of year when few trees were in leaf. There would be no material view of the scheme from within the WHS – no view at all from the Syon Outlook, no view from next to, or near, the white shelter, no view through branches of trees in the woodland walk area, and no real glimpse through the Isleworth Ferry Gate.

[98] See for instance the Inspector's conclusion at IR 15.30 – CD 9.1 – finding the scheme would give rise to a "minor cumulative effect" when seen in the context of the Haverfield Estate. Given that the effect of the Haverfield Estate was agreed to be rather more than "minor" as part of the baseline, he is clearly just focussing on the additional change or harm.
[99] Section 2 of CD10.51
[100] ID2.34, the ICOMOS *Technical Review* of March 2022.

6.41 There is no evidence that the state of vegetation around the edge of Kew Gardens is likely to change. In fact the opposite is true – the Management Plan says that the management intention for the areas of woodland, which geometry would indicate views of the scheme might be created if they were opened up, is maintenance as "thick tree planting"[101].

6.42 Mr Forbes-Laird's evidence[102] as to the longevity of existing trees at Syon was similarly cogent. There is no foreseeable likelihood of any tree loss or removal such that greater views would be opened up (i.e. from the Syon Outlook, for instance). This is supported by the Syon Heritage Landscape Management Plan, which by contrast stresses the intention to plant, not remove, trees[103]. No reasonable or likely material change in the type or amount of tree cover which screens Kew WHS from the application schemes is to be found in evidence.

6.43 The consequence is all clearly recorded in the AVR[104] work before the Inquiry,[105] the accuracy and reliability of which is unimpeachable. The only candidate for a "*glimpse*" of the scheme from within the WHS is through the upper part of the Ferry Gate. But, as the site visit will have shown, there is a tree between the Gate and the river bank and at the distance involved, with the small aperture of the gate and screening tree, the reality is that there would not be a "*view*" or "*glimpse*" from here. That is why, of course, that the agreed location for a view in the vicinity of the Ferry Gate was the one on the Thames Path, outside the WHS[106].

6.44 It is of significance to the HE case on the WHS, that there would be no visual intrusion. Mr Stroud accepted that he produced no evidence to the contrary, beyond assertions which were inconsistent with the evidence to the Inquiry. The absence of any such evidence is even less excusable, given that six months elapsed between the cross-examination of Mr Spence near the start of the Inquiry (making clear the unreliability of his images, which had been referred to and which were relied on by Mr Stroud in his written evidence[107]) and the Inquiry resuming in September. Not a single image purporting to show a WHS view of the scheme was produced, even then.

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[101] Figure 3 in Appendix D of the Management Plan, CD 10.1 page 125.
[102] ID1.9
[103] CD 10.53 page 46, see eg proposals 3(e) and 8(a). The contribution to planting there is intended to assist with ongoing management of that kind.
[104] AVR produced photo views for the Applicant
[105] Eg CD10.51, CD10.52, ID1.8.6 (Appendix 4 to the proof of Dr Miele) and ID1.17.3 (Appendix to his rebuttal proof)
[106] The Ferry Gate is Listed, and therefore gives rise to its own assessment. Its interest as a structure is contained within its structure and its setting allows one to understand its original function as a public access to Kew, one which the evidence (Dr Rutherford's notes on the Ferry Gate, CD8.7 page 13) shows was excluded from the main zone of intervisibility with the Syon Outlook to minimise its presence in the landscape. It is a recessive presence and does not draw much of its significance from views, designed or otherwise, with Syon House or Park. Indeed, there would not be any material view of the scheme through it, looking at Syon, because of vegetation. So there would be no harm to it. As a component of the WHS or RPG its presence is very limited – see the almost total absence of reference to it in the Management Plan, its absence from the list of important entrances/exit, the absence of any reference to views out from that location.
[107] OWGRA's closing made a spirited defence of Mr Spence's work but clearly what was asserted did not have regard to what actually transpired during Mr Spence's cross examination. Mr Spence's material was seriously flawed and unreliable, something which he should in this case have told his clients, certainly after receiving the AVR rebuttal and having been cross examined. The kind of work produced has had a misleading and highly regrettable effect on the consultation on the schemes by bodies such as HE and even ICOMOS.

6.45 Rather than withdraw that aspect of its case, as perhaps would have been more appropriate, HE fell back on an untenable argument that views from the Thames Path (which, it is agreed, would be affected to some degree by views of the application schemes) would themselves cause harm to the OUV of the WHS.

6.46 That argument derives no support from the ICOMOS technical review, which (as Dr Miele observed) is very careful to distinguish between impacts on OUV (which it assumed would be the case due to erroneous information) and visual effects experienced within the Buffer Zone (which includes the Thames Path as well as the whole of Syon Park)[108].

6.47 Very little weight should be given to the ICOMOS review. It is written to the State Party (i.e. the UK Government), which is the decision maker in these applications. Its shortcomings as a piece of analysis ought to be made very clear to the Secretary of State to avoid misunderstandings.

6.48 In paragraph 130 of HE Closings[109], it is suggested that ICOMOS' concerns about the Council abandoning relevant policies in relation to tall buildings near Kew, should be treated as a significantly weighty material consideration, presumably against the granting of permission. They should not. Firstly, it was not HE evidence – it was not Mr Stroud's evidence, either oral or written, and the point was not put to Dr Miele or Mr Froneman. Second, why is it material to these applications that ICOMOS is critical of the Secretary of State's own grants of permission at the Citroen and Albany Riverside sites?

6.49 HE suggested that views from the Thames Path are a kind of 'proxy' for views from the WHS. However:

(1) Views from the Thames Path are not views from *within* the WHS.

(2) As Mr Stroud notes[110], the Statement of OUV[111] says that "*the boundaries of the WHS contain all the sources of the attributes composing RBG Kew's OUV*". They do not come from outside the inscribed WHS.

(3) Had any aspect of OUV stemmed from, or been contributed to by, views from the Thames Path, the Thames Path would have been included in the WHS itself, as it easily could have been, and the Management Plan would have referred to it. When the Management Plan talks about the relationship with the landscape over the Thames, it is obviously speaking about the way that Brown annexed the view across the river, something which is only recoverable now from within the WHS at the Syon Outlook[112]. The argument based on generalised ideas of '*setting'* in the HE closing blurs the distinctions that are very

[108] See ID2.34, *"negative effects on the OUV and would erode the effectiveness of the Buffer Zone"* (emphasis added).
[109] **Inspector's Note**: = paragraph 8.129 below
[110] ID1.11.2 page 76, paragraph 6.18.
[111] CD10.24
[112] This is what the Nomination document was talking about too, when addressing potential impacts on views across the river. It is quite incredible to suggest that the Thames Path plays a role in contributing to the OUV of the WHS when it was not spelled out and was then not included in the WHS itself.

important to the approach that ICOMOS takes to defining the OUV of a WHS.

(4) The Thames Path lies in the Buffer Zone, which is sometimes referred to as the WHS's 'immediate setting'. HE wishes the Thames Path to 'fill in' for the lost Brownian views enclosed by Victorian changes. In that context, light is shed by the Management Plan on whether views from the Thames Path are considered by Kew to be part of the setting of the WHS. Appendix D to the Management Plan (Setting of the WHS) does not mention any views and there is no diagram identifying the importance of any views from the Thames Path[113] as contributing to the setting of the WHS. It is not credible to claim therefore, that such an important point might simply be '*implied*' – that is precisely the opposite kind of approach to comprehensive assessment the Management Plan undertakes (as it must, given its role in the process, and in UK policy terms).

(5) The Thames Path is in the Buffer Zone, but it does not have a role as a '*proxy'* for vanished views from within the WHS. Had that been the case, the Management Plan would certainly have identified it. It doesn't, because the notion has no historic authenticity – as Dr Miele said, the Capability Brown views were from further back, within a loose woodland setting – not beyond the boundary on an engineered river bank walkway.

(6) HE misses the point that the Thames Path is the opposite of the Brownian landscape device (the ha ha) which created an illusion of continuity from Syon Outlook, across the Thames to the Syon Parkland. It *excluded*, rather than *included* the Thames Path (or towpath as it was at that time).

(7) The WHS' connection with the 'Arcadian' Thames is perceived from within the WHS at the Syon Outlook. It is not perceived from the Thames Path, because one cannot experience the WHS from there. That is a point made clearly in the "*setting"* appendix in the Management Plan, which only identifies the 'drawing in' of the Syon Park landscape at that point. It is difficult to draw something in, when you are standing outside.

(8) The Management Plan's analysis of setting strongly bears this out – the WHS is said to be a '*place apart, designed over several centuries to be appreciated from the inside'*[114] and that ground level views are '*carefully controlled'*, with only the very carefully composed Syon Outlook acting as an exception[115].

(9) In its closing submission, HE blurs the "*Arcadian Thames"* idea with what is, or is not, a heritage asset. There is no designated or undesignated asset called "*the Arcadian Thames"*. The Thames Path, therefore, is not part of a setting for such an asset. The final problem with HE's attempt to convert the Thames Path into something relevant to the OUV of the WHS, is that there is an evident contrast between

[113] Either into or out of the WHS: see CD10.1 page 130 Figure 5.
[114] CD10.1 paragraph D8(i) pages 117 to 124 (the sentence straddles 7 pages of illustrations)
[115] Ibid, right hand column.

the designed, carefully controlled 'Syon View' and the Thames Path. The former is where one gets a powerful, focused sense of the Brownian design intent which is still clearly legible. The latter is a modern, kinetic experience where one experiences Syon House and part of the Park as part of a linear movement which includes, at all times, views of modern development.

6.50 In conclusion, the Thames Path should not be treated as an immediate setting of Kew WHS which contributes to the OUV. Moreover, there is no '*wider sense'* in which the Thames Path views (within the setting of the WHS) are relevant to it, because the OUV is not affected. The OUV is the heritage significance of the asset, and so it follows that there would be no harm to the significance of the WHS as a result of the application proposals[116]. Mr Stroud's "*middle of the scale of LSH"*[117] would be wildly out, even if one could get glimpses of the scheme here and there – it is, on analysis and evidence, completely incorrect.

6.51 The same goes for the RPG – it is coterminous and there is no "*additional point"*, as Mr Stroud makes clear. The same goes for the Conservation Area. Although the Thames Path does fall within it, the significance of the Conservation Area is entirely bound up with the Kew WHS.

Syon House and Park

Syon House

6.52 There is no dispute that the views one would have of the application schemes in conjunction with Syon House would give rise to a degree of LSH to those assets; they are Grade I and the low level of LSH identified by Dr Miele should be given great weight when considering the applications.

6.53 Dr Miele explained how successive stages of analysis have been undertaken to understand precisely what the effect would be. These involved accurately modelling verified 3D views from points agreed with the Council, creating 360 degree views as well as moving tracking shots.[118] The AVR images were available for the Inspector's site visit.

6.54 The queries raised about the AVR images are answered in the recent Note[119]. The Inspector and the Secretary of State can have faith in the accuracy and representativeness of all the AVR material produced by the Applicant.

6.55 Mr Stroud recognised that his earlier reliance on Mr Spence's material needs to be seen in the light of errors exposed by the AVR rebuttal[120]. It was clear from Mr Spence's evidence that his methodology is not sound, and had led not just

[116] Mr Stroud's assessment of effects on WHS was over-inflated in any event by allegations of harm to attributes that would be entirely unaffected by the scheme (even if one could glimpse it from somewhere): there would be no harm to the settings of any of the "iconic architectural heritage", as he accepted. Similarly, the horticultural value attribute would not be affected at all. The first attribute (palimpsest of landscape design) would not be affected in any other way (even if there were glimpses) than simply by interposition in the Sion Park borrowed view. Mr Stroud was not able to substantiate in his cross examination in what way others would be harmed: see XX re his paragraph 6.33 page 88 (Victorian Garden Layout, strongly enclosed sense of otherworldliness).
[117] Stroud 6.68 page 116.
[118] CD10.52 – Kinetic study animation and 360 degree views. In relation to the kinetic animation see also the clarification note at ID2.69.
[119] ID2.69.
[120] ID1.17.3.

to inaccurate images but to seriously misleading ones[121]. Their transmission through HE to the Secretary of State and to ICOMOS was highly regrettable, and no weight should be given to them, even as generalised guides or *aides-memoire*.

6.56 For about 80 metres[122] along the Thames Path (the green arrow shown in the AVR material)[123] one would have a view of the application schemes (principally the Homebase scheme). Only for a short section, about 19 seconds on the video timer, would the taller section track behind the house itself. For the majority of the time, it would be off to the side, partly screened (even in Winter) by mature trees. There would be some visual connection or juxtaposition between the eastern side of the house and the scheme, due to the gap in tree planting there. Dr Miele ascribes a low level of overall LSH to the significance of Syon House[124] due to these effects.

6.57 By contrast, Mr Stroud considers that the effect on the significance of Syon House would be medium-high in the range of LSH[125]; indeed, one can see quite what Mr Stroud means by that judgement when he says[126] that the application schemes would cause '*very serious harm to significance'* by disturbing this especially important aspect of setting.

6.58 Dr Miele is very experienced in assessing this kind of impact and is realistic. He accepted that there is an absence of development in some views of the house which contributes to significance, and the appearance of the scheme will cause harm for the *kinds of reasons* which HE suggests. But it is the degree of impact that Dr Miele does not accept. To say that the appearance of the scheme would cause '*very serious harm'* to something as rich, multi-faceted and visually dominant as Syon House seen from the Thames Path, simply pitches the impact too high.

6.59 There are also two obvious preliminary reasons why that is a judgement which ought to be rejected:

(1) It was based in part on the view that the views one would have of the application schemes would harm the archaeological significance of Syon House. The significance of the buried remains of previous buildings on the site owes nothing to the setting which would be affected by the schemes.

(2) Mr Stroud's view was also based on the idea that the historical interest of Syon House would be harmed. Apart from the fact that historic associations are difficult to disturb, there is nothing in the way the view would be affected that would impinge on one's ability to appreciate the

[121]The list of errors is not repeated here. Suffice to say that from key viewpoints on the Thames Path, for instance, the vagaries of the system used by Mr Spence, relying on a LIDAR data which is by Mr Spence's own admission 'rubbish' at showing trees, vegetation and the planes of building structures, produced images which seriously mislead as to the location and extent of the scheme's visual juxtaposition with Syon House.
[122] Not, as Mr Stroud considered it to be '*a long sequence of towpath views across Brown's expansive Arcadian Landscape joined by the Thames*' – there is very little opportunity indeed, meaningfully to sense the Kew side of the composition from the Thames Path; the Syon part is not seen as Brown intended (i.e. from Kew – the Towpath stands in a completely different relationship to the view).
[123] See ID2.69 for the fully detailed description.
[124] See ID1.8.2 paragraph 6.65 and 6.79.
[125] Stroud paragraph 6.114 page 151.
[126] Ibid paragraph 6.113 page 151.

history of the house – whether that is Charles I visiting his family, or the Battle of Brentford in the Civil War.

6.60 Moving to more important points, the latter was also part of a wider mistaken point that informed Mr Stroud's assessment. The idea of the 'Arcadian' Thames, as Dr Miele observed, is an art historical term which applied to the Brownian phase of Kew and Syon, centred on carefully controlled artificial effects invoking a boundless polite landscape. By contrast, although one can obviously see Syon in its partly Brownian setting, the views one has of it are part of kinetic views which do not permit the viewer to forget the modern context in which Syon now sits.

6.61 This is a critical point in the dispute. Mr Stroud acknowledges that what he bases his view on is not the idea that viewers nowadays succumb to the delusion they are in the 18th Century but that the views here allow them to appreciate to some degree the *design intent* at that time, in a way that would be "*shattered*" by the scheme. HE in its closing said that the design intent was to create a sense of "*never-ending"* illusion. But that simply fails to recognise that the Syon landscape in the western park was never severed from the wider outside context – it was always visible along the access, through the tree screen, with a rather circumscribed sequence of gate, sinuous path (to make the most of the space available), bridge and Great Lime Avenue. From most of that sequence one could see the edge of the Park, and (for many years now), the urban setting in which it sits.

6.62 As the Inspector would have seen on the site visit, those two points are so overstated as to border on the unreasonable, as is the view[127] that the effect would be a '*jarring dissipation of historic character*.'

6.63 On the one hand, the degree of "*intactness"*, in the sense of what it allows one to experience, is overstated. A sense of the cultural landscape is appreciated from the Thames Path, but within a highly perceptible and evolving modern context. On the other hand, the Syon House itself, and its immediate setting, are very strong features, the power and centrality of which would not be dislodged by the application schemes.

6.64 Dr Miele's evidence was that harm to Syon House would be caused by the distraction of the application scheme appearing behind and to the side of it in a relatively limited set of views, principally from the section of the Thames Path analysed by AVR. He calibrated the harm as a low level of LSH because:

(1) The precise set of views in question contain the house in its very strong foreground and landscaped setting, which is the most important contributor that its setting makes, and which would not be affected.

(2) The absence of development behind or to the side in those views, he accepted, is part of the setting contribution (and is the part affected by the schemes), but it is not the main contributor because the 'illusion' of intactness is fleeting. From the Thames Path the viewer is not really able to experience the house without a persistent sense of modern times. Therefore the aspect of setting most affected does not play a very significant part in significance.

[127] Mr Stroud paragraph 6.113, page 151.

(3) There would not be a '*shattering*' effect on the ability to perceive the architecture and grandeur of the House. As Dr Miele said, it is a monumental structure, the towers, turrets and Lion on which are highly prominent due to relative proximity, colour, relatively simple forms, and the way the sun and shadows catch them, all set in a relatively well vegetated context. The images produced allow one to see how little affected the battlemented section or the Lion would be.

(4) By contrast, the schemes would be almost a kilometre further away, and motion parallax would work to counteract the very distraction that gives rise to the low LSH. To the extent that the eye was caught by the schemes, the viewer would appreciate that that the schemes were (a) far off in the background, not 'part of' Syon House, and (b) quite different to Syon House – something helped by the materiality of the Homebase scheme. This would limit the extent to which one's appreciation of the House as a grand baronial establishment, in its own landscaped setting, would be diminished.

(5) Dr Miele also examines the allegation that the schemes would harm the value of Syon lent it by association with paintings and other images, particularly in the Eighteenth Century. He notes that the high degree of idealisation and illusion in the images bears only a tangential relationship with the current context, to the extent that they do not in fact lend the house or WHS or RPG any additional relevant significance of a kind that might be disrupted by visual intrusion[128].

6.65 For these reasons, Dr Miele's analysis of relatively low LSH should be preferred.

Syon Park

6.66 To the east, many of the same points apply, since the House is a component of the RPG. Mr Stroud is quite wrong to suggest any impact on the setting of Flora's Column or the Great Conservatory. The former is off-set to the north east of the House and would not be readily viewed in association with schemes – indeed there are no images produced by Mr Stroud to illustrate that relationship[129] save a very distant shot in which Flora's Column plays little part. The Great Conservatory is recessive in the views produced and would not be affected[130].

6.67 From the western part of the Park, there would be some effects, which contribute to Dr Miele's overall view that there would be a low LSH caused by the schemes. He does not find that harm would be caused to the Pepperpot Lodges, given (a) the tremendously strong axial views on which they are designed to lie and within which they are perceived, (b) the oblique, partial

[128] In a sense, Dr Miele's points at page 50 of his proof mirror the exercise AVR carried out to show that the 'Canaletto View' is not really referable to what one sees today (or indeed, what would have been seen at the time, given how distorted for artistic and patronage reasons the relationships are in the image). The associations with the painting operate at an almost theoretical level and do not directly impinge on the question of setting and the extent to which it the various settings would be harmed.
[129] See Mr Stroud page 150. The tower is invisible in the MSE Viewpoint 2 image. The HLMP image is does not appear to show the scheme either.
[130] Mr Stroud refers to his own photograph at the top of Plate 10 on page 150 of his proof as 'A fine glimpse of the Great Conservatory Glass Dome with the Gillette Building immediately behind' when in fact it is nothing more than a glimpse, which one would struggle to characterise as important to its significance or that of the RPG, and it is the only place where one would glimpse the building, and is seen in the context of Great West Road development.

glimpse of the schemes through trees and behind other buildings, which would be afforded, in a context that does not contribute to the significance of the listed structures or the Park through being entirely absent of visible modern development[131]. It would barely be perceptible in conjunction with the Lodges.

6.68 The significance of the ornamental bridge would not be harmed: its setting is largely internal to the Park. It is low-lying and approached along the strong axis of the Great Lime Avenue. As the drive crosses the lake, the contribution that setting makes is increasingly diminished by the visibility of modern development outside the Park. Any view of the schemes would not cause a step-change in that relationship.

6.69 As for the Lion Gate, its principal function of representing the power and wealth of the Duke would not be affected at all by the scheme. Its gateway or, as HE put it '*embellishment'* function, affording glimpses of the green controlled premises within, would also not be affected.

6.70 From inside the nearer parts of the Park, the schemes would be seen in the background of the Gate [132], but the absence of development is not a particularly notable contributor to the heritage significance of a structure that has always occupied the role of interface with the London of the day.

6.71 The presence of trees on the other side of London Road would filter some of the proposed built form behind the Lion Gate. In any event, there would be nothing alien about the appearance of the schemes in that view. They would not be inside the Park, which the Gate is there to demarcate. The Gate announces the location of the Great West Road, which is an important location in this part of London. The effect of the application schemes would fluctuate within the Park, but in no sense would they diminish what is significant about the Gate itself or what it contributes to the significance of the RPG.

6.72 The Gate of course runs counter to the way that Mr Stroud sees the landscape design. Its visibility announces the edge of the Park, not, as claimed, a sense of '*never-ending'* arcadian illusion. It was rather more worldly and multi-faceted than that, as Dr Miele says. Seeing London beyond it (as one has for many years) does not strike at the heart of the asset's significance or its contribution to the RPG. Again, one notes the 'medium-high' LSH judged by Mr Stroud: it is a substantial overstatement.

6.73 Views of the schemes from further to the west (in the area of Park Road or the entrance) would be distant views and, although the schemes might appear in them, they would be perceived as being well outside the Park. As stated earlier, one's experience of the setting of Syon Park is of a great London estate, rather than an illusion of a country house in a rural location. Indeed, the Brownian (and later) design has nothing of the 'world apart' that Kew does. For that reason, the setting does not confer or allow a perception of significance based on keeping out views of the (now fully urbanised) hinterland.

[131] See CD10.51, page 40, AVR View AE.
[132] Though caution needs to be exercised over using Mr Spence's MSE image: see ID1.17.3 page 34/61.

Osterley Park

6.74 The same is true at Osterley Park. There, it is agreed that the House would not be affected at all by the scheme. The designed parkland occupies an inward-looking area around the House and lakes, and there would be no views into most of that area. The one exception would offer a glimpse of the buildings at a right angle to the grassed area by the lake, and would not materially distract from composition, sense of overall landscape design, or significance.

6.75 The rest of Osterley Park's RPG comprises former agricultural fields which are enclosed and which now have a wide open, grassed appearance. It is less mannered than the western part of Syon Park, and its interface with London comprises extensive suburban housing and a number of tall buildings. It therefore informs one's understanding of Osterley Park as a London estate, long ago subsumed into the urban area. Mr Stroud characterised the effect of the schemes as he saw it as something '*novel'*, but in truth it would be a difference in degree rather than kind.

6.76 Having said all that, Dr Miele accepts a very low degree of LSH due to visual impact on a single alignment[133].

Osterley Conservation Area

6.77 It is agreed by the three main heritage witnesses that there would be no direct harm to the Conservation Area through that part of the Area which lies within the Tesco scheme site. Dr Miele acknowledges a very low degree of LSH due to the infilling of the skyline in views from the south.

Assets on Great West Road

6.78 On approaching from the west, the Gillette Building is prominent and set at an angle to the rather complex open space which includes the junction and the Petrol Filling Station. It is more recessive when approached from the east. No harm would be caused to it by the Homebase scheme, which would be set well away, stepping back from the junction and not obstructing the view up Syon Lane from the station. The Tesco scheme would appear in its backdrop in some views and, to a very limited degree, cut down the extent of the clear sky around the tower. However, there would still be full space around it for those approaching from the west on the Great West Road, and for those travelling south on Syon Lane. The two proposed schemes would be offset from the Gillette Building and on different alignments, although the Tesco scheme would be tied in to the Gillette Building by the shoulder height of its frontage blocks.

6.79 Other buildings are described in the application documents and the Inspector and Secretary of State will have regard to the written evidence on these by Dr Miele[134]. The overall point made here is that the other assets are of a very different kind to those proposed on the two application sites. They are typically horizontally-emphasized mid-century buildings[135], set back from the road. The proposed developments would not affect what is interesting or

[133] Dr Miele's proof of evidence, paragraph S.88, page 7.
[134] Points about the representations by Dr Rutherford, Mr Velluet and Mr Garner are not covered here – they are countered by Dr Miele's evidence and are not accepted.
[135] The exception is the Quaker Meeting House, which has a different context and is dealt with by Dr Miele.

special about them. Even the Coty Building, for instance, which is close by, has a robust quality that would hold its own when seen in the context of the application schemes.

Design

Character and appearance - general

6.80 The two sites sit on Syon Lane which, since the beginning of major development in the area in the 20th Century, has formed the dividing line between two quite different character areas. The one to the west comprises relatively low density and low rise housing, that to the east a major employment area characterised by very large buildings on substantial plots, the so-called 'Golden Mile'.

6.81 As Mr Patel notes in his proof[136], this division was based on land ownership differences originally, but its effect today is no less marked for some of the industrial and commercial buildings having fallen into disrepair or having been redeveloped for retail. However, the effect overall is one of a rather low-grade and fractured townscape, with many important sites, like the application sites, lying under a sea of car parking with (certainly in the Tesco case) very poor built form under-occupying part of the site. The Grimshaw designed Homebase store has a little architectural interest. Whilst properly referred to as a non-designated heritage asset, its removal would allow a key corner site to play a proper role in the townscape and contribute towards a better place.

6.82 Both sites are within the Opportunity Area, where the Council envisages tall buildings and a considerable change in scale, massing and density. This has led to objection from local people, including from OWGRA. The objection turns on the juxtaposition of two different scales, and the repeated allegation that the schemes are not contextual[137].

6.83 As to the exact heights proposed, both schemes exceed the heights identified in the GWC Masterplan, but that is not a planning objection of itself:

(1) The GWC Masterplan's parent local plan policy is still in draft. The documents set out indicative heights to which some relatively limited weight can be given[138].

(2) The indicative masterplan based on those heights was used to identify site capacities[139], but these are expressed in the draft allocations as "*minimum development quantum*"[140], with the GWC Masterplan itself saying that the assessment could not (at the plan making stage) match the comprehensive work which would be undertaken for a planning

[136] At paragraph 3.6.
[137] As OWGRA said in closing, there were several hundred objections and a petition, and much is made of the differences in density, height etc. Weight to objections that have little evidential backing is necessarily low.
[138] HE's representations to the LP EiP include the suggestion that the indicative heights be defined as "maxima", but the Council has responded that "*this is overly prescriptive and not in accordance with the intension of the [now adopted] London Plan*."
[139] i.e. 1,034 homes for the Tesco site, 373 for Homebase.
[140] CD7.1.1 and 7.1.1

application[141]. There is no force in the suggestions made in cross-examination that the schemes have come forward *"in breach"* of the emerging plan – as things stand, the applications are the appropriate forum for a detailed discussion about specific heights[142].

(3) Since the design work drives the unit numbers, the indicative yields from the two sites should also be treated with care. They are the minimum that the Council expects to be forthcoming from the developments – it is a fallacy therefore to suggest that since only just over 1,400 units were indicated in the draft plan, that the unit numbers in the current applications are *"not needed"*. Given the housing need figures for Hounslow, the Council is fully supportive of the Applicant's optimisation of the site's capacity beyond the indicative figures.

(4) The point is obviously also connected to the issue of alternatives. There is no evidence before the Inquiry that Hounslow's needs would be met without these two sites, or if some lesser figure came forward from them. There is no room for complacency where housing needs are concerned; there are local examples in which anticipated numbers have not arisen at all[143]. In any event, as to different ways of addressing height and massing within the schemes, the Council reviewed this issue in the context of the Environmental Statements and judged, rightly, that reasonable alternatives had been studied (and rejected)[144]. The Applicant changed architectural practices at an early stage. When asked about the process which led to the proposed heights, the appointed architects said that an iterative approach had been taken, involving the whole team. Issues such as daylight/ sunlight, neighbour amenity, and minimising heritage harm, were all constantly reappraised, and the schemes before the Inquiry were the result[145].

Homebase – design including living conditions

6.84 Mr Patel's design successfully meets the brief – to provide for a new Tesco store, so that both sites can come forward, and above the store to provide high quality residential apartments.

6.85 The overall height and massing of the Homebase site would successfully achieve the brief. It would address the corner of Syon Lane and the Great West Road cleverly, by stepping back and creating an interesting silhouette, which would also allow breathing space for the Gillette Building when seen coming up Syon Lane. The design would and reduce the intensity of built form on the corner opposite the existing residential neighbourhood. HE

[141] CD10.39 paragraph 7.7.4
[142] See also the requirement for testing and balance in the course of applications: CD7.1.1. and 7.1.2.
[143] Mr Roberts gave evidence that an earlier phase of the West Cross Campus within the Opportunity Area went to an alternative commercial use and yielded no units at all – the site is noted on ID2.52.
[144] CD 5.2 paragraphs 8.67-69 (Homebase) CD5.3 paragraphs 8.72-8.74
[145] Quite properly, neither OWGRA nor HE has put forward any properly-considered suggestion of an alternative scheme, to make any particular point. The former's closing submissions made a few assertions about alternatives not having been considered but these points can be given no weight. The applications have been called in to assess them, not to assess some different, alternative scheme. In the context of the heritage issues, for instance, anxious attention was given throughout to the potential impacts, since their generality was obvious from a very early stage; as the testing has continued (indeed, even after the applications were lodged and then called in), the Applicant's striking of the balance here has been given steadily greater credence.

suggested that Mr Patel had paid no regard to the wider heritage context. However, his design response to the consultations relating to that context was also then criticised. That was entirely unfair – these exchanges actually show that the wider context was taken into account.

6.86 HE did not call anyone with design expertise. Even so, HE engaged in a wide-ranging scattergun criticism of both architects' design process without any evidential underpinning. Apparently HE is now the arbiter of good mixed-use regeneration design whose views should be preferred to those of highly experienced architects.

6.87 The basic design point made is just empty assertion in any event. The Design and Access Statements (DASs)[146] *do* explain why the heights are proposed to be as they are. They build up from the different sides of the two sites, achieving an interesting skyline and grouping of taller elements. In the Homebase application, as Mr Patel said, Block C has a particular function. The frontage would be broken up for the reasons he gave. The corner block would step up for the reason he gave. The taller B blocks in the Homebase scheme are to address the scale and end-stopping of the Great West Road from west and east. The judgement as to the height of the tallest element depends on the judgements made about the rest, as it is a proper composition by a well-known and experienced architect.

6.88 The same explanation applies to Mr Adams and his firm JTP, developing their massing and height for the Tesco scheme. It would step up from Syon Lane and from the Conservation Area; it would address the relatively insensitive side with the large-scale massing of the Sky Campus. It would contains varied typologies, not just identical blocks of different heights. These points are all set out in the DASs and in Mr Adams' comprehensive proof of evidence.[147] There was no HE evidence to gainsay Mr Adams' evidence, and the poverty of the HE assertions should be given no weight.

6.89 HE also seeks to advise the Secretary of State about planning matters. Again, no weight should be given to these remarks in the absence of any evidence that could be tested and evaluated. No planning or design evidence formed part of the HE Statement of Case and an unsympathetic observer might form the view that HE strayed well beyond its remit, engaging in commentary on design and planning matters[148] for which it had no brief and no relevant expertise. The Syon Lane frontage would have a four-storey podium with well-spaced higher elements (some 35 m apart). Again, the architectural choice has multiple benefits – it would reduce the height of the main elements of the frontage to a height no greater than the distance across Syon Lane to the facing residential development; it would also allow light to penetrate proposed residential units above the podium. The Syon Lane elevation of the Homebase scheme would be end-stopped or, as Mr Patel put it, 'book-ended' with a taller element. There would be a useful waymarking effect from the height of Block

[146] CD1.6 and CD3.6 (Homebase) CD4.4 (Tesco)
[147] ID1.6
[148] The submissions made about the Masterplan are a case in point – the HE formal position is that emerging policy should say that the heights are maxima; but that is a matter for the EiP. Very little weight should be given to the unsupported submissions made on these points. Taking a range of design and policy points also runs the risk of giving the observer the impression that the Government's heritage adviser has rather lost sight of its purpose.

C, which would lie near the station, and would have a 60m off-set from the housing to the south on the other side of the railway[149].

6.90 At the eastern edge of the Homebase scheme, the context is quite different; the commercial sites spread away along the Golden Mile. There is a real opportunity here to mark the transition-point with some taller elements, which would be legible in views westwards along the Great West Road and begin to create a denser, better planned mixed use neighbourhood. Again, the contrast with much low-rise existing development to the east (the Syon Clinic and the empty car showroom are closest) would be unmistakeable, but the entire area is earmarked for regeneration under the emerging Great West Corridor Masterplan, and there is a benefit to beginning that new phase of development along this important route with a confident, well-designed building.

6.91 In terms of architectural treatment, the built components above the podium would have a family resemblance, both to the rest of the scheme and to the Moderne and Art Deco style of many of the buildings in the area. This is a design choice which would enable the greater scale to be assimilated more easily, in the sense that the new buildings would come to represent 21st Century well-planned residential development expressed in the wider area's existing design language.

6.92 Design is of course much more than simply height, massing and architectural style. It has a subjective aspect to it which makes it hard to please all those who may have a stake in the outcome of an application. It is no surprise that some have found the design overly large or tall[150].

6.93 The GLA and the Council consider that the Homebase scheme does not comply with Part B of LonP policy D9, but the criteria in Part C of policy D9 are met[151], and therefore the heights of the proposal are acceptable. It is of particular importance that the Homebase proposal increases legibility, responds appropriately to the neighbouring context in terms of stepping up and avoiding unacceptable effects on neighbour amenity, and creates a skyline which enhances the character and appearance of the area. The Inspector will note that the GLA took into account the views of the Hounslow Design Review Panel (DRP) but considered, as the Applicant had done, that the scheme was of a very high quality.

6.94 The GLA had requested changes to Blocks B2 and B3 in its Stage 1 report; these were made and, upon review, the GLA acknowledged that their residual concerns had been overcome and that the height and massing were now uniformly of a high standard[152].

6.95 Questions were raised by the GLA and others over play space, unit sizes, internal daylighting and single aspect units. All these points were considered

[149] They may be on slightly lower ground than the Homebase scheme, but the off-set is substantial and no overlooking, overshadowing or overdominance issues arise.
[150] That is certainly the view of OWGRA, and they fairly pray in aid the views of the Hounslow Design Review Panel (DRP). However, as the Framework makes clear (paragraph 133) decision makers should have regard to the views of the DRP, rather than necessarily be bound to follow them. In this case, the evidence shows how much engagement there was between the Applicant's teams and the DRP, and what points found their way into the schemes. However, there were some judgements reached by the DRP with which Patel Taylor and JTP did not agree; they set out where this is the case and justify the application proposals through the DASs and the evidence at this Inquiry.
[151] See GLA Stage 2 report, CD8.3 paragraphs 36 and 37.
[152] Ibid paragraphs 27-28.

and approved by the GLA[153] and by the Council. It is true that a minority of the units would be single aspect, but none would be north-facing, and they would have good sunlight access and adequate daylight. Given the need to optimise this brownfield site, a degree of flexibility is directed by Framework paragraph 125(c)[154].

6.96 Further detail on these points was given in Mr Patel's written and oral evidence to which the Inspector will have regard.

Tesco

6.97 The JTP design for the Tesco site is in outline, due to the way the overall scheme is intended to be phased. It too went through the same process and was approved as a high quality design by the GLA and the Council. The illustrative scheme shows what an exciting new place it would be. It should be noted that:

(1) The GLA judges that the Tesco scheme complies with the criteria in Part C of that policy[155], due to the varied massing of the scheme and the strong placemaking in the masterplan.

(2) Neither the GLA nor the Council raised any concerns about the amount of public open space or its useability[156].

(3) There were no concerns about the living conditions of future residents raised by the GLA or the Council, and in this case, no comment about single aspect units (given that there is some flexibility in the design at the outline stage and a strong Design Code).

6.98 The different typologies on the site allow for contextual placemaking within the framework of the masterplan. On Syon Lane, the width of the street, reinforced with street tree planting, would lead to a well-articulated set of frontage buildings. The step down would enable a good transition with the houses on the western side of the road, with the higher buildings stepping up behind. The shoulder height of the main horizontal base of the Gillette Building was used as a contextual benchmark, and would knit in the new with the old[157]. The tallest elements would provide some of the best quality accommodation on the site, appropriately pitched in terms of their height relative to each other and to the local context. They would be furthest away from the residential areas to the west, optimising the potential of the site while maintaining a substantial breathing space between them and the housing on the other side of Syon Lane.

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[153] Ibid paragraphs 36ff.
[154] See ID2.64 paragraph 4 for a recent agreement involving the author of the BRE standard setting out why he did not consider that it would be appropriate to require a full remodelling of the internal daylight in circumstances similar to those in these applications; and noting that the new British Standard is not intended to produce markedly different results in any event.
[155] CD8.3 pages 74ff at paragraph 40-41.
[156] Ibid paragraph 13 – the GLA expressed the opposite view, praising the public realm and the balance of residential and non-residential uses.
[157] The failure of the OWGRA model to replicate this relationship accurately is one of more obvious indications that there are likely to be problems with the accuracy of the 3D physical model they rely on. The Secretary of State should be very cautious indeed in attaching any weight to the photo-shopped (coloured in, we are told, afterwards on the computer) photographs of the OWGRA model.

6.99 OWGRA (and to some extent, the DRP) maintain concerns over the scale, height and massing of the scheme, but the site is a very large one with sensitive boundaries only to the north and west. Great care has been taken throughout the scheme to enable height and much greater density to be achieved without compromising the sense of place that the scheme would create.

6.100 For these reasons, the design, including living conditions for residents, would be of a very high standard indeed, bringing a welcome boost in quality to the area to the east of Syon Lane, in line with national and local policy.

Environmental issues, housing mix and local infrastructure

Environmental issues

6.101 A full suite of technical reports has been submitted within the Environmental Statements[158] and there are no outstanding technical issues raised by statutory consultees[159]. OWGRA raises a number of queries that have been dealt with as the Inquiry has gone along[160].

6.102 Both schemes would be acceptable in terms of construction impacts, subject to the conditions discussed at dedicated sessions during the Inquiry. With the proposed mitigation, both schemes would be acceptable in terms of microclimate, heating and energy, urban greening, circular economy and biodiversity net gain.

Housing mix

6.103 There is no objection on housing mix from the Council who, as OWGRA points out, are the democratic body charged with assessing and providing for a mix of housing, or the GLA, who sets the strategic direction on mix in London. The OWGRA case about overcrowding fails to grapple with the fact that 50% of the units in the scheme are family units as defined by the local planning authority[161]. The point about overcrowding is also based on a misunderstanding – overcrowding is very often caused by families having to live together in the absence of accessible/affordable housing for those starting out on the housing ladder, or those who remain or become single. That is why a proportion of the units (especially the affordable housing) need to be targeted at that part of the community.

Infrastructure and other matters

6.104 The Applicant wishes to create a fully functioning new part of the local community and it does no-one any good if there are infrastructure problems. Hence the electricity and water supply issues have been carefully looked at

[158] The further information which had been omitted in error from the initial consultation has now been the subject of consultation in the spirit of the ES Regs (ID2.59).
[159] This does not relate to HE's and other parties' concerns on heritage, but to technical points such as traffic, living conditions, flooding, etc.
[160] OWGRA say that it is not satisfied with the answers given and complain about the consultation, but there is a persistent misapprehension in its representations which confuses 'taking into account' with 'agreeing'. The evidence shows that the Applicant's team has engaged with, and taken into account what OWGRA and others have said. The fact that they may not agree with what is said is a different matter.
[161] See paragraph 4.1.13 of supplementary proof.

and taken forward. There would be no material detriment to the functions of schools, medical facilities, or other facilities as a result of the development, as both the GLA and the Council agree[162]. Indeed, there is no outstanding objection from a provider of any such service.

6.105 In the transport round table session, evidence was set out about the pedestrian, cycle and public transport improvements the schemes would bring. These matters are returned to shortly in the context of the overall benefits package. However, there is a fundamental problem with the kind of objection that OWGRA makes. The decision maker has the clear response from those charged with administering the transport system (and whose regulatory responsibilities include planning for increases in demand on the network) and they have not raised an objection to the grant of permission.

6.106 There are no other infrastructure issues that would halt the scheme coming forward or prevent it from working well.

6.107 Work has been provided to the Inquiry dealing with the effects of the scheme on the daylight and sunlight of existing residential properties in the area[163], which shows a handful of moderately adverse impacts. The Homebase scheme would have a very limited effect. The Tesco scheme would affect a couple of properties in the Conservation Area behind and to the west, but there is nothing to suggest an unacceptable level of impact such as would be significant in planning terms.

Conditions and S106

6.108 These were fully discussed at the Inquiry. Final wording changes on conditions have been agreed. The section 106s are now to be signed.[164]

Overall balancing exercise and conclusions

6.109 The first of the relevant balancing exercises is that under paragraph 202 of the Framework. Great weight (and significant importance) is to be given to the identified low (to very low) level LSH to Syon House, Syon Park RPG, Osterley RPG, Osterley Conservation Area, Isleworth Conservation Area, Syon's Lion Gate and the Gillette Building.

6.110 Collectively, that amounts to considerable heritage harm to weigh in the balance; but against it is to be set the following:

(1) Up to 2,150 homes across the two sites, a significant amount of housing delivery by any measure, to which significant weight should be given. The need for housing in Hounslow is some 17,820 homes over the ten year period (i.e. 1,782 per annum). As the Council has stressed at this Inquiry, ensuring the optimisation of these two sites is a key building block in their planning; one cannot take housing delivery for granted.

[162] There are no objections to the schemes by the providers of services such as GPs, bus companies or train operators. It has not been considered lacking, in particular by TfL. The anecdotal issues raised by OWGRA cannot in that context be given more than limited weight.
[163] ID1.10.1, section 2.
[164] **Inspector's Note:** signed copies were received by the deadline given at the Inquiry (ID2.75, ID2.76, ID2.77)

(2) There is a strategic element to housing delivery on this scale. As Mr Roberts points out[165], the Hounslow housing requirement sits within that established in the LonP for the capital as a whole – 52,000 homes per annum, but it has been recognised that that figure is some 14,000 homes per annum short of meeting the actual needs of London . In that context it adds further weight to the housing delivery here that the sites fall within LonP policy H1[166], requiring Boroughs to optimise the potential for housing delivery on all suitable and available brownfield sites. It identifies two categories of site into which the application sites fall, namely, sites with existing or planned PTAL ratings of 3-6[167] located within 800m of a station, and mixed-use redevelopment of car parks and low-density retail.

(3) The essential role that sites like these have in London stems from the fact, recognised by the *Citroen* Inspector,[168] that even in high-performing Council areas like Hounslow, "*London is one housing market and so the benefits of new housing should not be downgraded … it would be wrong to argue that London-wide targets for housing could be met elsewhere*."[169]

(4) The provision of up to 750 new affordable homes – against a need which as elsewhere in London is never capable of being met. The ability of large schemes to afford viably to deliver 35% affordable housing is an important point in their favour and is inherently connected to the overall scale of development. Making the most of brownfield sites (itself something to which the Framework says significant weight should be given) to deliver more units overall, and with it, more affordable housing, is an important factor in the overall shaping of the scheme and the on-balance decision to seek permission for development which would cause a measure of harm to important heritage assets. A tall tower with few benefits would not have the force of the current proposition[170]. The affordable housing here should be given significant weight as a separate item.

(5) The mix of homes across the scheme, including the market units, includes around 50% family accommodation (i.e. two-bedroom four person or larger), designed to meet the need profile in Hounslow. These are places for families to live, not the by-now-traditional towers loaded with small units. As such, they form the core of the Applicant's vision for a vibrant, long-term successful community. Weight should be given to the mix promoted.

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[165] Mr Roberts' proof, paragraph 7.1.7. page 22.
[166] CD 6.2.5.
[167] Though very close to Syon Lane station, the Homebase site currently has a PTAL of 2-3. Tesco is 550m from the station. The GLA and the Council formed their view on the scheme's acceptability by looking just at this level of availability, but regard should also be had to the planned improvements, which (whilst not guaranteed or given a timescale) are being considered and give the sites a PTAL of 3 or 4 (see Mr Roberts' Appendix 7, Table 13; and CD7.2.6, and CD 7.2.7). OWGRA's objections fail to recognise the issue that the PTAL rating is misleading where one can take a bus on a main road to the station (Osterley).
[168] CD9.1 IR15.59-60.
[169] See also Mr Roberts' paragraphs 7.1.13-14 .
[170] The GLA support the Affordable Housing offer for both sites, in terms of 35% by unit delivery and in terms of mix.

(6) Regeneration of the sites, its catalytic effect in bringing forward more sites in the Opportunity Area, and the economic effects[171]; to this might be added the facilitation of a new Tesco store meeting local needs, a 200 sqm community facility on the Homebase site, and between 3,000 and 5,000 sqm of retail, commercial and community space at the Tesco site. There would be at least 20,000 sqm of publicly accessible open space on the Tesco site, as well as the revitalisation of the Water Gardens.

(7) The schemes would bring benefits to transportation which go beyond mere mitigation - improvements to pedestrian and cycle accessibility around the Great West Road/Syon Lane junction would benefit all users, and contributions would improve local bus services.

(8) Over 450 trees would be planted across the sites, with a significant biodiversity net gain.

6.111 Those are the principal benefits which should be recognised as clearly outweighing the relatively modest level of harm to heritage assets (to which great weight must be given in a balance tilted to conservation). The challenge for planning in London is to optimise whilst managing change. It is not, even in the case of highly rated assets such as Syon, to refuse schemes unless they cause no harm. The right balance in this case is in favour of the benefits that would be delivered, in line with paragraph 202 of the Framework. It follows that the Framework, read as a whole, would be complied with, a key marker of sustainable development. In the cases of these two proposed developments, there is also overall compliance with the development plan, for the same reasons. The balance between benefits and heritage impact is also found there.

6.112 The evidence does not show that other harm would be caused to any material degree but, for the sake of argument, were the Secretary of State to find some, it would take a considerable swing back of the pendulum to indicate that the opposite outcome is appropriate.

6.113 For these reasons, and subject to the conditions and s.106 obligations as discussed, the Applicant respectfully requests that the Secretary of State grants permission for both schemes.

7. THE CASE FOR THE LONDON BOROUGH OF HOUNSLOW

7.1 This is set out in full in the evidence before the Inquiry[172]. What follows is a summary based on the case as presented in closing.[173] It is important that all the evidence is considered in full in order to gain a proper understanding of the case. Other than where specifically noted as *Inspector's Note*, the footnotes in this section of the Report containing supplementary submissions reflect the Applicant's closing submissions. They do not relate to any findings of mine.

[171] Construction jobs, multiplier effects and the increase in household expenditure over the area: see Mr Roberts' page 77.
[172] CD5, ID1.2, ID1.12, ID1.13, ID1.18, ID2.2, ID2.56, and ID2.72
[173] ID2.72

Introduction

7.2 This Inquiry has been concerned with two planning applications made by St Edwards Homes Ltd (the Applicant) seeking permission (one a full permission the other an outline consent) for the redevelopment of the Homebase and Tesco Osterley sites at Syon Lane, Isleworth. These redevelopment proposals (the proposed development) will provide for the delivery of substantial residential, retail and community provision.

7.3 The proposed development is promoted by the Applicant, but the two schemes are fully supported by the Council, with the Planning Committee resolving to grant planning permission at its meeting on 8 April 2021.[174] It was only due to the intervention of the Secretary of State, who issued a 'call-in' direction on 24 November 2021, that permission has not yet been granted.

7.4 Following comprehensive analysis of the proposed development, which this Inquiry has provided, it remains the Council's position that the applications should receive approval. In these closing submissions the Council seeks to draw together the main themes which the various parties/witnesses have addressed in evidence, and demonstrate why it is that, notwithstanding the opposition of both HE and others, including some local residents (notably as represented by OWGRA), that planning permission should nevertheless be granted. In this regard, whilst a number of significant matters are addressed in these submissions, particular focus is given to the issue of potential heritage impacts, reflective of the time which the Inquiry devoted to this issue. However, the submissions turn firstly to the matter of housing provision, central as it is to the Council's position in respect of the two applications.

Housing Provision

Quantum

7.5 Regeneration of the Homebase site alone would deliver some 473 units, whilst the development of the Tesco Site would deliver up to 1,677 units. The delivery of more than 2,100 dwellings is a matter of very great significance, to which substantial weight must attach in the planning balance.

7.6 There is a pressing need for housing within Hounslow, and indeed within London more generally. On behalf of the Council, Mr Smith demonstrated that the Borough has a good record of housing delivery. Its previous target under the LonP (822 dwellings per annum (dpa)) has been met in each of the past three years, thus passing the Housing Delivery Test in national policy. However, the delivery figures for those three years (911, 1,264 and 1,525 dwellings respectively) are all below the new housing target now contained within the LonP, that being 1,782 dpa.

7.7 If the Council is to deliver on its housing targets, it must necessarily maximise delivery on substantial, sustainable brownfield sites such as the Homebase and Tesco sites. In this regard, the Council acknowledges that the density of development proposed is high[175]. However, it does not apologise for its

[174] CD5.1- CD5.4
[175] By way of illustration, the GLA assessed the density of the Homebase Scheme at 439 units per hectare, based on 77% of the site area, reflecting the non-residential uses within the Scheme.

ambition in seeking to make efficient use of land. Indeed, such ambition is entirely appropriate and consistent with national policy.

7.8 In this context, it should be noted that no party contests the position in terms of the benefits to be delivered by the schemes in terms of housing delivery. HE, entirely properly, does not engage with this issue, and whilst OWGRA contests various matters in respect of housing, they do not seek to deny the *principle* of the substantial benefit that this quantum of housing represents.

Housing Mix

7.9 OWGRA sought to denigrate the benefits of housing delivery, asserting that the proposed mix is contrary to that identified in adopted policy (relevant policies being policy H10 of the LonP and LP policy SC3). Such criticism is not accepted by the Council. As Mr Smith explained in oral evidence, the position in terms of housing mix is necessarily flexible to some degree.

7.10 The Council has considered the proposed mix of dwellings on the Homebase site and is satisfied that it is suitable, in particular regarding larger dwellings (65 would be larger family sized dwellings, and 27% of affordable provision would be 3-4 bedroom units). A higher proportion of one and two-bedroom units is appropriate , given the location within the Opportunity Area and adjacent to Syon Lane Station.

7.11 Turning to the Tesco Scheme, the dwelling mix has not yet been settled. However, minimum and maximum parameters have been identified, and four-bedroom homes have been introduced. There is no reason why the outline proposals on the Tesco Site cannot ultimately also be suitably tailored to meet the Borough's needs.

Affordable Housing

7.12 As noted by Mr Smith , the fact that the Homebase site would deliver 164 units of Affordable Rent (35% by unit) is a key priority of the Council. If the full scale of development comes forward at the Tesco site, that would mean 583 further affordable units would be delivered (again, 35% by unit).[176]

7.13 Such a significant provision of affordable housing is a matter of very great importance in the current housing and economic climate. The economic climate has only grown more daunting since the commencement of this Inquiry. The need for robust and substantial delivery of affordable homes has never been more acute.

7.14 This is a 'real world' consideration that those who seek to oppose the proposed development have no answer to. Truly, the substantial provision of affordable housing is itself a matter to which substantial weight must also be added in the planning balance.

Conclusions on Housing

7.15 The Council is adamant that the delivery of such a significant quantum of residential development is a matter to which substantial weight must attach,

[176] The Council and the Applicant have signed a SoCG in relation to First Homes. (CD11.7) agreeing that the transitional provisions apply so that First Homes are not required as part of either of the proposed developments.

both in terms of the market housing and in terms of the affordable provision. Need is high, provision must be made, and the substantial volume of housing which these sites would deliver is identified in the Council's trajectory, forming part of its planned delivery in the years to come. It is a very significant planning benefit.

Principle of Development

7.16 Whilst neither of the application sites is allocated for any specific purpose in the LP, the LonP identifies both as falling within a designated Opportunity Area and thus marks them as being suitable for significant intensification of development.

7.17 In addition, emerging policy in the form of the SALPR and GWCLPR provides further support for development, identifying both sites as being suitable for significant, residential-led mixed use development, and for 'tall buildings'[177]. The SALPR and the GWCLPR do not comprise part of the development plan and, at the present time, only limited weight should be attributed to such emerging policy. However, both were submitted in December 2020 and were subject to examination in November 2021, with the Inspectorate since indicating that there is sufficient prospect resolving any concerns regarding compliance and soundness. Thus, not only existing policy, but also the direction of travel in terms of emerging policy, is supportive of these proposals.

7.18 Objectors point out that the height of the residential blocks proposed goes beyond the heights identified in the GWC Masterplan. However, the emerging site allocations for the application sites in the SALPR both state that "*Should development proposals exceed the heights set out, the proposals will need to demonstrate that the heights can be achieved either without causing harm to heritage assets, or that the harm is outweighed by public benefits"*[178]. Thus no 'cap' is put on development heights. It is simply a question of balance and judgement as to whether heights in excess of those provisionally indicated can properly be brought forward.

7.19 In this regard, it is the Council's contention that, notwithstanding what is said by HE, the harm caused to the significance of heritage assets would be very limited (as identified by Mr Froneman), such that it is comprehensively outweighed by the public benefits of the proposed development. This is so even allowing for the fact that substantial weight is to be accorded to heritage harm. As such, the principle of these developments, and the principle of tall buildings as proposed, is clearly established.

Design

7.20 The Council largely leaves questions regarding the design to be answered by the Applicant, whose designs these are and whose witnesses spoke in justification of them. The Council considers that the proposed developments strike the right balance. The schemes would accommodate significant built form as appropriate, taking advantage of the opportunities which the sites

[177] The Inspector requested clarification as to the Council's position regarding the policy support for tall buildings at these locations. A note was provided to the Inquiry in this regard (ID2.56).
[178] CD7.1.1 and CD7.1.2

represent, whilst at the same time presenting as attractive, interesting and good quality design.

7.21 The Homebase Scheme would provide a strong urban edge to an under-utilised site, where sprawling aprons of car parking lack good townscape definition along the frontages to Syon Lane and the Great West Road. The varying forms, and the horizontal and vertical details, would provide coherence across the site, whilst at the same time breaking up the massing of the development. The proposed materials and finishes, in conjunction with the varying form and height of the built elements, mean that the development would present with good interest and articulation.

7.22 Although the buildings would be taller than surrounding development, the Council does not consider that there would be material harm in townscape terms. The Homebase site is large enough to accommodate development on this scale, and the development would respond to its transitional context, which includes a gateway position on Great West Road. There is a long history of prominent buildings along Great West Road, which contrast with the wider low-rise suburban housing. In this context, it is important to remember that the application site has been designated as part of an Opportunity Area. That designation necessarily envisages significant intensification of development.

7.23 Taking all these matters in the round, the Council is of the view that the design is of high quality, and that it is appropriate in the street scene.

7.24 The Tesco scheme would represent a step change in terms of what has gone before, bearing in mind that this very large site is presently occupied by a low-rise superstore surrounded by a vast apron of car parking[179]. However, as Mr Smith explains in his evidence, the form and massing successfully meets the challenge of responding to local context whilst taking advantage of the opportunity which the site represents. As well as the taller elements there would be active ground floors uses together with new public spaces, all provided in a landscaped setting. The parameter plans and the Design Code are robust and would ensure that the detailed design will be of high quality.

7.25 The part of the scheme within the Osterley Conservation Area has been sympathetically scaled and no party has taken issue with that part of the Tesco scheme.

7.26 Again, the development would be appropriate in terms of design and the street scene.

Transport

7.27 OWGRA has contended that local networks would be unable to cope with the additional demand which would be generated. However, this position is not supported by the evidence. Critically, it is not supported either by the GLA or by Transport for London (TfL).

7.28 The Council's position is set out in Appendix B to Mr Smith's proof. This explains that, in assessing the proposed development, the Council has engaged with transport providers including TfL, Network Rail, Southwestern Railways, and the Department for Transport in developing proposals that seek

[179] See Photograph 58 on Page 144 of the proof of evidence of Mr Froneman

to increase transport capacity in the Opportunity Area. In this regard, TfL attended pre-application meetings with the Council and the Applicant to agree the scope and content of the trip generation assessment and the traffic modelling assessment, and to review the impact on Tube and bus services and infrastructure.

7.29 TfL's specialist teams were consulted on the predicted transport impacts, and it was based on their assessment that TfL requested contributions towards bus service improvements, retention and upgrading of bus infrastructure, and increasing the capacity of Osterley Tube Station.

7.30 The sum payable in respect of improvements to bus services is £1.7million, secured by way of the planning obligation. Whilst TfL has not yet identified which bus routes this contribution will be allocated to, they would allocate as appropriate prior to occupation of the Homebase Scheme in accordance with the Opportunity Area transport study. These improvements would increase the PTAL for the area, not only as regards these two developments, but in respect of the Opportunity Area generally.

7.31 In respect of the Tesco scheme there would be an additional contribution to TfL, of some £124,000, which would increase capacity at Osterley Tube Station. Specifically, the monies would fund an additional gate/turnstile to enable increased passenger throughput.

Conclusions on Transport

7.32 Notwithstanding the modest current PTAL of the application sites, they are suitable for the nature and scale of development proposed. Not only are both sites located in the Opportunity Area, but the transport implications of both developments have been carefully scrutinised by relevant bodies, most notably TfL. Monies to deliver necessary transport improvements have been secured.

7.33 OWGRA is right to say that improvements in rail connections, which the Council has ambitions to provide, are not yet funded or in immediate prospect. However, as the Council has confirmed, the consenting of these developments is not predicated on delivery of those improvements, which it is anticipated would come forward in the longer term .

7.34 The Council and TfL have determined that the proposed developments are acceptable, subject to appropriate contributions to necessary upgrades in network provision which have been secured.

Amenity

7.35 Amenity considerations essentially fall into two categories, those concerning existing residents and those concerning future occupiers of the proposed schemes. The Inquiry conducted a comprehensive set of round-table proceedings to address both contexts.

Future Occupiers

7.36 In relation to the Tesco scheme, the detailed layout is still to be determined and would be addressed at the reserved matters stage. However, the Design Code and Housing SPG would ensure that a sufficiently high quality of

accommodation is secured. There is no reason to suppose that the scheme would not comply with local, regional or national policy requirements.

7.37 As regards the Homebase Scheme, the application includes full details of layout. The Council has considered the proposals and determined that they would provide a good standard of accommodation. In so saying, the Council recognises that not every standard will be met in respect of every dwelling:

- by way of example, whilst most units would satisfy the recommended outdoor amenity criteria, there are very limited exceptions. However, those units which fall below the standard would have additional internal amenity space, whilst all residents would have access to good quality communal provision, which would provide a variety of spaces.
- further, whilst adopted policy seeks to maximise dual aspect units, the Homebase scheme would contain some single aspect units, of which some 41 would be north-west facing . However, the design has sought to mitigate the position, with measures to increase daylight/sunlight levels and ventilation as appropriate. Further, the guidance and policy in respect of this issue must be applied pragmatically and with a view to context. In circumstances where a high-density development is coming forward within a designated Opportunity Area, with all the constraints that that scenario necessarily entails, it is not surprising that the proportion of single aspect units is slightly higher than might otherwise be the case. This position was endorsed by the GLA.

7.38 In any event, these matters fall to be considered in the context of the quality of accommodation as a whole. All dwellings would meet unit and room size standards as set out in local and regional policy. Similarly, the incorporation of mitigation measures means that a suitable internal noise environment would be achieved. Looking at matters in the round, the Council is clear that the proposed accommodation would be acceptable.

Neighbouring Development

7.39 The proposed development would represent a substantial change from the sprawling, low level structures and car parking areas that are currently in situ. As such, the Council acknowledges that there would be 'impacts' on existing dwellings. However, the mere fact of 'change' or 'impact' is not in itself significant. It is only where that change or impact is harmful that it should weigh against the granting of permission.

7.40 The Council recognises that residents are understandably concerned about such change and fully accepts that the fears that they have voiced are genuinely and strongly felt. However, it maintains that such impacts as will result from the proposed development will, in the main, cause no harm. Further, where there is a degree of harm, that will be insubstantial and should not weigh heavily against the applications.

7.41 There would be no adverse impact on privacy. The Homebase scheme would be set back a minimum of 40m from residential buildings to the west (Northumberland Gardens) and 65m from dwellings to the south (Brambles Close). All distances exceed recommended separation between habitable room windows. Given the design of the development and its separation from

existing dwellings[180], there would be no harm to neighbouring amenity. For the Tesco Scheme, detailed design would be determined at the reserved matters stage. However, a buffer would be retained around the edge of the site, such that separation distances from existing dwellings across Syon Lane would again be some 40m. Again, there would be no overlooking and no impact on privacy.

7.42 The position is similar in terms of noise, vibration and air quality. Impacts associated with construction would be mitigated through a construction management plan. Other than the construction phase, the impacts would be limited. Indeed, in the context of the Homebase scheme, the air quality mitigation secured would outweigh any adverse air quality impacts.

7.43 The one area where there would be some degree of adverse impact is in respect of daylight/sunlight. The Applicant has provided studies , which all parties have scrutinised[181]. These demonstrate that certain windows/rooms in certain dwellings would experience impacts which exceed those recommended in the BRE Guidance, notably at Northumberland Gardens (in respect of the Homebase scheme) where the loss of daylight to some windows would be noticeable to residents.

7.44 However, even at Northumberland Gardens, the Council considers that daylight levels would be satisfactory for an urban environment. Future sunlight levels, both at Northumberland Gardens and elsewhere, would also be acceptable. As Mr Smith observes, whilst there are a very few transgressions of the BRE Guidance, this is in large part due to existing building design. Further, the Framework states that decision-makers should apply such guidance flexibly.

7.45 In summary, the Council's considers that, whilst neighbouring development would experience change by reason of the development proposed, that change would not be materially harmful.

Heritage

7.46 HE was one of the parties objecting to the proposals. Given that it is the statutory consultee to whose views a decision-maker would ordinarily accord particular weight, it is not surprising that the Inquiry spent a considerable time grappling with this issue. It is also unsurprising, given the pedigree of the heritage assets in scope, including various Grade II Listed Buildings (notably on and around the Great Western Road), Grade II* and Grade I RPGs at Osterley and Syon, Grade I Listed Houses (again at Osterley and Syon) and the WHS and Grade I Listed RPG at Royal Botanic Gardens Kew (RBG Kew), as well as the Kew, Osterley and Isleworth Conservation Areas.

7.47 HE, supported by OWGRA, alleged "*serious, permanent harm*"[182] to heritage assets. Its witness, Mr Stroud, used the strongest possible language to characterise the harm which he alleged, speaking variously of "*very serious harm to significance*"[183] and "*shattering of character*"[184]. If that were correct,

[180] Or indeed the residential conversion in New Horizons Court.
[181] The relevant analysis of Mr Smith is set out at 6.117-128 and 6.141-148 of his proof.
[182] HE Opening (ID3) at Paragraph 1
[183] Alleged harm to Syon House and Syon RPG, at Mr Stroud Proof at Paragraph 6.113
[184] Alleged harm to Syon House and Syon RPG, at Mr Stroud Proof at Paragraph 6.114

then the harm to heritage caused by the proposals would be a very significant consideration indeed in the context of the planning balance to be undertaken.

7.48 However, the Inquiry had the benefit not only of Mr Stroud's evidence, but also the evidence of Dr Miele (for the Applicant), and Mr Froneman (for the Council). Their analysis, while differing on points of detail, is essentially the same in terms of tone and outcome. Their careful, comprehensive and above all balanced assessments, demonstrate that whilst some degree of harm would be caused to the significance of certain of these heritage assets, that harm would be very much more limited than that which Mr Stroud suggests. Indeed, following the detailed scrutiny of the evidence which the Inquiry has undertaken, it is respectfully submitted that the position adopted by Mr Stroud, and thus HE, has been shown to be somewhat overstated. The evidence of Mr Froneman (and indeed Dr Miele) is to be preferred to the exaggerated character of Mr Stroud's position.

7.49 The Council does not rehearse the position in respect of each of the heritage assets that are in scope at this Inquiry. For most of these assets, the Council stands on the evidence of its witness Mr Froneman, which the Inspector and Secretary of State have, so that it is not repeated here. The following comments are more general, overarching observations, using the examples of RBG Kew, and to a lesser extent Syon, to illustrate the position, given that it was these assets which were the focus of the Council's cross-examination (XX) of Mr Stroud[185].

Overarching Position as to Harm

7.50 Mr Stroud made myriad allegations of serious harm to a wide range of heritage assets. However, he proved to be more reticent when it came to quantifying what loss to heritage significance would in fact result were the schemes to be constructed. In this regard, he was repeatedly asked in cross-examination what loss there would be to the heritage significance of RBG Kew WHS. Although he first declined to commit himself to any such quantification, he eventually asserted that loss would be "*considerable"* (though only in the sense that 'it would need to be considered') or else that it should be regarded as "*meaningful"*.

7.51 However, in a significant passage of his evidence, Mr Stroud then went on to confirm that in fact *none* of the heritage assets in respect of which he had alleged harm would be impacted in such a way as would materially affect their heritage significance. In this regard, he first confirmed that the construction of the proposals would not trigger the need for a 'listing review' in respect of any asset. Then, when it was put to him that the reason why this was, was because the heritage significance of all the various assets would remain the same following development, Mr Stroud confirmed that this was so; the heritage significance of the various assets would indeed remain "*broadly the same"*. He was not re-examined on the point and it was not referred to in HE closing submissions.

[185] The Inquiry will recall that time was an issue in relation to the Council's XX of Mr Stroud. The Council maintains its position in respect of each and every one of the heritage assets in scope, but it would not have been possible or proportionate to question Mr Stroud in respect of each assets, given the limited time available and the fact of Mr Warren already having cross-examined on behalf of the Applicant.

7.52 Mr Stroud's observation is very significant in the context of this Inquiry. National policy is concerned with whether development would cause harm to heritage significance. Harm, in this context means a reduction or loss of heritage significance. In circumstances where it is agreed by HE that the heritage significance of all the various heritage assets in scope would remain "*broadly the same",* then the unavoidable conclusion for the Inquiry is that there would be very little, if indeed any, material harm to the significance of the heritage assets. If their significance would remain broadly the same, then there certainly cannot be the "*serious"* harm asserted by HE in opening and the high levels of harm that Mr Stroud alleges cannot be correct. There is a fundamental contradiction in the position for which HE is contending, caused by the 'over-reach' in Mr Stroud's evidence.

Methodology

7.53 it is necessary to address two matters relating to methodology.

(i) The Key Point

7.54 The first of these issues relates to the basis on which a decision-maker should approach the harm caused to the heritage significance of an asset. Mr Stroud accepted that in assessing the degree of harm to significance, it was necessary to calibrate matters having regard to the *totality* of the significance of the asset. That is, *all* the significance to be found in the setting of an asset, together with all the significance to be found in the fabric of that asset.

7.55 However, during XX of both Mr Froneman and Dr Miele, counsel for HE pointed to the Tulip and Citroen appeal decisions[186] as requiring a fundamentally different approach. In particular, he pointed to paragraph 16 of the SoS decision in Tulip, where the SoS observed that "…*the key point is not whether some aspects would be left untouched, but the importance of what would be affected, that is the setting, to its significance"*.

7.56 In engaging with this issue, neither Mr Froneman (for the Council) nor Dr Miele (for the Applicant) disputed that it is appropriate to have full regard to "*what would be affected"*. However, an assessment as to the degree of harm caused – that is, an assessment of adverse impact on heritage significance – cannot take place in a vacuum. Rather, as Mr Froneman explained, it is necessary '*to calibrate'* that assessment (or to use Dr Miele's terminology, to "*contextualise"'* it) by reference to the wider heritage significance of an asset, much of which might be unaffected.

7.57 Insofar as HE sought to *exclude* the context of the full heritage significance of the various assets in scope from the assessment of harm, its approach runs entirely contrary to that expressly endorsed by its own witness. Further, such an approach would be simply wrong. Certainly, it would amount to a misapplication of the approach adopted in the Tulip and Citroen decisions.

7.58 Notably in those cases, there was certainly *not* focus exclusively on the harm which development would cause. In both cases, consideration was given not only to "*that part of the setting which would be harmed"* but setting "*in its entirety"*. Further, the Inspectors spoke of the heritage significance which

[186] CD9.1 and CD9.8 respectively.

would be harmed (that is, setting, *in its entirety*) as being a '*key issue'*; they did not speak of it as being the *only* issue. It is also appropriate to look at the wider heritage significance of the asset, since it is only in so doing that an informed judgement of harm to significance[187] can be reached.

7.59 That such a contextual approach is appropriate was confirmed by the heritage witnesses for the Applicant and the Council. Notably, Dr Miele referred the Inquiry to the approach of the Inspector in the Park Road Allotments decision[188], whilst Mr Froneman referenced the appeal decision in Edith Summerskill House[189]. In both these instances, the decision maker not only looked to the harm which would be caused to heritage significance, but also sought to calibrate that harm in the context of the full heritage significance of the asset. The Park Road Allotments decision is particularly pertinent, because it relates to one of the key assets in scope in this Inquiry, Syon House. It notes, in terms, the relatively limited contribution which setting makes to that listed building and the fact that most of its heritage significance is bound up in the property's Adam interior. The Edith Summerskill decision is likewise significant. Not only does it adopt the same approach, but it is also a decision of the SoS. Given that it is a more recent SoS decision than either Tulip or Citroen, it confirms that the slant which HE has sought to put on those two decisions is not the correct one. Accordingly, the approach which counsel for HE seeks to urge on the Inquiry, is not appropriate.

(ii) The Cumulative Approach

7.60 The second point on methodology relates to questions put by counsel for HE in XX of Mr Froneman. The thrust of the examination was that Mr Froneman's assessment of harm was flawed, on the basis that he had failed to 'bundle up' the harm caused by the proposals with any other harm to the relevant heritage assets, occasioned by other, historic developments. Only when all the harm from these other developments was put in the scales, together with any additional harm which the proposed development would occasion, would a suitable assessment be possible. This suggestion, on the part of HE, was also not appropriate.

7.61 The approach advocated by HE was manifestly *not* the approach undertaken by HE's own witness. At no point in his proof did Mr Stroud seek to classify and assess harm by reference to the totality of harmful development that has previously been undertaken in this part of London. For instance, Mr Stroud did not seek to assess harm which the proposed development would cause to RBG Kew by aggregating the harm already caused by Haverfield Estate Towers, the Kew Eye, Vantage West, the BSI Building[190] and the development now proposed. Rather, he was exclusively concerned with the harm caused by the proposed development. If it is now said by HE that Mr Froneman fell into error, it is notable that HE did not prevent its own witness from doing likewise.

7.62 In fact, Mr Froneman adopted the correct approach and had regard to the existing baseline when assessing harm to heritage significance. In so doing,

[187] Framework Paragraph 202
[188] ID1.11.3
[189] ID2.54
[190] All of these buildings, and more, are identified expressly by the WHS Management Plan (CD10.1) as causing harm to setting, in Section 13.3.1 at Page 80 of the document.

he had regard to cumulative impact, and the references to such impact in HE's own guidance[191]. He applied that guidance correctly by looking not only at harm which the proposed development would cause but also at any harm which might be caused by the proposed development 'interacting' with other existing development. What he does not add into his balance is all the harm which that existing development causes. Neither does Mr Stroud, the officer who is employed by HE. Accordingly, the point taken by HE in respect of this issue is also a bad one.

RBG Kew WHS

7.63 As noted above, it is the Council's submission that HE and Mr Stroud have 'over-reached' themselves in terms of their allegations as to heritage harm. Perhaps the clearest illustration of this position is in respect of the WHS at RBG Kew.

7.64 Here, Mr Stroud alleges that the harm caused to the asset should be regarded as being in middle of the spectrum of LSH[192]. Such position is, however, not a tenable one.

7.65 Mr Stroud agreed that the WHS is a very rich and complex heritage asset. It is very large in area and includes some 56 listed buildings (of which 13 are Grade I or II*) with multiple designed, formal views and vistas, together with a vast number of other views which contribute to its setting. He agreed that all these myriad aspects contribute to the OUV of the WHS.

7.66 The matters on which Mr Stroud relies in reaching his conclusion are summarised in his proof[193] and were confirmed in XX. They are as follows:

- glimpsed views of the proposals from four locations within the WHS; and,
- views of the proposals from the Thames Path, outside the WHS.

7.67 With regard the former, the four locations in question were:

- the "*very, very, very, very southern end"* of the Syon Outlook;
- the vicinity of the shelter located to the south of the Syon Outlook;
- the woodland walk; and,
- the Isleworth Ferry Gate.

7.68 Taking these in turn, Mr Stroud accepted that he did not know that there would be visibility from the Syon Outlook. He could only say that there "*may"* be such visibility. He could point to no evidence that the view from any part of the Syon Outlook would be in any way affected. There is no image or visualisation. Instead, we have only Mr Stroud's judgement. That judgement is not supported by either Mr Froneman or Dr Miele[194].

[191] CD10.22
[192] See for example para 6.68 of Mr Stroud's Proof ID1.11.
[193] Ibid
[194] A further relevant consideration to note in passing in this context, is Mr Stroud's dismissal of the views of the various substantial buildings which *are* available from *front row and centre* of the Syon Outlook; these he dismissed in XX as '*little glimpses of modern buildings'*.

7.69 The position was the same as regards the second location, in the vicinity of the shelter. Again, there was no evidence, only judgement, that there "*may*" be visibility from this location, which is not identified in any document or analysis as being one with any significance in terms of views which it may offer out over the Thames.

7.70 The third location – glimpses from the Woodland Walk – was also one for which Mr Stroud offered no evidence. In any event, he accepted that even if there were views of the proposals from this location, such views would be "*heavily filtered".*

7.71 The only location where there would, it is agreed, be views of the proposed development, is in the vicinity of the Isleworth Ferry Gate. During his evidence in chief, Mr Froneman took the Inquiry to Photograph 22 on page 79 of his proof. In circumstances where the setting of the Gate is said to contribute so much to the heritage significance not only of that asset, but also of the wider WHS, it is perhaps a fair question to ask why it is that, in a landscape as carefully managed as RBG Kew, a tree has been permitted to all but entirely mask that setting. In any event, the Inspector has seen on site the views available from this location and will make her own judgement as to their significance to the Ferry Gate and to the WHS itself.

7.72 Mr Stroud agreed (in XX) that if these were the only harms to which the assessment should have regard, then the degree of harm should be classified as low in the spectrum of LSH. That is, even if these views of the proposed development would in fact be available, which is not accepted by the Council, Mr Stroud only asserts that a low degree of harm would result.

7.73 Mr Stroud then turns to the views towards the application sites from the Thames Path, being views outside of the WHS and looking away from it. These, Mr Stroud asserted, make a substantial contribution to the OUV of the WHS and would be adversely affected. The position adopted by Mr Stroud only serves to underscore the extent to which he has overstated his position.

7.74 Firstly, Mr Stroud confirms that the Statement of OUV "…*notes that the boundaries of the WHS contain all the sources of the attributes composing RBG Kew's OUV"*[195]. Secondly, he accepts that the Thames Path lies outside of those boundaries. Thirdly, he accepts that the WHS Management Plan[196] – a document which was adopted in 2020 following input from HE – makes no reference to views from the Thames Path as contributing to the OUV of the asset. That is even though the WHS Management Plan dedicates no less than 35 pages[197] to the setting of the WHS. In fact, rather than referencing any links between the WHS and the Thames Path, the WHS Management Plan emphasises only the purposeful separation of the WHS from what lies outside it, which indeed is an important aspect of the otherworldly character of the WHS[198]. Notwithstanding all these matters, Mr Stroud maintained that views of the proposed development from the Thames Path would cause harm to the OUV of the WHS.

[195] Paragraph 6.18 of Stroud Proof.
[196] CD10.1
[197] Ibid Appendix D
[198] As identified by Inspector Boniface in the Albany Decision CD9.5 (DL297, 305, 327 and 339)

7.75 In understanding Mr Stroud's approach, it is perhaps helpful to focus on the Management Plan. It is clearly a document which has very great bearing on the matters at issue before this Inquiry. It was drawn up by parties intimately familiar with RBG Kew, and who had the preservation of the OUV of the site very much at heart. Further, the document has been recently prepared and, as Mr Stroud accepted, it was prepared particularly with a view to the threat which development outside of the WHS might pose to the setting of the asset. Indeed, Annex D states that it is expressly concerned with setting and the potential impacts of development[199]. Lastly, the LonP directs that regard should be had to the Management Plan in development control decisions[200]. Thus, it is of paramount importance.

7.76 Nowhere in that document is there to be found a single reference to the Thames Path views, save in respect of views from the path into the WHS. When it was pointed out to Mr Stroud that the plan contained no such reference, his response was to say "*I wish that it did*". That is telling. It is not a question of what Mr Stroud would like the document to say, but what the document actually says.

7.77 The Management Plan identifies formal views and vistas, which Mr Stroud accepted would not be in any way affected[201] (other than his reservation regarding the very bottom of the Syon Outlook, which he says may be affected). Further, the Plan also contains many views of heritage assets from within and around the WHS. Again, Mr Stroud accepted that none of these views would be affected in any way.

7.78 Mr Stroud's position is that whilst there are no *explicit* references to views from the Thames Path contributing to OUV, there are many such *implicit* references. It will ultimately be a matter for the Secretary of State how to treat the Management Plan. However, the Council considers that the meaning of the document is clear on its face.

Conclusions on the WHS

7.79 The position adopted by HE and Mr Stroud is overstated and lacking any evidential platform. The assessments of Mr Froneman and Dr Miele are to be preferred. They both conclude that no harm to the WHS would result from the proposed development, a view which is entirely consistent with the concession by Mr Stroud that the heritage significance of RBG Kew would be "*broadly the same*" were the proposals to be built out.

7.80 Mr Stroud failed to provide any evidential basis to support his allegations of harm to views from within the WHS (other than at the Ferry Gate) and resorts almost entirely to views from outside the WHS, to maintain his position of medium LSH'. Such position is simply not tenable. Quite simply, he has strained to find harm, in circumstances where harm would not in fact occur.

<u>Syon House and RPG</u>

7.81 Here Mr Stroud has been somewhat selective in terms of his analysis, with a view to emphasising the degree to which the proposed development would

[199] CD10.1 Paragraph D1 of Annex D
[200] Policy HC2 part D (CD6.2.49)
[201] See Figures 4 and 5 of Annex D, at pages 127 and 130 of the document.

intrude upon the setting of the House, the RPG, and the other listed buildings within the RPG.

7.82 With regard to the other listed structures within the RPG (aside from the House), Mr Stroud's written evidence sought to assert that even where the settings of listed buildings were in no way affected by the development proposed, "*All would be affected to some degree by any loss to the Park's integrity through harm to its significance*". Such position is clearly wrong, and it is to Mr Stroud's credit that he recognised as much and withdrew this evidence.[202] However, the fact that he made the assertion at all is illustrative of the extent to which he is straining to find harm, as opposed to objectively assessing the extent of any harm.

7.83 This is also evident in his approach to assessing harm to Syon House. Mr Froneman noted that much of the significance of Syon House lies in its interior, which would be unaffected by the proposed development. He further noted in this context, that Pevsner had found the exterior to be "*rather dull*", whilst observing "*The chief interest of the house is the spectacular series of interiors created by Robert Adam*". This critique of Syon House is clearly relevant to any assessment of harm which the proposed development may or may not cause to the setting of Syon House. However, Mr Stroud had not included any reference to Pevsner, explaining that he had chosen not to do so because, in his words "*I don't entirely agree with him*". This was notwithstanding that he had accepted in a Statement of Common Ground[203] that Pevsner assists in understanding "*the historical and architectural significance*" of various heritage assets. Disregarding considerations which do not support one's assessment must necessarily render that assessment unbalanced.

7.84 Such partiality is also evident in Mr Stroud's assessment of the RPG and specific listed buildings within it. By way of example, he sought to emphasise the arcadian illusion created by the Park, whilst omitting any reference to the obvious and material intrusion of aircraft flying overhead. Similarly, whilst he sought to emphasise harm that the development would cause to the Wyatt Bridge, he omitted to note the extensive, existing, unattractive 20th/21st Century development visible in almost every view of it[204]. In yet another illustration, he was quick to point to the extent to which the proposed development would appear in the background to views of the Lion Gate but had made no mention of the bus stop – served by red double decker buses – standing immediately behind that gate in views from within the RPG.

7.85 It is right that Mr Stroud points to the extent to which the proposed development would intrude into views in respect of both the setting of the RPG and the setting of the listed buildings within it. However, if those intrusions are cited in terms of what is said to be an "…*intact arcadian illusion*"[205], or the "*leafy arcadian perimeter of the park*"[206], it is imperative that other, existing intrusions are fully referenced, acknowledged and discussed, since those existing intrusions must necessarily bear firstly on the issue of whether the

[202] ID1.11.2 last sentence of paragraph 6.92 deleted during XX.
[203] CD11.2, at Paragraph 4.3
[204] See Photographs 37 and 38 on Page 111 of Mr Froneman's Proof.
[205] Stroud Proof at Paragraph 6.107
[206] Stroud Proof at Paragraph 6.108

alleged '*arcadian illusion'* exists at all, and secondly on the extent to which the addition of the application schemes would harm it. In fact, as Mr Froneman noted, such an illusion is available at Syon Park but this is only in respect of the Eastern Park when looking back across the Thames towards RBG Kew. However, the proposed development would not be visible in such views, and Mr Stroud had ignored them.

7.86 At Syon, as at Kew, Mr Stroud has overplayed his hand. His is not an objective assessment such as would assist the Inspector and Secretary of State. Rather, it is a somewhat partisan assessment, which should be approached with a degree of caution.

Conclusions on Heritage

7.87 Both the Applicant and the Council are mindful of relevant statute, case-law and policy as regards heritage assets. In particular, the Council fully recognises that:

- clear and convincing justification needs to be demonstrated where, as here, harm would be caused to the heritage significance of designated assets;
- considerable weight and importance must be given to the conservation of a heritage asset in the planning balance; and
- the more important a heritage asset, the greater the weight that should be accorded to its conservation.

7.88 However, the fact that development would cause a degree of harm to the heritage significance of designated assets does not necessarily act as a prohibition on development. Moreover, a mere assertion that harm may result does not mean that it will. In the present case, the Council has undertaken an extremely comprehensive analysis of the heritage assets potentially affected by the proposed developments. That analysis, undertaken by Mr Froneman, concludes that whilst there would be a degree of harm caused, such harm would, where it occurs, be of a low magnitude and would not approach either the number of assets or the scale of harm asserted by HE.

7.89 The Council respectfully commends Mr Froneman's assessment to the Inquiry, supported as it is by a second, comprehensive assessment from Dr Miele. Those assessments are to be preferred to that of Mr Stroud. However, even on Mr Stroud's assessment, the loss of heritage significance to the various designated assets, including the WHS, would be so limited that the heritage significance would remain "*broadly the same*" once the proposed development has been constructed.

Planning Balance

7.90 The applications fall to be considered on their merits, in the context of relevant statutory provisions[207], and the relevant policy matrix as contained in the development plan, emerging policy and in national guidance.

[207] As contained in the P&CP Act 2004 and the P(LB&CA) Act 1990

7.91 The proposed development would, as noted above and in the evidence of Mr Froneman, result in some degree of harm to the heritage significance of designated assets. The assets in scope are of very great importance - Grade I and II* RPGs, Grade I Listed Buildings and a WHS. Policy in the Framework directs that great weight should be given to the conservation of heritage assets, with the degree of weight reflecting the degree of importance of the asset. As such, the effect of policy and statute together is to require that considerable weight and importance be accorded in the planning balance to any harm which would be caused, particularly noting that some of the assets in question are of the highest significance[208].

7.92 However, the degree of harm that would be caused to the various assets which the parties have discussed, would be low. In this regard, the Inquiry is respectfully requested to adopt the judgements of Mr Froneman, as set out in the tabular SoCG[209] as supplemented in his oral evidence. Mr Froneman's findings include the following:

- there would be no harm caused to the OUV of WHS at RBG Kew, or to the heritage significance of either the Grade I Kew RPG, or the Grade II Listed Ferry Gate within it;
- there would be only a low level of LSH harm caused to the Grade II* RPG at Osterley Park, and no harm would be caused to either the Grade I Listed Osterley House, or the Grade II Listed Entrance Lodges and Gate Piers;
- there would be only a low level of LSH caused to the Grade I Listed assets at Syon, being the House, the RPG and the Lion Gate. No harm would be caused to the various other heritage assets at Syon, such as the Wyatt Bridge, Flora's Column, the Great Conservatory and the Pepperpot Lodges; and,
- no harm would be caused to other listed buildings outside of the RPGs (such as the Grade II* Quaker Meeting House and the Grade II listed NatWest Bank) save the low level of harm caused to the Grade II Listed Gillette Building and very low harm to the Grade II Listed Coty Factory.

7.93 Where, as here, a development proposal would lead to LSH to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal[210]. The Secretary of State will recognise that in the present case, multiple such public benefits exist.

7.94 Those benefits are addressed by Mr Smith on behalf of the Council[211]. They include the very significant economic activity and employment that would be generated by the proposed development. They include the provision of community space, together with new and enhanced public realm - in the case of the Tesco scheme alone, a minimum of 20,000sqm of publicly accessible

[208] The Inspector will be familiar with the statutory duties to pay 'special regard' and 'special attention' as regards the need to preserve listed buildings and conservation areas respectively, in accordance with Sections 66 and 72 of the P(LB&CA) Act 1990.
[209] CD11.6 **Inspector's Note** - During the Inquiry, the Council's position on harm as set out in the Addendum in relation to the WHS and Kew RPG, were amended in both instances from low less than substantial harm, to no harm.
[210] Paragraph 202 Framework
[211] ID1.12.1 Section 7

open space would be provided. Most significantly though, the applications provide for the regeneration of large scale, under-utilised brownfield sites within a designated Opportunity Area, and the provision of more than 2,100 dwellings, of which some 35% would be affordable. These are matters which comprise real, tangible public benefits, to which very substantial weight should attach.

7.95 These benefits comprehensively outweigh the limited heritage harms that have been identified. They also comprehensively outweigh the 'aggregate harms' of the proposed development, that is the heritage harm when taken together with the very limited other harm caused (being the low level of harm that would be caused to certain neighbouring properties in respect of daylight/sunlight). As such, the planning balance weighs conclusively in favour of permissions being granted.

7.96 Accordingly, the Council submits that the public interest is firmly and most definitely served by grants of planning permission (full and outline respectively) in respect of the applications. Such a decision would be consistent with policy in both the development plan and in national guidance.

8. THE CASE FOR HISTORIC ENGLAND (HE) (RULE 6 PARTY)

8.1 This is set out in full in the evidence before the Inquiry.[212] What follows is a summary based on the case as presented in closing.[213] It is important that the evidence is considered in full in order to gain a proper understanding of the case. Other than where specifically noted as *Inspector's Note*, the footnotes in this section of the Report containing supplementary submissions reflect the Applicant's closing submissions. They do not relate to any findings of mine.

Introduction

8.2 The proposals in this case would provide for very substantial new development, in particular housing, within a designated Opportunity Area in London. But they are, at their heart, asking for extensive, permanent harm to be caused across a wide area that is replete with heritage designations, including assets of the greatest importance which hold a special place in our national culture.

8.3 HE is the lead body for the heritage sector and the Government's principal advisor on the historic environment. As a statutory consultee and with its specialist role, its views should be given considerable weight and there must be cogent and compelling reasons for departing from them.[214] It has appeared at this Inquiry to explain why the Applicant and the Council have, in differing ways, underplayed both the breadth and depth of harm held in prospect by these schemes.

8.4 Its concerns are supported by Royal Botanic Gardens Kew, who occupy and manage the estate as the hereditary property of the Crown on behalf of the Department for Food, Environment and Rural Affairs (Defra). As statutory custodians of the Gardens, they have submitted cogent written objections.

[212] CD12, ID1.3, ID1.11, ID2.3, ID2.18, ID2.63, ID2.71
[213] ID2.71
[214] *R (Hayes) v. York City Council* [2017] PTSR 1587 at [92].

The objection of the Gardens Trust, an important statutory consultee for RPGs, rightly extends to the harmful effects of the scheme on Syon, as well as Osterley. This opposition chimes with the conclusion of ICOMOS as advisors to UNESCO that the applications before this Inquiry should be refused.[215]

8.5 Even on the Applicant's case, these proposals would cause harm to the significance of the Grade I RPG at Syon, the Grade I Syon House, the Grade I Lion Gate at Syon, and the Grade II* RPG at Osterley Park. Related harm would be caused to two Conservation Areas (Osterley Park and Isleworth Riverside Conservation Areas). The Council accepts some further low degrees of harm to the Royal Botanic Gardens Kew Conservation Area and the former Coty Factory. But, on the proper analysis advanced by HE, it would be worse, and would also involve harm to the OUV of the Kew World Heritage site,[216] an asset of international importance. It would also be proposed despite the potential for emerging policy aspirations for the Opportunity Area to be achieved without it.

8.6 Before turning to the assets in question, some points on approach set the scene.

8.7 First, when assessing harm, it is common ground that as the Tulip[217] and Citroen[218] decisions established, the key point is not to engage in an exercise of identifying what elements of significance are untouched or "*undrained away*." It is to consider the importance of what would be affected, that is the setting, to significance.[219] When reaching judgments, the important task is to focus not on the physically undisturbed asset but on the contribution that setting makes to significance.

8.8 Secondly, it is agreed that just because a scheme does not affect the physical fabric of an asset, this does not dictate that judgments on harm should be automatically relegated towards the lower end of the spectrum of harm.[220]

8.9 In this agreed context, caution must be exercised regarding the recent Edith Summerskill House decision, where the Inspector indicated that "*unless the asset concerned derives a major proportion of its significance from its setting, then it is very difficult to see how an impact on its setting can advance a long way along the scale towards substantial harm*".[221] In so far as it purports to lay down some rule about where harm should be pitched in any case, it is agreed that it should not be treated as such.[222] It also invites the sort of quantitative and mechanical approach which, it is agreed, should be avoided when making qualitative judgments on harm. And in circumstances where the designation of heritage assets will inevitably be based on the extensive significance in their form and fabric, it appears to impliedly, and artificially, restrict cases where setting impacts move beyond low levels of harm. As was accepted,[223] substantial investment of significance in a physical asset in no way precludes a

[215] ID2.34
[216] Eg Section of the Management Plan (CD10.1)
[217] CD9.8
[218] CD9.1
[219] Tulip CD 9.8 DL 16/4; IR 14.2/151 [references are to paragraph/pdf page]; Dr Miele xx, Mr Froneman xx.
[220] Dr Miele xx; Mr Froneman xx.
[221] ID 2.54 12.50/96.
[222] Mr Froneman xx.
[223] Mr Froneman xx.

judgement that setting also makes a substantial contribution to significance in ways which could well lead to findings much further along the spectrum. It is not necessary for that contribution to be regarded as the major proportionate one in terms of significance to justify such a conclusion. There is nothing in the legislation or policy to support that approach. Indeed, by explaining that even minor works may cause substantial harm, the Planning Practice Guidance illustrates how a more nuanced judgment is required in each case.[224]

8.10 Similarly, in the context of the OUV of a WHS, the proper approach does not involve just counting up the components of those attributes that are affected and translating this directly into a judgment on harm. Even where only a single or few attributes are affected, this does not of itself mean that harm falls short of something which is central to significance, or dictate a finding of harm towards the lower end of the spectrum.[225]

8.11 Thirdly, it is agreed that any assessment of harm should not be calibrated simply by reference to the extent of development as a proportion of the overall setting.[226] Judgments will depend on the importance of the views affected, as well as the extent of impact. Leaving several views unharmed should not mean that harm is placed at the lower end of the spectrum. The weight attached to harm should not be reduced simply because it only affects a small part of an asset,[227] or for that matter pitched at the lower end just because it does not occupy a large extent of a view.

8.12 Fourthly, when reaching judgments on harm, and identifying the nature of an impact, the appearance of a building that would draw the eye away from a heritage asset is a basis for finding harm, that is to the ability to appreciate the asset.[228] So too is the effect of a proposal in distracting from or competing with appreciation of a heritage asset.[229] The greater the likelihood or extent of these effects occurring, the greater the potential for harm.

8.13 The fifth point is that the highest quality design requires a careful response to context, including the heritage context. Architectural quality of a building *per se* is not therefore to be equated with the avoidance of harm.[230] Genuinely well-designed buildings are therefore based on a full assessment and appreciation of their relationships with heritage assets, not only in the immediate area but further afield. Relationship to context, in particular the heritage context, is critical to a successful design in its broad sense. An unsympathetic response to heritage context weighs heavily against quality of a scheme design.[231]

8.14 Sixthly, when assessing harm, it is also necessary to consider cumulative harm. This means considering cumulative effects overall, not just the additive effect of incremental change where impacts have previously arisen. GPA3 on the Setting of Heritage Assets[232] describes cumulative assessment as the

[224] Paragraph: 018 Reference ID: 18a-018-20190723.
[225] Dr Miele xx.
[226] Dr Miele xx; Froneman xx.
[227] Albany CD9.5 461/85; and see Citroen CD9.1 15.15/105.
[228] Dr Miele xx; see CP10.22 p. 13.
[229] Dr Miele xx.
[230] Dr Miele xx; see too NDG: CD10.25 p. 10 context: responsive to heritage; see too p. 12.
[231] Dr Miele xx. see too Tulip decision CD9.8 14.84/87.
[232] CD10.22 36/12.

identification of impacts that are the "*result of introducing the development into the view in combination with other existing and proposed developments. The* combined impact *may not simply be the sum of the impacts of individual developments; it may be more, or less*".[233] (emphasis added)

8.15 The same approach is taken in the Mayor's SPG on WHSs which advises that "*the cumulative effect of separate impacts should also be considered. These are impacts that are caused by incremental changes caused by past, present or potential developments with planning permission that cumulatively with the proposed development can have a significant impact on the setting of a WHS*".[234] (emphasis added). The Planning Practice Guidance states that planning decisions need to take into account the principle of protecting a WHS and its setting from the "*effect of changes which are relatively minor but which, on a cumulative basis, could have a significant effect*".[235] The recent HE Advice Note on tall buildings[236] continues the theme by confirming that the determination of impacts should consider "*Cumulative: the combined impacts on heritage assets from existing, consented and proposed tall buildings*",[237] adding that "*it is important for LPAs to consider cumulative impacts of tall building proposals with other existing tall buildings, to fully understand the impacts they might have so that: where harm already exists, it is not compounded…*:".[238]

8.16 In this context, guidance requires existing harm to be combined with proposed harm. HE and RBG Kew had put these matters to the Citroen Inquiry.[239] It is also clear from the decision that the Inspector rejected any suggestion that incremental harm should be assessed[240] and addressed cumulative harm on the basis advanced by parties other than the Applicant and reached an in-combination view.[241] No issue was taken with this approach by the SoS.[242] The Tulip decision took the same approach.[243] It was also an agreed position in the Albany Riverside case.[244]

8.17 At this Inquiry it appears that neither the Applicant nor the Council have heeded the guidance, despite it being suggested or implied that some harm had already been caused to setting. Their approach runs contrary to the position established in Citroen and reactivates the concern that was accepted

[233] The reference at page 4 of GPA3 (CD10.22) to how, where significance has been compromised by unsympathetic development "*consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset*" must be seen in this context, that is the need to deal with the combined, accumulated impact. Similarly, the consideration of setting having regard to "*history and degree of change over time*" (p.4) must be read subject to the requirement to assess impact in the cumulative terms described.
[234] CD10.44 5.31/69
[235] Paragraph: 032 Reference ID: 18a-032-20190723. Other advice on development which may affect the setting of a heritage asset refers to the need to "consider the implications of cumulative change": Paragraph: 013 Reference ID: 18a-013-20190723.
[236] ID2.17 and ID2.18
[237] ID2.17 3.3/11.
[238] Ibid 6.5/38.
[239] In a context where it was alleged that the Applicant had relied only on incremental change which used existing harm to calibrate downwards the overall calibration of potential harm. It was accepted in that case, that the Applicant (Dr Miele in fact) had not approached this task in accordance with the guidance: see CD9.19.24/pdf93.
[240] Cf the submissions made at 6.33/Pdf43.
[241] In the case of Kew, by combining the effect of the proposals in that case with the impact from the Haverfield towers and the proposals: 15.30/130; 15.40/133; 15.82/138.
[242] DL14.
[243] Albeit that the issue did not ultimately arise for consideration because it was found that existing and permitted schemes had not caused harm: CD9.1 DL14.44.
[244] CD9.5 DL328 and DL471.

in that case – the risk of a shifting baseline (Mr Froneman explicitly worked on this basis) where no proper control is applied to compounding harm. It is no answer to say that this accumulation is relevant at some tipping point of harm. Whilst cumulative harm will have a particular importance where a tipping point is in issue, there is no logical reason to limit its consideration to these circumstances. Where cumulative harm is to be assessed, it will remain relevant to where on the spectrum of a loss of significance a proposal would leave the asset, as the previous decisions recognised. There is no sense in waiting for such a tipping point before stepping in because much heritage interest would have been lost by then. It is not an effective response to concerns that significance is lost through "*death by a thousand cuts*".

8.18 The Council disavowed the cumulative approach taken in the guidance properly interpreted and previous decisions (despite following it in its committee report)[245] by relying on an incremental approach founded on a neutral baseline. Even so, it appeared to accept that an "*interaction*" between the "*baseline harm*" and the new harm would require the harm caused by the interaction to be considered.[246] Quite what this means, if it is not an assessment of overall harm, is unclear and was not explained. As for complaints about judging which development to consider, this will inevitably require judgments in individual cases and it has not prevented the Council identifying where harm has arisen in the past. In any event, it was agreed that judgments on harm here would differ if development which is conceded to cause existing harm were added into the assessment.[247] This said, as Mr Stroud explained in chief, where the harm does add to existing detractors, the height, massing and location of the proposals introduces a new form of impact, different in effect.

8.19 At least some of the differences between the parties can be attributed to the failure of the Applicant and the Council to apply these principles, including the underestimation of the contribution made by setting alongside the excessively qualified calibration of the harm that these proposals would cause. Mr Stroud has pitched his various assessments of harm on the basis that harm akin to Bedford would be substantial (where significance is vitiated or very much reduced), accepting of course that substantial harm is a high test and he is not alleging any of the impacts he has found to fall into that category.[248] His assessment is to be preferred for reasons that are summarised below.

Syon

Significance and contribution of setting

8.20 Syon House (Grade I) and Syon Park (Grade I Registered Park and Garden) together form one of the very finest aristocratic estates in London, recognised as worthy of the highest protection in our planning system. Occupying the

[245] CD5.2 paragraph 8.227 page 91: "*It is also important it [sic] consider any existing harm when determining the impact of proposed development, with any additional harm to be understood as being cumulative with existing harm*".
[246] Mr Froneman xx.
[247] Mr Froneman xx.
[248] The *Holocaust Memorial case* [2022] EWHC 829 (Admin) has confirmed that the Framework does not direct the decision maker to adopt any specific approach to identifying harm or gauging its extent beyond a finding of substantial or LSH [47]. The approach taken in Bedford did not involve an inappropriate gloss on the test of substantial harm: [52]-[53].

grounds of a prestigious Bridgettine Abbey first founded by Henry V in 1415, the Park and the House are the archetype of an aristocratic estate acquired and built after the Dissolution. They have for over 400 years been in the ownership of the Percy family, whose national profile among the senior ranks of the English nobility associated the estate with major figures and moments in our history. Generations of cultured occupation has bestowed a jewel of a House in a wider estate of great architectural and design richness. The gable turrets, crenelated top and Percy lion are important features of that significant interest. The parkland in the estate is a layering of landscape design over centuries of history. The significance of the RPG is agreed to be closely related to that of the House.[249]

8.21 Foundational to its significance has been Syon's position on an elite stretch of the Thames, close to favoured royal residences and set away from the relative tumult of the city. By the 18th century its significance was confirmed by the celebrity of its setting in an Arcadian Thames landscape that was seminal to the painting and wider culture of the time; by a chapter of interventions that bore the unmistakeable genius of Capability Brown and Robert Adam; and by its privileged position opposite the seat of the monarchs at Kew. The Thames Landscape Strategy describes Syon Reach as bordered by two of the most significant designed landscapes in Britain, Kew on one side, Syon on the other.[250]

8.22 The river edge of the Park is deliberately open and exposed under Brown's design; and the House and Park have for centuries now been intended to be seen from renowned views across the Thames, including from Kew where Brown's later work reinforced the connection between the landscapes of the respective estates. Views from the eastern bank, as well as from Kew itself, possess a profound beauty and remarkably intact historical character, which allows them to powerfully capture the significance of the Park and House by conveying past experiences as well as artistic associations deriving from scenes that Canaletto and many others depicted here.

8.23 The contribution setting makes to the significance of the House and Park, as illustrated in these views, is substantial. It is central to design significance, as it was the location for Brown's vision of naturalised parkland sweeping to the river within a wider undeveloped arcadian scene. It is important to architectural significance, because it allows an appreciation of the distinctive features of Syon House including the Percy lion, turrets and crenelation. It is also highly important to artistic significance, given its association with depictions of the Thames within a renowned cultural movement of landscape painting during the 18-19th centuries. Views (eg views AG, AF, MS3)[251] offer very rich perspectives on the architecture of the House. They set the House within its Brown-designed arcadian pastoral vision and give a strong sense of the artistic associations made between the House and its pastoral setting next to the river. The persisting absence of development in them underscores this contribution, by helping to emphasise the forms of the crenelations and the Percy lion that were intended to display the importance of the family and their

[249] 5.25/38.
[250] CD10.32 4.11.2/339.
[251] Where references to the Applicant's visual material are made, they are to the images prepared for the purposes of the site visit in CD10.51 which HE regards as more suitable for assessment purposes.

prominence in a wider setting. The Syon Park Management Plan illustrates the importance of views from the eastern side of the river and so confirms the major contribution that setting makes to significance here.

8.24 Attempts to downplay the contribution of setting here were misplaced. Whilst walkers on journeys along the path will encounter modern development further afield, including the stretches at Brentford and Isleworth, this reach of the Thames possesses a special character of its own, as the Albany Inspector recognised.[252] There is a distinct feel to this stretch. The eye is drawn over the river in these views,[253] where there is no sense of development in any association with Syon. Any sense of urban development a distance away recedes well away to either end of the view.[254]

8.25 The Applicant also downgrades the importance of these views excessively in comparing them with the view from Syon Outlook within Kew, which is described as possessing the qualities of a proscenium arch. But we know from the cultural output of the Arcadian Thames that it was depicted not as a theatre (and not specifically from Syon Outlook) but rather as a landscape with a foreground, middle ground and background, and from locations beyond the Syon Outlook which illustrate the rich variety of highly attractive views that were available to artists of the day. They conveyed an ideal of the eye seeing an estate standing alone in a pastoral setting, with no significant intrusion from other development which compromised the ideal, and with no single representative viewpoint. The Syon Park Management Plan plainly does not regard views away from the Syon Outlook as unimportant either, recording the "*impressive sequence*" along the towpath, including the Canaletto view which "should be celebrated".[255] Nobody doubts the importance of the Syon Outlook. But this cannot realistically be taken to materially diminish the value of other views which were depicted within a strong artistic tradition and are taken in on any visit along the Thames Path here.

8.26 A rather technical aspect of this debate was the claim that the '*Canaletto view*'[256] should not be treated as particularly important because Canaletto would have painted Syon House in its setting from a different location. Interesting as it is, none of this work should affect the value of the viewpoint from this part of the Thames Path. It leaves undisturbed the rationale for the painting: depicting the beauty of Syon House in its setting, enhanced by looking across the water from the east. That is plainly how Canaletto (and his patrons) wanted Syon to be seen. The fact that viewers may stand in a location which allows a close understanding of such an important artistic intent and connection still contributes to the high significance of this view. Any suggestion that there is interest simply in the painting itself as part of a cultural tradition ignores the role that paintings such as the Canaletto can play in revealing the heritage significance of assets including Syon.

8.27 In the Capability Brown-designed sweeping parkland west of the house, the rare collaboration of Brown with Adam has considerable special interest which is largely preserved by the tree-bounded parkland as the enveloping setting for

[252] CD 9.5: 468/106 "iconic arcadian stretch near Syon vista".
[253] Dr Miele xx.
[254] See 360 AVR 28.
[255] CD10.53 5.16/57.
[256] See MSE View 3 (ID1.14.14) and AVR View AG in CD10.51.

its internal composition. It may be more traditionally bound by walls and tree planting, but when their screening is combined with valuable views of extensive open land, they foster the idea, and ideal, of a pastoral retreat. The sense of this remains legible today. Here the landscape strongly supports the experience of routes through the Park as well as important architectural features that are designed to articulate them whilst providing appealing markers in their own right, including the Pepperpot Lodges, Lion Gate (both Grade I) and Wyatt's Bridge (Grade II). Views from this part of the RPG/CA[257] display the design intent to create an arcadian illusion, which is highly important to the significance of the Park and its relationship with the House. Viewpoints further into the Estate closer to Lion Gate and approaching Wyatt's Bridge are to similar effect. As the Inspector in the allotments appeal found,[258] the illusion was of a never-ending arcadian landscape. Here, the point is about skilful artifice.

8.28 The Conservation Area Appraisal[259] identifies tall buildings as threats to significance, because they interfere with the positive contribution that the lack of such development makes towards the design intent of invoking an illusory sense of rurality, whatever may lie beyond the boundaries. That sense is crucial to the heritage significance of the parkland and the setting of the House on its western side. A correct analysis does not treat modern tall buildings in the view as a neutral baseline (as the Applicant and Council appear to have assumed). That approach fails to properly consider the contribution that setting makes specifically to heritage significance, where fostering the sense of the arcadian illusion is key. The landscape here was instead conceived to create the semblance of an undisturbed landscape beyond, even if that does not exist in reality. The enclosure of the parkland was never intended to allow for or emphasise the layered existence of an urban metropolis beyond.

8.29 Whilst the parkland road (shown in AVR Views T, S, R)[260] is not the original approach to the House, it has historical significance in any event, given its creation in the 19th century as a route to the House. Views from here are important by allowing for the broad sweep of the RPG parkland to be appreciated, in the context of the House which punctuates the route at its far end. On any walk along this route the viewer is predominantly aware of the expansive parkland which is central to the significance of the RPG and the contribution setting makes to the House. The Isleworth Riverside Conservation Area Appraisal[261] also identifies views from here which suggests some recognition of their importance.

Harm

8.30 All parties treat the RPG and CA in effectively the same way and the assessments of harm equate those relating to the House and RPG. The difference is between low and medium-high LSH. For structures within the Park, the difference is between low and medium-high harm (Lion Gate) and between findings of no harm and various findings of lower-grade harm for

[257] eg AVR views R, S, T (CD10.51) and the proof of Mr Stroud (ID1.11) pp. 129-130.
[258] ID1.11.13 Appendix HE03 DL12.
[259] CD10.28 11.4/50.
[260] CD10.51
[261] CD10.28: p. 20.

other buildings (medium-low for Wyatt's Bridge, low for the Great Conservatory, Floras Column and the Pepperpot Lodges).

8.31 Differences of judgment on harm stem from: an undervaluing of the contribution made by setting to significance (as explained above); a failure to properly recognise the distinctive cumulative impacts of the proposals (as explained partly above and below), or basic disagreements on the magnitude of impact - where the other parties have not recognised the distinctive effects arising from the height of these proposals.

Views from the east

8.32 The Technical Note provided to the Inquiry, in response to questions raised about the video,[262] states that prior to the 46 second time point raised with Dr Miele, riverside vegetation on the Kew side of the River Thames obscures Syon House and the proposed development from view and that vegetation made it impossible for AVR to prepare a visualisation showing the view towards Syon House with the Homebase development rendered. Looking at the video, including the seconds immediately before 46 seconds point, we still struggle with that position. Whatever technical difficulties there may have been with the preparation of the render at this point, looking at the video views would still appear to be available through to Syon House. The viewer is unlikely to see the development simply pop up abruptly at a position representing the 46 second stage of the video. Further, looking at the numbered plan and comparing it with the video, it remains difficult to reconcile the short span (between 43 and 46 seconds points) in the video with the distance between points 1 and 3 on the plan.[263]

8.33 Looking at the AVR material in this context, as the viewer walks east there are views towards Syon Park which are obtained by the MSE 4 location,[264] before the start of the video sequence.[265] As Mr Stroud explained, before a location represented by MSE3 (the 'Canaletto view') there will be views across to Syon and the House with the proposals. This is consistent with the AVR viewpoint material.[266] Those walking on the towpath next to the Kew boundary will have a sequence of views over what HE considers to be a considerable length, taking in not only MSE3 (which is around the start of the video), but view AG,[267] MSE 2[268] and view AF[269], as far as a point approaching the southernmost edge of the Syon Outlook.[270] As shown in the AVR plan,[271] view AF lies beyond the 80m length of the video sequence as shown in the AVR study.

8.34 From the eastern side of the House, the schemes would rise intrusively above and behind the Park's tree canopy from points along the stretch of the Thames

[262] Kinetic study animation and 360 degree views are accessed by clicking on the hyperlinks in the library version of CD10.52. See also the clarification note at ID2.69.
[263] This difficulty sits alongside the oddity, raised in the evidence, of how the AVR study locates the proposals well west of the house in the visual produced at point D (identified as the starting point of the video) but shows them atop the House at essentially the same point in the video (at 43-44 seconds).
[264] Evidence of Mike Spence of MSE for OWGRA ID1.14.14
[265] See Dr Miele rebuttal ID1.17.3 Appendix 2 pdf p. 21 showing Fig. 1.1.4.b AVR wireline. Video sequence is at
[266] ID1.17.3 Appendix 2 pdf p. 17 Fig. 1.1.3.b AVR wireline.
[267] CD10.51 page 42 of the document
[268] ID1.17.3 Appendix 2 pdf p.15 (page 13 in paper version) Fig. 1.1.2.b AVR wireline.
[269] CD10.51 page 41 of the document
[270] See the combined notation of viewpoints in Stroud proof ID1.11.2 p. 71.
[271] See Dr Miele ID1.8.6 Appendix 4 fig 3.2 pdf p. 15 (page 12 in paper version).

Path, tracking across the background to the House and overtopping its roofline, disrupting perception of its battlements, chimneys and the Percy lion, seriously distracting from an appreciation of the House within its intact arcadian and painterly setting. The video helps reveal not only the full extent of the Homebase site scheme but also how different elements of the overall proposals would appear jarringly over the top of Syon House, competing with and distracting attention away from the gables, crenelations and Percy lion that were designed to exert influence within a wider pastoral scene. They would strongly divert the eye away from an appreciation of the relationship between the house, the parkland and the river. The overtopping is a form of impact which, as the Applicant accepted,[272] is often regarded as more significant due to the sense of competition it engenders. The scheme would strongly disrupt the clarity of understanding that intact clear sky provides behind the lower roofline and its battlements. It would remain intrusive through what the Applicant described as "*visual attachment*" to the House, then in views to the right of the House moving east. The proposals would be unmistakeably urban in character, the first conspicuously urban development to intrude centrally in the composition, considerably disturbing the character and well-preserved illusion in this deep arcadian view.

8.35 Both the Applicant and the Council accept that there would be changes to the skyline of a distinctive silhouette, but then fail to recognise the true implications of the change (including the harm that would continue to arise when the scheme moves to the right of the House); and go on to rely on various factors to wrongly calibrate downwards the extent of harm.

8.36 The kinetic nature of the views does not affect how the eye is drawn across the water and they confirm the sequence of potential viewpoints that reinforces, not dilutes, the harm. They emphasise the tracking movement of the proposals, in particular the Homebase scheme, across the top of the House. This kinetic sequence is made of a series of compositions, many reflecting the various artists' perspectives, and the multiple moments and features of significance in both landscapes.

8.37 It is no answer to say that the architectural character of the proposals mitigates impact. There is no reasonable prospect of architectural detailing being discernible at distance. The primary source of harm is not that detail, it is the height and massing of the proposals which would be readily apparent even at the distance between the site and Syon House.

8.38 The claim that motion parallax creates a sense of the foreground moving faster than objects at distance is familiar, but it would not affect the strong sense of intrusive buildings tracking behind Syon House. Any effect on establishing the distance between the viewer and the proposals would not materially diminish the prominence and intrusion of proposals. The "*train window effect*" here would still requires new visual work of the viewer, causing harm, by introducing a new structure of distinctively urban character which would stand out against the greenery and (in relation to the House) draw the eye away from a highly significant point of focus. Ultimately, because of the tracking

[272] Miele xx.

effect, the proposals would behave differently to anything else in the view, spreading the impact along the composed riverside.

8.39 Reliance on a light colour building palette does not assist either. Even a cursory look at the visuals demonstrates that this point has been overplayed. The ability of the eye to discern built form means that the proposals would not, as contended, blend with the skydome. There is no evidence that the colours of the proposed buildings were devised specifically with Syon House in mind. If anything, Homebase would have a palette of materials which would introduce confusion in the views.

8.40 Impact would not be qualified by the recognition that the proposals would be associated with a recognisable and different place.[273] The form of the proposals would straightforwardly distract the viewer from appreciating Syon House in the view, whatever the viewer knows about the location of the buildings. But for many, the location would not be readily understood, not least because it is not discernible in the view and has no obvious civic function. Even if some were aware of the buildings being constructed elsewhere in Hounslow, this would not mitigate harm to an appreciation of this heritage asset in these views. If this contention were accepted, the mere claim of a development being seen in a different location could be used illegitimately to downgrade or justify considerable setting impacts anywhere.

8.41 The suggestion that[274] the viewer would appreciate there are gaps between the buildings does not sit with the concession that there would be some coalescence of the buildings in the view. Even accepting that the images before the Inquiry are visual aids alone, nothing in them indicates discernible gaps between the proposed buildings or that any such gaps would qualify the harm they would cause.

8.42 The duration of visual impact is not, as the Applicant claims, a factor which meaningfully qualifies harm. Here questions of duration must yield to the importance of the views. On this highly important reach of the Thames, the harm would arise in highly valuable views along a walk which includes but goes beyond the duration shown in the video. These impacts last for much of the part of the Thames where the best views of the House and Park are to be obtained. The observance of the schemes from more than one viewpoint above and beside the House tends to reinforce the harm, not dilute it.

8.43 There is no good reason to rely on these considerations, as the Applicant and Council have, to pitch harm at the lower end of the spectrum when considering impacts on Syon House and the RPG. Further, their finding that harm here (although low-medium in these views alone) is part of a low degree of harm to the RPG/House/CA[275] wrongly focusses on what is not "*drained away*", rather than properly recognising the contribution to significance of what is affected here (and to the west of the House) and assessing the harm accordingly.

8.44 Moving to the other side of Syon House, the height, massing and proximity of the proposals would leave the western parkland highly exposed to views of new development rising above and in between existing trees, drawing the eye upwards and away from the park and its associated structures - to a

[273] Dr Miele proof ID1.8.2 6.63/49.
[274] Ibid 6.63/49.
[275] See CD11.6.

prominent, bulky and incongruous urban mass, extended across the view by the Tesco scheme, from the stepped-up roofline of the Homebase towers.

8.45 Taking first the viewpoints along Park Road (AVR Views T, S)[276], the scale of development above the tree belt is substantial. The proposals would be prominent in views, drawing the eye over the top of the parkland boundary and tree line, away from the landscape that is central to significance, impairing the appreciation of Brown's arcadian illusion. The primary effect is from the Homebase scheme but the overall effect of the proposals is heightened given their much wider spread in views across the parkland. The extent of harm is influenced by the massed series of buildings with no break in the overall built form. Views will track along (see AVR View R) where the Homebase towers will remain intrusive.

8.46 The buildings would remain starkly apparent at other points, including views towards Lion Gate, where it is accepted that further harm would arise (see MSE 7[277] and further below). As Mr Stroud explained, there would be glimpses on the approach to Wyatt's Bridge, on what is a significant route from the House to Lion Gate. The scope of harm would carry across a large extent of the western parkland, where the urban character and scale would introduce a novel and alien visual distraction in this area of the parkland. Again, factors relied on to calibrate harm significantly downwards provide no justification for doing so.

8.47 The scale of the parkland would not dimmish those effects. Rather, the scale of the RPG, and the setting of the House, reinforces the sense of an absence of development which makes a strong contribution to significance. This experience would be conspicuously disturbed by the height and bulk of these proposals, drawing the eye up and away from the appreciation of the parkland and detracting from the capacity of the tree planting nearer the boundary to define its character. For similar reasons, relying on the proportion of the view taken up by the buildings does not properly allow for the particularly detracting effect of introducing such scale into the view. Even if parkland scale and the treeline has thus far helped to mediate the effect of suburban character outside the site, the proposed development takes such a substantial form that it could not be contained by the landscape here; nor could it avoid a strong sense that the landscape character of a continuing natural idyll has been disrupted. The kinetic nature of the views simply reflects the scope for harm to be illustrated over extended lengths of the viewing experience.

8.48 In so far as it is claimed that the parkland used to be more heavily treed, thereby filtering views to north, this in no way affects the strong identification of the parkland as a highly valuable Brownian landscape intended to create the artifice of a continuing naturalised world. In any event, there is no evidence to show that any losses in the parkland would have had a significant screening effect, given the availability of views across swathes of the parkland. The £20,000 contribution towards tree planting in the S.106[278] is one of two proposed options (the other being for a heritage trail/signage along Great West Road) so there is no guarantee of planting. Moreover, there is no way of

[276] CD10.51
[277] ID1.14.14
[278] ID2.75

knowing where this planting might be or how it could offer any meaningful mitigation. There is no evidence that it has been discussed with the Estate.

8.49 The sight of existing modern tall buildings outside the estate is wrongly treated simply as part of the experience of the asset, rather than as having adverse effects on heritage significance which should be considered in an overall assessment of harm. Other developments, in particular GSK and Kew Eye, do appear and drop out of views, breaking the illusion of a rural hinterland. If it is right that the contribution of setting here is to help the creation an arcadian illusion, with the assistance of screening from trees, intervention of tall buildings beyond (described as "*tending to distract from appreciating the designed landscape*")[279] is a detractor which should be regarded as an aspect of cumulative harm. It is wrong to ignore that in any assessment, even though (as Mr Stroud explained) these proposals would generate a different order of harm. They would be visible right across the length of the Parkland south of the Great Avenue, a persistent presence creating a pronounced intrusion in a novel orientation in the Brown-Adam landscape sequence.

8.50 Overall, the judgment of HE better reflects an appreciation of the substantial contribution to significance that setting makes to both the east and west of the House. It avoids unjustified attempts to downplay harm. Any contrary assessment, to the effect that only low harm would be caused, is unreliable.

Other Buildings

Lion Gate

8.51 Lion Gate is a Grade I listed building in its own right, holding exceptional value as an example of Adams' work (MSE viewpoint 7)[280]. It plays a positive role within the RPG as an embellishment of the estate. It has a clear relationship with the interior of the estate, employing the same decorative motifs as the roadside. It was designed to be seen from both sides. Its construction was consistent with the Brownian landscape technique of placing individual structures as features within the wider estate. It is the subject of fine views from around the lake and is picked up in glimpses from the start of the sequence between the Lodges (View R).[281] As a striking feature, it helps to focus informal parkland views from the south-east and south-west, closing Brown's scenic drive that extends the Great Avenue. Views from these locations contribute strongly to its significance. Any suggestion that its qualities were designed only to come into view at close quarters underplays the grandeur of Adam's design, and misunderstands the function of drives and richness of landscape sequences in Brown's parklands.

8.52 The Applicant's assessment of a low degree of harm is based largely on the perceptible change in scale that would be caused by the proposals. Yet that change would be dramatic. There is no Townscape and Visual Impact Assessment (TVIA) rendered view here, but it is obvious that the new buildings would be, as the Council accepts, a highly visible,[282] eye catching[283] feature of

[279] Mr Froneman ID1.13.2 paras 4.58/113.
[280] ID1.14.14
[281] CD10.51
[282] Mr Froneman ID1.13.2 paras 4.115/136.
[283] Ibid paras 4.69/116.

the view. Despite some tempering effect of trees , they would compete strongly with the Gate. Insofar as the Council relies on the Gate as an opening through which activity beyond would be understood, this does not have any real bearing on the prominence of the proposals here. In any event it fails to appreciate that any function of connection was not anticipated to relate to highly urbanised surroundings involving tall buildings such as those proposed. Similarly, any attempt to characterise the proposals as a "*peripheral component*"[284] of the townscape view here substantially underplays the impact.

Wyatt's Bridge[285]

8.53 As for Wyatt's Bridge, the claim that views of the scheme would not interfere with the ability to understand its functional purpose ignore its wider function of helping to anchor and articulate Brown's layered route taking the Great Avenue over to the new Lion Gate. It can be seen (AVR View S)[286] that it serves as a scenic feature sitting within the wider parkland. The proposals would appear in dominant and incongruous form over the top of bridge, and on approaches to it, distracting from an appreciation of its wider purpose within the landscape.

Pepperpot Lodges

8.54 The proposals would also be visible in views from the House, drawing attention from its axial approach and competing for attention to a modest but perceptible degree with the form of the Pepperpot Lodges. Their role structuring the landscape would face competition from the proposals, appearing in close relation to the scenic route they announce.

Great Conservatory and Flora's Column

8.55 The harm would extend to other individual structures viewed from the east. Views from across the Thames do not give the best understanding of the Grade I Conservatory, but they allow the viewer to place Charles Fowler's architecture in its picturesque context within the wider estate and its rural location (AVR View AF)[287]. In relation to its neighbour at Kew, there is a rich associative significance. Here there would be a direct, aligned visual impact on glimpsed views. The proposals would intrude above its dome into a setting presently undisturbed by modern development. The harm here would however be low, lower still in relation to Flora's Column (Grade I) due to alignment.[288]

Kew

Significance and contribution of setting

8.56 Inscription by UNESCO as a WHS confirms the status of Kew as the rarest and most valuable form of heritage asset, with a significance that is so exceptional as to transcend national boundaries. It is at the top of the tree in heritage designations. The first words of the Statement of Outstanding Universal Value (SOUV) confirm the major contribution that setting makes to the significance of the Gardens. They are "*set amongst a series of parks and estates along the*

[284] Mr Froneman ID1.13.27.65/187.
[285] **Inspector's Note**: referred to elsewhere as the ornamental bridge
[286] CD10.51
[287] Ibid
[288] See Mr Stroud ID1.11.2 Plate 10 p. 150 and 6.114/151.

River Thames' south-western reaches", a series from Hampton to Kew which serves as a testament to the royal influence on our landscape and the history of landscape gardens, set away from the urbanised world of the city.

8.57 The SOUV also confirms the central importance of the layers of garden design, by internationally renowned landscape architects including Bridgeman and Brown, to that global value.[289] This feeds into the attribute of OUV that is of relevance in this case, and identified in the Masterplan as the palimpsest of landscape design,[290] involving the unique historical development of the Gardens from their emergence as a royal retreat in the 18th century. Key surviving physical features of the historical cultural landscape are identified to include "*Brown's landscape design including…the ha ha connection to the Thames and Syon Park beyond*" and "*its relationship with the River Thames, and in particular with surviving elements of the Arcadian landscapes of the Thames*", thus confirming how the experience of the relationship with Syon has historically been important to an appreciation of Kew's significance.

8.58 The influence of this layering of design, and its relationship with setting, is clear from a proper reading of the Masterplan. The starting point is that setting is "*integral*" to the significance of the Gardens.[291]

8.59 When dealing with that "*important and direct*"[292] contribution of setting to OUV, beyond identifying the important sense of being separated from the wider urban world outside, the Plan emphasises the provision of "*visual and physical relationships westwards over the River Thames and to the wider Arcadian landscape beyond*", along with the importance of "*seeing the landscape through a similar lens as the historic designers who worked there*."[293] It describes Brown's transformative work to open up walks along the edge of the gardens. The associated co-opting of the view across the river is explained as an important milestone in the history of the gardens.[294] Bridgeman had already altered the terrace overlooking the Thames earlier that century, combined with work to offer views over a greater length from Richmond Gardens.[295] Brown's work replaced the terrace with a more free-flowing landscape and the ha ha, combined with the retention of the towpath.

8.60 All this intentionally reinforced the relationship between Kew and Syon and it is clearly identified throughout the Masterplan when dealing with the contribution of setting to OUV.[296] There is a clear recognition of how this layering of landscape was intended to allow for dynamic movement along routes taking in views across the Thames, which were central to the toolbox of Georgian and Victorian landscape designers. The historic relationship with the Thames and Syon beyond is clearly identified as an important aspect of its setting. That relationship is associated with the wider sense of Kew being imbued with a well-preserved environment of escape.

[289] Kew Management Plan CD10.1 p. 27.
[290] Attribute (i) of OUV: CD10.1 Section 3.2 and 3.2.1 page 28.
[291] CD10.1 3.3 page 34.
[292] 3.3 page 34.
[293] 3.3 page 34 iv.
[294] Appendix C p. 109-110 C3.
[295] See Mr Stroud Fig 16 p. 82 referring to HE9 p. 141; see too his Fig 17 p. 83; and fig 14 p. 82.
[296] See Appendix D p. 129 rh column; p130 D8(iii); p. 133 D8(v).

8.61 Views to the Thames, and Syon beyond, reveal not only how royalty and nobility together adopted upstream estates as secluded homes in the country, but also how the layers of landscape design emphasised and borrowed open views in carefully configured landscapes either side of the river. The views across the river, from not only Kew but the Thames Path just outside its formal boundary, are important to heritage significance. They allow for an understanding of how successive designs, including Bridgeman's Terrace above the public road, then Brown's open lawn and ha ha next to the retained towpath, over time established and drew upon these connections. The subsequent creation of the exceptional Syon Outlook has seen views out from the Gardens towards Syon gradually becoming more controlled and focussed, within a wider reach, a proper understanding of which enables visitors to appreciate the landscape as the historic designers who worked here intended.

8.62 A central issue between the parties is whether harm to views from the Thames Path outside the boundary can harm the OUV of the WHS. HE concludes that impacts perceived from the Thames Path cause harm to the setting of Kew and thereby to the contribution that setting makes to the significance of the Kew WHS. The Council and the Applicant are wrong to suggest otherwise.

8.63 The path is part of the setting of the WHS. Harm can be caused to the significance of an asset by impacts on the experience within its setting, arising from development in its setting. GPA3[297] confirms that land that is not part of a designation may be included in its setting and contribute to significance (it does not even need to be visible from the designated site).[298] There is then nothing to prevent harm in views from the Thames Path from being treated as harm to the contribution that setting makes to an appreciation of OUV.

8.64 The path is located within the Buffer Zone for the WHS,[299] within an area that has been identified as necessary for the proper protection of the property, including the immediate setting, important views and other areas or attributes that are functionally important as a support to the property and its protection.[300] Its adoption, as proposed by Government, reflects the intention of "*encompassing areas of land with strong historical relationships to the Gardens*".[301]

8.65 The nomination document, when addressing the proposed Buffer Zone, explained that there were important views and vistas into and out of the site, "*the broader Thames-side and parkland setting of the site*", and "*significant and inextricable links between the complex history and development of the Gardens and the adjacent areas*". It recognises that development outside the Buffer Zone may "*threaten the setting*" of the property,[302] with the necessary implication that this would equally threaten an appreciation of the WHS.

[297] CD10.22
[298] CD10.22 p. 5 right hand column.
[299] See Mr Stroud p. 73.
[300] CD10.34 p. 34 paras 103-4.
[301] CD10.1 p. 12. The SOUV specifically mentions Syon Park and the House as lying within the Buffer Zone when addressing the integrity of the WHS: p. 27.
[302] CD10.1 p. 28.

8.66 These references show how the Thames-side, including the path, together with Syon Park, are understood to have strong historic and visual connections to the Gardens.

8.67 ICOMOS has recognised the issue too, in its objection to the schemes, describing the nomination document and the Buffer Zone before concluding that views across the River Thames are "*highly important in themselves and have been celebrated in paintings, poetry and literature since the early eighteenth century*".[303] It specifically addresses the issue of the potential for views from the footpath to erode the purpose of the Buffer Zone - that is to enable the protection of OUV.

8.68 The Thames Path (and the relevant views considered at the Inquiry) also lie within the Royal Botanical Gardens Kew Conservation Area, connoting a relationship between the path and the gardens. The short appraisal document draws no distinction between the path and the wider area in identifying the potential for development pressure to harm the river- and landscape-dominated setting or obstruct views.[304]

8.69 This is all consistent with the treatment of the palimpsest of landscape design and its relationship with Kew as explained in the Management Plan. It is clear therefore that the potential for routes which offer views across the Thames to Syon House and Park form part of the historical relationship between Kew and these areas. The Gardens may have changed (that is implicit in the notion of the palimpsest) but the experience on the Thames Path echoes what the deeper and highly significant layers of their design were intended to convey, with the Gardens on one side and views over the water to Syon on the other. It is not the original towpath or road running alongside the gardens, but it follows the broad course of the route that historically was bound up in the development of Brown's landscape design. Even at a slightly higher level the path does not impinge on the historical understanding of the association between the two landscapes. It helps reveal what the experience of layered phases of the historical landscape would have earlier shown.

8.70 In dismissing the potential for harm to the WHS, the Applicant and Council largely rely on the absence of a specific reference in the Management Plan to experiences on the Thames Path playing a role in conveying the OUV of the Gardens. Although extensive work was carried out to prepare the Plan, it cannot realistically identify every single setting relationship or view,[305] or anticipate the potential for harm from every development proposal that may come forward. In any event, it makes clear the importance of land within the Buffer Zone to the significance of the Gardens. It also explains how earlier landscape forms provided an experience of views from areas across the Thames to Syon.[306] It recognises the potential for development outside the Buffer Zone to threaten the setting of the property in general terms.[307] That is more than sufficient to establish a link between this aspect of the setting and

[303] ID2.34 p. 2.
[304] CD10.30.
[305] Dr Miele xx.
[306] Specific figures (3 and 5) references to boundary types and defined views out do not amount to an exclusive description of setting influences.
[307] D2 p. 114.

OUV. The failure to acknowledge or understand this point undermines the approach taken by the Applicant and the Council to the WHS.

8.71 Turning briefly to other views, from within the WHS, the Inquiry considered the prospect of harm perceived from the most southerly part of the Syon Outlook/Lawn. As the Council accepted in its committee report, the setting of this vista[308] is "*integral*" to the significance of the WHS and its OUV and so is "*very sensitive to change*". The Management Plan explains that the lawn provides a sense of the earlier Brown landscape and the relationship with the Thames and Syon Park beyond[309], such that the intrusion of urban development here would have the potential to affect its "*rich and diverse historic cultural landscape providing a palimpsest of landscape design*". This appears to be common ground.

8.72 More generally, the Management Plan emphasises how the experience of Kew is not a static but a dynamic one,[310] as evidenced by informal desire lines made by visitors to obtain views of the river outside.[311] Physical features of the landscape palimpsest attribute include the ability to roam freely to develop experiences of the gardens.[312] Any glimpsed views through areas of woodland across the river are plainly not the set piece views gained elsewhere. However, development in them has the potential to erode the sense of Kew's Arcadian, Thames-side setting.

Harm

8.73 The Applicant (and now the Council) argue that in respect of the WHS and RPG there would be no harm at all. The Council accepts a low level of harm to the CA. HE argues for a generally medium level of LSH.[313]

Towpath south of Syon Vista

8.74 If the towpath part of the setting that contributes to significance, harm assessed in relation to Syon would also arise in relation to Kew. Views along the Thames Path demonstrate the intent and experience of past phases of landscape design at Kew and its intended relationship with Syon within a broad arcadian vision that carried across the river. Harm illustrated by these views would cause harm in respect of Kew. The failure to acknowledge the setting relationship here is an important shortcoming in the analyses presented in favour of the schemes. It explains the differences of position on Kew. The extent of impact, allied to the significance of the setting here in helping to understand the relationship between Kew and Syon, justifies a finding which moves beyond a low level of harm.

Views within Kew

8.75 As for locations within the Gardens, the differences relate to whether the proposals could be visible from the southernmost part of the Syon Outlook/

[308] CD5.2 8.227 page 91
[309] CD10.1 D8(iv)/132 rh column.
[310] CD10.1 p. 130.
[311] P. 133.
[312] P. 30.
[313] Medium-high for the CA: Mr Stroud explains that the harm is slightly higher to the CA at his proof 6.69/116; and deals with the Old Deer Park Conservation Area there too, having described the significance of these areas at 6.52-3/101.

Lawn as well as areas around the nearby shelter and woodland walk and whether visibility would meaningfully affect OUV. Mr Stroud explained his view that, notwithstanding work carried out by AVR, his experiences on site suggested that there may be views from these locations. The Council and Applicant do not accept the potential for visibility from Syon Outlook, but they appear prepared to concede the possibility that there are points near the boundary where a break in the tree cover could allow a glimpsed view, or that the boundary planting is not impermeable.[314] This is a matter for judgment having regard to the site visit. Any view of the schemes from the Syon Outlook would involve the introduction of modern built form in a sensitive location, albeit that this could only introduce a low level of harm. If it is considered that glimpsed views would be available elsewhere, then these would have some, albeit limited, impact by introducing development into views that are largely devoid of modern influences.

8.76 The Management Plan is a recent document but the management of Kew is not static. RBG Kew sees an opportunity to reinforce the relationship with Thames here, allowing further views towards Syon,[315] which would help draw attention to the importance to earlier landscape design of expansive views into the wider rural idyl. The Thames Landscape Strategy advises[316] that the whole relationship between Kew and Syon could be improved. Harm realised by the proposals would limit the scope for Kew to improve that relationship as custodians of the gardens.

Isleworth Ferry Gate

8.77 The contribution of the towpath to the Kew experience was amplified from the 1870s until the 1970s by the existence of the Isleworth Ferry Gate. Various visitor routes converge a little south of the Syon Outlook and connect to the Gate, which was built to serve visitors using the ferry to the south and the many steamboat services.[317]

8.78 The Gate was positioned to serve visits to the Syon Outlook and does not offer a designed view, but its introduction and form was informed by the Victorian gardeners' appreciation of the Arcadian views beyond. Correspondence from the time recorded debate relating to the "*conspicuous*" nature of the site which immediately faced the windows of Syon House.[318] The Management Plan confirms how entrances and exits, including the Gate, are one of the recurring design elements of the WHS setting,[319] which helped define views into and out of the site.[320] Gates have been "*intentionally placed with reference to the internal and external landscapes*".[321]

[314] See Dr Miele rebuttal 2.5/pdf4; Froneman 3.83/76.
[315] See RBKC Kew statement: CD8.4 4.3.2/15 *and 6.5.2/22:* See too the representation at ID2.10 p. 2. which confirms that the WHS Management Plan *"is a working document and reviewing and prioritising potential enhancements to OUV is part of the regular monitoring cycle and key to our ongoing responsibility to preserve and promote the special interest of the WHS*".
[316] CD10.32 4.11.10/341.
[317] CD8.7 p. 10.
[318] CD8.7 pp. 15-16.
[319] CD10.1, p. 138 first bullet; p. 136 D8vi.
[320] P. 24 vii.
[321] P. 134.

8.79 The Gate is significant therefore, as it provides reference to the gardens' relationship to the Thames and the Arcadian landscape beyond. Based on his wider appraisal of the visual material and visits to the site, Mr Stroud explained his judgment that the proposals[322] would appear on an axis with the Gate, above the treeline, intruding and drawing the eye to their urban form and scale. They would cause harm by disturbing, albeit in a limited way, the Arcadian view that is a meaningful aspect of the setting.

Osterley

8.80 Here, the Applicant and Council find a low level of harm to the RPG and Conservation Area, with no harm to the Osterley Gate Piers and Entrance Lodges. HE finds medium to low harm across these designations.

Significance and contribution to setting

8.81 Osterley House (Grade I) and Park (Grade II* RPG) is an archetypal survival of a country house, displaying the skill of an exceptional architect (Adam), in a parkland with a historic pastoral character rooted in the English landscape garden tradition.

8.82 Setting plays a central role in the appreciation of significance. The Park derives significance from the illusion of the Park being set in pastoral surroundings. Views across the park are bounded by designed perimeter tree planting in many places, although distant tall buildings disrupt the continuity of character and the illusion of rurality. Closest to the alignment of the proposed development sites, the GSK building and Kew Eye can be seen, albeit at distance. Views from the eastern part of the Park also take in some detracting suburban development behind peripheral vegetation. Even so, there is still a clear sense of designed and open-skied rurality within an enclosed estate (View M), including from locations on or near Victorian South Drive (View L).[323] The Drive is not original to the Park and the views here are weakened by suburban housing. Nevertheless, these views are important for revealing the historic development of the estate and allowing the wider expanse of the Park to be appreciated, in a similar context to views to the north. The deployment of trees on the boundary encourages views across parkland whilst providing a sense of enclosure and separation of the estate, helping to reinforce the historic design intent of the Park.

8.83 Verdant views south, along the stretch of the original Carriage Drive towards the Gate Piers (Grade II) and Lodges (Grade II) at Wyke Green (AVR View O)[324] do not take in the House. However, they help reveal the function of these structures in enclosing the estate within the wider illusion of rurality . They have a clear relationship with the rural character of the wider estate. Their construction was contemporaneous with the development of the parkland estate and the listing entry for the piers[325] records them as "*fine landscape features*" which lie "*within the important parkland*".

[322] See by reference to View AF; Mr Stroud Fig. 21 proof p. 98.
[323] Both views in CD10.51
[324] Ibid
[325] CD10.15.

8.84 The lodges were altered in the 19th century but their original form is credited to Adam, also the designer of the piers.[326] They too have value as features which help focus views on the limited break in the strong enclosure of this parkland estate. Views towards the lodges help an understanding of that role and emphasise the creation of an estate separate from the outside world. There is no evidence that there was ever an intention to screen their backs with trees. In any event, from what we know of Adam from Syon, it is fair to conclude that were designed to be seen. They are still legible thanks to their white render and tall chimney stacks.

8.85 There are also views from points on the Carriage Drive that approaches the House (see Mr Froneman photos 14-16).[327] These reinforce the sense of an extensive rural landscape within a historic estate setting, undisturbed by substantial development beyond.

8.86 The special interest of Osterley Park Conservation Area is largely provided by the Park and House but also takes in some late 19th Century and interwar low-rise development (see View J).[328] An extension to the area in 2018 brought the boundary to just within the red line of the Tesco application site. The appraisal of the area confirms the original design intent of landscaped grounds in a rural setting, noting separately the suburban character outside the park as reflecting development around the railway and later the Great West Road.[329] Panoramic views across the large open fields of the Park are identified as important,[330] as they help provide an understanding of its designed pastoral character. The recognition[331] that the future development of tall buildings could erode long distance views from the Park underscores how setting contributes to significance here, based on an absence of extensive built development at large scale beyond the bounded rural character of the parkland.

Harm

8.87 In summary, in views from the South Drive and on paths south of the Middle Lake the proposals, in the Tesco scheme would rise conspicuously above the treeline, dominating the modest profile of the Gillette Tower at great height and bulk, imposing an intrusive, more urbanised, effect on the pastoral character of the parkland. Similar harm would arise in views from the Carriage Drive approaching the House. Closer to the entrance, the overall height and bulk of the schemes would distract from the appreciation of the gateway role of the Piers and Lodges.

8.88 The differences of judgment arise from an underestimation of the significant contribution that setting makes to significance, as revealed by the identified views across a wide expanse of the parkland. Views would arise not only from viewpoints considered at the Inquiry but from a wider area of the eastern parkland. The design of the scheme, in particular its scale and massing, cannot obviate the striking effect of novel and extensive urban forms, which

[326] Mr Stroud proof ID1.11.2 paragraph 6.125 page 156.
[327] Ibid pp. 38-9.
[328] CD10.51
[329] CD10.29 1.3.8/6 and 3.1.1 page 9.
[330] CD10.29 7.1/30.
[331] CD10.29 11.4/35.

would appear at greater proximity than anything of their height and bulk already lying outside the eastern boundaries to the Park.

8.89 Whilst there is some recognition of harm being caused by the suburban development outside the boundary,[332] there is no evidence that this, or any disruption caused by the GSK building, the Kew Eye or Sky Campus, have been allowed for in the assessments made by the Applicant and the Council. As Mr Stroud explained, the need for the viewer to differentiate the layering of the view, with taller development beyond, is already a harmful distraction.[333] This affects where the Applicant and Council pitch their harm. Moreover, the proposals would introduce a much more discordant urban form than other development on the fringes of the site. There would also be harm to the Lodges and Gate Piers, coming from competition with and distraction from these important features.

8.90 Moving to other parts of the Conservation Area, (View J)[334] views from Oaklands Avenue are highlighted in the appraisal, presumably on the basis that they help reveal the modest residential development which, along with the sportsground and listed pavilion, positively exhibits an interwar suburban character . No-one suggests that modern developments in the immediate setting of the Conservation Area such as Sky Campus or Tesco make a positive contribution to significance, although Tesco does not involve a major departure in scale. The proposals would amount to a highly prominent intrusion into this modest suburban scale, introducing a marked urbanising influence. The excessive height and bulk cannot be mitigated by detailed architectural design, given the fundamental departure from the prevailing suburban character. Any claim that the proposals would enhance the Conservation Area ignores a realistic assessment of why it has been designated. Such claims rely on assertions of high quality design which overlook the importance of the wider context. Harm in this respect must therefore be added to the harm arising to Osterley Park as a separate part of the Conservation Area.

Other heritage assets

8.91 The Council acknowledges a degree of harm to the Gillette Building (Grade II) and the Syon Clinic (Grade II), but the Applicant denies any harm to these and (with the Council) other assets including the Nat West Bank (Grade II), Westlink House (Grade II) as well as, slightly further afield, the Brentford and Isleworth Quaker Meeting House (Grade II*) and the Pavilion and Clubhouse on Gower Road (Grade II) (both of which are also in the Osterley Park Conservation Area). HE finds a low level of harm to each, with the exception of the Gillette Building where it finds a medium-low level of harm.[335]

8.92 The listed buildings of the *Golden Mile* of Great West Road, after its opening in 1925, reflect the interest of the time in applying architecturally enlightened styles to the construction of industrial development, adopting motifs of the

[332] Mr Froneman ID1.13.2 2.11 page 23. There is an apparent tension between the treatment of this development as part of a Conservation Area on the one hand, and as harmful on the other, but in the end there is no reason in principle why development in one part of a Conservation Area may cause harm to views from another part of it, particularly in cases where a wider Conservation Area has distinct character areas.
[333] Evidence in Chief; see too proof 6.134-5 page 164; 6.138 page 168.
[334] CD10.51
[335] See CD11.6.

then fashionable Art Deco and Moderne styles (Views A, C, D and G).[336] The Gillette Building (1936), NatWest building (1935), Coty Factory (Syon Clinic)(1933) and Westlink House (Pyrene Factory)(1928) are agreed[337] to share a legible shared architectural character deriving from their contemporary development.[338] It is common ground[339] that their low and horizontal massing is still discernible as a shared character, linked also by the motor-age design of their urban setting, notwithstanding some unsympathetic shed development in the 1980s.

8.93 Within the group, the long elevation of the Gillette Building dominates the corner with Syon Lane, with its singular clock tower deliberately conceived (as the Applicant accepted)[340] as a widely visible landmark to draw attention to the building, as a location for modern industry within the wider townscape. Its purpose was to dominate and command this corner of Great West Road and Syon Lane. The extent of clear sky around its tower strongly contributes to its landmark role, which as the Applicant accepted[341] should not be affected.

8.94 The proposed development would embody a dramatic departure in scale and style at the west end of the Golden Mile, flanking the Gillette Tower in views along Syon Lane (see View A) with prominently broader, bulkier buildings. Rather than reinforce the visual experience would impair the intended architectural effect of the Tower. The Applicant accepts that there would be a degree of change in its role,[342] along with harm, because it would be obscured in long-range views.[343] Claims about the design quality of the proposals cannot counteract this harm.

8.95 Other views (View D)[344] demonstrate how the other listed buildings would experience a marked increase in scale and verticality which would be at odds with the horizontal emphasis that contributes strongly to their character. To the extent that their significance is derived from their relationship with Great West Road, any appreciation of this would be overwhelmed by the abrupt escalation of height and massing, at a different orientation, in the proposed Homebase scheme. Whatever attempts have been made to introduce a streamlined, modern style to the proposals, their bulk would dominate and they would be seen as highly distinct and incongruous forms. Rather than respond positively to local distinctiveness as LonP policy requires,[345] they would disrupt the legibility of a distinctive shared characteristic of listed buildings in the Golden Mile group. It is right to find some harm here.

8.96 The schemes would also transform the spacious suburban setting of the Clubhouse, signalled by the slender Gillette Tower, into one governed by an overwhelming urban character. It would occlude views of the Tower, further undermining its townscape role and removing the link it provides to its contemporary modernist context, of which the Clubhouse forms part.

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[336] CD10.51 pp. 11, 47, 49, 50 and 53; Mr Stroud Plates 17-18 proof p. 181.
[337] Mr Patel xx.
[338] The listing of the Nat West building confirms it was designed to form a group with the Gillette factory (CD10.16).
[339] Mr Patel xx.
[340] Mr Patel xx.
[341] Mr Patel xx.
[342] Mr Patel xx.
[343] Dr Miele xx.
[344] CD10.51
[345] CD6.2.26 policy D3.

8.97 For similar reasons, neither the transformation of the Homebase site into a large urban block[346] nor the massive increase in scale and bulk on the Tesco site can, for the purposes of LP policy CC3, be sensibly described as being "*in proportion*" to its location and setting, and "*carefully relate to and respond to the character of the surrounding area*", including the generally low-rise development on Great West Road, or suburban character of the wider area extending to Oaklands Avenue.

8.98 The height and bulk of the scheme would also interfere with the sense of seclusion and separation from the city provided by the Quaker Meeting House burial grounds. Although this would represent a low level of harm, that harm should be recognised, nonetheless.

Design

8.99 The failure of the Applicant properly to register the full extent of harm in this case reflects the outcome of design processes for each of the two schemes. There has been no convincing rationale for the height and massing on either site, particularly in relation to the Homebase proposals.

8.100 The DAS for the Homebase scheme, which acts as the record of the pre-application design process, did not have the protection of heritage assets as one of the key delivery requirements of the brief;[347] the vision setting out the fundamental aspirations of the scheme said nothing about protecting heritage interests;[348] nor did the key design principles.[349] In claiming a role for the scheme in the Council's emerging GWC Opportunity Area and Masterplan Study, it omitted to address[350] the approach taken in emerging policy to the height and massing of the site, failing to recognise that policy had not, in contrast to other sites, identified the Homebase site as a location for any cluster of tall buildings.[351] The building typologies that were considered focussed on the Gillette Tower in heritage terms, with no mention of heights being assessed by reference to heritage assets further afield.[352] The focus was on addressing the Great West Road and establishing the street frontage.[353]

8.101 In response to the initial Council and DRP reviews,[354] when further consideration of height and massing was advised, due in part to concerns arising from impacts from Syon Park, the response was to increase height to the north,[355] projecting the building further above the treeline. By the time HE was consulted, after two rounds of pre-application review with the Council, the fundamentals of the scheme were in place[356] but they had not been informed by any assessment of the Thames Path views near Kew.

[346] Mr Smith 6.98 page 39.
[347] CD1.6 3.3.2 page 38.
[348] P. 39.
[349] P. 51.
[350] 2.14.23 page 32.
[351] See CD7.2.7 plan, referring back to policy GWC5 at CD7.2.5. Buildings on the Homebase site range from 46.45 AOD to 78.55 AOD: Mr Stroud 4.4 page 10.
[352] P. 54.
[353] Pp. 5 and 58.
[354] Mr Patel proof pp. 43 and 45.
[355] Cf pp. 42 and 48 proof.
[356] Mr Patel xx.

8.102 The heritage advice the team had been receiving at the time was that there would be no harm to any heritage asset.[357] The design was therefore developed in a context where, contrary to the current position, the proposals were considered to avoid any harm at all to any asset.[358]

8.103 The design of the Homebase scheme has been driven by the objective of relocating a Tesco of an equivalent size to the existing store, but on a much smaller site. This constraint has meant pushing parking onto two levels above the store,[359] thereby creating a three-storey podium, before adding housing on top, pursuant to consultant briefs for the site in which the Applicant set its specific targets for housing delivery.[360]

8.104 There is no evidence of any positive urban design rationale for the height that is proposed. There is nothing to show why a height of 17 storeys is required at the northernmost corner to "*celebrate*" the Great West Road or achieve a gateway function or way-finding, particularly when the Gillette Tower performs a landmark role already, at a lower overall height. Nor is there any convincing explanation of why any attempt to defer to the Gillette Tower at the corner of the Great Western Road should still allow for a substantial shifting of mass which steps up towards the 17 storeys.

8.105 There is nothing to explain why buildings fronting the new Syon Gate Lane need to be articulated at such height to avoid a wall effect in the street scene, or why a focal point on the southern corner should be as high for those arriving from the station such a short distance away.[361] There is no evidence before the Inquiry of any viability constraints which may have dictated the amount of housing required.

8.106 The Applicant's mantra that it adopted the "*optimal*" design solution[362] does not explain how or why it considered that this height and bulk was justified. Although there was reference to the emerging context, including tall buildings,[363] none are in the vicinity of the site. Citroen is on the other side of Kew Bridge and Albany Riverside lies off Brentford High Street. None of the emerging context relied on involves height anything like what is proposed here. The constraint of providing the Tesco store has prompted a drive for height without any affirmative design grounds for the particular heights being proposed. This concern is of particular importance when highly significant heritage assets would be harmed and insufficient regard was paid to them in the design process. Moreover, there does not appear to have been a strong working relationship between the design teams. As the Applicant accepted, there was nothing in evidence to explain how the cumulative effect of the two proposals on any heritage assets had influenced the designs.[364]

8.107 The DRP had similar concerns. The DRP process is an important one, recognised by LonP policy, that requires a scheme not only to consider, but to

[357] See CD1.10 5.8 page 65.
[358] Mr Patel xx.
[359] See the difference in height between this option in the consultant brief and option 1 without the store: pp. 12-14.
[360] See 8.13 page 16 (Homebase); 1.30 page 11 (Tesco).
[361] DAS 5.3.2 page 54; 5.3.6 page 55; 5.3.12 page 57 5.3.14-6 page 58.
[362] eg Mr Patel ID1.5 paras 4.14, 4.6.23, 4.9.2, 4.12.18, 5.12.9 and 6.2.4.
[363] Ibid paras 3.10.4-9.
[364] Mr Patel xx.

address review recommendations.[365] However, the final DRP report[366] concluded that the design evolution had only sought to mitigate issues with scale and massing, rather than solve them. The need to relocate the Tesco store had made it "*virtually impossible*" to achieve a high quality design on the site. The DRP still had "*real concerns about the overall quality of development above the podium*."

8.108 As for the Tesco scheme, the assessment of site context in the DAS considers the immediate townscape, but nothing further afield. None of the initial ideas for the site showed any identifiable relationship with the heritage context, near or far. None of the steps described in the design narrative considered height in a heritage context. Nothing in the heights and massing principles gave any indication that heights beyond the Gillette building formed any meaningful role in the fundamentals of these design considerations.[367] Again, by the time HE was consulted,[368] these fundamentals were already in place. Aspects of the massing were reduced through design development but only in a limited way by dropping some aspects of the build height to just below the green copper clock of the Gillette tower[369] (other aspects were in fact increased). This still left substantial impacts from development in views from Syon Park. But the advice was that no harm would be caused, despite the acknowledgement that the Gillette Tower was unrelated to the significance of Syon Park. This advice was, it seems, given on the erroneous basis that there was already modern development in the view.[370]

8.109 The DRP commented unfavourably on this scheme. There is nothing in the DAS to show how the designers responded to the first round of comments.[371] By the time of the final review,[372] when considering the protection of heritage, the DRP expressed disquiet about the "*unremitting nature of development*". It said "*we...feel there is too much development for this strategy to be successful*". There was an abiding "*concern about the effect on Gillette and the view from the Parks*" which required further testing. The Panel concluded by reiterating its "*fundamental concerns about the scheme*", with "*many of the issues highlighted in the first review…still to be fully addressed*". There is nothing in the evidence before the Inquiry which addresses those concerns.

8.110 There is nothing to explain how the design process sought to align with emerging policies for the Great West Corridor, either generally (with respect to heritage assets beyond the Gillette Tower) or specifically with respect to building heights that the Council was promoting in the area.[373] There is no attempt to explain why the "*wayfinding*" and "*waterfront*" functions of the so-called building typologies[374] of the tallest buildings justify a height of 70+m AOD.[375] There is no positive design rationale for the abrupt change in scale from the modest two-storey homes nearby in Oaklands Avenue to up to 17

[365] CD 6.2.27 D4 E5.
[366] CD3.12.
[367] CD4.4 pp. 24 et seq, 3.4 p. 79, s. 4.1 p. 102, s. 6.2 p. 146 and p. 147.
[368] February 2020, cf design progression by then as shown in DAS pp. 73-6.
[369] Mr Adams' proof 4.13.6/76.
[370] CD2.4 5.5 page 63, 5.8 page 65.
[371] CD4.4 3.6 page 74.
[372] CD4.11.
[373] CD section 3.13 pp. 82-99 including p. 93 on heritage.
[374] DAS 6.6 page 153.
[375] Parameter plans at CD4.2.

storeys, which would loom over them .[376] The claim that the scheme would create a sensitive transition in scale[377] stretches credulity. Again, the reliance on the emerging context ignores how there is nothing of similar scale being built nearby. Despite the Homebase proposals emerging in the vicinity, there is no evidence that the design teams considered a comprehensive solution to the application sites, as the DRP recorded with disappointment.[378]

Conclusion

8.111 The proposals would conflict with both published LonP policy and adopted Hounslow policy relating to the protection of heritage assets. The heritage harm they would cause would be contrary to policy D9 (C1 d and e). The harm would also cause breaches of policies HC1 and HC2. For similar reasons there would be conflict with Hounslow Plan policies CC3 and CC4 (d and i).

8.112 LP policy CC3 does not support tall buildings away from the A4 Golden Mile frontage. The Tesco proposals are not, it is agreed,[379] consistent with this aspect of the policy. To the extent that the policy leaves locations on that frontage to be identified in the Great West Corridor Plan, those locations have not been identified in an adopted plan and cannot claim the support of the policy in this respect either.[380]

8.113 Insofar as the Applicant has relied upon the location of the sites within an Opportunity Area, there is nothing in policy to suggest that its designation in anticipation of significant housing or other intensified growth implies accepting any degree of heritage harm.[381] There is nothing which says that tall buildings are necessarily acceptable to achieve the growth objectives in these areas. Any development in an Opportunity Area remains subject to policies relating to high quality design and heritage policy. So, the fact that permission may have been granted for tall buildings elsewhere in this Opportunity Area, albeit at a distance from these sites, does not mean the door is opened for these tall buildings here.

8.114 Under the Framework, LSH is not to be equated with a less than substantial objection to a development.[382] Any harm to a listed building or its setting gives rise to a presumption against the grant of planning permission. Where there is any harm, the decision-maker must give it considerable weight. And the more important the heritage assets in question, the greater the weight should be.[383]

8.115 These propositions may be familiar, and it is perhaps easier to acknowledge them than to truly act on what they mean for the planning system in cases such as this. It is crucial in this case, to appreciate not only the wide-ranging effects of these schemes, but the rarity and importance of some of the heritage assets, at a national and international level, that these proposals are asking to be harmed. That harm should be accorded very great weight.

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[376] DAS p. 150 but cf p. 145, parameter plan CD4.2 and View J CD10.51 p. 56.
[377] Mr Adams' proof 3.3.7 page 31.
[378] CD4.11.
[379] Mr Smith xx.
[380] Mr Smith xx.
[381] CD6.2.1 policy SD1. In the WHS context, the focus is on the management of the built environment to ensure OUV is "*protected and enhanced*" while allowing the surrounding area to evolve: see LonP para. 7.2.2 at CD6.2.49.
[382] See *Barnwell Manor case* CD9.6 at [29].
[383] See Framework para. 199.

8.116 HE accepts that striking the planning balance in this case requires assessing a wide range of factors including the benefits of the scheme. It leaves that exercise to the Inspector and Secretary of State, but respectfully asks that the following further points are considered, along with its criticisms of the design process.

8.117 The first relates to claims by the Council and the Applicant that the GWCLPR[384] and the SALPR[385] either reinforce in policy terms why planning permission should be granted or demonstrate how change is coming to the area so as to support these proposals.[386] Neither assertion is true.

8.118 The Council has prepared these emerging plans to do the job required by the LonP and LP, reflecting the extensive assessment that was carried out to produce a Masterplan and Capacity Study[387] and a complementary Views Assessment.[388] The Review, in short, adopts[389] the heights recognised in the masterplan as appropriate.

8.119 The Masterplan assesses "appropriate heights" for numerous tested locations.[390] The Tesco site proposals comfortably exceed the greatest height identified as appropriate, by up to 14m.[391] The Homebase scheme diverges even more, by nearly 30m beyond the greatest height identified as appropriate .[392] Shoulder heights would also be substantially exceeded.[393]

8.120 The Masterplan advises that the heights it identifies do not represent a blueprint for the corridor. However, when it states that tall buildings "*should accord with*" specified guidance elsewhere in the document (as well as the views assessment), that guidance defines the role of focal buildings, clusters and landmarks.[394] The clusters are given appropriate height ranges,[395] the relevant one being cluster CL1 on the Tesco site which would be significantly exceeded by the proposals.[396] The views assessment includes recommendations after contemplating[397] a base option (storey heights of 7-12 storeys on the Tesco site, and 10-12 on the Homebase site) and then an increased height option (storey heights of 12-17 storeys on the Tesco site and 15-17 on the Homebase site). For the latter, it found a measure of visual impact for the Tesco site and "*distinct detrimental*" impacts for Homebase (a "moderate to less than major detrimental" impact on significance).[398] The recommendations were for lower heights than the increased height option,[399] and clearly diverged from the substantially taller development now being

[384] CD 7.2.1-7.
[385] CD7.1.1-2.
[386] Mr Smith 6.19 page 24.
[387] CD10.39.
[388] CD10.40.
[389] Policy P1 (CD7.2.7) and GWC5 (CD7.2.5).
[390] Policy HC2 part D (CD6.2.49)
[391] Mr Stroud 4.3.4-4 page 10; see CD10.39 p. 150 showing heights of 53.5-65.2m AOD where the Tesco scheme proposes heights of up to 73.9-79.8m AOD ranging from 1-17 storeys.
[392] Mr Stroud 4.3-4 page 10 and 4.9 page 12; cf CD10.39: p. 150 showing heights of 46.4-49.4m AOD where the Homebase scheme proposes heights up to 46.5-78.55m AOD (4-17 storeys).
[393] CD10.39 p. 137 refers to a range of 12 to 24m.
[394] Section 7.7.5 pp. 15-6.
[395] Section 7.7.6 p. 156 et seq.
[396] See p. 152 and 159.
[397] See pp. 32-3.
[398] See p. 34.
[399] P. 34: 9-14 storeys for Tesco, 8-10 for Homebase.

proposed, particularly the Homebase scheme. The detailed views assessment recorded the different height scenarios and, when considering Syon Park,[400] considered the appropriate heights acceptable, but notably after balancing impacts against the regeneration benefits of the corridor.[401]

8.121 The upshot of this analysis is that, by accepting the Masterplan (prepared by independent urban design experts) the Council rejected the principle of increased heights more closely akin to what these applications propose, even when the potential regenerative benefits were in contemplation. Moreover, the Masterplan reached these conclusions without considering views from the Thames Path, or the full range of views within Osterley Park (or Kew WHS) being considered at this Inquiry.[402]

8.122 Draft Review policy P1 supports development in the corridor "*by delivering*" building heights that are consistent with the detailed work underpinning the masterplan. It does refer to development which has been "*subject to site specific testing to determine capacity, scale and massing, to ensure it responds to the area's sensitive heritage…",* but this is all to achieve the delivery of these heights in specific locations. The Tesco site proposals go well beyond the CL1 cluster heights. The Homebase scheme would be much taller than even the focal buildings and local highpoints, which are in any event shown in completely different locations .

8.123 It would subvert the purpose of the policy, and its underlying evidence base, to conclude that heights substantially greater than those identified would comply with it, particularly where such heights were proposed in different locations where any "*site specific*" testing would not matter. The same conclusion is true for emerging policy GWC5, which in its drafting sets out the same heights and states that development should "*accord with these heights",* "*subject to and dependent upon site specific testing*". Again, this cannot be read as allowing any heights to come forward, as that approach would divest any meaning from the heights it identifies. The qualification relating to testing is a recognition that those heights may not be achieved, rather than anticipating much greater heights simply where these are tested through an application.[403] There is nothing then in this emerging policy which supports the schemes. The proposals would plainly conflict with how emerging policy anticipates these sites being developed, whatever may come forward elsewhere as the Opportunity Area develops.

8.124 The emerging policies have reached examination stage and there is no suggestion by either the Applicant or the Council that they are inconsistent with national policy. Mr Stroud accepted that they cannot be given the weight of adopted policy. Even so, they should be given more than limited weight as emerging policies weighing against the proposals. Moreover, they have been prepared following an evidence-based assessment by independent experts. They have been accepted by the Council, which rejected the notion of an increased height option similar to the proposals. They can only count against

[400] SP1-3 in Syon Park pp. 101-113.
[401] p. 105. See too p. 108.
[402] CD pp. 116-9 (Osterley Park) and pp. 41-99, including pp. 66-9 at the Syon Outlook (Kew).
[403] LonP policy D9 also provides that appropriate locations "and appropriate tall building heights" should be identified on maps in development plans. The Council presumably seeks to meet this policy requirement rather than leave acceptable heights to effectively be determined on an ad hoc basis.

these schemes in the planning balance. The Council's own evidence base reinforces the concerns about the heritage harm held in prospect by these applications.

8.125 The second point is that the Council policy objectives for the Opportunity Area, including housing delivery, can be achieved without building at the proposed heights. This is now accepted by the Council.[404]

8.126 The context here is that, for the purposes of the LonP, London is considered as a single housing market area, where "*strategic planning allows for all land use needs to be planned for with an understanding of how best to deliver them across the capital*". The vehicle for delivery is that individual boroughs then provide for the housing targets set for them in the Plan.[405] The Opportunity Area designated under that Plan[406] has an indicative figure of 7,500 homes which is part of meeting the Hounslow target. This has fed through into the preparation of the Great Western Corridor Plan Review[407] and Site Allocations Plan. Policy in the Review refers to the detailed work in the Masterplan[408] which identifies that the corridor has a potential development capacity of 8,287 homes, including 1,034 on the Tesco site and 373 on the Homebase site, totalling 1,407 homes.[409] These figures are followed through into the Site Allocations Plan.[410] This can be compared with the 2,150 proposed in these applications (1,677 on the Tesco site, and 473 on the Homebase site on top of a relocated Tesco store).

8.127 This all suggests that an alternative form of development, at lower heights thereby resulting in less harm, would still enable the Council to meet its policy objective of providing for an indicative 7,500 homes in the area.

8.128 As the Applicant now accepts,[411] there is no evidence of its team considering the sites together to deliver Masterplan-based development which could mitigated the harm caused by the proposals.

8.129 Thirdly, the Secretary of State will be aware of other decisions where development affecting RBG Kew WHS has been approved despite the concerns of HE and others including Kew Gardens, and Historic Royal Palaces, as well as ICOMOS. As advisory body to the World Heritage Committee, ICOMOS has already warned the government that the proposals in this case "*are not the first to be problematic vis-à-vis views from the World Heritage property*".[412] They record "*growing concern*" that measures and assurances in the various policy and guidance documents produced by UNESCO and the UK are "*proving to be in vain".* This is so despite the bespoke preparation of policy HC2 in the LonP. They add that recent decisions by the local planning authority "*effectively mark the abandonment of any meaningful tall buildings policy*," recognising how tall buildings at Brentford and the east end of the Golden Mile have already caused harm to highly significant landscapes in the vicinity.

[404] Mr Smith xx.
[405] CD 6.2.5 4.1.2 page 158. The Hounslow target for 2028/9 is at Table 4.1 p. 163: 17820.
[406] Policy SD1 CD6.2.1.
[407] See CD7.2.2 4.22 pages 42-3.
[408] CD10.39.
[409] P. 109.
[410] CD7.1.1 (Tesco, 1030), CD7.1.2 (Homebase, 370).
[411] Mr Roberts xx.
[412] ID2.34

Allied to its objection to this proposal,[413] these concerns are serious. They should be given significant weight in the consideration of the proposals, in circumstances where these application sites open the prospect of new harmful impacts. Moreover, emerging Hounslow policy illustrates the development pressures that will continue to be applied in the setting of Kew Gardens.

8.130 We respectfully ask therefore for the most careful assessment of how heritage interests are to be placed on one side of the scales, set against a rigorous consideration of whether the benefits of the schemes in this part of London can clearly and convincingly be justified as greater.

9. THE CASE FOR OSTERLEY AND WYKE GREEN RESIDENTS' ASSOCIATION (OWGRA) (RULE 6 PARTY)

9.1 This is set out in full in the evidence before the Inquiry.[414] What follows is a summary based on the case as presented in closing.[415] It is important that all the evidence is considered in full in order to gain a proper understanding of the case. Other than where specifically noted as *Inspector's Note*, the footnotes in this section of the Report containing supplementary submissions reflect the Applicant's closing submissions, as opposed to any findings of mine.

Introduction

9.2 The Ward Councillors and London Assembly Member have all unequivocally objected to the proposals and spoke on the first day of the Inquiry, as did two heritage experts, Paul Velluet and Dr Sarah Rutherford, and Keith Garner on behalf of Kew Gardens. Local residents and young mothers, Mandy Donaldson and Monika Ulan, spoke about the problems of frequently not being able to get on local buses with their children in buggies because buses are full, and about severely stretched facilities like doctor's surgeries, nurseries and playgrounds. Mrs Ulan contacted us at the end of March and provided first hand evidence of the waiting list for swimming lessons at Isleworth Baths, currently comprising 480 children, and the inability to access an NHS dentist anywhere locally.

9.3 Paul Engers presented the results of a survey he conducted among the residents of Oaklands Ave who have concerns about traffic, overshadowing (particularly at the southern end of Oaklands Ave) and air pollution during 10 years of construction. George Andraos of the Wyke Estate spoke about the community spirit on that estate, consisting of 179 houses and flats on an area roughly half the size of the combined Tesco and Homebase sites, yet containing less that one twelfth the homes proposed across those two sites. It is one illustration, among many, of the incompatibility of these developments with the local built environment on the grounds of their scale and density. He also spoke of the inability of local infrastructure to support such huge developments. Tony Firkins of the Green Party expressed concern over environmental matters and the scant attention paid to the Climate Emergency.

9.4 We strongly dispute the assertion from the Applicant in its opening statement that *"There is agreed to be (subject in some instances to contributions to be*

[413] Entirely conjectural attempts to downplay this objection on the basis that the author had not read all relevant documents or visited the site, are misplaced.
[414] ID1.4, ID1.14. ID1.19, ID2.5, ID2.37 and ID2.70
[415] ID2.70

delivered through s.106 obligation) sufficient underpinning infrastructure to enable the schemes to function well without detrimentally affecting the wider context in terms of public transport, education, leisure, healthcare, emergency services or water supply" [416].

9.5 OWGRA's original concerns and objections were set out in a letter dated 20 September 2021 to the Secretary of State. It is significant that many of OWGRA's concerns were echoed by the independent DRP. OWGRA believes that a fundamental problem has been created by the Applicant's and Council's drive to maximise the number of flats on the two sites, regardless of their impact and effect on both the surroundings and the quality of life of future residents.

9.6 The twin crises of the pandemic and summer heatwave emphasise our points that inadequate space to cope with increased home working, and poor ventilation, need to be given much more recognition. It is our view that this has not happened during this Inquiry. All informed opinion suggests that we can expect more pandemics and heatwaves in the future.

9.7 Our Opening[417] confirmed that we have never opposed the principle of development on these sites. We said that redevelopment must provide housing that fits in with the area's residential character and heritage, and also meets Hounslow's housing needs. Residents should be guaranteed access to adequate public transport, local infrastructure and utilities, as required by planning guidelines and vital to a healthy and happy existence.

9.8 During the Inquiry, the Applicant has tried to get more support for these schemes[418] but we heard of people being approached who were very opposed to them. In one instance a letter of support was supposedly sent by someone who had never agreed to that happening. The Applicant's Facebook page also sought support but most of the comments on there were negative. Over 800 letters of objection to the proposals were sent to the Council, in contrast to fewer than 30 letters of support. There can be no doubt that the proposed developments are overwhelmingly opposed by local residents.

9.9 After the resolution to approve the planning applications, and before they were referred to the Mayor of London, OWGRA started a petition, opposing the developments and requesting the Mayor of London, and later the Secretary of State, to overturn the decision. In less than three weeks, almost 4,500 signatures were collected.

9.10 Whilst OWGRA expressed many concerns to the Applicant during the consultation process most were, and continue to be, ignored. Despite repeated requests for a 3D model, the Applicant failed to provide one. As a result, we commissioned one from a professional model maker. On the penultimate day of the Inquiry, the Applicant questioned the accuracy of the model but could not substantiate the criticism. Although OWGRA replied to the

[416] ID2.1
[417] ID2.5
[418] ID2.48

Applicant's questions about the model on 20 March 2022, no further correspondence from them was received.

9.11 During the consultation we asked on numerous occasions to be present during meetings with TfL to convey our concerns about transport and traffic, but nothing happened. It was a surprise therefore, when the Applicant said in opening that, *"the evidence in this case shows the lengths to which the concerns of local people have been recognised and taken into account".*[419] Nothing could be further from the truth.

9.12 Even requests made during the Inquiry have been brushed aside. For example, we requested a condition, should the development be approved, relating to a trolley management system for the new store, as we are seeing a growing problem of discarded trolleys from the current Tesco Extra in our area. We have also asked for lighting at Syon Lane station. Both requests have been ignored.

9.13 The Secretary of State's five principles from Spring of this year were said to be at the heart of the new approach to housing, namely *'Beauty, Infrastructure, Democratic control, Environmental enhancement and Neighbourhood protection'*. He stated that *"… they can ensure that we have the right homes in the right places where people welcome them. Local people will be partners in making the places they love better and more beautiful, not pawns in a speculative game."*

Character and Appearance

9.14 The proposed developments must respect the local context, including its historic heritage. They should also be sensitive in scale to the surrounding built environment. OWGRA maintains that the bulk and height of 16 tower blocks (up to 17 storeys) on the two sites would be in stark negative contrast with the character of the surrounding area. They would dwarf and dominate the historic and residential buildings nearby. As clearly illustrated in the TVIAs from MSE and OWGRA's 3D model, they would give rise to a negative impact on the character and context of the area.

9.15 There have been no changes of any substance to the pre-application design in relation to the height and bulk of the buildings, which could have helped to address local concerns. Significantly, neither site is identified for tall buildings in the LP. Despite this, the Applicant wishes this lack of identification to be given "*limited weight*". The Inquiry heard evidence that the fundamental concerns, expressed in the second and final DRP report[420], were not addressed, contrary to LonP policy D4.[421]

9.16 During the roundtable session on character and appearance, OWGRA referred to a density comparison table of recent developments in the Borough[422]. These are on similar suburban sites to Tesco and Homebase, with low PTAL rather than the more employment-led, higher PTAL rated sites of Citroen and

[419] ID2.1
[420] CD3.12
[421] CD6.2.27
[422] ID1.14.20

developments in Brentford quoted by the Applicant. The high density of 314 homes/ha proposed for the Tesco and Homebase sites, compared to 17 homes/ha in Osterley and Spring Grove ward, and 53 homes/ha on the Wyke Estate (diagonally opposite the current Tesco site), would make for an extreme and unacceptable step change in comparison with most of the surrounding built environment.

Protecting Heritage

9.17 Council Officers, the Council's heritage witness (Mr Froneman) and the heritage witness for the Applicant (Dr Miele) recognised that the proposals would result in a degree of harm to the setting of designated heritage assets. However, the Inquiry heard from Mr Roberts that the Applicant did not explore an alternative scheme to avoid harm to the heritage assets, as required in LonP policy D9.[423] The Inquiry also heard how the Council's position changed from one of "*less than substantial harm*" to a number of heritage assets, to recognising "*no harm*" at all.

9.18 We heard from Mr Patel, the architect for the Homebase site, that despite the concerns of the DRP about the impact of the development on Syon Park, the design team increased the height of the tallest towers (from 16 to 17 storeys on building B1, from 14 to 15 storeys on buildings B2-B3 and from 11 to 12 storeys on building A).

9.19 Mr Roberts acknowledged, during cross examination, that the proposed heights do not accord with the emerging Local Plans.[424] The witness for the Council, Mr Smith, acknowledged that the proposals are in partial conflict with LP policy CC3[425], which requires the Council to identify sites for tall buildings. The LP does not envisage tall buildings away from the Golden Mile frontage. As such, the Tesco scheme conflicts with the Policy.

9.20 It was put to Mr Smith that the proposals exceed the appropriate heights, as defined in the GWC Masterplan[426]. Mr Smith argued that the building heights, defined in the Masterplan and in the GWC View Assessment[427], were only *"indicative heights"*, subject to view testing.

9.21 It was also put to him that the Council has already identified development capacity for the GWC Opportunity Area to provide 7,500 homes[428]. It has identified that 8,287 homes can be built in the GWC using the minimum site allocations. Therefore, there is no need to exceed the appropriate heights for the application sites to meet LonP GWCOA housing targets[429]. Mr Smith stated "*Yes, I think that this information shows that there is a way of delivering the minimum requirement of 7,500 homes at lower heights*". LonP policy D9 requires Boroughs to identify suitable locations for tall buildings and "*determine the maximum height that could be acceptable*"[430].

[423] CD6.2
[424] CD10.39
[425] CD6.1.13
[426] CD10.39
[427] CD10.40
[428] CD10.39
[429] CD7.2.2
[430] CD6.2

9.22 The Applicant acknowledged that there is a *"degree of conflict"* with LonP policy D9[431], as neither site is identified for tall buildings within the adopted LP. The Applicant claimed this conflict is reduced, as the sites are identified for development in the emerging Development Plan[432]. However, only the Tesco site has been identified for a possible cluster of mid-rise buildings in the emerging plan[433]. Mr Roberts acknowledged that the Homebase site was not identified for a cluster of tall buildings.

9.23 OWGRA maintains that a smaller scheme, at lower heights and density, would enable the developments to sit in harmony with the surrounding built environment and would avoid harm to the heritage assets. The independent DRP came to the same conclusion[434].

9.24 For details of heritage evidence, we defer to the Closing Statement of HE.

Homebase site

9.25 In his proof[435], Mr Patel claimed full compliance with LP policy CC1[436], which requires that developments respond appropriately to the context and character of the sites, and policy CC3[437] on tall buildings. However, he accepted in cross examination on day 2 that there was an abrupt change in scale from building B to the neighbouring commercial buildings to the east of the Great West Road, and that the proposals did not reconcile any change of scale between the industrial and residential areas. He also agreed, that building B1 does not need to act as a gateway building, as the Gillette building and tower already perform this function.

9.26 He claimed the aim of the scheme's design was to celebrate the significance of the Grade II Listed Gillette Building[438]. In reality, the Homebase and Tesco developments in combination, would undermine the landmark role of the Gillette building.

9.27 It was put to Mr Patel that there was no positive design rationale to locate a 10-storey building (building C) opposite two-storey residential homes to the east and that there was no design rationale for such an extreme change in scale. Mr Patel had no answer to this. He did concede that there are no buildings of a similar scale in the vicinity of the application site. When discussing the emerging context[439], he referred to the Albany Riverside and Citroen developments, but neither of these are within the vicinity of the Homebase site.

9.28 Mr Patel claimed that there are plans for other high buildings immediately to the east of the site, yet he was unable to produce any evidence for this. In fact, there are no plans for tall buildings in the southern section of the Great West Corridor in the emerging plan[440].

[431] ID1.7.2
[432] CD 7.1.1, CD 7.1.2, CD 7.2
[433] CD10.39
[434] ID1.14.22
[435] ID1.5.2
[436] CD6.1.11
[437] CD6.1.13
[438] CD1.5.2
[439] CD1.5.2 (Section 3.10)
[440] CD10.39

9.29 In conclusion, the Applicant is unable to demonstrate compliance with LP policies CC1 and CC3.

DRP position on the Homebase scheme[441]

9.30 The importance of the DRP process is emphasised in LonP policy D4, which requires schemes to consider and address DRP recommendations. The Inquiry was told that, during the final assessment, the DRP still had fundamental concerns about the scheme. The DRP recognised that, although the Applicant had made some changes, *"the design evolution has focused on mitigating these issues, rather than solving them. Ultimately, we still believe that the brief to accommodate a Tesco Superstore of equivalent size to the existing, located on the opposite side of the road, on this site, has made it virtually impossible for you to achieve a scheme of the quality that you and Hounslow are aiming to achieve here."* There is no evidence that the Applicant addressed these concerns.

9.31 9.31 The DRP found the public realm would be constrained to the edges of the site and there would not be sufficient space to accommodate the movements of 1,200 new residents walking to and from Syon Lane station. The 7 and 10-storey blocks fronting Syon Lane would appear too crowded together, resulting in a lack of adequate space for residents to take full advantage of the podium gardens. The DRP found there is too much development proposed above the podium. The cramped conditions between the built elements would not provide the space to dwell. The site is exposed to high levels of aircraft and traffic noise and air pollution. OWGRA agrees with the DRP that open spaces on the podium would be unusable for most of the year due to adverse environmental conditions[442].

Tesco site

9.32 With 81% of the proposed new 1,677 homes being studio and one and two-bed flats, it is difficult to see how the development would become the 'mixed community' Heart of Osterley claimed by the Applicant. It is far more likely to be a dormitory for those working along the GWC and wider area. There are not enough larger family homes to encourage people to 'make roots' and for it to become the heart of the area.

9.33 This is in contrast to the existing 'heart' of Osterley. A flourishing community requires diversity to ensure its success. Osterley comprises mixed housing of different styles and types - it is loosely centred around the shops, restaurants and services in Thornbury Road, Osterley Library and Jersey Gardens in St Mary's Crescent, St Mary's Church and the children's nursery in Osterley Road, and Osterley tube station. It includes the Thistleworth Tennis Club and Isleworth and Syon School, all within a five-minute walk for some 4,000 or more residents.

9.34 The proposed 'community hubs' on the Tesco site, The Clearing, The Meander and the Water Gardens, would be far too small to serve the number of people living there. The Water Gardens, where half the space is under water, would also be used as a walking and cycling route by 1,200 students attending the

[441] CD3.12
[442] ID1.14.22

Bolder Academy. Even at weekends, more than half of the 4,000 or more residents would be expected to be able to use the open space allocated. This number of people, in such a limited space, can create dangerous conditions, similar to those in a crowded tube carriage. The Clearing next to the proposed pub might safely take 100-150 people, assuming some sit and some stand, and The Meander up to 60-70 standing close together. The Applicant's drawings only show some 12 people wandering through The Water Gardens. This impression of space to roam would not be the reality.

9.35 This reinforces concerns that the proposals would constitute an overdevelopment of the site. A smaller development would make the community hubs more useable and appreciated, not only by new residents, but also by those of us already here. The DRP expressed the same concern that: "…*the open spaces are too small for the scale of the scheme and the size of both the Meander and the Clearing feel minor in comparison to the height and bulk of buildings"*. Mr Adams, the architect of the Tesco scheme disagreed. He said *"In this country we often create public spaces that are often too big"* so, he did not address the DRP's criticism.

9.36 LP policy CC3 expects tall buildings *"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"*[443]. When questioned, Mr Adams (the architect of the Tesco development) did not explain how buildings F, G and H, that would rise to 73m AOD and overlook Oaklands Avenue (part of the Osterley Conservation Area), could be sensitive in scale to the 2-storey houses on Oaklands Avenue. It was put to Mr Adams that the residents of Oaklands Avenue would lose their view of the Gillette Tower. When Mr Adams was asked if this development would provide a positive contribution to Oaklands Ave, he replied *"it is a change".*

DRP Assessment of the Tesco scheme[444]

9.37 The DRP report concluded: *"… we still feel that the overall amount of residential accommodation is too great for the site and will affect the ability of the development to achieve its place making objectives." "There is concern about the unremitting nature of development, characterised by ranks of buildings with sizeable footprints, and its impact on the wider townscape. The fly-through animation indicates that there isn't a balanced relationship between ground, built form and sky, which is necessary to prevent the development feeling overbearing to the human scale. Although we are supportive of how the design distinguishes between taller elements with lower linking blocks, we note that these blocks are themselves still high, and feel that there is still too much development for this strategy to be successful." "We would urge you to look again at your masterplan and consider if smaller forms of buildings that are not connected, are more appropriate."* At the Inquiry, Mr Adams conceded that the recommendations of the DRP were not taken on board and that its fundamental concerns regarding height, massing and overall quantum of development, were not addressed.

[443] CD6.1.13
[444] CD4.11

9.38 There are material differences in the design of the two sites. The materials for the Tesco site and the block-style buildings fit with the Gillette and NatWest Bank buildings, though given their height, at three to four times that of the Gillette and NatWest Bank buildings, they would appear alien and out of proportion. The buildings proposed at the Homebase site would be much taller and bulkier than anything else around them and the glazed, curved corner building would be strongly out of character with the immediate built environment.

9.39 In conclusion, OWGRA remains of the view that 16 blocks of buildings of up to 17 storeys, across the two sites, would cause harm to the Osterley Park Conservation Area. The proposed 'infilling' of the skyline would dwarf and dominate the suburban and historic surroundings. In particular, the Area of Special Character, comprising the Northumberland Estate, immediately to the west of the Homebase site, would be seriously undermined by close proximity to the tall buildings. The view of the sky would be severely curtailed by the silhouette of the developments rising well above the skyline. The developments would cast long shadows over the area[445].

9.40 The new Access Storage building on the south-western corner of the Great West Road and Syon Lane is five storeys and in line with the Great West Road Corridor Opportunity Area, in which it sits. Local residents would find similar heights acceptable for the Tesco and Homebase developments:

- They would not compete for dominance with listed buildings in the area, especially the Gillette Tower, and the proposed brick facing of the buildings on the Tesco site would complement the Tower.
- Lower building heights, deeper set-back and more generous space within flats, could resolve the overly high density of the sites and provide a better quality of life for future residents.
- If there were fewer residents, they would be able to take better advantage of the small areas of open space proposed.

MSE TVIA Evidence[446]

9.41 The Inquiry heard from our expert witness, Mr Mike Spence, of MSE. Mr Spence is a leading independent consultant in TVIAs and photovisualisation (PV) with wide experience in photography, surveying and geographic information systems. He has helped develop the 'industry standard' for PV. His work regarding tall buildings aims to show accurately what the scale and massing of developments would look like.

9.42 He gave evidence on 18 March 2022 and showed that some of the Applicant's photographic views are misleading. They fail to show that the developments would be seen above the tree line from Syon Park and Osterley Park. Mr Spence presented photographs, 3D modelling and visualisation work produced in line with current Landscape Institute (LI) guidance.

[445] ID1.14.25
[446] ID14.1-ID14.14

9.43 He produced a set of 15 Accurate Visual Representations (AVRs) for the Inquiry[447], as we had concerns about the accuracy and detail of some of the PVs produced by the Applicant. We were also concerned that visualisations from important viewpoints had not been provided. Mr Spence stated that the reason for his visuals was to present "*a balanced objective view, trying to bring transparency to the whole process"* so that *"the Inspector gets a balanced view as to what is actually in front of them. That visualisations should be fit for purpose and capable of being verified."* He gave his evidence on the technical methodology using open-source LIDAR data and accurate camera positioning, describing how his work complies with current guidance.

9.44 Mr Spence highlighted some shortcomings in the use of lenses by the Applicant. This was of particular relevance in Viewpoint 7 (renamed Viewpoint L) taken from Osterley Park[448]. He stated that in its scoping opinion the Council *"said a 24 mm tilt shift lens should not be used, probably down to the work that MS did with the Council on tall building strategy. AVR London chose not to follow (this) request." "If AVR London had been using a 50 mm lens and following the guidance I would have a lot more confidence in what AVR London have done. But they haven't and I'm staggered that AVR London and ARC refused to come and face me eye to eye at an Inquiry."* Quite clearly, the images should have been produced at a much larger size with greater detail to make them helpful to the assessment.

9.45 Mr Spence stated that many viewpoints had been taken unnecessarily "*they should have been dropped before scoping; they are included in the TVIA and it's a major error… to have so many viewpoints with no view of either (development)"*. Furthermore, as the buildings proposed would be seen from many kilometres away, such as Richmond Hill and Harrow-on-the-Hill, viewpoints from these locations should have been included.

9.46 Mr Spence criticised the Applicant's overshadowing work: "*It is important in terms of impact on local residents. There are going to be a lot of residents impacted… and it didn't seem to me that was coming through at all in either of the TVIAs. The areas of concern should be properties on Syon Lane and Oaklands Avenue."*

9.47 Mr Spence produced visualisations to fill in the gaps in the evidence. He said that more views were needed from Syon Lane and further south along Oaklands Avenue. He was critical of the conclusion that the visual impact on residents on Oaklands Ave,[449] would be beneficial, *"I am quite staggered that that could be a beneficial change on these sensitive residential receptors."* He also stated that having gone through the Applicant's documents "*There were no adverse visual townscape impacts that I found. There were some adverse impacts during construction, but after completion everything was either beneficial for the local residential areas or neutral for the historic assets. TVIA has to be objective, balanced, convincing in terms of understanding what the impact of these large developments is going to be on sensitive heritage assets.*

[447] ID1.14.14
[448] CD10.51
[449] ID1.14.26 Figure L18

I didn't feel there was any balance in recognising the adverse effects of this kind of development on residents and impacts on these historic assets."

9.48 He stated that the visualisations that he had produced *"are the kinds of visualisations I'd be expecting… of their presentation….., of the scale of these buildings."* Figures K12-K14 in Appendix K to our evidence[450], which give a better idea of the scale of the building, had not been provided by the Applicant.

9.49 Mr Spence compared his visualisation of the so-called 'Canaletto View' from the Thames Path with that of the Applicant. He showed that the views submitted by the Applicant of Syon House from across the river minimised the mass of the development rising above the roof line of the House. He stated that LIDAR data should have been used for this image, which shows that the developments would be visible above and adjacent to Syon House. *"AVR London have had four attempts at this view. I've challenged them that this is going to be visible, and they've actually come back and agreed it is going to be visible."* It was suggested that the Applicant's Canaletto View visualisations were correct, and that Mr Spence's were not accurate, but throughout, Mr Spence robustly defended his approach and stated that there was limited or no evidence regarding the Applicant's methodology.

9.50 Mr Spence gave examples of good and poor visuals submitted by the Applicant. He was critical of the confusing use of colours outlining the developments. Some of the visuals were presented in too small a size to understand what is being shown, and some were taken in the wrong location. He stated that Viewpoint 8 (Figure L24) was a very good, rendered image *"It's very good what AVR London have done here. If this could have been replicated for all the close viewpoints with a 50 mm lens, which they say they've used here, then you wouldn't have me involved in the Public Inquiry."* Viewpoint 14 (Figure 25) now includes the Homebase site whereas it wasn't in the original documents submitted as part of the planning application: *"This is one of the problems with these visualisations, there's a lack of consistency. AVR London have updated the visualisations, a lot of them have changed, they're not the same as the ones in the original TVIAs."*

9.51 In summary, Mr Spence demonstrated that AVR's choice of camera lens, the scale of the reproduced images, fields of view, viewing distances and approach to presentation did not follow any recognised guidance, are potentially misleading, and unsuitable as the basis for planning decisions. The TVIA produced by ARC for the Applicant was far too basic and lacking in objectivity to be considered fair for such important townscape development.

9.52 We say the proposed scheme will have far reaching adverse townscape and visual impacts which have not been properly examined and presented by ARC, and consequently not by AVR.

Housing Mix

9.53 Disagreement about the housing mix regarding the need for larger family homes (LFHs) i.e. those with three or more bedrooms, for the two developments was not resolved during the Inquiry. During the Inquiry

[450] ID1.14.25

discussion, and in papers presented to the Inquiry, there was conflation of "family homes" (two or more bedrooms) and LFHs. For the avoidance of confusion, this section is specifically concerned with the latter. LFHs, are a specific category in the LP's targets and it is these with which we are concerned.

9.54 Hounslow has:

- a clearly established problem of overcrowding[451],
- identified a growing demand for larger family homes[452],
- admitted that in recent years it has failed to build sufficient larger family homes[453], and
- set target levels for LFHs across different tenures in the LP[454].

9.55 The LFH targets in the LP are significantly below the need identified in the Council's housing analysis (over 50%) summarised in Figure 35, page 53, of the Strategic Housing Market Assessment Update, October 2018[455]. If Hounslow is to tackle its overcrowding it must, at the very least, meet the requirements of the LP policy SC3, summarised in Table SC3.1[456].

9.56 Variation from these targets may sometimes be appropriate for small developments of a specific type. But in that case the pressure on other developments to meet the overall strategic minimum will increase. The targets of the LP will not be met if it is accepted that a very large-scale development of 2,150 homes need not meet the default targets. As OWGRA told day 1 of the Inquiry, the Council recognises that Hounslow has a serious overcrowding problem. It is also clear that this development falls far short of its strategic targets for LFHs.

Housing Mix Discussion

9.57 During the Inquiry, David Pavett summarised OWGRA's concerns as: Hounslow (1) has a serious problem of overcrowding, (2) has identified a need for around 50% of new homes to be LFHs, (3) the LP sets the strategic target for LFHs at around 30% (according to tenure) and (4) Table SC3.1 sets the default levels which should only be changed on the basis of evidence.

9.58 Various responses were given for the Council and the Applicant by Messrs Smith, Nutt, Booth and Roberts. They argued that an exemption from LP targets was justified on the following grounds:

a) Even if the LP target percentages were not met, a "substantial" number of LFHs would be provided; and,

b) We should not focus just on percentages because "absolute numbers" were also important.

[451] CD10.41
[452] CD10.41
[453] CD6.1.3
[454] CD6.1.3
[455] CD10.43
[456] CD6.1.3

Neither of these argument works. They confuse absolute numbers and percentages. A very large development can provide significant numbers of LFHs while falling far short of strategic targets.

c) That Osterley has a higher ratio of LFHs than the rest of the borough.

This makes no sense unless combined with information showing that the borough is exceeding its targets for LFHs elsewhere, enabling strategic targets to be met overall. Nothing to this effect was claimed. Moreover, the implication is that the developments would be part of an exercise in levelling down the housing mix to bring it closer to that of the rest of the borough!

d) That the lower levels had been agreed with the Council on the basis of the evidence.

This argument fails because, if there were such a publicly available document, it would have to be accessible. An FOI request yielded only that no specific information was being provided because, it was claimed, the document sought was already in the public domain. It gave links to the Inquiry documents and the Officer's report to the Planning Committee . However, Mr Roberts had told the Inquiry that the document was not included in the Inquiry materials. Furthermore, the Officer's report could not be the document requested. At best it could only report on such an agreement, which it does not do. Thus, an extensive search for the alleged public document has produced nothing. It is therefore reasonable to conclude that it does not exist and that claims made to the Inquiry as to its existence and location were incorrect. We conclude that there is no formal document recording an agreement, or the evidence used to establish it, on the provision of larger family homes below the default levels given in policy SC3.

Furthermore, it is difficult to imagine what such evidence would look like. The ability to negotiate variations for individual developments must be *within the Framework* of the strategic targets of the LP. If some developments undershoot the target, then others must overshoot it. This is particularly the case for developments on the scale proposed for Tesco/ Homebase for which the undershoot is so significant.

e) The application conforms to the LonP for housing mix.

This argument fails because the quantification of needs in question is determined locally and is not set by the LonP.

f) Recent data had shown an increased demand for 1 and 2-bed units.

This argument is ineffective since no data or analyses were provided to show quantitatively how current strategic targets needed to be modified.

g) Generally, the development provided well for all the various size needs.

This is mere assertion.

h) Building with a higher level of one and two bed homes is acceptable near town centres, in high PTAL areas or near a station.

This development is not near a town centre and it does not have a high PTAL. It is near Syon Lane station, but guidelines are to be used in combination with

intelligence. The stations served by the line, together with the capacity and low frequency of the trains, are such that it cannot be considered to overcome the problems of inadequate local transport connections. Guidelines should be interpreted in the light of local intelligence.

9.59 Hounslow is not meeting its targets for LFHs. Mr Booth told the Inquiry *"I reject entirely that the Council is failing to meet its targets."* However, in the Council's Housing Strategy 2019-2023[457], we read *"Most new homes built in Hounslow between 2010 and 2017 … were typically one or two-bedroom properties, leading to a decreasing proportion of family-sized properties between 2010 and 2017".* Also *"… housing delivery in the last strategy period remained skewed towards small properties…"*.

9.60 It is also important to note that the LonP section on housing mix requires that *"Boroughs are encouraged to set out the preferred housing size mix (for all tenures) as part of a site allocation."*[458]. As far as we can ascertain, Hounslow did not do this for the Tesco and Homebase developments. The Planning Statement for Tesco even claims that the LonP advises Boroughs not to set targets for different tenures[459]! This is directly contradicted by the above statement from the LonP.

9.61 It is also claimed in the Tesco Planning Statement[460] that the GWCLPR *"represents a significant change from the [housing mix] proportions given in the adopted Hounslow Local Plan".* In fact, that review merely reproduces Table 1 from the Strategic Housing Market Assessment Update, October 2018[461] and says that this table gives *"The required housing size and mix …".*[462]. The proportion of LFHs in Table 1 is, as we pointed out during the Inquiry, even higher than that of Policy SC3 in the LP[463].

9.62 In the Tesco Planning Statement[464], the unit sizes are based on *"St Edward's assessment of demand for this type of accommodation in this location"* but provides no evidence used for that assessment.

9.63 At no point in the above-mentioned documents is evidence presented as to why the proportion of LFHs in the Tesco and Homebase developments should be significantly below the strategic targets of the LP.

Conclusion

9.64 The proposed development is very large. Failure to reach strategic targets will impact negatively on Hounslow's attempt to deal with overcrowding. The long-term effect would be to perpetuate the borough's overcrowding problem. Since no good reasons and no objective evidence for this have been provided to justify proportions of LFHs significantly below the default levels in the LP, we believe this should be sufficient reason to refuse the application.

[457] CD 10.41
[458] CD 6.2.10
[459] CD 2.2, para 8.1.2, 8.1.3, 8.1.6 and 8.1.7
[460] Ibid para 8.1.7
[461] CD 10.43
[462] CD 7.2.2, para 4.21
[463] CD 6.1.3
[464] CD2.2 para 8.1.6

Roads and Transport

Roads

9.65 OWGRA has made repeated requests for the TfL traffic scenario information, which to date has not been provided. We say it is vital for the Inspector to have this because it is important to corroborate TfL past statements that the Gillette Corner Junction is up to capacity and needs major re-design to accommodate any new developments.

9.66 A concern was raised at the roundtable discussion about the traffic modelling during rugby matches at Twickenham and its effect on Gillette Corner. Rugby away coaches and general traffic use Syon Lane/Spur Road as part of the rugby match day route, as do football (and other sporting events) at the new Brentford Community Stadium. In response, we were told that it didn't matter, as these were 'occasional' events. We challenged this given the number events scheduled at these venues and their impact on both the local road network and limited rail capacity at Kew Bridge station.

9.67 The discussions also covered the negative effect of the proposed signalised junctions in the vicinity of the Homebase site, and in particular the impact of vehicles leaving the new Tesco store at peak times such as Sunday afternoons. Again, no detailed modelling scenarios were presented. Again, we say these are matters the Inspector will need to consider.

9.68 With respect to the westbound bus stop on the Great West Road, it was accepted that, to accommodate a potential new bus route which would turn right at the Gillette Corner junction, the bus stop would need to be relocated some 40m further east. The Applicant failed to explain how this extra 40m distance could be considered convenient to passengers. No consideration was given to the impact on the mobility-impaired and those with more than one day's worth of shopping.

9.69 Far from making the bus stop more accessible, it would do the exact opposite. This is further evidenced by the fact that the proposed improvements to the cycle lane on the south side of the Great West Road would take up the existing footway width necessitating the relocation of the bus stop further east. This would also be required to enable buses terminating at the new bus stand on Syon Lane (if the E1 bus is extended there) to safely cross three lanes of traffic to enable them to turn right at Gillette Corner. This was not disputed by the Applicant.

Absence of traffic modelling on Northumberland Avenue

9.70 The Council acknowledged, during the roundtable session, that the proposed developments would have an impact on residents living around Northumberland Avenue (across the road from the existing Homebase). The Council stated that the anticipated traffic in Northumberland Avenue has not been modelled, as part of the traffic around the critical Gillette Corner junction.

9.71 This again illustrates OWGRA's concern that matters have not been looked at carefully and not to the level required to enable permission to be granted.

Cycling improvements

9.72 During the roundtable discussions, the Applicant asserted that improvements would be carried out to link the development with the proposed CS9 route on the A315 London Road. However, no proposals were tabled for Spur Road, with the only proposals shown being for the northern part of Syon Lane, leading up to the existing Tesco store. The proposed improvements to cycling on the Great West Road are limited to a partially off-road cycle route on the south side as far as the Syon Lane junction. After that, cyclists would have to re-join the main carriageway.

Gillette Corner subway

9.73 The Applicant claims that the developments would fund improvements to lighting and to the general appearance of the subway. However, during the transport roundtable discussions, it was confirmed that improvements detailed in the Section 106 agreement were capped at £136,000. These would also include funding for public realm works around the subway from the route to/from Homebase and Tesco. We believe that this contribution is only capable of funding a modest set of improvements, not what is needed to mitigate the impact of the development.

Public Transport

9.74 Before the Inquiry OWGRA felt that there is a lack of adequate public transport provision to serve the two proposed developments. The Inquiry process has not provided the assurance that our concerns have been resolved. The Inquiry needs to be satisfied that the necessary mitigation would be effective.

9.75 9.76 What we do know is that:

- Public transport connectivity is currently at the lowest end of the PTAL scale (PTAL 2, with 1 and 3 in the outer margins), whereas large-scale high-density developments like these require public transport connectivity at the highest level, at or close to PTAL 6b, as prescribed by LonP policy D3[465];
- the Great West Corridor Transport Masterplan October 2020[466] identifies the lack of public transport connectivity as a major constraint affecting development across the GWC Opportunity Area, particularly at the western end, where these two developments are proposed. It also identifies the need for two new public transport connectivity packages, incorporating additional rail infrastructure and bus services, that are essential to remove this constraint and unlock development potential;
- LonP policy SD1[467] states that the enabling infrastructure required for the Great West Corridor Opportunity Area is classified as 'nascent', i.e. its feasibility (including affordability) is not yet proven, and not classified as 'planned', which puts it in a much less advanced category than 'planned and funded';

[465] CD 6.2.26
[466] CD 10.39
[467] CD 6.2.1

- In response to OWGRA's questions at the Inquiry about the absence of any certainty regarding funding and delivery, no detailed response was given during the roundtable discussion.

9.76 The Applicant's evidence is that the present public transport provisions are adequate for the proposed new residents (estimated at up to 6,500). The H91 service, which runs along Great West Road, is already frequently full not only during weekday rush hours but also at weekends. The Applicant claims only one extra bus service is needed to link Osterley to Ealing Broadway, a 35-minutes plus journey, but has failed to provide any detailed evidence for this claim.

9.77 This does not answer OWGRA's objection that the critically necessary connectivity infrastructure remains unfunded, with no certainty about funding for the foreseeable future. At no point has any evidence of public transport modelling been provided to support the case for the predicted trip generation, including at weekends.

9.78 During the Inquiry, the Applicant and the Council failed to respond to the following fundamental issues, which are key areas over which the Inquiry needs to be satisfied:

a) How the conclusions of LBH and TfL in their GWC Transport Masterplan, October 2020[468] could now be ignored, i.e. that major investments in rail infrastructure and bus services are critically needed to unlock and enable development across this Opportunity Area. This applies particularly to the western end where the PTAL is very low, and where these large-scale high-density developments are proposed.

b) Why the developments should be exempted from LonP policies D2, D3 and D4[469], which dictate that large-scale, high-density developments require public transport connectivity at the highest level, at or close to PTAL 6b[470]. Also, that development density should be proportionate to the site's public transport connectivity and accessibility, such that lowest PTAL can only support lowest density (Policies D2 and T4)[471].

c) Where is the evidence that existing public transport services (South Western Railway, two bus routes and the Piccadilly Line) have the spare capacity to accommodate the additional demand from up to 6,500 additional residents? These services are already at capacity and congested during peak working hours and school times, following the impact of all the recent housing developments before one gets to Osterley. The upgrading of the Piccadilly Line infrastructure is unfunded and has been shelved indefinitely. This is a prerequisite for unlocking the full capacity of the new Piccadilly Line trains as it would provide a 60% increase in capacity. Conversely, the Applicant's proposed additional ticket gate at Osterley station does nothing to increase the capacity on the line. Getting inside a station is not the mitigation that is needed. Getting on a train is. Osterley station is at least a 25-minute walk away

[468] CD 10.39
[469] CD 6.2.25-6.2.27
[470] CD6.2.26
[471] CD 6.2.25 and CD 6.2.27

from the two sites. This demonstrates that the Applicant's public transport modelling and assumptions lack the necessary rigour and therefore credibility.

d) Despite repeated requests from OWGRA, the Applicant and the Council failed to provide clear and verifiable evidence about their consultations with the transport authorities, to demonstrate that the infrastructure and services have the capacity to cope with up to an extra 6,500 residents. No such documentary evidence was posted by the Applicant or the Council in the Library of the Public Inquiry. The Freedom of Information route did not yield any documents on this subject, other than a response from Network Rail's Asset Protection Team, which is concerned only with physical impacts from works such as piling and excavation of the proposed developments on their infrastructure – nothing to do with rail route capacity.

e) Officers gave assurances to the Planning Committee that the critically necessary rail and bus connectivity packages would be funded and delivered to support and enable these developments. However, during the Inquiry they back-tracked on this, claiming the connectivity packages are no longer considered necessary, just "*nice to have*", and that the existing PTAL, with the addition of one bus service, would be sufficient.

9.79 The Applicant's claim that the existing low PTAL plus one extra bus service is enough for up to 6,500 additional residents is clearly unjustified and misleading. We believe it is not possible to permit these two large-scale high-density developments without the timely provision of the necessary rail infrastructure and bus service packages that LBH and TfL have identified as necessary. To do so would cause harm.

9.80 OWGRA believes that, if approved, the proposed schemes would constitute a gross overdevelopment. LonP policy T4[472] states that *"where … existing public transport capacity is insufficient to allow for the travel generated by proposed developments, and no firm plans and funding exist for an increase in capacity to cater for the increased demand, planning permission will be contingent on the provision of necessary public transport and active travel infrastructure".* For this reason alone, these applications should be refused.

Environment and Living Conditions

Climate Change, Zero Carbon and Carbon Offset

9.81 It is disappointing that the developments would not be zero carbon. To reach net zero, the Applicant is proposing to make up the substantial shortfall by paying into a carbon offset fund. Carbon offsetting should only be used as a last resort when all other possibilities have been explored. No evidence was presented to the Inquiry about what alternatives were explored, if any.

[472]CD 6.2.40

Single Aspect Units

9.82 OWGRA has argued from the beginning that there were far too many single-aspect homes, contrary to LonP policy D6[473]. This fundamental issue was not resolved during the Inquiry and remains a significant matter if the Council is to achieve its stated objective of ensuring that all homes are of high quality[474] *"To provide a choice of high quality housing for people at all stages of their lives at prices they can afford"*.

9.83 During the roundtable discussion we were told by Mr Roberts that the Applicant had gone "*far enough to minimise the number of single aspect homes*". The Hounslow DRP clearly did not think so and criticised the high proportion of single aspect units (35% on the Homebase site and up to 50% on the Tesco site). The Inspector asked what the proportion of single aspect homes had been when the DRP first reported and by how much it had been reduced. Mr Roberts did not provide an adequate answer.

Overheating/Mechanical Ventilation

9.84 This summer's heatwave has shown that it is cooler to stay indoors and prevent hot air coming in by shutting windows and closing curtains/blinds. During the roundtable session we expressed concern that during hot weather overheating will be exacerbated, particularly in single aspect homes, as mechanical ventilation will pump more hot air into those homes. To prevent overheating, additional energy-intensive air cooling would be required. No solution was proposed to deal with this problem, which would result in significant and recurring higher energy bills for the 166 single aspect homes and 128 'semi-dual' aspect homes on the Homebase site, and at least 750 single aspect homes on the current Tesco site, all of which would rely on mechanical ventilation.

9.85 Mr Roberts, for the Applicant, said he could not provide a technical answer, so the problem of overheating remains an unsolved major issue, affecting comfort and fuel efficiency, contrary to LonP policy D6[475]. The inevitable result will be to increase future energy bills for those residents. The Applicant suggested that the heat wave was an "*exceptional*" circumstance and that the proposed buildings would be acceptable in normal circumstances. However, all the evidence, including Climate Change data, points towards current "exceptions" becoming more frequent and intense. As we all know, Climate Change is real, and not just a one-off.

Daylight/Sunlight/Overshadowing

9.86 During the Inquiry, Mr Roberts acknowledged that *"there is a degree of reduction in light that largely relates to the low density of the existing sites and the density of the development then proposed"* but that this was then subjected to further analysis of how much light people are left with "*to come to a proper balanced judgement about the quality of light those properties will enjoy in the future.*" Our concerns relate to some of the properties in

[473] CD 6.2.29
[474] CD 10.41
[475] CD 6.2.29

Northumberland Gardens, Syon Lane and Oaklands Avenue and they were not satisfactorily addressed during the Inquiry, especially as it has proved difficult to access all the data. The Inspector stated that she had noticed that not all of the Environmental Statement was in its complete form in the Core Document library[476].

Air Quality

9.87 We remain concerned about the level of air pollution at Gillette Corner. Mr Rusby, for the Applicant, rejected the use of the Breathe London data from its monitoring unit at Gillette Corner on the grounds that its instrumentation did not meet reference standards. We understand the point, but we regret that the Council has not installed reference standard equipment at this very busy location, which residents have been requesting for some years.

9.88 Mr Smith for the Council claimed that the pollution levels at Gillette Corner were within the UK limit values and that this was indicated by the monitoring equipment which Mr Rusby said was near to Gillette Corner. Specifically, he claimed that the Busch Corner monitor was one such. The problem with this is that, as reported to the Cabinet in London Borough of Hounslow Air Quality Annual Status Report for 2021 (published 31st May 2022), Busch Corner is one of the few monitoring points showing a yearly exceedance of the nitrogen dioxide (NO_2) limit (40 µg/m^3) at 44.1 µg/m^3. The report for the previous year also shows an NO_2 exceedance at 40.5 µg/m^3 even during the partial shutdown due to the pandemic.

9.89 The Busch Corner junction is important but very much smaller than that at Gillette Corner, where the throughput of traffic is several times greater. We respectfully ask the Inspector to consider, in the absence of compelling direct measurements, if the NO_2 pollution at Gillette Corner is likely to be less than that at Busch Corner. The potential development of the Gillette Building as a film studios, ultimately employing some 2,000 people, can only add to Gillette Corner's traffic throughput.

Amenity Space

9.90 During the roundtable discussion about amenity space, we stated that there is a shortfall of 1,600 sqm at the Homebase site and 4,343 sqm at the Tesco site. Mr Smith for the Council said that the standards for amenity space are not fixed minimums, that there is flexibility, subject to design, and that "*The design is of a high quality in that context, and we thought that was acceptable.*" Nevertheless, there is still a shortfall in amenity space as set out in policy SC5 of the LP,[477] which gives benchmark standards for amenity space.

9.91 Mr Roberts stated that private amenity space is compliant with the LonP except for 12 flats on the Homebase site. He stated that "*the communal amenity target is not … rigidly applied to developments that are of a higher density where they're optimising the capacity of the site of this nature.*" So, there is a shortfall of amenity space compared to the benchmark standard.

[476] **Inspector's Note**: Only extracts from the respective Environmental statements were originally included in the Inquiry Library. The full suite of documents that comprises the Statements were handed up to the Inquiry (ID2.40.1-ID2.43.16 (Homebase) and ID2.44.1-ID2.45.21 (Tesco))
[477] CD 6.1.15)

9.92 Mr Roberts stated that there are public open spaces close to the sites. Syon Park and Boston Manor Park are 11 and 14 minutes' walk away respectively from Homebase, and Jersey Gardens is 14 minutes' walk from the Tesco site, so these spaces are not exactly on the doorstep, thus depriving families with young children and senior citizens of adequate access. All other parks are more than 15 minutes' walk away.

9.93 In our Proof of Evidence on Green Space[478], we show that there would be a significant shortfall of 474 sqm on the Homebase site of play space for children and a deficit of either 94 or 538 sqm on the Tesco site. The Applicant and Council have not provided an explanation for the different figures given in different documents[479].

9.94 Provision of roof-top amenity areas would be counterproductive to levelling up, as access assumes that residents of affordable homes could pay the higher service charges dictated by the increased costs of maintaining such areas . The higher maintenance costs were acknowledged by the Applicant and the Council. Furthermore, noise of aircraft every 90 seconds heading for Heathrow over the Homebase site roof-top amenity area would make it not fit for purpose. The Applicant has provided no solution.

9.95 Covid 19 has highlighted the critical need for adequate open green spaces. The Applicant has failed to recognise and plan for these needs, particularly as the two developments were being finalised during the pandemic. This is hugely disappointing, because a scheme of this scale and nature should be leading by example, as many in the sector are now doing. By way of example, British Land is providing generous and easily accessible areas of green spaces at its London sites.

Summary and Conclusion

9.96 The form, height, scale, massing and density of the proposed developments, with up to 16 blocks, some reaching 17 storeys, would be totally out of character with the area and would dominate the nearby low-rise buildings. This fact was demonstrated by the 3D Model and professional photos, commissioned through OWGRA's modest resources, and corroborated during a two day accompanied site visit led by the Planning Inspector.

9.97 The proposed developments fail, by a large margin, to meet the objectively assessed housing needs in Hounslow. The Borough requires considerably more larger family homes (three and four-bed homes), not more studios and overcrowded one and two-bedroom flats. The make-up of the proposed developments is that over 80% of the flats would be studio and one and two-bedroom.

9.98 The applications conflict with planning policy in key and fundamental areas, particularly relating to building high density developments in areas with poor PTAL.

9.99 The public transport provision in the area is already way beyond its capacity. Long queues at bus stops result in long waits for buses with available capacity.

[478] ID 1.14.9
[479] CD 2.2 and CD 4.4

The new H91 buses only have capacity for 81 passengers, compared to the previous 89. The tube is already packed from 07.00 at Osterley. It has not been demonstrated how public transport will serve and support the needs of these proposals.

9.100 One of the Council's stated aims is to build high quality homes. However, it chose to ignore the serious concerns raised by its own DRP. Substantial weight needs to be given to this.

9.101 We say these developments should demonstrate learning from the pandemic and changes in our climate. The types and quality of accommodation, as well as the quantum and usability of the outdoor areas, are now more important than ever before. However, the proposals fail to demonstrate any innovation or forward thinking. This is a missed opportunity and the failure or refusal to innovate must not be accepted.

9.102 These developments would cause permanent harm to local heritage assets, primarily Gillette (the Grade II listed building), and create irreversible harm to strategic views from Kew's Royal Botanic Gardens, Syon Park and Osterley Park.

9.103 The harms would outweigh the benefits.

9.104 For all these reasons, we ask these applications be refused planning permission.

9.105 In May 2022, the Secretary of State, announcing his plans for levelling up and housing stated the following:

> *"You've had dormitories, not neighbourhoods. So… beauty, infrastructure, democracy, environment, neighbourhood. People have been resistant to developments because far too often you've had numbers plonked down simply to reach an arbitrary target. Too many new homes have been ugly, shoddily constructed and of poor quality. Identikit creations plonked down without regard to the shape and character of existing communities. Many new developments have not been accompanied by the investment in infrastructure required alongside. So schools, GP surgeries and roads have become increasingly under pressure and existing residents' quality of life suffers. And all of this has meant that instead of creating and enhancing neighbourhoods we have seen dormitories planted in the wrong place in the wrong way. So we are giving local communities the ability to prescribe the design of new homes, and I will use my powers to enforce high aesthetic standards on new developments. Some of our big housebuilders, used to imposing their wishes on communities, may baulk."*

9.106 We totally concur with these comments of the Secretary of State.

9.107 Whilst the principle of development on these sites is accepted, any redevelopment must provide housing which not only respects the area's residential character and its heritage, but it must also meet known local housing needs.

9.108 All residents should be entitled to a healthy and happy existence. This requires guaranteed access to adequate public transport, the necessary local

infrastructure and utilities. A suitable replacement for the Tesco site would be a 21st century equivalent of the local Wyke Estate, with plenty of houses, and low-rise blocks of flats (up to six storeys) to match the height of the nearby Grade II listed Gillette building, with generous open spaces.

9.109 We respectfully request that the planning applications be refused. Only a refusal would allow a high quality development to come forward and create opportunities to enhance the area and provide new residents with the type of accommodation which meets their direct and immediate housing needs. Only a refusal will send a message that building a cohesive community is important.

10. THE CASE FOR OTHER PERSONS APPEARING AT THE INQUIRY

10.1 A number of other oral and written representations were made during the Inquiry. The names of those who spoke at the Inquiry are listed at the end of this report. The main points of the speakers are summarised below.

Nicholas Rogers AM[480]

Heritage

10.2 Osterley Park, Syon Park and the Royal Botanic Gardens, Kew are of national and international significance. They are critical heritage assets, not just for the city, but for the entire country and would be damaged to a high degree by this development. There is a reason that such assets are protected in the National Planning Policy Framework. They help contextualise London's long and varied history and, through their unchanging nature, they provide an element of continuity, certainty and comfort to residents and visitors.

10.3 Walking through Kew and Syon, one experiences Capability Brown's work, in the context of the Arcadian Thames, directly as he intended. Largely uninterrupted by the 21st Century, it really is akin to walking in the very footsteps of those who came before us. Such an experience is increasingly rare in London, with The Gardens Trust noting that this is an 'undamaged' stretch of the Arcadian Thames. It would be a tragedy if this were to be irreparably damaged by the visual intrusion of the development proposed.

10.4 There are many policies in place to protect London's heritage. In particular, LonP policy D7, which seeks to ensure no harm to strategic views; policy D9, which requires that development cause no harm the 'outstanding universal values of the WHS'; and Policy HC2, which requires that a Heritage Impact Assessment be carried out where there is the potential to impact a World Heritage Site. It is very surprising, to say the least, that no such Assessment was carried out for this development. On damage to London's heritage assets alone, there is enough evidence for these applications to be refused.

Character

10.5 The area around the development sites is predominantly low-rise interwar housing. The Grade II listed Gillette Factory is a forthright example of the red brick Art Deco style, which is reflected by the surrounding housing, mostly 1930s, semi-detached, family homes. The proposed development comprises

[480] ID2.16

16 blocks of flats of up to 17 storeys in height. Only 1% of the units in the proposed development would be houses. This is completely out of character with the neighbourhood and would change it beyond all recognition.

10.6 The development does not comply with LonP policy D9, which mandates that tall buildings are built only in areas identified as being suitable for them. The development exceeds the maximum heights stipulated in the LP.

Housing Needs

10.7 The Council's Housing Strategy identifies problems of overcrowding in the Borough, with the biggest need identified as larger family homes. Only 14% of the homes in the proposed development would have three or more bedrooms and only 1% of the homes would be houses – clearly no more than a token effort.

10.8 Other needs are not met by this proposal. Public transport provision to the site is poor and is unlikely to improve in the foreseeable future. The existing PTAL rating is 2, which means that the area is ill-equipped to serve a development of this magnitude.

Conclusion

10.9 The community in Osterley understands that these sites will be developed and are supportive of the principle of development. Understandably however, they want something that will enhance their community, not detract from it. The development as proposed would change the local area irrevocably. This Inquiry represents the last chance to prevent harmful development in Osterley. It is a serious situation. Heritage assets of international value are at risk of significant and irrevocable harm. The only return would be a development that is out-of-character of with the area, is contrary to numerous local, regional and national policies and does not deliver the family homes the area needs.

Councillor Louki[481]

10.10 As the sites are within an Opportunity Area, some form of development is welcomed but the balance in this situation is askew. We have numerous concerns about infrastructure, traffic, transport, housing heights, size, mix and design.

10.11 Osterley and Spring Grove Ward currently has just over 13,400 residents. The proposals would increase this by almost 50% without the required capacity to cope. The developments are too big, the equivalent of landing something with a population the size of Frimley here in Isleworth. They are the largest applications ever seen in such a small geographical space anywhere in the Borough. The developer has jumped the gun, submitting the applications even before an Inspector was appointed to examine the revisions to the LP.

Views

10.12 The impact of the development schemes needs to be considered not just in terms of views from the Thames, Osterley Park, Kew and Syon Park, but also as seen from the surrounding residential area, including views of the Gillette

[481] ID2.7

Tower from hundreds of homes around the Great West Road and from its approaches. There would also be loss of open aspect to and from the Grade II listed Centaurs RFC Pavilion.

Transport

10.13 Transport and infrastructure are significant concerns at these sites, with TfL having continuing reservations about both, but particularly the Homebase scheme. The developer talks of average PTAL but TfL has assigned a PTAL of just above 1 in Osterley. The Transport Assessment stated that most of these sites are at PTAL 2 but might, after many unfunded and descoped projects, become a PTAL 3. However, further proposed cuts to South Western Railway services would cancel out any forecast improvement.

10.14 When travelling by tube in a normal year from Osterley Station or Boston Manor, commuters are familiar with waiting at the platform trying to board London-bound Piccadilly line trains, with each one arriving at full capacity. That base line is estimated to increase, with the potential of 4,000 more people travelling towards Waterloo from Syon Lane.

10.15 There are no guarantees for the referenced and promoted train schemes. There is no TfL money for the previously vaunted West London Orbital. With any DfT resource now being allocated northwards, the proposed Southall Link to Crossrail is destined to remain a household waste and aggregate service.

10.16 Public transport use at present is at a record low, and more people are driving. A Grampian Condition, similar to other large development proposals, such as at the Old Kent Road sites which cannot be fully built out until the Bakerloo Line extension starts, is something we believe should be of merit if permission were to be granted.

10.17 Whilst the developer speculates that Covid outcomes may reduce transport usage, TfL already predicts transport numbers will be more than the pre-Covid baseline in 2025. This scheme, if approved, would begin to be occupied at that point yet this later modelling has not been considered. Traffic reports were carried out in pre Covid scenarios. Car use has shot up dramatically in the past year, so this modelling no longer paints an accurate picture of the local road network and its air quality.

10.18 The Applicant's traffic studies talk of much longer queues to access sites on the Great West Road than are observed at present and suggest that the impact on the local road network may be significant. TfL has significant doubts about the suggested number of servicing trips for this site, leaving neighbours, residents, pedestrians and other road and footway users with potentially illegal and dangerous on-street servicing of the proposed store.

10.19 Limited car parking at these development sites will force occupiers to park in neighbouring roads, impacting on existing residential amenity. It is not acceptable that current residents should have to experience long hours operation of controlled parking zones in a few years' time because of poor planning today.

10.20 Whilst welcoming the proposed cycle storage spaces are welcomed, the existing cycle lanes along the Great West Road are such that it is not safe to

cycle there, through busy and already dangerous junctions with poor air quality at present.

10.21 The proposed subway painting and lighting is no substitute for pedestrian safety, nor the convenience of surface crossings of the A4 that residents and workers at Sky HQ have clamoured for over the years.

10.22 Should the Secretary of State be minded to approve these applications, more stringent conditions are required, not least bringing forward the Access Review before any further work is done. Additionally, there should be no occupation of either site until completion of public transport improvements and renewals in the Great West Corridor Opportunity Area, namely the Piccadilly Line upgrade, the West London Orbital, Great West Road bus improvements, the Southall Rail Link and installation of TfL and Hounslow Highways junction works at Gillette Corner, Wood Lane, Busch Corner and Thornbury Road.

Design and Layout

10.23 The DRP was critical of both schemes but the identified shortcomings it identified have been ignored by the developer. The Panel was certain that, for such a huge amount of new housing, "*the Tesco footprint compromised the ability to provide good enough public realm"*. They saw no clear vision for the two sites, nor a commitment to improve the crossing at Gillette Corner. The Panel maintained its concerns about limited and unmanageable amenity space and safety, and was particularly concerned with how potentially unsafe the cut throughs between blocks are likely to be.

10.24 More than 27% of the units on the Homebase site are described by the DRP as '*semi-dual aspect*', giving rise to concerns as to quality and the way anyone would be able to maintain comfort living in such accommodation.

10.25 However they are presented, these developments would be seen as adjuncts to the Northumberland Estate, Syon Lane, Oaklands Avenue and the Wyke, not the eastwards facing Great West Corridor. This is because of the area's largely residential nature, which has little in common with the rest of the stretch to Chiswick Roundabout. Various iterations of the LP have been consistent in stating that there should be no developments higher than six stories by the 1930s developments, or of more than 10 storeys within the Great West Corridor proper. We appreciate that there is significant housing pressure, meaning local wishes cannot always be fully met. However, the dis-benefits of this current scheme outweigh the limited number of positives and the scheme should better reflect local wishes at these key sites. We hope that the evidence presented at this Planning Inquiry will confirm what many other ordinary folk already know, that very high buildings do not make for sustainable and peaceful communities.

Conditions for Existing Residents

10.26 We are very concerned about the impact of these schemes on the occupiers of existing properties at Northumberland Gardens, opposite Homebase, and at Rothbury Gardens and Hexham Gardens. Each maisonette there would be overshadowed and each would have windows affected, all by at least 20% and some by as much as 40% and more. Along with limiting light to more than a quarter of potential new properties, the ten-storey height and bulking of the

development would darken the living rooms and bedrooms of existing residents.

10.27 If permission is granted, conditions are required to secure a Construction Plan guaranteed not to disturb residents on Northumberland Estate, Syon Lane, Jersey Road, Wyke Estate and Great West Road.

Infrastructure/Housing Need

10.28 The developer cites the 15-minute neighbourhood without any proper or researched evidence. Osterley tube station is 22 minutes away, Boston Manor 32, the nearest doctors 25-30 minutes. The nearest dentists are 18 minutes away and are all over subscribed. In 2025 no councillor would honestly be able to tell their constituents why they cannot get a GP appointment or school place because this scheme did not provide the proper infrastructure.

10.29 There would be a significant shortfall in the required amenity space at the Homebase site, of just under 5,000 sqm. This under-provision is considered acceptable purely because of the need to fit in a supermarket. This is too much in too small a place, to the detriment of future occupiers. Some 2,370 sqm of play space should be provided for 240 children, but much less than that is proposed. Strangely, the developer considers it acceptable to make up provision over half a mile away, on the other side of the railway track, in Brentford End.

10.30 There has been no discussion with the local Councillors or residents on any amenity needs or suggestions for legally agreed community provisions arising out of these developments. Although it is suggested that the Community Infrastructure Levy will help pay for the services required to compensate for shortfalls in transport, health and recreational provision , this is aspirational and is often not realised in practice.

10.31 For the Homebase site, the CIL payment is quoted as £11.1 million for Hounslow and £4.2 million for Greater London. That is not sufficient to pay for safe, healthy and sustainable neighbourhoods. For the Tesco site, payments of £21.2 million for Hounslow and £9.3 million for Greater London are estimated, but this would be piecemeal and not guaranteed.

10.32 The planning obligations should endow an upfront fund of not less than £3m to support an independent Osterley Sports Network Community Interest Company to develop and maintain sports and recreation in Osterley and Spring Grove Ward much closer to the Tesco site - £1.5 million to support improvements to Jersey Gardens and £1.5 million for Osterley Park.

10.33 Most people are now in the market for bigger units to allow for working or recreating from home, with the scheme being developed long before this shift in work lifestyles. The high density proposed needs to be properly justified and balanced in the context of recent new builds and pipeline approvals elsewhere in the Borough.

Conclusion

10.34 There could be alternative, more in-keeping schemes, but these have not been considered by the Applicant. Without real and proper infrastructure available for the proposed development densities, this cannot be considered as

sustainable development. These applications should be refused because of non-compliance with the current and operational Framework, the LP, amenity, impact on neighbouring properties, inadequate and unguaranteed traffic and transport management, no direct contribution to rail improvements, lack of larger homes and lack of amenity and inadequate alternative space.

Paul Engers[482]

10.35 The Borough is failing to provide sufficient family sized homes for rent or purchase and large, brownfield sites such as these should be spearheading the requirement for such properties. The proposed development would not resolve any of the key requirements for our Borough.

10.36 The Oaklands Avenue community is stable, with an average tenancy of 19 years. The bucolic environment of this verdant suburbia has encouraged many young families to choose Osterley and Wyke Green as an idyllic location in which to raise their families; some of those parents have decided to stay on and enjoy their retirement, appreciative of the area's relative peace and easy access to several London parks.

10.37 We have significant concerns with the potential impact of traffic congestion if the development were to proceed with a corresponding increase in ward population of more than 40%. Residents are aware of the curbs imposed on parking spaces at Syon Lane North but believe the new residents will most probably bring their vehicles and attempt to park in our neighbourhood. The significant increase in traffic over the past decade has seen the introduction of a Controlled Parking Zone in Oaklands Avenue. More than half of respondents indicated concern that the development and associated increase in traffic may have unintended consequences for the safety and security of pedestrians, particularly school pupils. The establishment of two new secondary schools in the immediate vicinity has already compounded a pre-existing traffic problem.

10.38 More than 80% of tenants were concerned about the number of new residents and cannot comprehend why such vast numbers are required. There is also a belief that the development would set a precedent for future inappropriate developments in low-rise suburban communities across the Borough.

10.39 Air pollution is a primary concern. The huge scale of the construction compound, dust and particulates associated with demolition and construction over a 10-year period has created uncertainty for the residents of Oaklands Avenue. With the exception of the ward councillors, they do not understand why Hounslow has neither listened to their concerns nor acknowledged their grievances. They feel that this process is a fait accompli, with only the minutiae to be decided between Council and Developer in private discussions.

10.40 Noise, both during construction and after completion, is a significant concern, especially for the Tesco site given an overall build period of around 10 years. There are grave concerns over the effect this disruption would have on the health and wellbeing of our community. There is also significant concern over the possibility of properties at the southern end of Oaklands Avenue, particularly from those residents whose properties back onto MacFarlane Lane,

[482] ID2.8

experiencing shadowing from the tallest towers on the Tesco site; over potential light pollution both during and after construction; and the existential threat to Osterley Park Conservation Area by high density development.

10.41 Several residents were concerned that the impact of such a high-density development would impact on their ability to move in the future.

10.42 There is also real concern over displacement of the not insubstantial local rodent population during construction from the Tesco perimeter to neighbouring properties. The water feature at the heart of Syon Lane North may also become more popular with the resident rat population.

10.43 Some neutral and positive comments were received. Whilst all were against the developments, one referred to the possibility of less traffic on Syon Lane North with relocation of the Tesco store. Another thought funding should be provided for a swimming pool for the increasing population and another thought the development may bring in public investment.

George Andraos (Director Wyke Gardens Estate)[483]

10.44 Residents on the Wyke Gardens Estate fully support OWGRA and the detailed arguments put forward demonstrating that the proposals are unsuitable and unsustainable for both sites.

Conservation Area

10.45 The estate occupies about the same space as the Tesco site and comprises 179 dwellings. We have a great community, largely as a consequence of the varied mix of accommodation on the estate (studio flats, one and two-bedroom flats, town houses and three and four-bedroom houses). Some houses have also been successfully converted into high quality multi occupancy accommodations. So, anybody can find a place to live on our estate.

10.46 The estate falls within the Osterley Conservation Area and generations of Directors have worked hard to preserve its character since it was built in the 1980s. We spend around £40,000 a year on gardening alone, most of which goes towards maintaining a public footpath running through the estate between Syon Lane and Wood Lane, which is used by many school children and locals. We put huge effort and resources in to maintain the semi-rural character of the area for all passers-by to enjoy.

10.47 The 17 storey blocks proposed on the Tesco site, on the edge of our estate and on the edge of the Conservation Area, would undermine what we have worked so hard to preserve for so many years. It would be impossible for current and future Directors to maintain the character of the estate when one is simply looking up at very tall buildings covering the skyline. The development would invalidate the Conservation Area, ruining its surroundings.

Loss of Tesco/Parking Spaces

10.48 Most Wyke Gardens estate residents walk to the existing Tesco. Moving it to the Homebase site will affect many residents, forcing increased car use. Another concern is the loss of parking on the existing Tesco site for the two

[483] ID2.13

local schools, but specifically the Nishkam school where most of the parents travel by car. Loss of the car park means that our estate would become a drop-off zone for many desperate parents.

Overdevelopment

10.49 The architectural concept and massing of both schemes is out of scale for this suburban environment. The tower blocks, particularly on the Tesco site, would effectively create the slums of tomorrow, due to their height, massing, density (closeness together) and lack of daylight. The plan for both the Tesco and Homebase sites demonstrates a distinct lack of basic planning and lacks key features such as a focal reference point to aid orientation for users and visitors. The arrangements for servicing so many flats would be unrealistic.

Infrastructure

10.50 Only last week a fire broke out on the 17th floor of a block of flats in Whitechapel and it took 15 fire engines and 125 firefighters to extinguish it while debris was falling. This is just one example of the impact these huge block of flats would have on resources, resources which are very scarce in the current economic environment.

10.51 These slums of tomorrow would become a huge burden on already overstretched policing resources. Not a single car or decent working bike is currently available to our local safer neighbourhood team to visit our ward. We currently don't have the necessary infrastructure to support this unrealistic increase in population, from congestion on our small village-like lanes (Syon and Wood Lane) to public transport, GP surgeries and primary schools.

Conclusion

10.52 We are not against development and acknowledge the need for housing, but we are for sustainable mixed housing of up to six storeys. Why can't we build places that resemble our estate? Why can't we build sustainable housing while preserving the character of our area and within its infrastructure capacity? Why have we not learned from the pandemic and lockdown that green and open spaces are essential? The spaces on our estate have provided a safe and healthy environment for the community. The proposals comprise over-development on a massive scale, the creation of slums and non-sustainable housing. They are the opposite of what we need.

Dr Sarah Rutherford (The Gardens Trust)[484]

10.53 Three RPGs of national, and in the case of Syon and Kew, international significance, will be affected: Osterley Park (Grade II*), Syon Park (Grade I) and part of the RBG Kew WHS Buffer Zone) and the RBG Kew (Grade I and WHS). Statutorily listed structures of the highest significance forming key elements of these designs would be particularly affected. At Syon: the Grade I Syon House; the Pepperpot Lodges; and the London Gateway. At Kew: the Grade I King's Observatory; and Grade II Isleworth Ferry Gate. At Osterley, the Grade II Lodges.

[484] ID2.9

10.54 Our initial assessment of the clear inaccuracy of the Applicant's TVIA (December 2020) has been confirmed and amplified by analysis of specially commissioned verified photographic views prepared by MSE.[485] These views are submitted as part of evidence by OWGRA, Historic England and RBG Kew .

10.55 The applications will cause an unacceptably damaging, cumulative magnitude of harm to the views of, and from, three of the most important designed landscapes in England, and to key listed structures within those designs. These are unique, irreplaceable and highly significant heritage assets.

10.56 Despite 19th Century modifications, key 18th Century views survive to a great degree from the sectors of these sites which would be affected and are seminal to their character and significance. We have a duty to preserve their outstanding significances for future generations.

Level and Extent of Harm to Views

10.57 The level of harm that would be inflicted on three significant designed landscapes is unacceptable. The affected sectors of the settings are at present visually relatively undamaged. While the Gillette Tower is a later addition, visible in views from all three RPGs, it sensitively contributes to these historic views in form as a quasi-church tower.

10.58 Because of visual damage to sectors elsewhere at each site, these sectors are all the more valuable to the individual sites and key features within them. The location of the developments on high ground would have a worse effect than existing developments which are currently visible from these designed landscapes.

10.59 These views will be considerably damaged by night-time light pollution, which is surprisingly low at present.

10.60 The design ethos of the English Landscape Style, on which all three RPGs are based, is predicated on sequences of dynamic views. These are experienced by the visitor while in motion from successive viewpoints along integral ornamental routes, including drives and paths. Specific views identified are thus only samples of multiple successive views, as it is impossible within our resources to illustrate all the affected views. Numerous other views would be as badly affected.

10.61 Syon Park would suffer damage to its significant designed views and setting, additional to that which we originally identified from the current main drive. In particular, the view out over the Grade I Robert Adam main gateway (Lion Gate) from the former main (north) drive across the park and the park lake, survives as one of Syon's surviving iconic scenes of cattle in parkland.

Arcadian Thames between RBG Kew WHS and Syon Park Buffer Zone

10.62 This is the last, and most important, sector of Kew's Thames-side setting to survive undamaged. This reach of the Arcadian Thames, flanked by RBG Kew and Syon Park, has been celebrated nationally and internationally since the early 18th Century. In modern times, it has been identified by many scholars as being of key significance in the development of the English Landscape Style.

[485] ID1.14.11-1.14.17, ID1.14.25-1.14.27, ID1.19.1

Unfortunately, the high significance of the river as a cultural artefact, with the many aspects which combine to confer that high significance, is not recognised by a planning designation.

10.63 The significance of the dual works at Kew and Syon by Lancelot 'Capability' Brown, is that they are unique as a pair of landscapes linked in design terms in such a prominent and influential position. Each design draws on the other and the river setting as reciprocal borrowed landscapes.

10.64 Key views which survive without modern intrusion, or which can easily and beneficially be restored, would be damaged, particularly the internationally significant views of Syon Park from Kew and the riverside towpath. In particular, the outlook from the seminal 18th Century Capability Brown Syon Lawn across the Arcadian Thames to Syon House and Park, and from the Woodland Walk in the South Western Zone, through the tree screen from the south-east - the direction of the so-called 'Canaletto view'. Both are part of Brown's scheme.

10.65 The development would appear above the tree line forming the backdrop to both internationally significant landscapes and the Grade I Listed Syon House, which forms the main feature in Kew's borrowed views of Syon Park. These areas of Kew's setting possess priceless attributes, which contribute to the OUV.

Visual Mitigation is Impossible

10.66 Visual mitigation of the upper level above the tree line, affecting all three RPGs, is impossible and key views would be permanently damaged. The alien form and materials of the buildings would badly damage the Arcadian characteristics with an imposing modern intrusion. Any loss of trees would further expose the alien structures.

10.67 The trees forming the screen for the lower level of the structures in all three Parks are not a long term and sustainable solution. Screening relies on mature and over-mature tree belts remaining in situ on land over which the Applicant has no influence. Despite the Applicant's recent evidence on arboricultural matters for Syon, the retention of the vegetation affecting all three RPGs is not guaranteed and may not last long, given age, condition, increasing extreme and unpredictable weather events and pathogens. Replacement of screening trees affecting all three RPGs is not in the control of the Applicant to guarantee in perpetuity. Moreover, such replacement would not nor necessarily be historically or ecologically appropriate.

10.68 Replanting and views management in the three Parks should respect the 18th Century planting schemes. That planting has been supplemented and some cases overtaken by more dense screening which is historically inappropriate and, if removed for restoration purposes, would leave the development still more starkly visible.

Conclusion

10.69 This proposal would be unacceptable were it to damage only one of these landscapes. Our decades of experience as the statutory consultee for all nationally significant designed landscapes inform us that it is extremely rare, perhaps unique, that three highly significant designed landscapes containing

important key component features and structures would be affected to this degree by irreversible damage from a proposal. This would have a consequent highly damaging effect on the UK's national cultural heritage. The level of damage caused to the setting of three RPGs of exceptional significance is sufficient that, with reference to Framework paragraphs 199 and 200, the two applications should be refused.

10.70 With regard to paragraph 202 of the Framework, this proposal will lead to damage at least at the upper end of LSH to the significance of many designated heritage assets. The weight given to that harm is particularly high given the significance of the historic assets affected cumulatively. A previous Inquiry decision set out that, when a proposal affects a number of heritage assets, damage of LSH incurred by individual assets can, indeed should, be given more cumulative weight in the overall planning balance.

10.71 The overall public benefits in this case do not outweigh the harm identified by a weighty and nationally expert group of objectors, including The Gardens Trust, to this unique and irreplaceable ensemble of nationally and internationally significant heritage assets.

Keith Garner (on behalf of Georgina Darroch (Government Affairs and World Heritage Manager, Royal Botanic Gardens Kew))[486]

10.72 The fact that reasons of cost constrain Royal Botanic Gardens, Kew (RBG Kew) from participating in the Inquiry other than by written representations only, should in no way be interpreted as indicating a lack of interest or importance in the matter from its perspective. The matters to be raised are of the utmost importance to us.

10.73 RBG Kew has taken a close interest in the planning applications for the Homebase and Tesco sites due their potential impact on the south western parts of Kew Gardens, that up to now have been largely unaffected by modern development. The planning applications would damage the integrity of the WHS as referred to in the Statement of Outstanding Universal Value,[487] particularly given the high degree of interconnectedness between the Kew Gardens WHS and Syon Park, which forms part of the WHS Buffer Zone.

10.74 Kew Gardens has a formative relationship with the river, which has been a key influence for successive landscape designers. The intent has always been to increase the Arcadian and rural experience at the site, and so the relationship with the Thames has been carefully managed to maximise this atmosphere whilst the setting around Kew Gardens has historically changed. There are carefully controlled ground level views in and out of the gardens, predominately shutting out urban views to reinforce the sense of a rural, exotic and 'otherworldly' landscape. The expansive vista across the Thames, to the 'Capability' Brown designed Arcadian landscape and classical buildings of Syon Park, are one of the key instances where an external view has been opened up and visually linked, contributing to the character and design intent of the Kew Gardens landscape.

[486] ID2.10
[487] CD10.24

10.75 In terms of contribution to the OUV of the WHS, this vista includes the work of internationally famous landscape designers, illustrating significant periods in 18th and 19thcentury garden design, and the influence of the site in diffusing these ideas around the world. The relationship with the Thames at this point of the Gardens epitomises aspects of the English Landscape Garden movement which is a key contributing attribute to the WHS significance.

10.76 We very much support the case made by Historic England in the proof of Mr Stroud,[488] concerning the harm these applications would bring to that OUV. This harm is illustrated by MS Environmental in viewpoint 1 from within the Kew WHS, and viewpoint 2 from the Thames Path within the WHS Buffer Zone.[489] RBG Kew considers that both of these views contribute to the setting and OUV of the WHS.

10.77 We also point out that the applications, particularly Homebase, would be seen from parts of Syon Lawn. Moreover, the applications would be seen from all parts of Syon Lawn if the trees in the SSSI immediately opposite Syon Lawn were lost due to storm or disease. Both the Council's heritage witness Mr Froneman, and the Applicant's arboriculture witness, Mr Forbes-Laird, concede this point. RBG Kew lost approximately 15 trees in the February storms this year, alongside multiple trees receiving canopy damage. With recent studies having shown that climate change is driving a significant future increase in the occurrence of intense, slow-moving storms, the increased risk of tree loss in the future is a critical concern.

10.78 The Applicant's heritage witness, Dr Miele, states that we have made an opportunistic assertion concerning opening up a view from within the South Western Zone towards Syon House - the so-called 'Canaletto View' – and that this is not reflected in the current version of the WHS Management Plan. It is true that the current version of the Plan does not contain a specific policy concerning the re-establishment of such a view . However, the Plan is a working document.[490] Reviewing and prioritising potential enhancements to OUV is part of the regular monitoring cycle and key to our ongoing responsibility to preserve and promote the special interest of the WHS.

10.79 As it stands, Syon House can be seen through the tree screen from the Woodland Walk in the South Western Zone. The extent of visibility can be verified during the accompanied site visit. The fact that it has not been recently maintained as a view does not negate its significance or potential for establishment in the future.

Sally Smith (Hounslow Chamber of Commerce)[491]

10.80 Hounslow Chamber was formed in 1908. It has a database of 8,000 businesses in Hounslow and west London and has just under 500 members. We are the voice of business. The Chamber supports the two planning applications which would transform two underutilised brownfield sites, delivering up to 2,150 much needed homes, with 35% being affordable.

[488] ID1.11.1-1.11.4
[489] ID1.14.14
[490] Policy HC2 part D (CD6.2.49)
[491] ID2.14

10.81 The investment of £30 million in the area can only boost our local economy, which has been hard hit by the downturn at Heathrow. The Borough had amongst the highest number of people on furlough during lockdown. In March 2021, Heathrow had the lowest passenger numbers since 1966, and cargo was down by 30%. In August 2020, Hounslow had 40% unemployment and 75,000 related jobs were lost in Hounslow, Ealing and Hillingdon. Things are slowly beginning to improve but it will take time to return to pre-Covid rates and in the meantime our workforce is suffering.

10.82 The CIL receipts would represent almost four times Hounslow's total CIL income in 2019/2020 and would make an important contribution towards delivering Borough-wide infrastructure projects, including day nurseries, healthcare improvements and large transport projects such as the creation of the Southall Rail link and West London Orbital extension.

10.83 At a time when up-skilling and training the Borough's work force has never been more crucial to recovery, these developments would provide much needed jobs, training programmes and opportunities for local people. The construction process would provide up to 4,000 construction jobs and opportunities to include local businesses within our construction supply chains. Once operational, over 400 jobs would be retained and created with the re-provision of an enhanced Tesco store and the provision of 5,000 sqm of mixed uses on the Osterley site.

10.84 The seven acres of new green space, including an enhanced publicly accessible 'Water Gardens' and planting of over 400 new trees, would deliver immense benefits to the community feel of the area.

10.85 In summary, Hounslow Chamber of Commerce strongly supports these applications. With the downturn at Heathrow, we need this investment and creation of new jobs and space for local businesses.

Miranda Donaldson[492]

10.86 I live on the first floor of one of the maisonettes directly opposite/facing the Homebase site and would be one of those most affected by its redevelopment.

Public Transport/Traffic

10.87 I already struggle regularly travelling by bus with my 10-month old son, as the maximum two buggies allowed are already on the bus when it gets to me. Because of this, I find myself never able to get to appointments on time, or I am forced to drive, adding another car to the road which adds to congestion and is the opposite result we want for our Borough. Public transport in the area is already at capacity – the H91 bus is often full, and you cannot board. There are significant delays on the H91 bus through Chiswick now that there are no bus lanes. The multiple bus routes passing through there now have to share the one lane of traffic to make way for a ridiculously wide cycle lane. This is the main artery for residents in this area to get to tube stations. If it is full, we are stranded.

10.88 The train is also full when businesses are running at capacity, with only two to four trains an hour via Syon Lane. It does not travel on a route which is easily

[492] ID2.4

transferrable into other areas of London. Again, the H91 bus is used to ferry between other TfL services but is very unreliable now. How will the transport services cope with the addition of new residents of the 2,150 homes across both sites? One additional bus route proposed from Osterley to Ealing Broadway isn't going to solve the public transport problem for an additional 5,000 or more extra residents in the area. Where are the additional rail connections that we so badly need? These must be committed to and made before any development can be approved on this site.

10.89 The intended vehicle entrance for the new Tesco is far too close to Gillette Corner and would cause a tail back into the intersection. This part of Syon Lane is already gridlocked during peak hours, without any traffic for a popular supermarket. The developer's modelling does not accurately show the issues and cannot be relied on to inform a decision about traffic impacts. In addition, the Twickenham Tesco is closed on rugby Saturdays, significantly increasing customer numbers at the Osterley Tesco. Currently, traffic on Syon Lane is gridlocked heading north through Gillette Corner on match days. If Tesco were to be opposite my home, the traffic would not be passing but queuing to get in an entrance within 50m of a major intersection with increased cars turning down Syon Lane from Gillette corner – it would be mayhem. Syon Lane between the A4 and London Road, is an emergency service artery route, including a two-lane bridge. The extra Tesco traffic in this section would cause further gridlock and delay to emergency services.

10.90 Promised improvements to traffic, transport and public spaces are not verifiable, with no guarantee that they will be delivered.

Nurseries/Schools

10.91 The only nurseries within a 10-minute walk from my house are completely unaffordable for an average salaried person and I am having to look further away for more reasonably priced nurseries to be able to afford to go back to work. That experience would be even worse for new families, putting more strain on Hounslow services given the percentage of affordable homes intended in these developments.

10.92 I can only imagine the same difficulties will be had when trying to secure primary schools places when my son is of age, as the area seems to have increased its secondary school numbers without any provision for more primary places. The same concerns would apply for young families moving into the new developments. There would be enough secondary school places but not enough primary school places. I have heard a suggestion that these children would go to a new school in Layton Road in Brentford. As only 20% of flats would have a parking space on the Homebase site, most parents would need to walk for a mile along a busy, polluted six-lane major route into London. There would be no chance of getting on a bus, as the traffic on the Great West Road heading eastwards into London is gridlocked, and the buses are full at peak times anyway. This cannot be a viable option for young families.

Healthcare

10.93 GP surgeries are already over-subscribed, so that if you are seeking to book an appointment today, the next available 10-minute slot is almost a month away. The available dates are released every two weeks, and they fill up in a

matter of hours. It is extremely difficult to get through to the GP surgeries on the phone. I have been on hold from 13th position for over an hour, to get an appointment for my new-born son, and I haven't heard at all from the health visitor in eight months, even after problems identified at our last interaction.

10.94 Community Leisure Centres are over-stretched, and with Brentford Fountain scheduled to close, where are our children going to be able to learn to swim? The current waiting list for children's swimming lessons is over two years at Isleworth Pool. We even have to queue for the swings at local playgrounds, which is very sad. The proposed increased population at this location, with more families, would be insufficiently supported.

Daylight, Sunlight and Overshadowing

10.95 The developers' sunlight assessments show that the proposed height of 17 storeys means that the houses opposite on my street, Northumberland Gardens, with front gardens, would get no sun in the morning, with the evening sun already blocked by the six-storey storage building gone up on the corner. We are very concerned about this causing damp issues, with no sunlight for the existing homes. This must be considered as unacceptable living conditions and a breach of our 'right to light'. Our east facing windows, which currently have full view of the sky, would not have even a glimpse of skyline if this development goes ahead. Moreover, we would be looked over by windows, from top to bottom, directly into our homes and robbed of the direct natural light we currently have .

Height and Design

10.96 No attempt has been made to reduce the heights, despite many residents expressing this as a concern. Engagement with the community has been very poor and there has been little change to the plans in response to feedback from residents. Our two-storey homes would be facing 7-17 storeys out of our living room windows, which is inappropriate and would dwarf our homes.

10.97 The design of the building is also completely out of character with the area. Although the developers and their architects insist they are trying to keep the art deco look of the Golden Mile, the 'flagship' building they are proposing looks like a large cruise ship parked on the A4 junction. It would be a large glass eyesore. The lines may be horizontal, but that is where the likeness ends. The skyline heading west would be completely dominated by the structure which would not be pleasing to the eye. It would not look like any of the other buildings and is an insult to the historic Gillette Building opposite.

Conclusion

10.98 I am not against development of a more appropriate scale on these sites in this Opportunity Area, but not at any cost. Opportunity does not have to mean over-development. How can the developments proposed, including a significant number of affordable homes and family housing, be considered when even basic social infrastructure is not being improved to support the significant increase in population?

10.99 There are no buildings of this height in the area. The site is on the top of the hill from the closest location of similar towers in Brentford, making it incomparable for actual visual height. It would completely tower over and

detract from the listed Gillette Tower, an historical landmark in an area that is otherwise completely residential, not a transport hub or town centre.

10.100 We cannot have 15 years of construction, dust and disruption to our daily life in our community, only to ruin the landscape and crush the infrastructure . These sites should be used to build modest homes for people desiring to owner-occupy to be part of a community, to provide affordable housing for those in need, and to enable people to get on to the property ladder through government schemes. There is no need for 17 storey buildings opposite our two-storey residential estate with barely enough infrastructure to support our current local population. It would be irresponsible to allow this scale of over-development to go ahead.

Aftab Siddiqui[493]

10.101 The current GSK offices, located less than half a mile from the development sites, offer an economical and environmentally compliant solution to housing requirements for Hounslow. GSK has plans to move both the consumer and pharmaceutical businesses out of their Brentford offices by the middle of 2023.

10.102 The current GSK site extends to approximately 1,000,000 sqm; some 78% of the site is landscaped open space; open space parking is available for 1,055 cars; and the four buildings on the site are linked together by an internal pathway. The sections of the larger building range from 4 to 17 storeys, with large, expansive floor areas providing for future change. Office spaces throughout the HQ benefit from natural light and openness. The 465 feet long interior 'street' stimulates creativity, facilitates interaction, and provides amenities, such as restaurants, banking centres, and shops. It mimics the scale of London's lively streets and features facades and pavements in Cumbrian slate and York stone. A glass roof allows light to flood the street, illuminating water features and commissioned contemporary artworks.

10.103 Any future development in Hounslow should focus first on redeveloping the large multipurpose GSK building, with its world class infrastructure, as a residential site as opposed to building altogether new tower blocks in the area. Use of this existing building would help reduce over development, would be economically much more beneficial to all concerned and, importantly, would help reduce the huge release of harmful greenhouse gas emissions which would take place if we unnecessarily built new tower blocks.

Paul Velluet[494]

10.104 I am a chartered architect, based in Twickenham, with strong family associations with the Brentford and Isleworth areas extending back over one hundred and fifty years.

10.105 Both proposals, by virtue of their locations in relation to nearby heritage assets and their excessive height and bulk, would have seriously damaging impacts on the settings and the significance of nearby listed buildings, including the Gillette Building, the National Westminster Bank; the former Coty Factory (now the BMI Syon Clinic) on Great West Road, the (former) University College School Old Boys Club sports-stand (now *Goals* pavilion and clubhouse)

[493] ID2.6
[494] ID2.11

and on the setting and thereby the significance of the Oaklands Avenue and Syon Lane Character Area within the Osterley Park Conservation Area, and the Northumberland Avenue Area of Special Character. The nature and level of potential impact of the proposed redevelopment of the existing Homebase site on these assets would be different from that of the existing Tesco site.

10.106 At the application stage, although officers of both the Council and the GLA rightly acknowledged that the proposals would cause harm to such heritage assets, they seriously understated the level of that harm, suggesting repeatedly that it was merely 'less than substantial' or 'of a low level', rather than 'substantial', either individually or cumulatively. Accordingly, in reaching conclusions when balancing potential harm against potential benefits, they misdirected both themselves and members of the Planning Committee towards the lesser test, now set out in paragraph 202 of the Framework, rather than to the more rigorous test under paragraph 201, which states that '*local planning authorities should refuse consent unless it can be demonstrated that the substantial harm… is necessary to achieve substantial public benefits that outweigh that harm'*.

10.107 Even if the harm to the settings and thereby the significance of each of the nearby heritage assets was only 'less than substantial', the cumulative effect of the proposed developments would, in my judgement, be 'substantial' in the sense envisaged in the Government's Planning Practice Guidance[495] and as explored most usefully in the Court of Appeal.[496] Importantly, the proposed developments would, by virtue of their locations and excessive height and bulk, fail to preserve the settings of each of the respective listed buildings and structures, contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990, and would result in harm to the significance of the heritage assets without clear and convincing justification, contrary to paragraph 200 of the Framework. That harm is neither balanced nor outweighed by the potential benefits that might accrue from the respective developments.

Tony Firkins[497]

10.108 We are in a Climate Emergency. In this regard, I support the environmental concerns being raised by OWGRA.[498]

Gas boilers

10.109 The officer's committee reports record objections to the use of gas boilers for these developments.[499] The officer's response was that the gas boilers are provided for backup only, going on to say they are designed for full peak capacity for each site.[500] However, the officers' report (and the Energy Statement[501]) was contradicted by the developers in the April 2021 planning meeting, where they said the gas boilers may be used in cold weather.

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[495] Paragraph: 018 Reference ID: 18a-018-20190723
[496] *City and Country Bramshill Limited v Secretary of State for Housing Communities and Local Government and others* [2021] EWCA Civ 320 (CD9.4)
[497] ID2.12
[498]ID1.14.7 Section 6A: Environmental Impact, Energy, Sustainability and Air Quality
[499] CD5.5 section 6.13 (Tesco) CD5.6 section 6.10 (Homebase)
[500] CD5.5 section 8.111 (Tesco) CD5.6 section 8.107 (Homebase)
[501] CD3.10 (Homebase) CD4.10 (Tesco)

10.110 The committee report for the Homebase site describes the conditions that are to apply in relation to the Energy Strategy, with a recommendation to approve.[502] However, those conditions are not strong enough to prevent extensive use of the Homebase gas boiler. It is requested that they be amended so that the use of gas boilers is monitored to ensure that they are not used for more than 24 hours in any calendar year.

10.111 The report for the Tesco site does not describe any equivalent conditions on monitoring or limiting the use of the gas boiler. In section 8.111[503] it limits this to being *"further developed during the detailed design process"*. Equivalent conditions should be added to any approval of the Tesco site to avoid the gas boilers being used extensively.

10.112 Adding strong conditions would close off the loopholes which would allow extensive use of gas boilers in these developments. Or even better – no gas boilers at all – or no development at all. Please limit greenhouse gas emissions from these developments and protect the climate.

Refurbishment

10.113 The existing buildings are only around 40 years old. Both sites are very useful to locals. Hounslow Council is currently consulting on its Character, Context and Design Study Supplementary Planning Document (May 2021).[504] This states "*First consider retrofit of existing buildings or re-use of substructures/super structures*." This makes sense in a climate emergency, when we should be looking for every opportunity to reduce emissions. The RIBA have made similar recommendations.

10.114 This has not been done here. The developer has gone for demolition and re-build, resulting in an exceptionally high carbon footprint. Having removed a local DIY store at the recently approved Fourth Mile (at Chiswick roundabout) we do not want another DIY store demolished here.

Embodied emissions

10.115 We need to know the Whole Life-Cycle Carbon Emissions (WLCCE) for this development. This needs to be done as per the Mayor of London's related Guidance. The Energy Statement for Syon Gardens/Homebase says:

> *'The design is still in development so a full WLCCE assessment will not be completed at present. In line with the draft GLA guidance a high-level assessment will be undertaken which will demonstrate the expected carbon emissions based on the current design. As the design develops, so will the assessment.'*

In other words, we are not going to know the construction emissions until planning permission is granted. The Mayor of London Guidance states that the WLCCE needs to be done at planning application submission.

10.116 Moreover, based on the recently approved Fourth Mile development, the emissions may be as much as 1.25 $ktCO_2e$[505] per sqm for such high buildings

[502] CD5.6 Condition 33 on page 172
[503] CD5.5 page 60 on the section under 'Be Seen'
[504] ID2.12.4
[505] **Inspector's Note** - kilotonnes of carbon dioxide equivalent

made of concrete and steel. So, the development may come in at 200 $ktCO_2e$ in the construction alone.

10.117 Current Council emissions (Hounslow Climate Emergency Action Plan[506]) are about 50 $ktCO_2e$ per year. The Council is rightly trying to reduce these emissions to zero by 2030. Approving this building would add four years of council emissions, just in the construction of this one development.

10.118 At the initial Examination into the GWCLPR at the end of last year, the Council claimed that the climate emergency was a golden thread running through the Plan. Ignoring 200 $ktCO_2e$ from this development shows how easily this golden thread is broken.

10.119 The Council is currently consulting on its Character, Context and Design Study Supplementary Planning Document.[507] This suggests an up-front embodied carbon target of less than 500 $kgCO_2e$ per square metre. If this development is allowed, strong conditions on the whole lifecycle carbon should be imposed to ensure very low that the carbon target is achieved.

Mogden Sewage works

10.120 Mogden sewage works regularly releases untreated sewage into the Thames. The developments proposed would exacerbate this problem. This occurred at least 15 times last year, and sometimes after less than 10 millimetres of rain. The latest releases of sewage occurred on 14 February and 2 March 2022.[508] Thames Water are about to start an upgrade of Mogden, but this will not stop the practice of dumping sewage into the river. The situation will be made worse as we get more storms with the climate emergency and additional developments, like this one, further loading the inadequate infrastructure.

Monika Ulan[509]

10.121 Our Borough, including Osterley, is already overdeveloped and overcrowded. The current plans for the Tesco/ Homebase redevelopment would make this situation even worse. The record long A&E waiting times at our local hospital means that bringing a few thousand more people into our area is simply dangerous and irresponsible. Pregnant women are already often sent to Kingston hospital for care because our maternity unit can't cope. When it comes to GPs and dentists, the situation is even worse.

10.122 The Piccadilly line is coping now, but only thanks to lower commuter numbers as many people are still working from home. Moreover, there are still not too many tourists traveling between Heathrow and the rest of London.

10.123 Most new build developments in the Borough have limited parking or no parking at all, which puts a huge pressure on public transport, including local buses which are already overcrowded, filthy and usually very slow due to heavy traffic on main roads. Cycle lanes recently created on the busiest roads have affected the traffic very badly, making local bus services even slower and completely unreliable.

[506] ID2.12.2
[507] ID2.12.4
[508] ID2.12.3
[509] ID2.15

10.124 Leisure centres, playgrounds, soft play centres and swimming pools are overcrowded and not accessible to everyone. The Snakes and Ladders soft play in Syon Park is the only local indoor play area where we can take our children on a rainy day during weekends and school holidays. However, it is so overcrowded that, on a typical day when children are not at school, it is difficult to get in, sometimes involving queuing for an hour or more.

10.125 Just before the pandemic I wanted to enrol my son for swimming lessons, but all swimming classes at my local leisure centre were full and he was added to a waiting list. His number on that list was 183 which meant around 18 to 24 months waiting time. All the swimming pools in the Borough have a similar waiting time. On top of that, swimming pools in Hounslow are known for being extremely dirty. I did finally manage to enrol my child for swimming lessons, but far away from our Borough. Fortunately, I still had a car then and I could drive every week for the lessons. Since then though, I have had to sell my vehicle due to the CPZ which was implemented in my area. Sadly, residents of my block are ineligible for resident parking permits and are not allowed to park on public roads.

10.126 Such parking restrictions apply to most recently built so called apartments. This is another reason local families are against the new development, since the introduction of more than 2,000 new flats may result in further parking restrictions. Every new development means more people in our area and less parking space for residents who already live here.

10.127 I know that many people do not need a car, but for others a car and parking space are a necessity, especially for working parents who need to drop children at childcare and arrive to work on time. I know from my own experience how difficult it is to travel by public transport with a baby in a buggy.

10.128 Generally, the area has become very busy over the last few years, especially on the Brentford side. We do not need tower blocks in Osterley, but we would benefit from more family size homes (not flats) and some sports and recreation facilities. The Borough suffers from a serious shortage of family homes for local working people, including NHS staff from the local hospital.

11. WRITTEN REPRESENTATIONS

11.1 The planning applications generated a significant number of written representations. I do not recite the comments made here - they are summarised in the officer's reports to the planning committee[510] and subsequent addendum[511] and do not raise any issues that are materially different from the matters raised at the Inquiry as reported above.

11.2 Written representations were also submitted in response to the calling-in of the application. Again, the material comments made reflect the views set out above and it is not necessary to repeat them here.

[510] CD5.2 Section 6 (Homebase) CD6.3 Section 6 (Tesco)
[511] CD5.4 (both applications)

12. CONDITONS

12.1 Should planning permission be granted, recommended conditions, and the reasons for them, are attached as Annexes E (Homebase) and F (Tesco). They are based on the suggested conditions agreed between the Council and the Applicant.[512] They were discussed with all parties to the Inquiry on a without prejudice basis over two separate sessions and have been considered in the light of the tests set out at paragraph 55 of the Framework and the advice in the Planning Practice Guidance. The recommended conditions reflect those discussions.

12.2 In relation to the Homebase scheme, the Council and the Applicant agreed that the two suggested car park management plan conditions were unnecessary, since the matter is covered more fully by the corresponding planning obligations. With the agreement of both parties, a condition relating to external lighting was added.

12.3 In relation to the Tesco scheme, the parties confirmed that there is no need for a separate BREEAM Pre-Assessment for non-residential elements, since that is secured by the Development Specification.

12.4 Necessity for the suggested condition in relation to removal of Japanese Knotweed was discussed. The species is treated under the Environmental Planning Act 1990 as a controlled waste, so not disposing of it correctly may lead to prosecution. Moreover, whilst there is no legal obligation to remove it from a site unless it is causing a nuisance, causing or allowing it to spread would be an offence under the Wildlife and Countryside Act 1981. In my view, therefore, the matter is covered by other legislation. Should the Secretary of State consider that the condition is necessary, suggested wording is appended to Annex E.

12.5 OWGRA suggested additional conditions in relation to the Homebase site . Based on experience with abandoned shopping trolleys from the existing Tesco store, they requested that a trolley management plan be secured. This was resisted by the Applicant as being unnecessary. I note that the proposed Tesco car park would be smaller than the existing one, which may indicate an increased propensity to abandon trolleys. Having regard to the experience described by OWGRA, I consider that such a condition would be warranted in this case, in the interests of highway safety and visual amenity.

12.6 OWGRA also sought a condition securing improvements to Syon Lane station, such as lighting in the shelters on both platforms. However, as noted below, South Western Rail was consulted on the applications and confirmed that it had no objection to the proposals. In particular, notwithstanding the potential for increased use of the station, it did not indicate any requirement for upgrades to capacity or improvements to the station. Whilst OWGRA's suggested works may improve the experience of using the station, it has not been shown that they are necessary to address a harm that would be a consequence of the developments proposed. As such, a condition along the lines suggested would not meet the relevant tests.

[512] ID 2.49 (Homebase) ID2.50 (Tesco)

12.7 A request was also made for a condition requiring improvements/upgrading of the pedestrian subway under the A4 at Gillette Corner, which OWGRA considers to be not fit for purpose and dangerous, due to blind spots and use by cyclists. The shortcomings of the existing subway, which would be exacerbated by the development proposed, were acknowledged by the Applicant. To that end, a financial contribution of £135,320 would be secured through the planning obligation towards public realm works, which would include works to the subway. Whilst OWGRA felt that more money was required, it should be noted that the package of highways works set out in the Transport Assessment, as secured by the planning obligation, would include a new at-grade toucan crossing on the A4, to the east of Syon Lane.[513] Those works would make the surface crossing more attractive to pedestrians and cyclists alike. All in all, whilst more extensive works to the subway may be desirable, they are not necessary to address a harm that would be caused by the Homebase scheme. I conclude that the suggested condition is not justified.

12.8 In relation to other of the suggested Tesco conditions, some were deleted on the basis that there was duplication with other conditions (surface water drainage and landscape management), were combined (sound insulation and sound testing), or were better covered by the planning obligations (delivery and servicing plan).

12.9 Some of the conditions recommended for both schemes are necessarily worded as pre-commencement conditions, as they relate to matters that require investigation or need to be in place before works commence, or relate to details that would affect the layout and design. They were agreed by the Applicant.

13. PLANNING OBLIGATIONS[10.30-10.32]

13.1 The Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 57 of the Framework set a number set out the tests for planning obligations: they must be necessary to make the development acceptable in planning terms, be directly related to the development, and be fairly and reasonably related in scale and kind to the development.

13.2 The applications were accompanied by extensive draft deeds of agreement under the provisions of Section 106 of the Town and County Planning Act 1990 (as amended) subject to the usual caveats. These were the subject of detailed discussion at the Inquiry. The Agreements were supported by a CIL Compliance Statement prepared by the Council, which sets out its reasons for concluding that the various obligations would accord with Regulation 122 of the CIL Regulations.[514] The Agreements were further refined during the Inquiry in response to the related discussions and I allowed a period after closing for the submission of completed versions.

13.3 The main provisions of the Agreements can be summarised as follows:

[513] Plans at Appendix 5 to ID2.75
[514] CD2.53

Homebase Site (Application A)[515]

Financial contributions towards:

- carbon offsetting
- Syon Park planting/heritage trail signage
- healthcare provision
- access review works
- bus services
- CPZ consultation (and implementation if required)
- Northumberland Avenue transport mitigation (if required following completion of the development)
- play space improvements

Non-financial obligations:

- construction training (or, in the alternative, financial contribution towards the same)
- employment initiatives (or, in the alternative, financial contribution towards the same)
- car club and parking bays
- affordable housing provision
- highway works
- travel plans
- delivery and servicing management plan
- commercial and residential car park management plans
- public realm works
- prevention of the foodstore operating until Tesco Osterley has ceased trading
- signing up to the considerate contractor scheme
- sustainability vouchers for future residents
- feasibility and design assessment in relation to a pedestrian crossing across the southern arm of the Great West Road junction with Syon Lane
- community space provision
- prohibition on residents' parking permits
- provision of clean air routes
- provision of permissive rights of access as required in relation to the clean air routes
- agreement to pay the Council's proper and reasonable costs in relation to any Traffic Orders required
- provision of variable message signs providing driver information in relation to the availability of parking spaces

Tesco Site (Application B)

13.4 The application was accompanied by two separate deeds, one without provision for First Homes and one with First Homes provision.[516] I deal with First Homes in more detail below. The other provisions in both versions are identical.

[515] ID2.75
[516] ID2.76 and ID2.77 respectively

Financial contributions towards:

- carbon offsetting
- healthcare provision
- CPZ consultation (and implementation if required)
- Osterley station improvements
- public realm works
- play space improvements

Non-financial obligations:

- submission of Energy Statement for approval
- construction training (or, in the alternative, financial contribution towards the same)
- employment initiatives (or, in the alternative, financial contribution towards the same)
- car club and parking bays
- affordable housing provision
- highway works and site access review
- travel plans
- car and cycle parking provision
- delivery and servicing management plan
- residential car park management plan
- public realm works
- prevention of demolition of the existing foodstore until the new store on the Homebase site is trading
- signing up to the considerate contractor scheme
- sustainability vouchers for future residents
- prohibition on residents' parking permits
- provision of public realm and permissive rights of access over it as required
- agreement to pay the Council's proper and reasonable costs in relation to any Traffic Orders required
- temporary bus stops and driver welfare facilities during construction or until the approved replacement facilities have been provided
- temporary mobility hub during construction or until the approved replacement facilities have been provided

First Homes

13.5 As set out in the Planning Practice Guidance, and with effect from 28 June 2021, First Homes are the Government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations.[517] However, the related Written Ministerial Statement (24 May 2021) includes transitional arrangements. In relation to decision taking, the requirement does not apply to sites with full or outline planning permissions already in place or determined (or where a right to appeal against non-determination has arisen) before 28 December 2021 (or 28 March 2022 if there has been significant pre-application engagement) although local authorities should allow developers to introduce First Homes to the tenure mix if they wish to do so.

[517] Paragraph: 001 Reference ID: 70-001-20210524

13.6 The Council and the Applicant have submitted a Statement of Common Ground setting out their position in relation to the First Homes requirement.[518] In this case, although the applications were not determined before 28 March 2022 (these being cases where there has been significant pre-application engagement) the statutory period for local authority determination of the applications passed on 1 January 2021. As such, the right to appeal against non-determination arose well in advance of the 28 March 2022 deadline.

13.7 However, given the resolutions to grant permission in April 2021 and the Stage 2 approval from the Mayor of London in September 2021, no action to initiate appeals against non-determination was taken before the applications were called in by the Secretary of State in November 2021. In these circumstances, I agree with the main parties that the exception is engaged, and thus there is no requirement for First Homes on these sites. During the Inquiry, the Council also confirmed that it preferred the provision secured by the planning obligations (set out above) as better meeting the needs of the Borough. On that basis, the S106 Agreements for the Homebase and Tesco sites do not include any provision for First Homes. Should the Secretary of State come to a different conclusion, to the effect that there is a requirement for the provision of First Homes, an alternative planning obligation has been provided for the Tesco site, which secures 25% of all the affordable dwellings proposed across both sites, to be provided as First Homes on the Tesco site.[519]

Compliance with the tests

13.8 In light of the content of the Council's CIL Compliance Statement and the related discussion at the Inquiry, I am content that the provisions secured meet the necessary tests. OWGRA raised concerns in relation to a number of the provisions secured, mainly on the basis that contributions secured did not go far enough, and in relation to the affordable housing offer. I deal with those concerns in paragraph 12.6 above and at places in my reasoning below.

[518] CD11.7
[519] ID2.77

14. INSPECTOR'S CONCLUSIONS

14.1 My conclusions, set out below, are based on the evidence before me at the Inquiry, the written representations and my inspections of the sites and their surroundings. The numbers in square brackets thus [ ], refer to preceding sections of this Report from which my conclusions are drawn.

14.2 Following the resolution of the Council to grant planning permission for the development schemes, the applications were called in by the Secretary of State for his determination. Given the resolution, the Council did not oppose the applications, although it did present evidence to the Inquiry. There is, however, considerable opposition to the proposals, including by HE and OWGRA, as well as by individuals. I am also mindful of the matters about which the Secretary of State particularly wished to be informed.

14.3 In that context, and having regard to the evidence that emerged during the Inquiry, I consider that the **main considerations**, which are applicable to both applications, relate to:

- whether the principle of the development schemes is appropriate in this location, having regard to local and national planning policy;
- the effect on the character and appearance of the surrounding area, including Osterley Park Conservation Area;
- the effect of the proposals on the significance of both designated and non-designated heritage assets derived from their setting;
- the effect of the proposals on the living conditions of existing residents in terms of outlook and privacy, daylight/sunlight/overshadowing, and noise and disturbance;
- acceptability of living conditions for future residents in terms of outlook and amenity space provision;
- environmental impacts including the Council's climate emergency status, carbon impacts, air quality, glare, and wind climate;
- whether the housing mix generally, and the level and tenure mix of the affordable housing provision, is appropriate; and,
- effect on local infrastructure including roads and highways, public transport, education provision, leisure provision, healthcare provision, emergency services and sewerage capacity and water supply.

Principle of Development [6.8-6.15, 7.16-7.19, 9.7, 9.107, 10.9]

14.4 Whilst neither of the application sites is allocated for any specific purpose in the LP, the LonP identifies them as lying within the GWCOA, the western boundary to which runs along Syon lane at this point[520]. The LonP confirms that the areas that will see the most significant change are those identified as Opportunity Areas, many of which are already seeing significant development,

[520] The slight deviation is the inclusion of the Access storage building on the southern corner of the road junction, opposite the Homebase site.

with all having the potential to deliver a substantial amount of the new homes and jobs that London needs.[521]

14.5 These brownfield application sites, which contain modern low rise buildings surrounded by a sea of surface car parking, are clearly under-utilised. In order to ensure that its ten-year housing targets are achieved, policy H1 of the LonP requires that new development should optimise the potential for housing delivery on all suitable and available brownfield sites, including 'mixed-use redevelopment of car parks and low density retail parks and supermarkets,' which would include sites such as these.

14.6 That potential for development is also recognised in the emerging SALPR and the GWCLPR. Draft Site Allocations in the SALPR identify the Tesco and Homebase sites for mixed-use development: redevelopment of the Homebase site is anticipated as incorporating large format retail, new housing and employment uses, providing at least 370 residential units, 8,650 sqm retail floorspace and 2,290 sqm for business/Class D uses; development on the Tesco site is to comprise a residential-led scheme providing at least 1,030 residential units and a minimum 540 sqm of retail floorspace.

14.7 Policies in the GWCLPR also seek to deliver the employment and high-density housing growth for the area envisaged by the LonP through intensification of existing employment sites and promotion of the GWC as a place for enterprise and innovation. In particular, the supporting text to policy P1, which is specific to the western end of the GWC, confirms that the area is largely under-utilised and offers significant capacity for intensification, with the policy itself being supportive of the comprehensive redevelopment of both sites.

14.8 In general terms, the nature of the proposed uses within the Opportunity Area, and the intention for a higher density of development on the sites than is currently the case (which would be higher than the adjacent residential areas), is appropriate in principle and accords with land use principles set out in the LonP.[522] There would be no conflict with LonP policies SD1 and H1, which together seek to realise the growth and regeneration potential of the Opportunity Area, helping meet the housing targets of the LonP. Whilst the two Local Plan Reviews are at an early stage and do not have the weight of development plan policy, they clearly give voice to the policies and ambitions of the LonP. On that basis, I see no reason why the principle of higher density employment and residential uses on these sites, as set out in those documents, is likely to change, given their location.

14.9 Both application schemes include tall buildings. There was discussion, at the Inquiry, as to whether tall buildings of the heights proposed on these sites would be policy compliant.[2.8, 6.82, 6.83, 8.111-8.113, 8.118-8.128, 9.15, 9.19-9.23, 10.6] LonP policy D9 states that development plans should define what is considered to be a tall building for specific locations, with Boroughs to determine if there are locations where tall buildings may be appropriate. Any such locations and building heights are to be identified on maps in development plans. Part B(3) of the policy stresses that tall buildings should only be developed in locations that are identified as suitable in development plans.

[521] Paragraph 2.0.4
[522] LonP policies H1 and SD1

14.10 LP policy CC3 is supportive of tall buildings along sections of the A4 Golden Mile frontage, confirming that specific sites will be identified in the (currently emerging) Great West Corridor Plan. The supporting text refers to the definition of tall buildings in the Council's Urban Context and Character Study, namely, '*any building or structure which is over 20m in height (approximately 6 storeys) and/or which is significantly taller than the surrounding townscape and/or which recognisably changes the skyline*'.[523] The policy also seeks to preserve the predominantly two to three-storey (less than 10m) building heights across the rest of the Borough, with some limited scope for four to six-storey (up to 20m) buildings/elements along main streets.

14.11 The Homebase site has a frontage to the Golden Mile (A4). The Tesco site does not, although it does front Syon Lane which can, in my view, be considered as a main street. In principle therefore, tall buildings on the A4 frontage of the Homebase site would accord with LP policy CC3, as would some buildings up to 20m in height on the remainder of the site and on the Tesco site. However, the indicative heights for the proposed Tesco site would clearly conflict with policy CC3, bringing it into conflict with LonP policy D9. The Homebase scheme includes tall buildings on non-A4 frontages, also bringing it into conflict with those policies.

14.12 The emerging Site Allocation for the Homebase base site[524] includes a minimum development quantum and states that the heights considered to be appropriate by the Council are set out in the Great West Corridor Masterplan and Capacity Study[525] and policy in the GWCLPR. The same comments apply to the emerging Site Allocation for the Tesco site.[526]

14.13 Policy GWC5(h) of the emerging GWCLPR states that development proposals will '*…accord with Great West Corridor Masterplan heights and design framework which identifies indicative appropriate building heights*.' It goes on to confirm general building height parameters of 12-14m where appropriate to the local context and, notwithstanding the implication of LP policy CC3 (namely that tall buildings would be acceptable on part of the Homebase site but not on the Tesco site) specifically identifies the Tesco site for a cluster of 'modestly scaled' tall buildings, ranging in height between 30 and 42 metres (up to 65.5m AOD).[527] The Homebase site is not identified as a location for tall buildings, nor as a focal point or local highpoint.

14.14 Both application sites lie within the 'West Area' of the GWCOA, as set out in the Masterplan and Capacity Study.[528] Section 7.6.3 of the Study deals with proposed general heights. For the Tesco site, it proposes shoulder heights of '*generally 20m plus 1 setback storey, decreasing to 12m plus 1 setback storey along Syon Lane and at the interface with existing housing on MacFarlane Lane; two storey houses on the western side of MacFarlane Lane.*' For the Homebase site, it proposes shoulder heights of '*16m at the interface with*

[523] CD10.38
[524] CD7.1.2 Site Allocation 11
[525] CD10.39
[526] CD7.1.1 Site Allocation 2
[527] Referred to as the Wyke Green Cluster which is shown as CL1 on Figure 5.4 of the GWCLPR in connection with policy P1 (CD7.2.7 page 91)
[528] CD10.39

existing housing on Syon Lane; generally 24m with additional storey setback and occasional high points towards the rear up to 30m.'[529]

14.15 Section 7.7.4 of the Masterplan and Capacity Study then deals with testing the appropriateness of locations and height of tall buildings, in respect of their impact on important heritage aspects in and around the corridor. Figure 7.22 and Table 7.2 of the Study identify appropriate heights for tested locations. For the Tesco cluster, the indicative tested heights are shown as ranging from 27m (9 storeys)(50.5m AOD) closest to the Gillette Building through to 42m (14 storeys)(65.2m AOD) in the northern corner, adjacent to the Sky Campus. For the Homebase site, the figure indicates the potential for a height of 30m (49.4m AOD) across the site, comprising eight storeys on the A4 frontage and 10 storeys on at the southern end of the site. The difference in storey numbers despite the same height is explained by the assumptions in the Masterplan in relation to commercial and residential storey heights.

14.16 Whilst it was a matter of agreement that the policies of the emerging plans could only be afforded limited weight at the present time, they are still a material consideration. There is no force to any suggestion in this regard, that the grant of permission for the schemes would be premature in the sense of paragraphs 49 and 50 of the Framework, given the in-principle alignment between the emerging plan and the two schemes.[6.14] I am content therefore, that the principle of tall buildings on both sites accords with the thrust of the emerging GWCLPR.

14.17 However, since the proposed building heights exceed those referred to in the Masterplan and Capacity Study, there is potential conflict with GWC5. Importantly, in this regard, Figure 7.22 of the Masterplan is accompanied by a note which advises that it provides "*an indication of heights that may be appropriate in tested locations, rather than a blue print*." (my emphasis). In essence, whether or not they are acceptable in any specific location would be the subject of detailed analysis. That is reflected in paragraph 4.60 of the supporting text to policy GWC5, which indicates that any tall building proposal along the Corridor will be required to demonstrate how its potential impacts on designated heritage assets and the skyline has been tested.

14.18 The evidence before the Inquiry provides a much more detailed assessment of the tall buildings proposed than was carried out to inform the Masterplan. Were the tested impacts to be considered acceptable, there would be no conflict, in my view, with emerging policy GWC5.

Design/Character and Appearance

14.19 There is no doubt that the application schemes would bring a significant change to the area. The development plan, and emerging plans, require that careful attention is given to the context of the sites, given their proximity to the nearby low rise residential estates and also to the area's sensitive heritage assets. In accordance with LP policy D4, the scheme design was scrutinised by the Council's urban design, conservation and planning officers, and was the subject to independent design review through the DRP. It was also assessed by officers of the GLA. As confirmed in the committee report, it has the

[529] CD10.39 page 139

support of all those consultees other than the DRP. The DRP,[530] OWGRA and others object to the design, including the heights of the residential blocks proposed, and the impact of the schemes on the character and appearance of the area.

14.20 The Great West Corridor Masterplan and Capacity Study identifies the application sites as lying within the Golden Mile Station Quarter at the western end of the Opportunity Area, where a consistent and high quality public realm is a prerequisite to creating a quality and attractive business environment. It confirms that there is a strategic opportunity to transform the Tesco and Homebase sites with major mixed-use development providing high quality housing, public realm and open space. [531]

Homebase[6.80-6.96, 7.20-7.23, 8.99-8.107, 8.113, 8.116, 9.5, 9.14-9.16, 9.25-9.31, 9.39, 9.40, 9.96, 9.107, 10.10, 10.11, 10.25, 10.49, 10.96]

14.21 The application site has two road frontages – Great West Road (A4) and Syon Lane – each frontage having a very different character. The two storey, interwar housing in Northumberland Gardens, opposite the site on Syon Lane (and further west) is identified in the Council's Urban Character and Context Study as an Area of Special Character (Area L).[532] It comprises a generally uniform, late 1930s Moderne-style development of flats in two storey semi-detached house-style buildings. The estate provides greenery, with street trees and landscaped front gardens. The same Study classifies the application site and its surrounds on the Great West Road as being of generally low design quality, with a low sensitivity to change, as well as having some suitability for tall buildings.[533]

14.22 The site is at the western gateway entrance to the Golden Mile and the Opportunity Area, where high quality design is required and where the scale of development needs to have regard to its transitional location. A location such as this merits some sort of building statement, including buildings of height, as allowed for by emerging policies GWC5 and P1. However, rather than reconciling the large footprint industrial grain to the east with the finer residential grain and greener character to the west (as demarcated by Syon Lane), the development proposed brings a very large urban block up close to the road frontages.

14.23 The tallest building proposed would be located at the northern corner of the site, which in principle accords with LP policy CC3. However, the proposed corner block, and most of the rest of the scheme, would exceed the indicative heights referred to in Figure 7.22 of the Masterplan by some considerable margin. This does not, however, mean that taller development on the site is necessarily inappropriate. It requires testing in its context.

14.24 The first thing to note is that this is not a site that is seen in proximity to buildings of similar height and scale to those proposed. Although I was referred to the emerging built context by the architect, this was a reference to

[530] CD3.12 (Homebase) CD4.11 (Tesco)
[531] CD10.39 Section 6.1
[532]CD10.38 (page 104 of 328 in PDF version)
[533] Ibid (page 85 of 328)

the Citroen and Albany Riverside schemes, which are located some way to the east, on the far side of Brentford and beyond.[534] Even when built, they would be sufficiently distant not to provide an obvious height context for the application site. Rather, the site is bounded to all sides by significantly lower development of much smaller scale, even along Great West Road.

14.25 Just as important as the buildings themselves is the space around them, as demonstrated by the stylish Gillette Tower on the opposite side of the junction. At present, the existing building on the application site is set well back from the road frontages, behind extensive surface car parking. In contrast, the development proposed, driven it seems by the Tesco brief, comprises a large block that extends almost to the site boundaries. Whilst the principle of higher density development on the site is acceptable it must, nevertheless, have regard to, and be respectful of, its context.

14.26 To my mind, the taller blocks within the scheme are not seen as elegant structures with a necessary sense of openness around them. Rather, they would be conjoined with lower, but still substantial blocks. This would result in a stark, assertive transition in scale, particularly on the exposed approach from the east, heading out of London on Great West Road. This point is graphically demonstrated by the rendered photoview in Mr Patel's proof of evidence where they are seen almost as confrontational.[4.7] [535] That elevation presents an incongruous, monolithic wall of development, the sheer scale and massing of which would overwhelm its environs, dominating the street scene from this direction. The impact of the lack of space around the taller blocks would also be seen from the opposite side of Great West Road, where the wide, 17-storey Block B1 would be so close to Block A that they are almost experienced together would, effectively, be experienced as one.[536] The 12-storey Art Deco inspired Block A (the design of which draws on the historic buildings on this part of Great West Road) which steps down to 6 storeys towards Gillette Corner, would work better in terms of proportions and elegance. Even so, the positive features of the design would be diminished by its uncompromising relationship with, and proximity to, Block B1 and its uneasy architectural relationship with Block E on the Syon Lane frontage.

14.27 On the Syon Lane frontage, whilst Blocks E and D would be lower, they would be conjoined to Block C by a four-storey podium, giving them a somewhat squat appearance. The distance between these blocks, and their width in proportion to their height, means that they would not sit comfortably within the composition as a whole.[537] That impact would be exacerbated by the fenestration to Blocks E and D, which would be kept to a minimum to limit overlooking, and stretches of blank podium elevations between the blocks. Notwithstanding the introduction of, a green wall at levels 3 and 4 and the creative use of materials, the blocks would appear heavy and unrefined, resulting in a wall of built form relating poorly to the prevailing scale of development on Syon Lane.

[534] Sites 9 and 11 on ID2.52
[535] Figure 5.140 (page 104) of ID1.5.2
[536] Ibid Figure 5.139 (page103))
[537] Eg ID1.15 Drg No 579-PTA-ZZ-ZZ-ELE-A-0001 Rev P08 (page 33)

14.28 Block C, at the southern end of the Syon Lane frontage, would rise to more than 55.9m AOD, well above the indicative height for this site as referred to in the Masterplan and Capacity Study. Moreover, at this point levels within the site fall towards Syon Lane station to the south. The Applicant suggests that this would mark a key focal point, as seen from the station. However, it is not clear why that might be necessary – the focal point, it seems to me, is Gillette Corner, which the built form on the site should respond to.

14.29 The extent of the development footprint contrasts with the building line of some of the other established, high quality buildings along the Great West Road. As set out in the Masterplan and Capacity Study, a consistent and high quality public realm throughout the area is a prerequisite to creating an attractive business environment. The intention is to change the character of the Great West Corridor from a traffic dominated highway to a green urban boulevard, overlooked and defined by development, presenting an attractive front door to the Quarter.[538]

14.30 The proposed set-back from the Great West Road frontage would create a more spacious area for pedestrians and cyclists. However, whilst some planting is proposed, it would be confined to a very narrow strip in proportion to the scale of development.[539] It would not provide a meaningful landscaped setting for the building, nor would it contribute to the green urban boulevard envisaged in the Study. The architect describes a supermarket entrance plaza[540] (referred to elsewhere as an amphitheatre) that would be created adjacent to Gillette corner, which would also contain planting. That may help in terms of providing some landscape setting for the building, but in my view would be relatively small, given the sheer scale of the development proposed.

14.31 The building set back from the Syon Lane frontage would be more generous, to allow for the comfortable flow of large volumes of people moving from/to the station at peak times, with some planting.[541] However, there is a significant extent of inactive frontage at street level. The National Design Guide sets out that successful streets and high quality public spaces are characterised, among other things, by active frontages at ground level, where buildings open onto the space, generating activity and engagement between the building interior and the space outside.[542] The proposals would result in up to half of the frontage to Syon Lane being inactive.[543]

14.32 I have similar concerns in relation to the frontages to Syon Gate Way and Syon Gate Lane. There would be very little scope for landscaping within the public realm along the Syon Gate Way frontage. The adjacent road would remain as a service road. There is more scope for planting along Syon Gate Lane, but that would be incidental rather than strategic. These elevations would also have extensive sections of inactive frontage,[544] creating unattractive public

[538] CD10.39 section 6.1 (page 91)
[539] The planting referred to is shown on eg the site masterplan 1553/004 Rev Y (page 27 of ID1.15) the Syon Lane photoview 2 on page 37 of the same document and the public realm works as shown on the plans at Appendix 7 to the Homebase S106 (ID2.75)
[540] ID1.5.2 paragraph 5.2.8
[541] Eg Syon Lane view 3 on page 38 of ID1.15 (see also AVR View A in CD10.51)
[542] CD10.25 paragraph 69 and page 32
[543] Eg ID1.15 Drg No 579-PTA-ZZ-ZZ-ELE-A-0001 Rev P08 (page 33)
[544] Eg ID 1.5.2 Figure 5.27 (page 75)

realm around roughly half of the building perimeter, even though they are intended as clean air pedestrian/cycle routes intended to encourage their use.

14.33 The Government places great emphasis on well-designed places, with the Framework confirming that good design is a key aspect of sustainable development. Any new building on the site needs to respond to that drive for good design. I am comfortable with the concept of the design as a collection of five building typologies, with the proposed materials and detailed design of the facades bringing some texture and variety to the appearance of the scheme. Nonetheless, the development would appear excessively large in its context, overwhelming the existing established streetscape and failing to create an appropriate transition in scale to the residential areas on Syon Lane and to the lower scale buildings on this part of Great West Road. Moreover, other than the Art Deco inspired design of the Tesco building and Block A, the design does little, if anything, to reflect to respond to architectural references in the locality, particularly on Syon Lane.

14.34 Drawing all this together, I consider that the proposal would result in significant harm to the character and appearance of the area. There would be conflict with LonP policy D3, which seeks to optimise site capacity through a design-led approach to ensure that development is of the most appropriate form for a site. The scheme proposed would not do that. Instead, it seeks to maximise capacity, resulting in a proposal of excessive height, scale and mass which fails to respond to the existing character of the place. There would be conflict too with LonP policy D9, in that the development would not, in my view, make a positive contribution to the local townscape in terms of legibility, proportions and materiality and would not maintain the pedestrian scale, character and vitality of the street.

14.35 There would also be conflict with LP policy CC3, which states that tall buildings should be carefully placed so as not to create a wall of tall buildings, ensuring they relate sensitively to surrounding residential areas, and with policy SC4 which, in seeking to make efficient use of land, also requires that development responds to and reflects local context and character.

14.36 I consider there to be conflict as well, with emerging policies GWC5 and P1 of the GWCLPR. Whilst allowing for tall buildings on the site, they also emphasise the need for development to contribute positively to the creation of a strong sense of place, for it to have a positive relationship to the surrounding townscape context in terms of scale, streetscape and built form, and to interact positively with the public realm. The proposal fails to do that. Effect on heritage assets is discussed in a separate section below.

Tesco[6.97-6.100, 7.20, 7.24-7.26, 8.108-8.110, 8.113, 8.116, 9.14-9.16, 9.32-9.40, 9.96, 9.107, 10.10-10.11, 10.25, 10.47, 10.49, 10.96, 10.97]

14.37 The outline application was accompanied by illustrative plans, including an illustrative masterplan,[545] parameter plans[546] (supported by a Development

[545] ID1.6.5
[546] ID1.6.6

Specification document[547]) and a Design Code.[548] The Design Code provides mandatory and illustrative guidance on detailed design matters that would inform subsequent reserved matters applications, including details such as minimum street widths, minimum separation distances, key features of block dimensions and design, and identification of building typologies.

14.38 The application site fronts onto Syon Lane, with secondary frontages to Grant Way, which serves the Sky Campus, and Macfarlane Lane which serves the Goals Soccer fields and the Bolder Academy. The two-storey housing on the opposite side of Syon Lane is set well back from the road, behind a wide, treed grass verge. The edge of the application site itself is also set well back from the edge of the main road, again behind a wide, treed grass verge. A residential cul-de-sac (Oaklands Avenue) backs onto the north-western edge of the site (Macfarlane Lane). The Council's Urban Character and Context Study classifies the application site and its surrounds generally as an area of interwar ribbon development of two-storey semi-detached and terraced dwellings served by local parades. It is also described as an area unsuitable for tall buildings.[549]

14.39 Notwithstanding that description in relation to tall buildings, the emerging policy framework identifies the Tesco site for a cluster of tall buildings. Figure 7.22 and Table 7.2 of the Masterplan and Capacity Study identify indicative heights for the cluster ranging from 27m (9 storeys)(50.5m AOD) closest to the Gillette Building to 42m (14 storeys)(65.2m AOD) in the northern corner, adjacent to the Sky Campus.

14.40 Both the Framework and the National Design Guide, as well as relevant development plan policies, make it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. As part of the GWCOA, a development of increased density, including tall buildings, is envisaged here, but it needs to be of sufficient quality in terms of its design to respond properly to that opportunity.

14.41 The proposal would be arranged across the site as nine blocks, four of which are described as courtyard arrangements, with internal, podium level communal amenity space. A terrace of two-storey dwellings is proposed on the western side of Macfarlane Lane, within the Osterley Park Conservation Area and backing on to the rear gardens of dwellings on Oaklands Avenue. Other than this terrace, each of the blocks would include a mix of building typologies and height.

14.42 The Applicant's architect refers to a landscape-led masterplan, the scheme being conceived as a green grid with built form arranged around three areas of public open space – The Clearing, The Meander and The Water Gardens. The Boulevard is designed to have a formal character, reflecting the linear closure of the surrounding buildings. It would have semi-mature tree planting along its length and would form the main vehicle and service entrance into the site from Syon Lane. The slightly narrower, tree-lined Lanes, running roughly east/west, would comprise vehicle and service routes providing direct

[547] CD4.6
[548] CD4.5 and ID1.6.7
[549] CD10.38 (page 102 of 328)

pedestrian/cycle access to The Meander and The Clearing. The built form would not extend right up to the site boundaries. A planted buffer would be maintained around the edge of the site, including retention of the existing perimeter planting and the existing Water Gardens to the north, which would be restored.

14.43 The general approach to the distribution of built form across the site proposes lower heights on the Macfarlane Lane and Syon Lane frontages, with two-storey dwellings on the western side of Macfarlane Lane and three, four, five and six-storey buildings along the Syon Lane frontage. Development across the rear of those frontage courtyard blocks would rise to six, seven and nine storeys. The indicative maximum storey heights set out in the Design Code for the centre of the site suggest 10, 12, 14, 15 and 17-storey buildings stepping up in height towards the northern boundary with The Water Gardens and the Sky Campus beyond.[550] Each of the courtyard blocks on this part of the site would include lower elements ranging from three to eight storeys.

14.44 Subject to detailed design and sufficient separation from the adjacent dwellings, I consider that the proposed two-storey terrace on Macfarlane Lane and the proposed five/seven-storey buildings on the opposite side of the Lane within the application site, would establish an appropriate scale on these frontages.[551] I take no issue either, subject to high quality design, with the introduction of three, four and five/six-storey buildings arranged on a varied building line along the Syon Lane frontage,[552] or with the higher nine-storey elements across the rear of those courtyard blocks, which would be sufficiently far back from the road so as not to impose unduly on the street scene and the residential properties opposite.[553] In my view the Macfarlane and Syon Lane frontages could create a successful transition between the lower density, lower scale residential development that surrounds this part of the site and the proposed higher density, larger scale development behind.

14.45 OWGRA drew heavily on the evidence they commissioned from MSE, including 3D modelling. However, that modelling is not rendered. Instead, the developments are shown in aerial views as a blue or purple mass. As such, the image shown at Figure K11 for instance, in relation to the Tesco scheme,[554] does not give a meaningful impression of the Syon Lane frontage as envisaged, particularly when compared to the ground level views presented by the architect.[555]

14.46 MSE also produced a set of viewpoint sequences depicting the proposed scheme from street level. However, the development is shown as a single (red) mass with no rendering, giving no sense of depth or perspective.[556] Whilst the Applicant has no corresponding rendered version of MSE viewpoint 14 (from the Goals soccer ground) the difference between the impression given by the MSE approach and how the development might be experienced on completion is graphically demonstrated by comparing MSE viewpoint 8 (from

[550] CD4.5 Section 6.5 page 88 (page 94/116 of PDF version)
[551] As demonstrated, for example, by illustrative cross section DD at Section 4.2 (page 21) of ID1.16
[552] Eg pages 131 and 135 of the architect's proof of evidence (ID1.6)
[553] Eg illustrative cross sections AA and BB at section 4.1 (page 20) of ID1.16
[554] ID1.14.25 pages 11 (Appendix K of OWGRA's evidence)
[555] Eg pages 131 and 135 of ID1.6
[556] ID1.14.14 (Appendix A2 to OWGRA's evidence)

Osterley Park[557]) with the Applicant's illustrative render at AVR View L.[558] Both views are from similar (albeit not identical) points within the Park. On that basis, I consider the MSE images to be unhelpful and give greater weight to the rendered images produced by AVR.

14.47 In relation to the height of the block proposed on Grant Way, facing towards the Gillette Building (indicatively shown as ranging between 10 to 14-storeys in the Design Code) and the experience from street level, a scaled section[559] shows that the illustrative 10 and 12 storey elements would be located at least 71m from the Gillette Building. They would be separated not only by Grant Way and perimeter landscaping within the site, but also by a wide, treed grass strip alongside Grant Way, between the road and the Gillette building. All in all, I consider this to be an appropriately scaled interface with the surrounding development.

14.48 As for the taller building blocks along the northern part of the development site (which would be linked by much lower elements), they would front onto The Water Gardens which, once restored, would form one of the three main open spaces within the scheme. Beyond The Water Gardens is the Sky Campus. The proposed stepped massing within the application site would create an interesting skyline and strong urban backdrop to the Water Gardens space. Again, subject to high quality design, I consider the relationship of this face of the development with its surroundings to be appropriate, given the distance and the nature of the adjacent uses. The locations of the taller elements, including those within the centre of the site, have been determined to help assist with legibility and way-finding through the site. They would, mark key routes through the scheme and help to frame The Clearing whilst respecting the setting of the Gillette building and maintaining views of its façade and tower along Syon Lane in both directions.

14.49 The DRP, supported by OWGRA, draw attention to the relationship between ground, built form and sky, which they suggest is necessary to prevent the development feeling overbearing to the human scale. The proposed 12 to 15-storey buildings shown as flanking part of The Boulevard,[560] would be around 20m face to face, with buildings along The Lanes being separated by a minimum 18m. The proposed spaces would include street trees, would have active frontages and would link to larger open spaces. Experienced as part of a dense urban context, I do not think that they would feel unduly oppressive.

14.50 The DRP is also concerned about provision for open space, given that the development is expected to accommodate about 3,500 people. As discussed below, the amount of open space would meet relevant policy requirements. Whilst the DRP considers that the triangular form of The Clearing means that it would diminish its recreational value, the eventual layout would be a matter for reserved matters submissions and its shape could change. Details of how the open spaces would be laid out would be a matter for future consideration and will determine whether they would be places to pause and dwell, or simply to pass through. The proposal would undoubtedly change significantly the

[557] ID1.14.3 (page 49 of 87)
[558] CD10.51 (page 17)
[559] ID1.16 (Section 4.2 page 21)
[560] CD4.5 page 88

character of the site and the wider townscape. It would be conspicuous in many views from the surrounding area and would be visible over some distance (heritage impacts are assessed in detail elsewhere in this Report). However, being visible does not in itself indicate poor design. I agree with the conclusions set out in the committee report, that the indicative locations and heights of the taller elements demonstrate a layered form which would satisfactorily mediate the transition in scale between the existing and emerging contexts and create interest in the skyline.

14.51 I have taken into account the architectural quality of the proposed buildings as demonstrated in the illustrative material, being mindful of the outline nature of the application. The design of all the buildings, but particularly the taller elements, would be essential to the achievement of successful place making. The Design Code robustly secures the required design principles and allows for the resultant buildings to be expressed in different architectural shapes and forms. It would enable architects working on different phases of the development to secure a coherent scheme that would be compatible with the existing and emerging context. Compliance with the Design Code would be controlled at the reserved matters stage.

14.52 In terms of townscape and urban design (sense of place, density, new public realm, landscaped areas and active frontages) I consider that this outline scheme would accord with the objectives of section 12 of the Framework and LonP policies D3, D4 and D9 which, together with the National Design Guide, promote high quality, well-designed places, that respond positively to local distinctiveness and character. There would be broad accordance too with the design criteria established in policy CC3. The detailed architectural merits of the proposed taller buildings would be scrutinised at reserved matters stage to ensure they meet with the highest standards of design.

Heritage Assets

14.53 As noted above, the Applicant criticised the visual representations presented by MSE on behalf of OWGRA (also relied on in part by HE) and OWGRA criticised the visual representations produced by AVR for the Applicant.[6.37, 6.53-6.55, 9.41-9.52, 10.54] Whilst visual representations can be helpful they should, in general, be approached with caution. Illustrations of this type can be a useful guide and aide-memoire for the decision-maker. However, although they can assist site visits, they cannot replicate the experience of visiting the sites[561].

14.54 Whilst criticism was also made of the accuracy of the outline of the developments as shown on the MSE visual representations, evidence produced by AVR[562] shows, with one notable exception, that the differences are generally minimal. That exception relates to MSE viewpoint 1. That visualisation suggests that the proposed Homebase development would be visible through a gap in the boundary vegetation from a point within the RBG Kew WHS. The evidence of AVR[563] shows that the development would not be seen at all in that view.

[561] Eg CD9.7 paragraph 12.3 of the Inspector's Report (Chiswick Curve) and ID2.67 paragraph 38 (Jolly Boatman)
[562] Appendix 2 to the Rebuttal proof of Dr Miele ID1.17.3
[563] Ibid Section 1.1.1

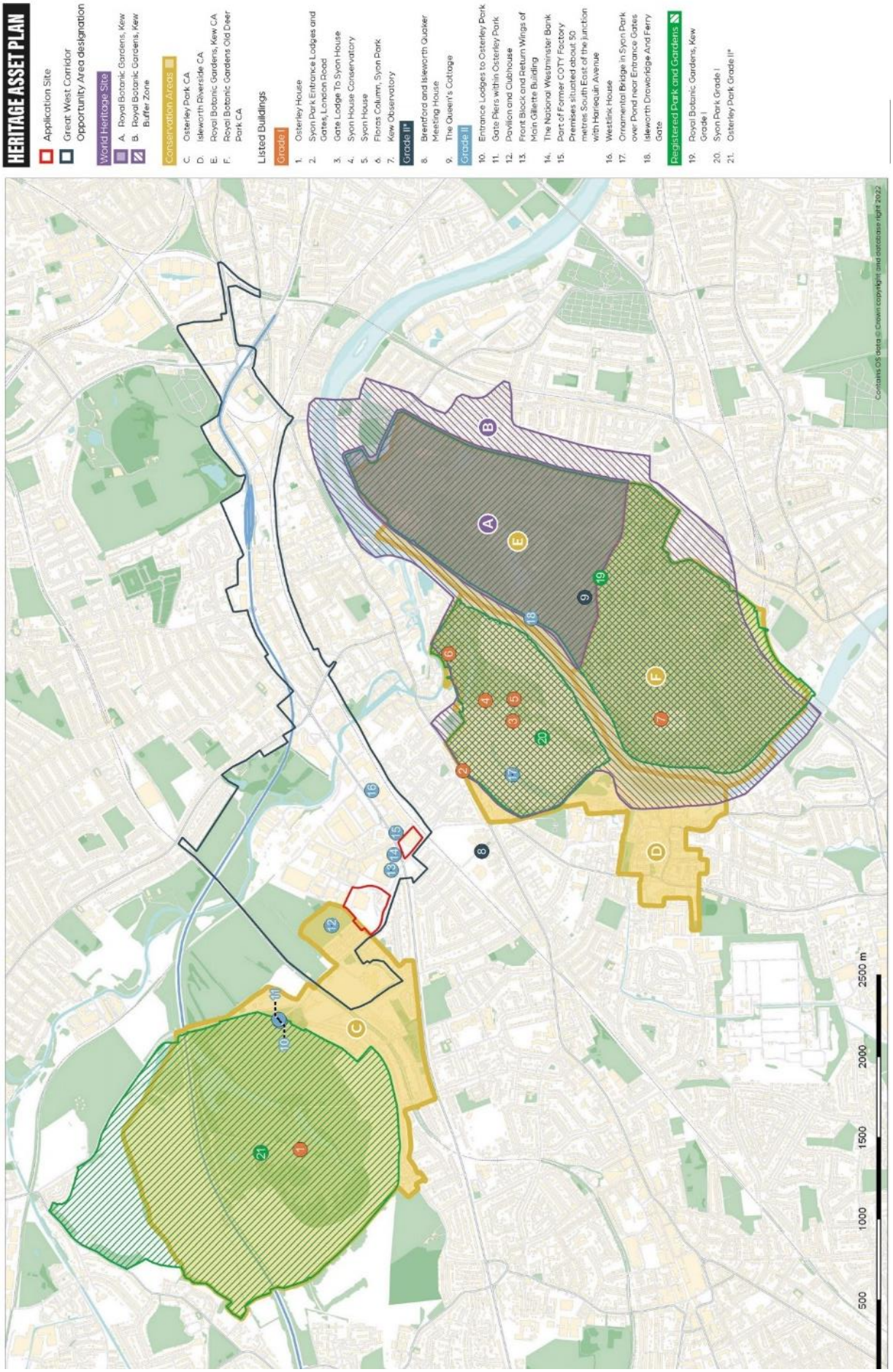
14.55 In essence, care needs to be taken with both sets of visual representations, not least because they are only 2D, although I found the Applicant's material to be of most assistance, including a very useful kinetic animation study.[564] That said, it is what I saw at my site visits, informed and aided by the parties' visual representations, that forms the basis for my conclusions that follow.

The Assets

14.56 As set out in the Heritage SoCG and Addendum (as amended by the Council during the Inquiry),[565] a wide range of heritage assets have the potential to be affected by the developments proposed. These include the Kew Gardens WHS, which is also a Grade I RPG, its Conservation Area, and numerous listed buildings within, including the Grade II listed Isleworth Ferry Gate and drawbridge; Syon Park RPG (Grade I) and numerous of the listed buildings within it, including the Grade I listed Syon House, the Lion Gate, the Great Conservatory, Flora's Column and the Pepperpot Lodges (all Grade I) and the Grade II listed ornamental bridge; Isleworth Conservation Area; Osterley RPG (Grade II*) and listed buildings within it, including the entrance lodges and gate piers (all Grade II); Osterley Conservation Area; the Old Deer Park Conservation Area; the Grade II* Quaker Meeting House; the Grade II Goals pavilion and club house; and various Grade II listed buildings on the Great West Road, including the Gillette Building, the National Westminster Bank, the former Coty Factory (Syon Clinic) and the former Pyrene Factory (Westlink House). In addition, the Homebase building is identified as a non-designated heritage asset.[2.3, 6.81] There was general agreement about the heritage significance of the assets.

14.57 The following plan[566] shows the relationship of all the assets referred to.

[564] CD10.52
[565] CD11.2 and CD11.6
[566] taken from the evidence of Dr Miele with his permission


HERITAGE ASSET PLAN
Application Site
Great West Corridor Opportunity Area designation
World Heritage Site
A. Royal Botanic Gardens, Kew
B. Royal Botanic Gardens, Kew Buffer Zone
Conservation Areas
C. Osterley Park CA
D. Isleworth Riverside CA
E. Royal Botanic Gardens, Kew CA
F. Royal Botanic Gardens Old Deer Park CA
Listed Buildings
Grade I
1. Osterley House
2. Syon Park Entrance Lodges and Gates, London Road
3. Gate Lodge To Syon House
4. Syon House Conservatory
5. Syon House
6. Flora Column, Syon Park
7. Kew Observatory
Grade II*
8. Brentford and Isleworth Quaker Meeting House
9. The Queen's Cottage
Grade II
10. Entrance Lodges to Osterley Park
11. Gate Piers within Osterley Park
12. Pavilion and Clubhouse
13. Front Block and Return Wings of Main Gillette Building
14. The National Westminster Bank
15. Part of Former COTY Factory Premises situated about 50 metres South East of the junction with Harlequin Avenue
16. Westlink House
17. Ornamental Bridge in Syon Park over Pond near Entrance Gates
18. Isleworth Drawbridge And Ferry Gate
Registered Park and Gardens
19. Royal Botanic Gardens, Kew Grade I
20. Syon Park Grade I
21. Osterley Park Grade II*
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14.58 Neither development scheme would cause direct physical harm to any designated heritage asset. Rather, the considerations relate to the impact of development on the settings of the various assets. Although the Homebase building would be demolished, with consequent total loss of its heritage significance, there was no objection in principle to the development proposed in this regard, subject to the outcome of the relevant planning balance. I have no reason to disagree.

14.59 As confirmed in the Addendum SoCG on Heritage, where harm is identified by the parties that harm would, in all instances, be less than substantial to the heritage significance of the assets, including the OUV of the WHS (expressed as its Outstanding Universal Value) (OUV). I have no reason to disagree. There was disagreement however, as to the degree of any harm to significance within the range of less than substantial.

14.60 Notwithstanding his written evidence and his contribution to the Heritage SoCG and Addendum, which alleges harm to all of the heritage assets referred to, Mr Stroud for HE confirmed in cross-examination that none of those assets would be impacted in such a way as would materially affect their heritage significance, and that the heritage significance of all the various assets would remain broadly the same following development.[7.50-7.52, 7.89] However, the Applicant and the Council do identify harm to the heritage significance of some of the assets and I have a statutory duty to consider the matter too, as does the Secretary of State[567].

14.61 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be had to the desirability of preserving the setting of listed buildings. There is no equivalent provision in Section 72 of the Act, in relation to the setting of conservation areas. However, the Framework sets out that any harm to the significance of a designated heritage asset (which includes conservation areas) from development within its setting requires clear and convincing justification. In relation to LSH to a designated asset, Framework paragraph 202 requires that such harm is weighed against the public benefits of a development.

14.62 Simply seeing a new development in the context of a heritage asset does not mean, necessarily, that there would be harm to its heritage significance, not least because setting is not itself a heritage asset - its importance lies in what it contributes to the significance of the heritage asset or, as referred to in HE's publication GPA3:The Setting of Heritage Assets[568], to the ability to appreciate that significance. In essence, what falls to be assessed is the contribution made by setting to the heritage significance of an asset and any harm to that significance as a consequence of a proposed development.

14.63 In considering impacts on setting, I have been mindful of the staged approach to decision taking set out in GPA3. There was much discussion in this regard, as to assessment of 'cumulative change' in the setting of some of the assets.[6.30-6.36, 7.60-7.62, 8.14-8.19, 8.31, 8.49, 10.55, 10.70, 10.106-10.107] GPA3 paragraph 9 suggests that where the significance of an asset has been compromised in the past by unsympathetic development affecting its setting, consideration still

[567] Planning (Listed Buildings and Conservation Areas) Act 1990 (sections 66 and 72)
[568] CD10.22

needs to be given to whether additional change would further detract from, or could enhance, the significance of the asset[569]. It was no part of any case, quite rightly in my view, that past changes within the setting of an asset were being used to somehow *justify* any potential harm resulting from the development proposed.[6.32-6.36, 8.40]

14.64 It seems to me that the first step in assessing cumulative harm is, as set out in GPA3, to assess what, if any, contribution setting currently makes to the heritage significance of the asset, followed by an assessment as to whether the scheme would cause harm to that contribution. That setting would include past changes whether good, bad or neutral. Third, where LSH is identified (any harm alleged in this case relates only to LSH), the next step is to assess whether the scheme proposed, when considered together with any other previous or anticipated changes, would cause any greater LSH than the scheme alone. For example, my colleague in the Citroen appeal found, having studied the extent of visibility of existing buildings (such as the Haverfield Towers) and their positions relative to important views, that the severity of change (rather than the harm) to the setting of the Orangery at Kew, would be a little more than slight. He noted that, while the Haverfield Towers have a greater impact on the WHS as a whole, that was over a much wider area than the setting of the Orangery. Taken with existing impacts, and for similar reasons, he found that, overall, there would be a minor cumulative effect. The weight to the direct harm, and the slightly greater cumulative harm, was assessed as a little, but not much, more than moderate, but in any event falling well short of a tipping point – the crucial point (in that case) being that the harm would still not come close to substantial.[570]

Royal Botanic Gardens, Kew WHS; Royal Botanic Gardens, Kew RPG; Royal Botanic Gardens, Kew Conservation Area; Isleworth Ferry Gate[6.38-6.51, 7.63-7.80, 7.92, 8.56-8.79, 10.2-10.4, 10.12, 10.53-10.60, 10.62-10.71, 10.72-10.79]

14.65 For the most part, the boundary of the WHS aligns with the administrative boundary of RBG Kew. The RPG overlaps the WHS, but extends further south to include the Old Deer Park. The Conservation Area overlaps the WHS, but extends further west to include part of the Thames.

14.66 The WHS is a rich and complex heritage asset covering a large area. It includes some 56 listed buildings with multiple, designed, formal views and vistas. Of these, most concern at the Inquiry related to the so-called Canaletto view (also referred to as the Syon Outlook/Vista or the Syon Lawn). The MSE visualisations[571] on which early comments appear to have been based, including those of ICOMOS[572], suggest that the application schemes would be visible in that iconic view. Indeed, MSE Viewpoint 3 is titled 'Canaletto View'. However, the location for that viewpoint is on the Thames Path, at a point much further south, close to the southern end of, and outwith the WHS[573]. It is not taken from the Syon Outlook. Based on the full suite of images from AVR[574], and from my own observations during the site visits, it is

[569] Ibid paragraph 9 second bullet (page 4)
[570] CD9.1 IR paragraph 15.30
[571] ID1.14.14
[572] ID2.34
[573] As confirmed by the camera location map on page 16 of ID1.14.13 Appendix A1 to OWGRAs evidence
[574] ID1.8.6 Section 1 (Appendix 4 to the proof of Dr Miele)

clear that there would in fact be no view at all from the Syon Outlook of either of the application schemes.[6.38-6.40, Footnote 128, 7.68, 8.22, 8.25, 8.26, 8.33, 8.71, 8.72, 8.75, 8.76, 9.49, 10.64, 10.77, 10.78]

14.67 As to other possible views from within the WHS,[6.40-6.42, 6.44, 7.66, 7.67, 7.68-7.70, 8.71] the images produced by MSE suggested that the development would be seen through a gap in the boundary vegetation adjacent to a white shelter at a point to the south of the Syon Outlook.[575] However, Figure 1.1.i in the rebuttal evidence of Dr Miele[576] demonstrates the viewing cone from the MSE view location. The development proposed would be offset to the right of the gap, behind existing vegetation, and would not be visible.[577]

14.68 Although Mr Stroud, for HE, suggested that there 'may' be views from the woodland walk, no evidence was adduced to support that position. From my own observations during the site visits, at a time of year when the boundary vegetation provides the least cover, I saw no meaningful views from the woodland walk, out across the river towards the development sites.

14.69 The Grade II listed Isleworth Ferry Gate[6.40, 6.43, 7.67, 7.71, 7.72, 7.92, 8.77-8.79, 10.53] is a modest, utilitarian structure dating from 1875, sited on the edge of the gardens. It operated until around 1975 and is currently unused. As noted by Dr Rutherford in her historical analysis[578], this was a minor entrance screened by evergreens, located at the furthest point south from the Syon Vista, chiefly intended for locals who would have arrived by ferry at a point further to the south of the gate. Given that context, I do not agree with her suggestion that the alignment of the western axis of the Ferry Gate with the Great Conservatory in Syon Park and the Gillette tower, which are not readily apparent even in the zoomed in/enlarged photographs in her analysis[579], reveals a specific design intent to celebrate a view of Syon and beyond from the WHS, or represents a meaningful association.

14.70 As noted by Mr Froneman, with the Gate now disused, the closed drawbridge cuts off the bottom of that view, with tree branches further obscuring the view.[580] I am also mindful that the Kew WHS Management Plan (2020)[581] refers to the Gate only in passing reflecting, it would seem, its relatively low importance as part of the OUV of the WHS. All told, it seems to me that its special interest, and thus significance, derives mainly from its historical and possibly architectural interest, rather than its wider setting on the far side of the Thames. Whilst it may be possible to see the development proposed from the Gate, that would (at worst) be a glimpsed, distant view. I therefore agree with the Council and the Applicant that there would be no harm to the heritage significance of the Ferry Gate as a consequence of the development proposed and thus no harm to the OUV of the WHS.

14.71 There is no evidence that the state of vegetation around the edge of Kew Gardens is likely to change. Indeed, the action identified in the WHS

[575] IS1.14.14 MSE viewpoint 1
[576] ID1.17.3 Section 01 (pages 2-6) and AVR View Y (CD10.51)
[577] Ibid Fig 1.1.h
[578] CD8.7
[579] Ibid Figure 19
[580] See eg photo 22 on page 79 ID1.13.2
[581] CD10.1

Management Plan for the areas of woodland which, if removed or thinned might create views of the proposed development, is to maintain them as '*thick tree planting*'[582]. Moreover, Mr Forbes-Laird's evidence as to the longevity of existing trees at Syon confirmed that there is no foreseeable likelihood of any tree loss such that greater views would be opened up from within the WHS.[583] This is supported by the Syon Heritage Landscape Management Plan, which stresses the intention to plant, not remove, trees[584]. Based on the evidence before me, I am content that no material change in the type or amount of tree cover which screens RBG Kew WHS from the application schemes is likely.

14.72 The Thames Path runs alongside this part of the WHS, between RBG Kew and the River.[6.43, 6.45-6.51, 7.66, 7.73-7.80, 8.61-8.70, 8.74, 10.76] It lies outwith the WHS and the RPG. The developments proposed would undoubtedly be seen at various points along the Path. Importantly however, insofar as the WHS is concerned, the SOUV confirms that, '*The boundary of the property contains the elements that bear witness to the history of the development of the landscape gardens and Kew Gardens' uninterrupted role as a national botanic garden and centre of plant research. These elements, which express the Outstanding Universal Value, remain intact*.'[585] That was summarised by Mr Stroud for HE as '*the boundaries of the WHS contain all the sources of the attributes composing RBG Kew's OUV.'* [6.49(2), 7.74] With that in mind, had any views from the Thames Path informed any attribute of OUV they would, it seems to me, have been included as part of the WHS. I also agree with the Applicant that, if that were the case, the Management Plan would have referred to it.

14.73 The Thames Path does lie within the WHS Buffer Zone, which forms part of the setting of the WHS. The Buffer Zone also includes Syon Park RPG. However, nowhere in the Management Plan is there a reference to Thames Path views, save in respect of views from the path into the WHS (as opposed to away from it). Neither, contrary to the assertion of Mr Stroud, do I find any implicit references in the Management Plan or the SOUV to views from the Thames Path as contributing to OUV as part of the setting of the WHS. As noted by the Applicant, the Management Plan's analysis of setting bears this out – the WHS is said to be a '*place apart, designed over several centuries to be appreciated from the inside',* with ground level views being '*carefully controlled'*, the most expansive view being the composed Syon Outlook acting as an exception.[586] [6.49(8)] I am satisfied therefore, that whilst within the setting of the WHS, the Thames Path (and views from it) do not contribute to the OUV of the WHS. The OUV comprises the heritage significance of the asset that is the WHS. The setting is not part of the asset. It follows, therefore, that there would be no harm to the heritage significance of the WHS as a consequence of the development proposals.

14.74 The same goes for the RPG, the boundaries to which reflect those of the WHS at this point. Similarly, there would be no harm to the significance of the Conservation Area. Although the Conservation Area encompasses this stretch of the Thames Path, its significance is entirely bound up with RBG Kew.

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[582] Ibid Figure 3 in Appendix D page 125.
[583] ID1.9
[584] CD 10.53 page 46, see eg proposals 3(e) and 8(a).
[585] CD10.24
[586] CD10.1 section D8(i) page 117/118

Syon House; Syon Park RPG; Lion Gate; Isleworth Conservation Area; Ornamental Bridge; Pepperpot Lodges; Great Conservatory; Flora's Column[6.52-6.73, 7.81-7.86, 7.92, 8.20-8.50, 9.49, 10.53]

14.75 As set out in the Heritage SoCG and Addendum, all parties are agreed that there would be some harm to the heritage significance of the House, the RPG, the Conservation Area, and the Lion Gate. The Council and the Applicant put that harm at the low end of the range that is less than substantial, whilst Mr Stroud for HE puts that harm at medium to high, other than the harm to the Conservation Area, which he places at medium.

14.76 Syon comprises a House and Park of considerable importance, the history of which is well documented. In summary, the special interest and the significance of the House derives largely from its historic interest, dating back several centuries, its associations with important historical figures, and its architectural interest. Some of these characteristics have an obvious relationship with the evolution of the Park landscape.

14.77 The RPG forms part of the Isleworth Riverside Conservation Area. As shown on the earlier plan, the boundaries of the Conservation Area and the RPG are more or less contiguous, although the Conservation Area extends further south, beyond the RPG, to include the historic Thameside village of Isleworth. The RPG (and Conservation Area) are designated heritage assets in their own right. They also comprise an important setting element for the House. That designed landscape is of great significance, with a rich record both of horticultural achievement and of associations with historically important people, notably Capability Brown, Robert Forrest and the architect Robert Adam, together with important events of English history. The landscape, which also contains significant known archaeology associated with the earlier monastery and subsequent garden features, takes in a range of contrasting landscape elements that vary in character from high grade horticulture to grazed parkland and meadow. Syon is also part of the RBG Kew WHS Site Buffer Zone, providing context to the views of Syon from the WHS as part of an ambitious Brownian borrowed landscape.[587]

14.78 The House enjoys a very important setting relationship with the river and associated properties. It is that relationship which is often referred to as the Arcadian Thames.[6.49, 6.60, 6.72, 7.84-7.86, 8.21, 8.23, 8.35, 8.27, 8.28, 8.34, 8.45, 8.49, 8.57-8.59, 10.3, 10.62-10.66, 10.74] What is seen now are remnants of that landscape in a very changed setting. That said, the visual links across the river, between Syon and Kew, are important and contribute to one's appreciation of the heritage significance of Syon. The developments proposed would not interrupt or otherwise interfere with that relationship.

14.79 To the north of the Thames, the wider setting of the House and the RPG generally comprises built development, including the application sites, which makes little if any material contribution to their heritage significance. That said, the absence of tall development on the application sites does allow for an appreciation of the House and Park, particularly in views from the Thames path.

[587] ID 1.13.2 paragraph 4.47 and 4.48

14.80 The Syon Park Heritage Landscape Management Plan identifies main vistas into and out of the Park, but all of these relate to the river frontage.[588] Whilst no identified views are shown within the western part of the RPG, the Conservation Area Appraisal[589] does identify inward views, including a view of the Lion Gate from London Road and a view from the entrance on Park Road.

14.81 In relation to longer range views from across the river, there are differences between the visualisations produced by MSE and AVR. However, it is common ground that the proposed developments would be seen behind and to the side of Syon House in some views from the Thames Path. Perhaps the most useful visual aid in this regard is the Applicant's Kinetic Study Animation[590] and section 5 of the rebuttal evidence of Dr Miele[591]. From around second 43/44 of the short video, the Homebase scheme becomes apparent in the view, behind Syon House.[592] For around 30 seconds, equating to distance of roughly 80 or metres or so[593], the tall blocks of the Homebase scheme would be seen tracking behind and then to the side of the House. As they track further off to the side, the lower blocks then become apparent to the side, continuing to blur views of the edge of the House. From around 1 minute 32 seconds onwards, the silhouette of the House is clear of the Homebase development, although the development would still be seen off the right for a very short distance before views are again obscured by vegetation.

14.82 When walking along the Thames Path, one is aware of other modern development, including the Kew Eye and the Haverfield Towers, but they are seen in other directions. They are not apparent in, and so do not distract from, direct views of the House from this part of the Path, from where it is seen against an uncluttered skyline. Inasmuch as the development proposed would blur appreciation of the House in those views, including its distinctive castellated silhouette and the sculpted lion over the centre (which is taken from the Percy family crest and so has particular historical resonance), I consider there would be some harm to its heritage significance. On the other hand, the viewer would have a clear sense of separation and distance between the listed building and the proposed developments. The scale and impressiveness of the House would continue to be appreciated in its landscaped setting. In any event, the identified effect would be relatively fleeting and is not part of any identified designed or designated vista. On balance, I put the harm as below the middle of the range of less than substantial, albeit not quite as low as the Council and the Applicant. The identified effect would also have an impact on the heritage significance of the RPG and the Conservation Area, but that effect would be at the low end of the scale. Any effect in terms of cumulative impact would be minor.

14.83 Figure 3.2 of the Syon Heritage Landscape Masterplan[594] shows two views towards Syon House from the Thames Path. The evidence of Dr Miele shows

[588] CD10.53 Figure 3.2
[589] CD10.28
[590] CD10.52
[591] ID1.8.6
[592] As I saw during the site visit, there are glimpsed views from the path earlier on the approach up to that point but, even in Winter, those views are heavily filtered by riverside vegetation and/or vegetation within the grounds of Syon House.
[593] The Verified View Route map on page 19 of ID1.8.6 shows a green line along the Thames Path adjacent to the WHS. That green line is the length of the path equating to second 44 onwards on the animation.
[594] CD10.53

that, even if some existing trees were removed opening up views of the House which are not currently available, the application sites would be offset to the west from both viewpoint D in the Masterplan and a location towards that of viewpoint F, such that there would be no impact on those views.[595] As noted earlier, the evidence of Mr Forbes-Laird is that there is no foreseeable likelihood of any tree loss or removal such that greater views would be opened up. This is consistent with the Syon Heritage Landscape Management Plan, which stresses the intention to plant, not remove, trees. I find no harm in this regard.

14.84 Moving on then to impacts from within the RPG, including views in relation to listed buildings and structures within the Park.

14.85 The Lion Gate:[6.69-6.72, 6.109, 7.84, 7.92, 8.5, 8.27, 8.30, 8.46, 8.51, 8.52, 10.61] Constructed in 1769, this historic main entrance on the north edge of the Park, off London Road, is marked by a composition of two single storey square lodges, connected by a colonnaded screen with a central arched gateway topped by a Northumberland or 'Percy' lion, designed by Robert Adam. It has considerable inherent architectural significance, interest through its association with Adam and the wider estate, and illustrative interest in its form and fabric. It also has group value with the House although, since the Gate is not seen from the House (or *vice versa*) that interest is experiential rather than visual.

14.86 The sinuous drive to the House from the Lion Gate, laid as part of the 'Capability' Brown Park design in the mid-18th Century, winds across the western parkland, crossing Brown's north-south lake via an ornamental bridge before linking up with the Great Lime Avenue, a retained earlier feature dating from around 1700. The present-day drive from the south, off Park Road, became the main entrance to the Park when the Lion Gate entrance was permanently closed in the late 20th Century.

14.87 The Gate is associated with a high status designed landscape and House which, in its present form, was remodelled inside and out by the same architect. The legibility of the Gate as an historic estate entrance is clearly of great importance to its significance, understanding and setting.

14.88 The notable view into the Park at the Lion Gate, as identified in the Conservation Area Appraisal, would not change as a consequence of the development proposed. No notable views out of the Park at this point are referred to in either the Landscape Management Plan or the Conservation Area Appraisal. Whilst arrival through this entrance comprised a carefully designed sequence, in reverse, direct views out of and beyond the Lion Gate would not have been seen until the viewer was approaching the Gate. Given that context, I do not agree with Mr Stroud that the Gate was designed as an eye catcher within the Park.[596] Rather, it is best appreciated in closer views.

14.89 Views through the Gate out from the Park today are of the suburban townscape beyond, including residential development on Acacia Avenue on the

[595] ID1.8.6 page 15 **Inspector's Note**: the titling for this view, and that on the following page in the document, is incorrect. It was confirmed that the view on page 15 is viewpoint E in fig 3.2 of the Masterplan and that the view on page 16 is towards viewpoint F, but not quite at the exact location.
[596] See for instance photos 46 and 47 in the proof of Mr Froneman (ID1.13.2)

far side of London Road, and the Sky Campus.[597] In that context, the Gate continues to mark the transition from parkland to the developed hinterland beyond. The locations of the application sites relative to the Gate mean that the proposed development would not be seen in frontal views from within the Park. However, from further back into the park, in angled views from the east, the Homebase development would be seen in some angled views as part of the existing developed hinterland and townscape context behind the Gate. In such views, most of the building mass would be heavily filtered by the mature trees on the northern side of London Road[598], although the Block B tower(s) would be seen above the treeline.

14.90 The Gillette tower and building is seen in these views but is largely screened by existing trees. The Gate derives no heritage significance from that view. Inasmuch as views of the Gillette tower would be lost, there would be no harm to the special interest and significance of the Gate.

14.91 In the direction of the proposed developments, there are no strikingly tall buildings breaking the tree line. In this respect, the Homebase scheme would be a noticeable addition. As such, in terms of the experience and understanding of the RPG, the effect would be some additional visual distraction in the context of a layered townscape setting with a clear presence of buildings along Great West Road and elsewhere. I find LSH in this regard, at the low end of the scale. Importantly, whilst it would add to cumulative impact, it would not fundamentally change the perception of the townscape context, nor would it dispel any illusion of a rural hinterland. Any increased harm in this regard as consequence of the development proposed would be marginal, still at the low end of LSH.

14.92 The Ornamental Bridge:[6.61, 6.68, 7.84, 7.92, 8.27, 8.30, 8.46, 8.53]Dating from the late 18th Century and designed by James Wyatt.[599] this wrought-iron bridge carries the original entrance drive over Brown's north-south lake.[600] Its special interest derives largely from its architectural interest, its relationship with the wider designed estate, and illustrative interest in its form and fabric.

14.93 As confirmed by Mr Froneman, the proposed developments would not be visible to any notable extent from the original drive, although buildings along Great West Road are clearly seen.[601] In AVR View S (MSE viewpoint 5), whilst the development proposed would be seen at a distance, above the bridge, it would be largely screened by vegetation during the summer. Mr Stroud maintained that, in this view, the proposals would detract from what he described as Brown's 'intact Arcadian illusion', and from one's appreciation of the design interest of the bridge and its contribution of character to the setting of other heritage assets in the Park. However, Brown's 'Arcadian illusion' is not intact. Surrounding built development is clearly discernible from many places within the Park to the north, east and south. Even in Winter, I consider that there would be no harm to the heritage significance of the bridge in this

[597] Mr Froneman phot 40 (ID1.13.2)
[598] Photoview at section 8 of Appendix 4 to the proof of Dr Miele (ID1.8.6) and MSE viewpoint 7 (ID1.14.14)
[599] Replacing an earlier Robert Adam designed bridge.
[600] See Mr Froneman photo 27 (ID1.13.2) and Mr Stroud Plate 8 (ID1.11.2)
[601] Eg Ibid photos 27, 37 and 38

view, nor to any appreciation of that interest. My conclusions in terms of cumulative impact are the same as for the Lion Gate.

14.94 The Pepperpot Lodges:[6.67, 7.92, 8.27, 8.30, 8.54, 10.53] As noted earlier, Syon Park is entered today from Park Road at the southwest corner, via a gently curving tarmac road[602]. The drive heads north-east for some 700m before passing to the west of two early-17th Century lodge houses (the Pepperpot Lodges) which flank the 17th Century entrance to the Great Lime Avenue. Just past the northern lodge, the drive divides; the main drive continues north to the Garden Centre and car park, with a hotel beyond; the branch to the east passes through wrought-iron gates into the oval forecourt to the western front of Syon House.

14.95 The significance of the lodges lies chiefly in their designed relationship with Syon House, as complementary subsidiary features[603]. They also have a role in reciprocal views, denoting the formal west lawn and bookending the linear approach along the Great Lime Avenue[604]. They were designed to complement the House and its strong symmetry, so group value is intrinsic to their significance. The lodges have similar interest in their age, fabric and historic associations as Syon House. They also have architectural interest in their design. It is the visual and associational relationship between the lodges and the House that is the primary generator of the contribution that setting makes to their significance. The setting of the lodges today encompasses development beyond the Park, but notably also includes the hotel, its car park, and the modern Garden Centre structures within the Park.[605]

14.96 The proposed development would not interfere with, or affect, the relationship between the lodges and the designed landscape, or the House. Neither would their architectural interest be compromised, nor the ability to appreciate that. Moreover, as can be seen from AVR View AE, the developments proposed would not be visible on the alignment along the Great Lime Avenue from the House between the lodges. In broader views from the vicinity of the lodges[606], the application sites are offset at an angle in relation to the lodges. There may be some juxtaposition between the Homebase Scheme and the lodges from some viewpoints. However, as demonstrated by the rendered version of AVR View S, I consider that the proposed developments would not impinge on any appreciation of the significance of the lodges in such views. I find no harm in this regard. My conclusions in relation to cumulative impact are the same as for the Lion Gate.

14.97 The Great Conservatory:[6.66, 7.92, 8.30, 8.55] Completed in 1827, this huge domed conservatory is the focal point of the 19th Century flower garden at Syon House. Its special interest and significance, derives largely from its cultural, architectural and historic interest and relationship with Syon House and Kew's iconic Palm House. It seems to me that any significance the Conservatory possesses in respect of setting relates to its immediate context with the House and garden. The dome can be glimpsed occasionally in views from the other side of the river but those views, such as they are, are heavily filtered by

[602] Ibid photo 30
[603] Ibid photos 29 and 42
[604] Ibid photo 43
[605] Ibid photos 44 and 45 and AVR View AE.
[606] Eg AVR Views R and S, MSE viewpoint 5

vegetation. I note that the Syon Heritage Landscape Management Plan identifies a view of the dome from the Thames Path, close to the Syon Outlook. AVR View AF[607] demonstrates that, whilst the development proposed would be within that view, the separating distance would be significant and appreciation of the relationship of the Conservatory with the House and garden would not be diminished. I agree with the Council and the Applicant that there would be no harm to its heritage significance as a consequence of the developments proposed. My conclusions in relation to cumulative impact are the same as for the Lion Gate.

14.98 Flora's Column:[6.66, 7.92, 8.30, 8.55] Described by Mr Stroud as an eye catcher, this late 18th Century column forms a focal point for the pleasure grounds to the north and north-east of the House. The grounds here are dominated by Brown's serpentine east-west lake, bordered by informal woodland. The special interest of the column derives from its historical and artistic/aesthetic interest and its relationship with the pleasure grounds. As such, it derives heritage significance from its immediate rather than extended setting. In any event, views of the column from within the Park, across the serpentine lake, are to the north and would not encompass the development proposed. Similarly, whilst the Syon Park Heritage Landscape Management Plan identifies a distant view of the column from the opposite riverbank[608], that directed view is towards the northeast, away from the development sites. I agree with the Council and the Applicant that there would be no harm to the setting or the significance of the listed column.

14.99 RPG and Isleworth Conservation Area:[6.363, 6.64, 6.66, 6.73, 6.109, 7.46, 7.47, 7.81, 7.92, 8.82, 7.84-7.86, 7.92, 8.5, 8.20, 8.27-8.33, 8.43-8.45, 8.47-8.50, 9.102, 10.2, 10.53, 10.57, 10.60, 10.66-10.71] In the light of my findings above, I find that any harm to an appreciation and understanding of the heritage significance of the RPG and Conservation Area as a whole would be at the low end of the range that is LSH. In terms of cumulative impact, the setting of the RPG and Conservation Area on the north side of the river has been the subject of considerable change over time and they are generally surrounded by built development. The developments proposed would not materially change how these assets are experienced and thus any increased cumulative harm would be marginal, still at the low end of the LSH range.

Osterley Park RPG; Osterley House; Osterley Park Conservation Area; Entrance Lodges and Gate Piers[6.16, 6.36, 6.74-6.77, 7.25, 7.92, 8.4, 8.5, 8.80-8.91, 9.39, 9.42-9.44, 9.102, 10.2, 10.3, 10.9, 10.40, 10.46, 10.47, 10.53, 10.57-10.59, 10.66-10.71, 10.105-10.107]

14.100 The boundaries of the RPG and the Conservation Area are largely contiguous, although the RPG extends further to the north, with the Conservation Area extending further to the southeast. The Applicant, the Council and HE are all agreed that there would be no harm to the heritage significance of the Grade I listed, Robert Adam designed Osterley House itself. I have no reason to disagree. They also agree that there would be some, LSH, to Osterley Park RPG and the Conservation Area - the Applicant and the Council consider that harm to be at the low end of the scale, whilst HE considers the harm to be in the middle of the range.

[607] See also Plate 10 in the proof of Mr Stroud (ID1.11.2) and view C on page 14 of ID1.8.6
[608] CD10.53 identified as view D on Figure 3.2

14.101 The heritage significance of the RPG derives principally from its historic value as a surviving Georgian country estate within the heart of urban Hounslow, where the relationships between the country house, parkland and home farm are still clearly legible. The significance of the south-east parkland of the RPG derives from its varied and informal nature, which has historical associations with the original agricultural purpose of the land surrounding the Osterley estate and is still used for grazing. Originally, this part of the parkland provided the setting for the main approach to Osterley House from Wyke Green. Now, however, while it retains the line of the former carriage drive, it remains physically separate from Osterley House and the more formal designed elements of the estate. The creation of the South Avenue (now Main Drive) in the late-19th century re-orientated the main entrance.

14.102 A portion of the parkland's original agricultural setting survives in the open fields that remain around the periphery of the RPG boundary. However, its wider setting comprises the heavily built-up townscape of Osterley, Norwood Green, Heston and Hanwell. Much of the Park, therefore, is experienced in the context of a readily identifiable urban settlement edge. Whilst the western and northern edges of the park are characterised by landscape planting, the boundary treatment to the southern and south-eastern edges of the Park is minimal, resulting in views towards the settlement edge from within the RPG, with a clear and marked change in character from the agricultural land within the RPG to the suburban character of Jersey Road and beyond.

14.103 Whilst the extensive Conservation Area comprises the RPG for the most part, it also includes a largely residential area to the southeast (including Oaklands Avenue) which can be classified as mostly interwar, outer suburban in nature. There is a clear and abrupt end to the housing and the playing field within the Conservation Area where the Tesco site, and indeed the other adjacent modern development, adjoins this part of the Conservation Area. The 2019 Conservation Area Appraisal[609] describes the Area's primary significance as deriving from Osterley House, its landscaped grounds and rural setting. It adds that the houses surrounding the perimeter of the Park, and to the south across the railway line, are also important because they reflect the suburban character of their time, built around the railway and later the Great West Road. The integrity of their roofs and architectural features, and the quality of materials and design, forms part of the setting for the Park. Whilst the Appraisal identifies key views, local views and focal points within the Park, which contribute to its significance, none is in the direction of the application sites. Neither are the listed entrance lodges or gate piers (see below) identified as focal points or landmarks.

14.104 A small strip of the Tesco application site (along the north-western side of Macfarlane Lane) lies within Conservation Area, backing on to the two-storey dwellings on Oaklands Avenue. The Parameter plans show two storey housing on that side of the Lane. With regard to the statutory test relating to development *within* conservation areas (as opposed to within their setting) I am content, subject to detailed design which would be dealt with through

[609] CD10.29

Reserved Matters submissions, that there would be no harm and that the character and appearance of the Conservation Area would be preserved.

14.105 Neither of the application sites makes any contribution to an appreciation or understanding of the heritage significance of the RPG or the Conservation Area. Indeed, the poor townscape quality of the Tesco site, including large swathes of parking, is a detractor. That said, the low-rise nature of the Tesco building is such that it is not seen over any great distance, nor is it seen above other buildings within the Conservation Area.

14.106 AVR Views I and J, and MSE viewpoints 14 and 15, confirm that the development would have a strong physical and visual presence when seen from the south-eastern part of the Conservation Area, across the recreation ground, and behind the houses making up the pocket of interwar and post-war housing on Syon Lane, Gower Road and Oaklands Avenue. Replacing the existing poor townscape provides an opportunity to enhance the setting of the Conservation Area. However, the sheer scale and height of the development proposed, so close to the low-rise residential area, would detract from the ability to appreciate the heritage significance of this suburban residential interwar estate to some extent. Bearing in mind that my consideration must relate to the impact on the significance of the Conservation Area as a whole, I consider that the degree of harm would be towards the lower end of LSH.

14.107 In terms of impact on the setting of the RPG and that part of the Conservation Area that has a contiguous boundary with it, the western parts of the RPG, and the core around the house, would be unaffected. In views from the southern part of the south entrance drive, the AVR version of MSE viewpoint 8 confirms that both proposed developments would be glimpsed above the canopies of the peripheral/boundary trees.[610]. A little further north on the southern entrance drive, AVR View L confirms that the Homebase scheme would be screened by boundary vegetation. The rendered version of View L demonstrates that only a small part of the Tesco development would be discernible in filtered views through existing peripheral/boundary trees. Moreover, the development would be seen in the distance, in the context of the existing housing in the middle ground.

14.108 AVR View M, taken from a point to the east of the middle lake, demonstrates that the Homebase scheme would barely be appreciated at all. However, the rendered version of the view shows that the Tesco scheme would be clearly visible, albeit at quite some distance. In views from the old entrance drive, to the north-west of the lodges (View O rendered version), the Tesco scheme would largely be screened by existing vegetation, although the upper parts would be visible.

14.109 In Views M and O referred to above, the developments proposed would introduce tall buildings into the skyline, where the horizon is not currently breached by tall buildings. That would distract, to some degree, from a sense of what the RPG might have looked like historically and from appreciation of its historic design. However, given the extent of the setting to the RPG (and Conservation Area), a great deal of the significance of the designed landscape, including the structural planting, the lakes and the spatial relationships

[610] Fig 1.1.8a (page 34 of ID 1.17.3)

between the main house and the various other listed structures, would remain unaffected. I therefore consider that the impact of the development proposed, in terms of heritage significance, would be relatively minor, towards the lower end of LSH.

14.110 In terms of cumulative harm, there are swathes of adjoining housing to the south (some of which is included in the Conservation Area) and taller buildings that are visible from various points within the Park (and Conservation Area) including from some of the estate walks promoted by the National Trust. Consequently, to the extent that any rural illusion still exists, is not derived from the absence of building development seen beyond the Park boundaries.[611] It is easy to distinguish between what is within the designed landscape and what lies beyond. Whilst the Tesco scheme would contribute to a greater sense of the perception of large-scale development beyond the RPG (and Conservation Area), that would be to a very slight degree when looked at in the context of the significance of the whole of the designed landscape and the contribution that its entire setting makes to its significance. Overall, I consider that there would be a minor cumulative impact which would not move the scale of harm materially higher up the range.

14.111 Gate piers and entrance lodges:[7.92, 8.80, 8.83-8.85, 8.87-8.89] Dating from the early 19th Century, a pair of altered and extended gate lodges are located on the southeast boundary of the Park. Designed by Robert Adam, they form a group with the gate piers, also by Adam. Their special interest, and thus significance, derives from their architectural interest, age and association with Adam, and their legibility as a good pair of historic gate lodges associated with a high status designed landscape and House which, in its present form, was designed by the same architect.

14.112 I agree with Mr Froneman that the lodges do not draw heritage significance from being visible from the rear in their enlarged form .[612] They are visible, but they address the drive, with nothing to suggest that they were designed to stand out or be an eye-catching feature when seen in views from within the Park. Accordingly, whilst there are places in the area to the north-west of the lodges in which the white painted, altered rear elevations stand out, set against the surrounding vegetation, where the Tesco development would be seen to either side of, or behind them,[613] that would be as part of an unrelated townscape. Together with the piers, the heritage significance of the lodges would still be appreciated and neither their visibility nor legibility would be affected. The trees, as an intervening layer between the lodges and the backdrop behind them, would continue to serve to differentiate them from the more distant proposed development, which would be easily understood in the context of other structures visible in the distance as part of an unrelated townscape. I therefore agree with the Council and the Applicant, that the heritage significance of the lodges and gate piers would remain unaffected.

[611] Eg Mr Froneman's photos 7-9 (ID 1.13.2)
[612] CD1.13.2 paragraphs 2.64 – 2.73 See also View O in CD10.51 for a cropped image
[613] Eg AVR View O (cropped image at the end of CD10.51) MSE viewpoint 8 and Mr Froneman photo 19 (ID1.13.2)

Other Assets

14.113 Gillette Building:[6.78, 6.85, 6.98, 6.109, 7.92, 8.87, 8.91-8.97, 8.100, 8.104, 8.108-8.110, 9.25, 9.26, 9.36, 9.38, 9.40, 9.102, 10.5, 10.12, 10.57, 10.97, 10.99, 10.105] Constructed in 1937, the former Gillette Factory (and the four, separately listed (Grade II) lamp standards at the entrance) was designed by Sir Banister Fletcher. It comprises a long fronted, two-storey building of stock brick, with a soaring central clock tower, approximately 44m in height. It is set at an angle facing the northern corner of the junction of Syon Lane with the Great West Road (Gillette Corner).

14.114 The premises form part of a series of buildings that populated the Great West Road in the years following its construction, informing the road's reputation as the Golden Mile. Its significance derives from its historical and architectural associations with the area's commercial and industrial history and the wave of businesses that relocated to the area in the early 20th Century.

14.115 Its setting comprises Great West Road itself, including the busy, vehicle dominated Syon Lane junction and the recent Access storage building on the opposite corner. Viewed from the east, the approach to Gillette Corner is characterised by large footprint commercial spaces, many of which date from the late 1920s and 1930s giving a semblance of the original context, although it is the diminutive, contemporary and stylistically compatible former National Westminster Bank that provides the strongest sense of context. The former Coty building, for example, does not contribute towards, or reveal, much of the Gillette Building's significance, being a contemporary but unrelated building. The Gillette clock tower is prominent in kinetic views on this approach.

14.116 Behind the Gillette Building is the Sky Campus, also formed of large commercial buildings. Along Syon Lane to the north of the junction, the character of the area becomes lower in scale and more pedestrian in its focus, within an increased number of trees and lower scale residential properties to the west. Seen against clear sky, the Gillette Building, particularly the tower, forms a focal point in views in both directions along Syon Lane. On the opposite corner of the junction, to the west, is a petrol filling station and its associated forecourt canopy.[614]

14.117 Whilst the application sites form part of the immediate setting of the listed building, neither contributes to any appreciation nor understanding of its significance. The poor townscape quality of the Tesco site detracts from the quality and character of this part of the setting. Although the Homebase building is a non-designated heritage asset, it does not relate architecturally to, or complement, the Gillette Building. Again, the lack of townscape definition as a result of extensive surface parking is a detractor.

14.118 The Gillette building and its tower are less of a feature on the approaches along the Great West Road. As demonstrated by MSE viewpoint 13, the clock tower is largely obscured by existing buildings and vegetation. It does not form a focal point when approaching from the west. In any event, both the Homebase and Tesco developments would be seen off to the right and left respectively in this view, at sufficient distance that they would not compete with the listed building. I find no harm in this regard. In closer views, whilst

[614] Mr Froneman's photo 55 (ID1.13.2) better shows the present day setting of the building.

the Tesco development would be seen off the left, it would not compete with the clock tower (AVR View G). The Homebase development would not hinder the ability to appreciate the Gillette Building and its tower, or the way that they address the junction against an uninterrupted skyline. Although there would be a change, that change would not be harmful. I find no harm to heritage significance in this regard.

14.119 In views northwards from the station along Syon Lane, the Homebase scheme would, as seen in AVR View A[615], obscure the side return of the angled Gillette Building to some extent. However, its distinctive tower would still be seen against the skyline, continuing to act as a focal point signalling the presence of the former factory and premises of the Gillette Company. Similarly, in views looking south, particularly from the western side of this part of Syon Lane, the clock tower would still be seen against the skyline, although the Homebase scheme beyond would compete with it for attention to some extent (AVR View C). In both views, the new development would not seek to align itself architecturally with the Gillette building and there would be no harmful visual tension. I find no harm in this regard in terms of its heritage significance .

14.120 On the approach to the junction from the south, the Tesco development would be seen behind the tower, with the potential to distract from and reduce, to some extent, the striking effect that the tower has (AVR View A).[616] There would be some harm in this regard. However, the Tesco development would not obstruct the Gillette Building or remove it from the view, and would not prevent the building from being seen and understood. The clock tower would project above the profile of the Tesco buildings at this point. The proposed buildings would not have the same effect at all angles and distances (for instance AVR View G), nor would they affect appreciation of the Gillette Building at close quarters, or the building's relationship with the lamp standards. All told, I categorise the harm in these views as towards the lower end of the scale that is LSH.

14.121 As is clear from MSE viewpoint 15 and Dr Miele's rebuttal Figure 1.1.15b the Tesco scheme would, when seen from the Goals Soccer centre, completely obscure views of the Gillette tower. However, those existing views are from a rough area of grass, across the top of the existing Tesco store. The context of the view does not contribute to any understanding of the heritage significance of the listed building and I find no harm in this regard.

14.122 HE and OWGRA drew attention to views from RBG Kew, the Thames Path, Syon Park and Osterley Park where one or other of the proposed developments would obscure sightings of the clock tower, or appear as a backdrop, obscuring its skyline profile. The tower is identified as a local landmark within the Council's Urban Context and Character Study.[617] It was argued that such views contribute to the tower's landmark quality and, therefore, to an appreciation of its architectural and historic interest. However, from my own observations , and as demonstrated by the various visual representations before the Inquiry, the tower is so distant in many of those views that it is hard to pick it out at

[615] CD10.51
[616] The Tesco scheme is not rendered in this image – it is shown as a wireframe.
[617] CD10.38

all.[618] Consequently, it cannot be considered to perform a landmark function in those views and there would be no harm to appreciation of its heritage significance.

14.123 There are some longer-range views though, where the tower is more noticeable and where it would be seen with the development schemes behind.[619] However, there is nothing to indicate that these more distant views are anything other than opportunistic. I agree with Mr Froneman, that the visibility of the tower over a wide area is not intrinsically linked to its heritage significance.

14.124 As demonstrated by AVR View S[620], which shows the view from Syon Park with the schemes rendered behind it, the tower would still be appreciated, not least because of its very different materials, although its distinctive skyline silhouette would largely be lost.[621] There would be some harm in this regard, in how its significance is appreciated. That harm would be towards the lowest end of the range that is LSH.

14.125 As confirmed by Figures 1.1.4.b to 1.1.4.d in Dr Miele's rebuttal[622], MSE viewpoint 4 indicates that the Homebase scheme would obscure the tower in views from that point on the Thames Path. That said, whilst there is nothing in the evidence before me to indicate that this view is designed, there would be some harm to the heritage significance of the building in these views in terms of how its significance is appreciated. I consider that harm to be less than substantial LSH at the lowest end of the scale.

14.126 In both MSE viewpoint 8 (from Osterley Park) and the AVR 'corrected' version[623], the tower would still be seen as a distant landmark and appreciated as an isolated tall structure silhouetted against the sky, the two development sites lying away to either side. I find no harm in this regard to the heritage significance of the listed building.

14.127 In relation to MSE viewpoint 7 (towards the Lion Gate in Syon Park), together with photos 40 and 41 in Mr Froneman's proof[624], it can be seen that there would be a filtered view of both the Gillette Tower and the Gillette building through a row of tall mature trees. As demonstrated by the evidence of Dr Miele and MSE, the Homebase development would be seen behind the Gate in angled views from private land within the Park and would mask views of the Gillette tower.[625] However, when the trees are in leaf, the Gillette building and its tower would not be seen in this view at all. Moreover, to the extent that there are some seasonal views, they are not designed or formally designated. I find that the loss of such views would have no material impact on the heritage significance of the listed building.

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[618] Eg CD10.51 AVR Views M (from within Osterley Park) O (also from Osterley Park) and AI (by the Coty building), ID1.14.14 MSE viewpoint 11 (from the footbridge in front of the Coty building) and ID1.13.2 photos 15, 17, 40, 49.
[619] eg MSE Viewpoint 4 (Thames Path) Viewpoint 5 (Syon Park) and Viewpoint 8 (Osterley Park) and AVR View S (Syon Park)
[620] Cropped image at page 65 of CD10.51
[621] This view equates with MSE viewpoint 5.
[622] ID1.17.3 page 19
[623] ID1.17.3 Fig 1.1.8.a
[624] ID1.13.2
[625] photoview at section 8 of Appendix 4 to the proof of Dr Miele (ID1.8.6) and MSE viewpoint 7 (ID1.14.14)

14.128 Drawing together my findings on the Gillette building, in relation to the Tesco scheme, I have found harm towards the lower end of the range of LSH on the approach to Gillette corner from the south, and a similar level of harm in AVR View S from Syon Park. The Homebase scheme would result in LSH at the lowest end of the scale in views from the Thames Path. In terms of any cumulative impact, modern buildings in the locality have eroded the historic and aesthetic coherence of the area, with much of the recent development along the Golden Mile making little reference to the Art-Deco character of many of the original buildings. In my view, however, that does not materially undermine the heritage significance, or appreciation of the Gillette Building. Whilst the harms that I have identified would have a minor cumulative effect, they would not move the scale of harm materially higher up the range Consideration of cumulative impact does not alter my overall finding of LSH in relation to the Gillette Building.

14.129 Former Coty Building:[6.79, 7.92, 8.5, 8.92, 10.105] This two-storey building, with its long road frontage, is set on a raised bank. Constructed in 1933, the gleaming white Art Deco frontage to the former cosmetics factory is a distinctive feature on this part of the Great West Road. It is of historic and architectural value for its association with its architects and, like the former Gillette Building, for its survival as one of the original elements of the Golden Mile, albeit that it has undergone considerable alteration. The building remains within a commercial and industrial environment, and is still experienced within a busy, urban setting. Its current setting is varied and fragmented, the building being defined principally by its relationship with the road from where it is best is appreciated at close quarters. The main contribution of setting to the significance of the listed building is its designed relationship with Great West Road.

14.130 The Homebase site is close to the listed building, separated from it by a car showroom. As demonstrated by AVR View 4, the Homebase development would be very prominent, rising up behind the listed building in views from the east. However, the Coty building does not have the same intended presence and landmark quality as the Gillette Factory. It would still be seen and appreciated as one of a series of modern corporate buildings along the Great West Road. That said, I agree with HE and the Council that there would be some harm to the heritage significance of the building, at the low end of LSH, due to the visual distraction caused by the Homebase development. The proposed developments would not affect the closer views, in which its architectural interest is best appreciated and understood. My views in terms of cumulative harm are the same as for the Lion Gate.

14.131 Pavilion and Clubhouse:[8.90, 8.91, 8.96,10.12, 10.105] The building's heritage significance is derived from its architectural and aesthetic value as an example of an interwar sports pavilion built in a modernist style. In terms of setting, its relationship is with the playing fields it serves, its distinctive, functional aesthetic being appreciated in that context. Whilst the Tesco development would be seen in its wider setting,[626] there would be no harm to the ability to appreciate the historic purpose or distinctive styling of the pavilion and clubhouse, and it would continue to be associated with the playing fields.

[626] Eg AVR View I

There would be no erosion of its historic or architectural interest. I agree with the Council and the Applicant that there would be no harm to its significance and no harm in terms of any cumulative impacts.

14.132 Brentford and Isleworth Quaker Meeting House:[7.92, 8.91, 8.98] Dating from 1785, its heritage significance is derived from its historical and architectural interest as one of the oldest purpose-built Quaker meeting houses in London (the modest simplicity of its built structure reflecting the ideals of the Quaker religion) and its continual use and association with the contemporary burial ground and boundary wall. The building has a well-defined setting on the west side of Quaker Lane, with a sense of separation reinforced by vegetation and the burial ground to this side. Its immediate setting to the east comprises a lane and buildings which are well-enclosed by trees. The wider context makes no contribution to its significance. Whilst the Homebase development would be visible, it would be some distance away, on the other side of the road, in a townscape of distinctly different character. I agree with the Council and the Applicant that there would be no harm to its heritage significance. I find no harm in terms of any cumulative impact either.

14.133 National Westminster Bank:[7.92, 8.91, 8.92, 9.38, 10.105] Built in 1935, the building was designed to form a group with Banister Fletcher's Gillette premises. The building has architectural value as a good example of streamline Moderne, a character which is reinforced by the proximity of the Gillette Building. It has historic value for its connection to the development of the commercial environment that grew up along the Great West Road. The main setting relationship the bank has is with the Gillette Building, with the two sharing a similarity in materials and style. The Homebase site makes no contribution to its heritage significance, although it does allow views of the listed building from Syon Lane. The development proposed would not interfere with the relationship of the Bank with the Gillette Building. I agree with the Council and the Applicant that there would be no harm to its significance. I find no harm in terms of any cumulative impact either.

14.134 Old Deer Park Conservation Area:[Footnote 313] This comprises the southern part of the Royal Botanic Gardens, Kew RPG. It is a well-defined and extensive area of open space, formerly part of the Royal Gardens and Park of the Tudor Palace of Shene, established in the reign of Henry VI. It contains a scheduled monument and several listed buildings. Its heritage significance derives from its architectural, archaeological and historical interest. Its heavily wooded edge along the riverside boundary provides only glimpsed views out of the landscape over the Thames, towards the application sites. AVR View V demonstrates that the proposals would not be seen in those views which, in any event, make little if any contribution to the heritage significance of the landscape and its listed buildings. I agree with the Council and the Applicant that there would be no harm to its significance as a consequence of the developments proposed.

14.135 The King's Observatory (Old Deer Park):[10.53] Dr Rutherford asserts that there would be harm to the setting of this Grade I listed building. However, AVR has plotted the view lines from the inside of the observatory, through small windows which, I was advised, provide no panorama and are positioned to the

cardinal points.[627] The direction of the view and the size of the windows mean that there is no possibility of any material setting impact from within the observatory. The wider roof is not designed to be publicly accessible.[628] I consider that the developments proposed would not affect appreciation of the significance of the building .

14.136 Westlink House (former Pyrene Factory):[8.91, 8.92] Dating from 1928 with later alterations, this iconic Art Deco building has an extensive frontage to Great West Road. It has architectural value , and historic value for its connection to the development of the commercial environment that grew up along the Great West Road following its construction. However, it is somewhat divorced from the cluster of buildings at Gillette corner. The main setting relationship it has is with the main road, with the application sites making no contribution to its significance. Whilst the Homebase development would clearly be seen (AVR View AI) it would not interfere with that relationship nor with any appreciation of the significance of the listed building. I agree with the Applicant that there would be no harm to its heritage significance. I find no harm in terms of any cumulative impact either.

14.137 Homebase store:[6.81] The building is of some limited architectural significance, noted by Pevsner and Cherry as '*by far the most interesting of the newcomers'*. Although acknowledged as a non-designated heritage asset, it does not contribute enough, in terms of the character or appearance of the Golden Mile group, for its demolition to constitute harm to its setting. The building would be demolished, with consequent total loss of its heritage significance. This would need to be weighed in the planning balance. However, no party has objected to the demolition of this building. I have no reason to disagree.

Conclusion on Heritage Impacts

14.138 The views of HE, as the Government's expert advisor on England's heritage with a statutory role in the planning system, are very important. I have, therefore, attached considerable weight to those views in this case. However, I find the evidence of HE to have been overstated, not least given the concession made by Mr Stroud in cross-examination that none of the heritage assets in respect of which he had alleged harm would be impacted in such a way as to materially affect their heritage significance, which would remain broadly the same following development.[7.51, 7.52, 7.89] Whilst I have taken the views of HE into account I do not, for the most part, agree with them, for reasons which have been set out above.

14.139 I have found no harm to the OUV and significance of the Kew Gardens assets. Whilst I have, for the most part, also identified no harm to the heritage significance of other of the identified assets, I have found harm to some, as follows:

- Syon House – harm lies roughly mid-way between the middle and bottom of the range of LSH, minor cumulative impact;

[627] ID1.8.6 Section 2
[628] ID1.8.2 paragraph 5.79-5.80

- Lion Gate – harm at the bottom of the LSH range, marginal cumulative impact;
- Ornamental Bridge – no harm, marginal cumulative impact;
- Pepperpot Lodges – no harm, marginal cumulative impact;
- Great Conservatory – no harm, marginal cumulative impact;
- Syon RPG and Conservation Area – harm at the bottom of the LSH range, marginal cumulative impact;
- Osterley RPG and Conservation Area – harm towards the bottom end of the LSH range, minor cumulative impact;
- Gillette Building – harm towards the bottom of the LSH range, minor cumulative impact;
- Coty Building – harm at the bottom of the range, marginal cumulative harm; and
- Homebase store – total loss of significance.

14.140 In relation to the harm to listed buildings, the statutory test requires that special regard be had to the desirability of preserving their setting. The statutory test for development within conservation areas requires that special attention be paid to the desirability of preserving or enhancing their character or appearance. Paragraph 202 of the Framework requires a balance in each instance of LSH to the significance of a designated heritage asset as a consequence of development within their setting (including conservation areas) against public benefits. This is expressed as a single requirement and so is applied to each affected asset individually. That 'heritage balance' is carried out later on in this Report. Where there is more than one instance of such harm, as here, these are combined in the planning balance which again, I carry out later on.

14.141 The relevant development plan policies generally mirror the Framework test. Since I have found some harm, there would be conflict with the development plan in this regard. As above, I return to the relevant balances later on.

Living Conditions – Existing Residents

Daylight/Sunlight/Overshadowing

14.142 Effects on daylight, sunlight and overshadowing were assessed in the Environmental Statements.[629] The assessments were undertaken in line with BRE guidance[630] and in line with the methodology agreed with the Council. That guidance is specifically referred to in LP policy SC4 and the Mayor's Housing SPG, and it is a recognised industry standard that is relied on widely by planning authorities when assessing the impacts of new developments. I consider that it provides an appropriate, well-tested means of assessing potential impacts.

[629] CD1.11.1 (Homebase) and CD2.5.5 (Tesco)
[630] BRE Site layout planning for daylight and sunlight: a guide to good practice (2011)

14.143 In relation to calculating levels of daylight, the BRE guidelines use the measure of the Vertical Sky Component (VSC) and No Sky Line (NSL) methods with regard to existing neighbouring sensitive receptors. The guidelines recommend a VSC of 27% or greater. However, within a more urban environment, the guidance accepts that a lower VSC can be acceptable. As part of the EIA scoping process, the Council recommended a VSC of 20% for the proposed developments, ensuring that they would continue to receive a good level of daylight.[631] In relation to the NSL, the guidance recommends that a significant portion of an affected room (80%) or at least 0.8 times the existing area should be in front of this line.

14.144 Homebase Development:[6.83, 6.95, 6.107, 7.37, 7.43, 7.44, 7.95, 9.39, 9.46, 9.86, 10.26, 10.95] properties along Cherry Crescent, Brambles Close and Rothbury Gardens would experience either a negligible effect in terms of daylight (considered to be unnoticeable to the occupants) or would experience an effect considered to be of minor adverse significance[632], and/or the main windows would continue to enjoy a level of daylight in excess of 20% VSC. I therefore find no harm to those properties in this regard.

14.145 The Northumberland Gardens properties, directly opposite to the site, would experience reductions of daylight, with some windows having a VSC below 20%. However, all the main windows would continue to enjoy a VSC of at least 20%. On that basis, although occupiers would experience some reduction in daylight, a good level of daylight would still be retained.

14.146 Reductions of daylight beyond BRE guidelines would be experienced to seven windows in New Horizons Court on the northern side of the Great West Road. This is a permitted developed scheme that involved the conversion of commercial floorspace into residential. The reason for certain rooms and windows experiencing the predicted reductions is due to their position beneath a deep overhang on the property which, as acknowledged in the BRE guidelines, means they typically receive less daylight than they might otherwise. Consequently, even a modest obstruction opposite may result in a large relative impact. The Applicant therefore carried out an additional calculation of the VSC[633]. This demonstrated that, without the overhangs in place, the affected rooms would experience a reduction within the BRE criteria, or would retain at least 20% VSC to their main window. I am content, in this regard, that the overall effect on occupiers would be acceptable for an urban area.

14.147 In relation to sunlight, some 709 windows serving a total of 421 residential rooms were assessed in terms of total and winter Annual Probable Sunlight Hours (APSH). The effects for the vast majority are classified as either meeting the BRE guidelines or as effects of negligible or minor adverse significance. This includes all the Northumberland Gardens properties facing the site.

14.148 A small number of rooms within New Horizons Court would experience a major adverse effect, which is significant. As above, based on an additional

[631] CD1.12 (Homebase) and CD2.7 (Tesco) and CD11.1 (section 17)
[632] In an urban context, a minor adverse sunlight effect is taken to be where both the VSC and NSL alterations are no greater than 30% of their baseline value.
[633] ID2.41.48

assessment, it is demonstrated that the overall effect in terms of sunlight on those rooms would be within the BRE reduction guidelines, since it is the presence of the overhang rather than the development proposed which would cause the larger relative reduction. I am content, in this regard, that the overall effect on occupiers would be acceptable for an urban area.

14.149 To assess overshadowing, a 'sun-on-ground' indicator is used, based on the Spring Equinox (21 March). The BRE guidance suggests that, for a garden or amenity area to appear adequately sunlit throughout the year, no more than 50% of the area should be prevented by buildings from receiving two hours of sunlight on 21 March.

14.150 The Applicant's assessment looked at effects on public amenity space to the north of the application site, as well as nearby gardens.[634] The assessment demonstrates that each amenity space would either continue to enjoy very good levels of sunlight with development in place or, where there would be a reduction, that would be slight and well within the BRE reduction criteria. The overall effects would therefore be negligible.

14.151 Local residents raised concerns about longer shadowing, beyond those properties behind Northumberland Gardens, with MSE producing a shadow mapping analysis.[635] That analysis goes wider than application of the BRE industry standard. The Applicant's assessment recognises that there would indeed be longer shadowing effects throughout the year. However, the sun-on-ground assessment does not identify any adverse effects in terms of the BRE guidelines, with any effect considered to be negligible.

14.152 Tesco Development:[6.83, 6.107, 7.95, 9.3, 9.39, 9.46, 9.86, 10.40, 10.49] Based on the Parameter Plans, some 44 existing residential properties around the Tesco scheme were assessed against the BRE guidelines. Of these, 29 would fully meet the BRE criteria for daylight. A further 11 would experience an effect considered to be of minor adverse significance, since the BRE transgressions only relate to main windows that would continue to enjoy at least 20% VSC, or where relative changes are between 20-30% (thus only marginally short of the BRE default targets).[636]

14.153 Further reductions beyond the BRE guidelines are noted at 94 Syon Lane, 100 Syon Lane, 128-150 Syon Lane and 45 Oaklands Avenue. For Nos 94 and 100 Syon Lane, the further reductions only relate to the NSL assessment and would occur in ground floor living areas that are over 8m deep. The BRE guidelines accept that a greater movement of the NSL may be unavoidable in single aspect rooms greater than 5m deep. The windows serving these two spaces would retain 26.90 to 28.05% VSC, so would either meet the BRE recommended levels, or only be fractionally short of meeting these. Due to the limiting factor imposed by the deep rooms, overall the effect to these properties is considered to be not significant.

14.154 The greatest reductions in relation to the BRE guidance, at Nos 128-150 Syon Lane, would occur to rooms and windows that are positioned beneath deep deck-access walkways. As with the Homebase scheme, the Applicant carried

[634] ID2.40.51
[635] ID 1.14.25 page 6
[636] These properties are listed in paragraphs 11.90 and 11.92 of CD 2.5.5

out an additional calculation of the VSC. This demonstrated that without the overhangs, all windows and all but one room would meet the BRE criteria. The remaining room would only experience a minor adverse effect. It is therefore clear that overhanging walkways exacerbate the predicted effects of the Tesco development and the overall effects are not considered significant when considering the limiting baseline factors.

14.155 For 45 Oaklands Avenue, most rooms and windows that fall short of the guidance would only experience minor adverse effects. The exception is a recessed ground floor kitchen window. The BRE Guidelines state that larger relative reductions in VSC may be unavoidable if a window has projecting wings on one or both sides of it. The evidence of the Applicant is that the additional effect to this window is a consequence of the existing building design. When that limiting baseline factor is taken into account, the overall effects to this property are not considered to be significant.

14.156 In relation to sunlight, there are some 60 habitable rooms served by southerly oriented windows within the residential properties surrounding the application site.[637] These were assessed in terms of total and winter APSH. In all cases, the BRE guidelines would be fully adhered to, so the effects on sunlight amenity for the assessed properties would be negligible.

14.157 In terms of overshadowing from the Tesco scheme, all but one of the neighbouring amenity spaces, including the recreation ground, would meet the BRE guidelines based on the effects of the maximum parameters.[638] The exception relates to 145 Syon Lane, where the effect would exceed the BRE guidelines based on the assessment of maximum parameters. However, there is scope to refine the massing of Block E at the reserved matters stage. Moreover, the assessment contained in Mr Adams' proof, which is based on the Tesco Illustrative Masterplan rather than the maximum parameters, does not result in a breach of the BRE guidelines to this amenity space. The Design Code[639] contains a specific commitment that the massing must be designed to ensure the level of light to this amenity space would comply with BRE guidelines and is secured by condition.

14.158 As with the Homebase scheme, the shadow mapping undertaken by Mr Spence[640] shows longer shadowing at different times of the year. As above, I have considered the effects as measured in accordance with the industry guidance.

14.159 In summary, the effects of the development, in terms of daylight, sunlight and overshadowing for neighbouring properties and amenity spaces have been satisfactorily considered with due regard given to the BRE guidance. Whilst some properties would experience significant impacts most windows and rooms assessed would meet the BRE guidance. Whilst there would be some effects that exceed the BRE targets, the overall impacts are nevertheless considered acceptable in the circumstances that prevail in this urban area. In coming to that view, I am mindful that the Mayor's Housing SPG confirms that the guidance should be applied sensitively to higher density development in

[637] APSH are assessed only in relation to properties that have southerly oriented rooms facing towards the site.
[638] Table 11.12 of CD2.5.5
[639] CD4.5 (page 82)
[640] ID 1.14.25 page 7

London, particularly in central and urban settings, recognising the LonP's strategic approach to optimise housing delivery. I find no conflict therefore, with LonP policies D6 and D9, policies SC4 and CC2 of the LP and Standard 32 of the Mayor's Housing SPG which, among other things, seek to protect such interests.

Privacy and Outlook[7.41]

14.160 Homebase scheme: the site has three residential interfaces; New Horizons Court, Northumberland Gardens and Brambles Close. As shown in Mr Patel's proof and on the Section Drawings[641], the separation between the face of the 7-storey Blocks E and D and the two-storey residential accommodation at Northumberland Gardens would be in the order of 42m. As shown on page 79 of Mr Patel's proof, there would continue to be views through the gaps between Blocks D and E, above the 4-storey podium. Whilst the outlook for existing Northumberland Gardens residents would change as a consequence of the development proposed, the arrangement would be sufficient, in my view, to ensure satisfactory levels of privacy and outlook.

14.161 Some 56m would separate Building B1 from New Horizons Court, across the Great West Road.[642] Although Building B1 would be approximately 80 metres in height (17 storeys) it would be seen at an oblique angle. Existing residents would retain long range views around the proposed building frontages. The off-set relationship and separation distance would be sufficient to ensure satisfactory levels of privacy and outlook.

14.162 The separation between Building C, looking south towards the two-storey residential accommodation in Brambles Close on the far side of the railway line, would be around 63m . Building C would be almost 56m in height (10-storeys), set on rising land.[643] Existing residents would retain long range views around the proposed building and between Buildings C and B3. All told, I consider that the separation distance would be sufficient to ensure acceptable living conditions for existing residents in terms of their privacy and outlook.

14.163 Tesco scheme: in recognition of the two-storey residential development on the opposite side of Syon Lane, where the properties are set well back from the highway behind a wide grassed verge, the illustrative proposals indicate terraced townhouses, as opposed to blocks, along much of the Syon Lane frontage. As confirmed on the Section Drawings,[644] the separation to the facing windows on the opposite side of Syon Lane would be around 40 to 47m. Even the taller elements on the proposed frontage would be of a similar height to the separation distance. Whilst the outlook for residents would change, I consider that, this separation would be sufficient to provide for satisfactory levels of privacy and outlook.

14.164 As illustrated by Section K-K of the Section Drawings, the flank wall of No 141 Syon Lane would be some 11.7 metres from Block E (four storeys) separated by MacFarlane Lane. The primary outlook for occupiers of that property, to the front and rear, would be unaffected by the proposal. There is

[641] ID1.5.2 (pages 77 and 79) and ID1.10.4 (sections A-A and B-B) respectively
[642] ID1.10.4 Section drawing E-E
[643] Ibid Section C-C
[644] ID1.10.3

the potential for overlooking the rear garden to No 141 from windows on the upper levels of Parcel E. However, this matter could be addressed by detailed design measures at reserved matters stage.

14.165 In relation to the interface between the rear of Nos 45 to 48 Oaklands Avenue and Parcel J (the part of the application site that lies within the Conservation Area), the Design Code[645] confirms that Parcel J would comprise maximum two-storey terraced dwellings. The Design Specification secures a minimum separation distance of 18m between the proposed dwellings and the rear elevations of 46 and 47 Oakland Avenue to the west. Having regard to the Mayor's Housing SPG, I consider that this would secure a satisfactory level of privacy and outlook.

14.166 Given the illustrative layout of the buildings and the separation of the development from neighbours, it is common ground between the Applicant and the Council that the proposals could achieve satisfactory privacy and outlook for existing residents.[646] I have no reason to disagree. Accordingly, I find no conflict with LonP policies D3 and D6, with policy CC2 of the LP, or with Standard 28 in the Mayor's Housing SPG which, among other things, seek to protect such interests.

Noise and Disturbance[7.38, 7.42, 9.31, 9.94, 10.40, 10.100]

14.167 If planning permission is granted, the construction process would take place over a number of years. Associated with that would be impacts for existing residents in terms of noise and disturbance. I do not underestimate those impacts over the likely extensive timescale. However, the technical evidence before me on this is that, subject to mitigation which could be secured by conditions, there would at worst be moderate adverse temporary impacts during the construction phase. That is typical of many such large-scale development schemes. There would be negligible noise impacts once the development was completed and operational.[647] I find no conflict with LonP policies D3 and D14 which together, and among other things, seek to prevent or mitigate noise.

Living Conditions – Future Residents[648]

Outlook[6.95-6.97, 9.82-9.84, 10.24]

14.168 LonP Policy D3[649] seeks to optimise site capacity through a design-led approach, with the 'Experience' section of the policy stating that developments should, among other things, deliver appropriate outlook. Part C of policy D6, which requires that new developments be of high quality design, seeks to ensure that the provision of dual aspect dwellings is maximised. Single aspect dwellings should only be provided where this would be a more appropriate design solution than dual aspect dwellings, and where it can be demonstrated that such dwellings would have adequate passive ventilation, daylight and privacy, and would avoid overheating.

[645] CD4.5 Section 6.3
[646] CD11.1 paragraphs 17.1 and 17.4
[647] See eg Environmental Statements CD1.11.2 (Homebase) and CD2.5.3 (Tesco) and ID1.10.1 sections 2.12 and 2.13
[648] ID1.10.1
[649] CD6.2.26

14.169 In relation to the Homebase scheme, the DRP[650] commented that the massing of the development would result in a relatively high number of single aspect units, due to the wrapping of residential accommodation around the eastern and southern elevations of the Tesco store at upper ground, first, second and third floor levels. The DRP also had concerns that the infill blocks between the taller elements in Block B would result in a high number of single aspect units. Even though some of the units were 'semi dual aspect', the DRP felt that such units would not provide the benefits associated with truly dual aspect dwellings, leading it to conclude that the design was unacceptable. OWGRA supported these concerns.

14.170 Most of the dwelling units (62%) would be dual or semi-dual aspect,[651] leaving 35% as single aspect. The semi-dual aspect units would benefit from the provision of a full height windows to balcony areas serving habitable rooms, which would provide an alternative outlook.[652] That arrangement would enhance the outlook, daylight and potential sunlight enjoyed within those units. Whilst 14 of these semi-dual aspect homes would face north-west, all habitable rooms would have daylight factors well in excess of the target criteria.[653]

14.171 Returning to the single aspect units, the Housing SPG notes that good, single aspect one and two-bedroom homes are possible where limited numbers of rooms are required, the frontages are generous, the plan is shallow, the orientation or outlook is favourable, and there is mitigation for potential overheating. Standard 29 of the SPG requires that the number of single aspect dwellings is minimised, avoiding any such units that would be north-facing or exposed to high noise levels, or with three or more bedrooms .

14.172 None of the single aspect homes would be directly north-facing. The majority (some 87%) would have daylight levels to primary living areas (living/kitchen/ dining) exceeding the target criteria, with those that do not meet the target being designed with an outlook onto the landscaped podium, or with high level views out, many towards Syon Park.[654]

14.173 The inclusion of the words '*maximise*' and '*normally avoid*' in policy D6 indicate that there is no hard and fast rule against single aspect units. Rather, the policy seeks to ensure that reasonable steps are taken to avoid them. In this case, the constraints associated with constructing residential blocks around and above a supermarket has had a knock-on effect on the number of dual and semi-dual aspect units which are proposed. Indeed, the GLA acknowledges that the percentage of dual aspect units is not at the level which would normally be expected on a high density residential scheme. The scope to accommodate further dual aspect units was subject to detailed discussion at pre-application stage, but the underlying constraining factors in this instance were accepted, on balance, by the Council and the GLA[655]. Whilst not ideal, I recognise that the semi-dual aspect units were a design response to

[650] CD3.12 page 2
[651] ID1.10.1 paragraph 2.21.7 - 35% (166) dwellings would be single aspect, 27% (128 dwellings) semi-dual aspect, and 38% (179) dual aspect
[652] Eg Figures 5.168- 5.171 on page 118 of ID1.5.2
[653] Ibid paragraph 2.21.9
[654] Ibid paragraphs 2.21.9 and 2.21.10
[655] CD8.3 paragraph 41

significantly reduce the number of single aspect homes, with the architect seeking to strike a balance were the development to be acceptable in other regards.

14.174 Moving on to other aspects of outlook, although blocks A and B1 would be separated by only 13 metres, elements such as sunlight/daylight, privacy and quality of outlook are good and need to be balanced with the need to optimise development on the site. Whilst Blocks D and B2 would be separated by only 13.5 metres, the units at that interface would be semi-dual aspect, with no sharing of primary outlook[656]. Larger units have been included there too, to ensure a suitable sense of space and outlook. Other than those two relationships, the separation distances between the blocks are generally in excess of 18 metres[657].

14.175 The proposal for the Tesco site is an outline application with all matters reserved. If planning permission is granted, it would be for the Council to assess the detailed design in relation to living conditions for future occupiers, including in relation to outlook. I note, however, that a split of 40/60% single aspect/dual aspect homes is proposed . The Applicant's architect states that the single aspect units would be oriented east-west, with an attractive aspect onto tree lined streets, public open spaces or communal podium gardens.[658] There would be no north facing single aspect homes. Moreover, the Maximum Development Parcels Parameters Plan and the Design Code[659] would ensure that the detailed design would accord with the performance of the illustrative masterplan in terms of daylight and sunlight.[660]

14.176 As to separation distances, the Design Code[661] sets a minimum of 17 metres between facing habitable rooms. The illustrative plans show some closer relationships at the corners of some blocks, but detailed design at reserved matters stage could ensure that habitable rooms were not facing each other.

14.177 Overall, whilst I do have concerns as to the proportion of single aspect units on both schemes, which can have implications for outlook (amongst other matters), when considered in the round, I am content that the outlook for future residents would be acceptable and would accord with LonP policies D3 and D6 and the Housing SPG.

Amenity Space Provision[7.37, 9.90-9.95, 10.23, 10.29]

14.178 Looking first at private amenity space, all but 12 of the proposed flats in the Homebase scheme would be provided with a private balcony, in compliance with LonP policy D6. To compensate, the floorspace within the 12 affected flats has been increased to exceed the minimum space requirements in Table 3.1 of the LonP by more than the required amount of amenity space. Occupiers would also have access to the proposed communal amenity space within the podium. All of the proposed flats on the Tesco site would have a policy compliant private garden or balcony.

[656] ID1.10.1 paragraph 2.23.3
[657] Mr Adams' proof ID1.5.1 Figure 5.31
[658] Mr Adams' proof ID1.5.1 paragraph 5.7.9
[659] CD4.1 and CD4.5 respectively
[660] ID1.10.1 paragraphs 2.20.3 - 2.20.6
[661] CD4.5

14.179 Policy SC5 of the LP sets out a separate requirement for private amenity space for houses. Whilst the podium townhouses on the Homebase scheme would, at most, only have external amenity space of 24 sqm (which is below the relevant standard), occupiers would have direct access to the communal podium gardens. In relation to the Tesco scheme, the townhouses along the edges of the podium blocks would have direct access to the communal amenity space within the podiums and at roof level. In addition, and together with the proposed dwellings on Macfarlane Lane (which would have a minimum external amenity space of 40 sqm, again below the relevant standard) all future residents would have access to more than 20,000 sqm of communal and public open space within the development, including The Clearing, The Meander and the restored Water Gardens.

14.180 When considered in the round, being mindful of the urban nature of the location, I am content that future occupiers would be provided with an acceptable level of private amenity space. I find no policy conflict in this regard.

14.181 There are no specific requirements for communal amenity space in the LonP. However, LP policy SC5(e) requires the benchmark external space standards contained in Figure SC5.2 to be considered. The Figure sets out that communal space should be provided at no less than specified standards, with such space to be of good and usable aspect and quality, well landscaped and maintained.

14.182 The standards suggest a minimum communal space provision of 9,224 sqm for the Homebase scheme[662] and 32,343 sqm for the Tesco development[663]. Although referring to minimum requirements, the policy wording does suggest some flexibility, in that it refers to the external space standards as *benchmarks,* as opposed to requiring compliance with them. In the case of flats, it confirms that the quantitative space requirements are to be applied having regard to exceptional design considerations.

14.183 The Homebase scheme would deliver 4,928 sqm of multifunctional communal amenity space in the form of podium gardens.[664] The illustrative Tesco scheme would deliver a minimum 28,000 sqm of communal and public open space, 20,000 sqm of which would be at ground level, the remainder being at podium and roof level.

14.184 In assessing this issue, I am mindful that both schemes comprise flatted development close to Brentford town centre. Significant amounts of communal and/or public open space are not generally characteristic of this type of high-density development, particularly in the context of optimising development on sites in an Opportunity Area. My attention was drawn to the Albany Riverside development, the Former Brentford Police Station, Morrisons' Supermarket development and the Capital Interchange development where 29%, 24%, 34% and 29% respectively of the open space standard was found to be acceptable.[665] The current application sites also benefit from open spaces and

[662] CD1.9 paragraph 15.1.46 and ID1.10.1 paragraph 2.28.3
[663] CD2.2 paragraph 14.1.30
[664] Ibid paragraph 15.1.45
[665] ID1.10.1 paragraph 2.28.4

parks within walking distance, including Syon Park, Boston Manor Park and Osterley Park.

14.185 Given that context, I am content that future occupiers on the Tesco site would enjoy an acceptable level of access to communal amenity space and there would be no telling departure from the relevant policies in this regard.

14.186 The communal podium space on the Homebase site would features a series of gardens linked by a footpath network. The design is the subject of a Landscape Masterplan, included in the submitted Landscape Strategy. The laying out and management of the space would be secured by the suggested conditions and the S106. Whilst OWGRA had reservations about shading, the architect's evidence demonstrates that more than 90% of the gardens would enjoy more than two hours of direct sunlight on 21 March, significantly exceeding the BRE guidelines .[666]

14.187 OWGRA also raised concerns about the effect of wind around the towers on the useability of the gardens. However, the Applicant's modelling confirms that, with mitigation measures in place as part of the landscape design, the podium level amenity space would provide a safe and comfortable wind microclimate.[667]

14.188 Concerns were also raised about the effect of aircraft noise on the use of the space, given that the site is beneath the Heathrow flight path. The Applicant's noise modelling takes account of aircraft noise.[668] It concludes that, with the proposed acoustic barrier in place, noise levels within the space would typically range between 55-60dB $L_{Aeq,16hour}$, which are considered acceptable.

14.189 Moving on to play space, the Homebase scheme would provide up to 1,896 sqm of play space for children up to 12 years of age within the podium gardens[669], which complies with policy S4 of the LonP. Provision for children aged 12+ would be facilitated through the planning obligation, which secures a financial contribution of £25,000 towards improvements to public open space and play spaces around the site, including Hawthorn Hatch playground on Hawthorn Road. Older children might generally travel moderate distances to local play spaces. I note, in this regard, that access to Hawthorn Hatch is via a safe, well-lit route that does not require children to cross any main roads, with good natural surveillance from surrounding homes.

14.190 The provision and design of play space on the Tesco scheme would be assessed at reserved matters stage as part of the final design. That said, the Development Specifications document[670] sets a minimum commitment of 5,000 sqm of play space, regardless of mix, with the illustrative masterplan showing some 5,530 sqm. This would be policy compliant.[671] Should any reserved matters application give rise to a shortfall in play space provision, the planning obligations include a mechanism for the payment of a contribution to make up that shortfall.

[666] ID1.5.2 Fig5.1162 (page 115)
[667] ID2.40.52 Table 10.1
[668] ID2.40.29
[669] ID1.5.2 Figure 5.41
[670] CD4.6
[671] ID1.10.1 paragraph 2.27.5

14.191 I find no conflict with the development plan policies relating to amenity space.

Noise/Overheating[7.38, 9.84, 9.85, 9.94]

14.192 Other concerns raised by OWGRA relate to noise and overheating. The location of the Homebase scheme adjacent to Great West Road presents challenges in terms of natural ventilation and noise exposure. The Applicant's noise and vibration assessment confirms that internal noise levels within the proposed homes would meet the relevant British Standard, ensuring an acceptable acoustic environment during the day and night-time through designed-in mitigation via glazing and façade specification and ventilation.[672]

14.193 The Applicant's approach to mitigating overheating on the Homebase site includes openable windows with a background mechanical ventilation system, solar controlled glazing and balcony overhangs.[673] The report was assessed by the GLA, whose officers are well used to dealing with these matters. Taking into account the balance with noise and air quality in this location, it found the assessment to be acceptable, concluding that overheating issues could be addressed.[674]

14.194 An Overheating Mitigation Strategy Report was undertaken for the Tesco development. This sets out the required measures and a commitment to minimise the risk of overheating in homes.[675] The detailed measures would be assessed at reserved matter stage. There is no reason to suppose that the required standards could not be met. Similarly, assessment of the noise environment for future occupies would be a matter for consideration at detailed design stage.

14.195 I find no conflict with LonP policy D14 and LP policy EQ5, insofar as they seek to mitigate and minimise existing and potential adverse impacts of noise, or with LonP policy SI4 which requires that major development schemes demonstrate how they will reduce the potential for internal overheating and reliance on air conditioning systems.

Environmental Impacts[676]

14.196 OWGRA (and others) raised concerns about a variety of environmental impacts. The main areas of concern, as discussed at the related round table session at the Inquiry, are addressed below.

Climate Emergency/Zero-Carbon/Carbon offset[6.102, 9.81, 9.85, 10.108-10.119]

14.197 LonP policy SI2 states that major development should be net zero-carbon, defined as reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the energy hierarchy, covering energy demand, using local energy resources, using renewable energy, and monitoring energy performance. Proposals should also include a detailed energy strategy to demonstrate how the zero-carbon target

[672] ID22.40.29
[673] CD3.10 Appendix F (Homebase)
[674] CD8.3 paragraph 43
[675] CD4.10 Appendix D
[676] ID1.10.1

will be met, requiring a minimum on-site reduction of at least 35% beyond Building Regulations for major development, with residential development achieving 10% and non-residential development achieving 15%, through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, the policy allows that any shortfall can, in agreement with the Borough, be provided through a carbon offset contribution or off-site alternative.

14.198 Both applications were accompanied by Energy Statements, including a whole Life Carbon Assessment and Overheating Assessment[677], which were updated while the applications were with the Council for determination. They demonstrate how carbon emissions would be minimised in accordance with the energy hierarchy.

14.199 The residential element of the Homebase scheme would achieve on-site carbon emissions savings of 60%, with overall site-wide emissions savings of 51% from the Part L baseline. Using current SAP10 emission factor projections for the near future, the emission reductions for the residential component on the site are estimated to rise to 77% (2020-2025) and 87% (2030)[678]. The savings from 'be lean' energy demand measures would exceed the minimum requirements for 10% for residential and 15% for non-residential in policy SI2.

14.200 The Tesco scheme is shown as achieving on-site carbon emissions savings of 60% from the Part L baseline. This is an outline application. The energy statement provides an overarching strategy, with detailed energy assessments required to be submitted with the reserved matters applications for each phase. There would be the opportunity to reassess the approach to energy and emissions reductions with reference to technological developments at that stage.

14.201 The Council and the GLA have scrutinised the approach taken to energy and sustainable design. They are content that the developments have maximised the on-site emission reductions[679] and are considered acceptable. As specifically allowed for by policy SI1, both developments achieve the zero-carbon target in Policy SI2 by offsetting the remaining emissions through financial contributions secured by the respective s106 agreements. The Homebase S106 includes a carbon offset contribution of £1,228,600. The Tesco S106 includes obligations to submit detailed energy assessments with reserved matters applications together with the calculation and payment of carbon offset contributions.[680] Whilst OWGRA takes issue with that as a principle, it is a measure that is expressly allowed for by the policy and has the agreement of the Council.

14.202 The on-site 'be green' measures on both sites would comprise air source heat pumps and photovoltaic panels. As set out earlier, gas boilers for each scheme (see the Air Quality section below), a particular concern of OWGRA and Mr

[677] CD3.10 (Homebase) and CD4.10 (Tesco)
[678] ID1.10.11
[679] Eg paragraph 12.4 of the SoCG (CD 11.1); paragraphs 94 and 98 of Tesco GLA Stage 2, and paragraphs 87 and 89 of Homebase GLA Stage 2 (CD 8.3)
[680] ID2.75 (Homebase) ID2.76 and ID2.77 (Tesco)

Firkin, are only provided as back-up if unexpected maintenance needs for the heat pumps arise. They would not be the main source of heating.

14.203 Circular Economy Statements (appended to the Sustainability Statements) were submitted with the applications. The recommended planning conditions would secure securing compliance with those documents[681]. The suggested conditions also require the submission and approval of final Circular Economy Statements. I agree with the Council and the GLA that key circular economy principles have been considered in the design to minimise embodied carbon, maximising the value extracted from materials and prioritising reuse and recycling, in compliance with LP Policy SI7.[682]

14.204 The suggested conditions would ensure that the shell of the new Tesco store within the Homebase Development would be designed and built to meet BREEAM Excellent and the commercial units would be designed and built to achieve a BREEAM Excellent rating for shell only units, in compliance with LP policy EQ2. Similar conditions are suggested for the commercial accommodation within the Tesco development.

14.205 In May 2019, the UK Parliament declared an environment and climate emergency. Recognising the threat of global warming and the duty to act to cut emissions, the Council declared its own Climate Emergency,[683] which included a commitment to reduce the Council's carbon footprint and to identify measures towards making the Council's activities carbon neutral and ultimately zero-carbon within the shortest achievable timeframe.

14.206 Neither the Council's Climate Emergency Declaration nor the Climate Emergency Action Plan 2020-2030[684] introduces new requirements for the determination of planning applications. Moreover, emerging policy GWC3(m) simply reinforces LonP policy SI2. It does not introduce additional policy tests.

14.207 The technical evidence before the Inquiry demonstrates that the proposals would meet the requirements of LonP policy SI2, through on-site and off-site measures, with the Council and the GLA agreeing that the opportunities to reduce on-site emissions have been appropriately taken in line with the energy hierarchy. The proposals would also make a wider contribution to climate change objectives, through measures such as the promotion of walking and cycling, the promotion of sustainable modes of travel, the provision of electric vehicle charging spaces, tree planting, biodiversity net gain and urban greening.[685] All in all, I am satisfied that there would be no conflict with the relevant development plan policies in this regard.

Air Quality[686][7.42, 9.3, 9.87-9.89, 10.17, 10.19, 10.39]

14.208 The whole of the Borough is designated as an Air Quality Management Area for NO_2 and particulate matter, the main sources of which are road traffic and

[681] CD3.10 (Homebase CD4.10 (Tesco)
[682] CD 5.2, CD 5.3 and CD8.3 (paragraph 90 of Homebase GLA Stage 2 Report and paragraphs 97-98 of the Tesco GLA Stage 2 Report).
[683] CD10.36
[684] CD10.37
[685] ID1.7.2 paragraphs 11.1 and 11.2
[686] ID1.10.1, ID1.10.18, ID1.10.19

building operations. The only technical evidence on the performance of the two schemes in relation to air quality impacts was provided by the Applicant.

14.209 OWGRA's evidence referred to new safe limits recommended by the World Health Organisation (WHO). The WHO updated its Air Quality Guidelines on outdoor air pollution levels in September 2021. However, as confirmed by the WHO itself, the guidelines are not legally binding. Rather, they comprise an evidence-informed tool for policy makers to guide legislation and policies and to set standards and goals for air quality management. My understanding is that they have not yet been adopted into UK legislation as National Air Quality Strategy Objectives and they are not reflected in any policies relevant to these applications. As such, whilst meeting the guidelines may well be desirable, not meeting them is not a material consideration in this case.

14.210 The methodologies for assessing air quality impacts, including construction traffic, were agreed with the Council [687]. Defra national air quality background maps (which are based on 1 x 1km grids covering the UK) suggest that the background concentrations of all pollutants in the area are well below the relevant objectives. However, local air pollution data, sourced from the Council's existing monitoring stations, confirmed OWGRA's comments that NO_2 concentrations in the area are above the national annual mean objective of 40 $\mu g/m^3$. I am mindful, though, that one of the monitoring stations is in Brentford, adjacent to Great West Road, where the data is also influenced by the Chiswick flyover. No monitoring is currently carried out by the Council at Gillette Corner, or in the immediate surroundings of the development sites.

14.211 The assessment for the Homebase scheme[688] considered the air quality impacts of both the construction and operational phases of the development, inclusive of impacts from other committed development (including the proposed Tesco scheme).

14.212 The site is located adjacent to Great West Road, a major arterial road within London where baseline air quality conditions are poor. There is the potential for temporary major adverse impacts during the construction phase, due to the size of the development and proximity to existing residential properties. However, best practice mitigation measures for controlling dust and emissions during construction, which can be secured by conditions, would lead to a negligible (insignificant) residual effect during that phase. Whilst there would be a minor increase in heavy duty vehicles on the local road network during construction, the predicted overall decrease in traffic on the local network over that period would offset any potential air quality impacts from emissions from those vehicles.

14.213 Given the lengthy build time, one of the recommended planning conditions requires air quality monitoring for a period of at least six months prior to commencement of development and for the duration of the build period. If, at any time during this monitoring, the NO_2 annual mean concentration exceeds 36 µg/m3, filtered mechanical ventilation is to be installed on the affected facades.

[687] ID2.40.42 and CD2.7, ID2.44.1/ID2.45.8 and CD2.5.2
[688] ID2.40.42 – ID2.40.46

14.214 Once operational, the Homebase development is expected to lead to a net reduction of traffic on the local road network (largely because of the change of use and limited parking provision proposed), with a consequent decrease in traffic emissions in proximity to the site which would, in turn, lead to a marginal improvement in local air quality. No significant impacts are predicted at existing receptor locations as a result of the operation of the Homebase development.

14.215 The heating and hot water requirements of the scheme would be met predominantly by heat pumps, an emission free alternative to combustion plant equipment, with three low emissions boilers proposed as top-up for use when required. However, as a worst-case scenario, the air quality assessment assumed that the development would be served solely by the combustion plant. Even in that scenario, the emissions from the three boilers were not predicted as significant at existing or proposed receptor locations.

14.216 One of the recommended conditions requires appropriate provision to enable connection to a feasible district heating network in the future, with another requiring details of how the scheme would meet the requirements of the Greater London Authority's air quality neutral Building Emissions Benchmarks for Nitrogen oxides and PM_{10} emissions. Subject to the measures described above, which could be secured by conditions, I consider that the Homebase development is acceptable in terms of air quality.[689]

14.217 For the Tesco scheme, the air quality monitoring data referred to above[690] was supplemented by a six-month site-specific monitoring study. The monitoring programme was designed to verify the model because existing monitoring was not representative of the site-specific conditions. An atmospheric dispersion model was used to predict the impact of both the proposed developments at multiple locations, considering future changes in traffic flows and vehicle emission factors and the impact of the proposals.

14.218 The results of the six-month monitoring study showed an annual mean measurement from the diffusion tube on Great West Road of 29.9 $\mu g/m^3$, and on Syon Lane in front of the Gillette Building of 31.8 $\mu g/m^3$. As explained in the Environmental Statement,[691] the site-specific monitoring results were adjusted to an annual mean, using the Brentford automatic monitoring data. The verification exercise was undertaken following the relevant London air quality technical guidance, using state-of-the-art dispersion modelling software, with the model performing well. The modelled baseline NO_2 concentrations around the Tesco site were well below the annual mean objective level of 40 $\mu g/m^3$.[692]

14.219 Demolition and construction work would start when the new store at the Homebase site is operational. Only the petrol filling station on the Tesco Site would remain. Peak traffic construction vehicle movements are expected around three years later, at which time the petrol filling station would no

[689] ID2.40.42 Table 11.16 (pages 41/42)
[690] The impacts assessed are cumulative impacts that include effects of the Homebase scheme. The Homebase scheme would be carried out ahead of the Tesco development were permission to be granted. See paragraph 14.219 below.
[691] ID2.44.1 (Chapter 8)
[692] Table 8.9 of ID2.44.1

longer be operational. Overall, there would be a net decrease in total movements associated with the site and an overall removal of traffic from the network. On that basis, the effect of demolition and construction traffic would be beneficial when compared to the existing baseline situation.

14.220 Subject to best practice mitigation measures for controlling dust and emissions during the demolition and construction phase (which can be secured by conditions) cumulative dust impacts are predicted to be slight adverse and not significant, with cumulative air quality impacts from demolition and construction traffic predicted to be negligible beneficial and not significant.[693] Given the likely duration of the build period, the air quality monitoring condition referred to above is also recommended for the Tesco scheme.

14.221 Once operational, the cumulative effect of both schemes is predicted to remove traffic from Syon Lane and nearby roads, with a net reduction in traffic on all 11 traffic links assessed. The effect of completed development traffic would therefore be beneficial when compared to the existing situation, especially at existing off-site residential and community receptors and for local air quality in general.

14.222 It is proposed that 57% of hot water and heating demand for the Tesco development would be met using a communal heat pump network, with four natural gas fuelled boilers providing the remaining demand in the event of failure of the heat pumps and on the coldest winter days. Even based on a worst-case scenario, with two boilers operating all year round, the predicted annual mean NO_2 concentration would be well below the objective of 40 µg/m^3 within the site. For off-site receptors, emissions from the energy centre were included in the modelling, together with traffic emissions. This demonstrated that the combined impact of traffic and energy plant emissions would have a direct, long term, permanent, negligible effect on air quality at existing and future off-site receptors. Consequently, the overall air quality effect would not be significant.

14.223 Air quality neutral assessments were undertaken for both developments, which conclude that the schemes would meet both the building and transport emissions benchmarks and can be considered air quality neutral.[694] In addition to reducing emissions associated with vehicle movements, and in line with the direction of travel in emerging planning policy, the Applicant also sought opportunities to actively reduce air pollution through the incorporation of mitigation and enhancement measures within the schemes.

14.224 In order to assess the contribution of these measures, and as requested by the Council, 'damage cost assessments' were undertaken[695] for both developments, which assessed the effects and contribution of both developments in isolation. For the purposes of these assessments, the net reduction in vehicle movements associated with the replacement of the existing uses was not considered. The assessments concluded that the developments would be positive in air quality terms by delivering air quality

[693] Ibid paragraphs 8.177-8.178
[694] CD2.5.2 paragraph 8.141 (Tesco) and CD1.11.3 Appendix 11.9 and paragraph 11.134 (Homebase)
[695] ID1.10.9 and ID1.10.10

mitigation and enhancement measures in excess of the cost associated with the air quality effects.[696]

14.225 In light of the above, I consider that there would be no conflict with LonP policy SI1, LP policy EQ4, and policy GWC3 of the emerging GWCLPR, insofar as they seek to improve air quality and reduce exposure to pollution.

Glare

14.226 Concerns were raised in relation to glare in relation to the Homebase development, having regard to nearby road junctions and the railway. The Applicant's annual sequence images[697] and the calendar graph plots[698] assessed six viewpoints

14.227 The images showed that there was the potential for solar glare to occur, affecting road users travelling north/north-west along Syon Lane, north-easterly along Northumberland Avenue and turning south-easterly onto Syon Lane from Great West Road, as well as train drivers passing to the south of the site. However, as set out in the Environmental Statement[699], further detailed assessments at these locations show that any effect can likely be considered to either be negligible or, at worst, minor adverse which is not considered significant. I find no conflict with LonP policy D9 in this regard, which among other things, requires that tall buildings should not cause adverse reflected glare.

Wind

14.228 The Homebase Environmental Statement includes a wind microclimate analysis[700] which shows that, during construction with hoardings in place, conditions would be suitable for a working construction site. With the introduction of the Homebase building, ground floor locations close to the corners of the building would exceed the safety threshold for strong winds for more than 2.2 hours per year, which is a potential safety concern for cyclists and more vulnerable pedestrians. Wind mitigation, including tree planting, balustrading and entrance recesses, is required to make these areas safe for pedestrian and cycle use. This could be secured by the suggested conditions. The residual effects, when mitigation is taken into account, would be negligible to minor beneficial for all areas.

14.229 The wind microclimate section of the Environmental Statement for the Tesco scheme concludes that effects during demolition and construction would be negligible. Upon completion and operation, all identified, on-site and off-site receptor areas at ground level would have wind conditions suitable for their intended use and would benefit from negligible to moderate beneficial effects over all timescales.

14.230 In conclusion, I find no conflict with LonP policies D8 and D9 which together (and among other things) require careful consideration of wind effects so as not to compromise enjoyment of open spaces around buildings.

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[696] The mitigation and enhancement measures are identified in Table 3.1 of ID1.10.1
[697] ID2.41.55
[698] ID2.41.56
[699] ID2.40.47 paragraphs 12.181-12.189 and 12.206
[700] ID2.40.52 paragraphs 13.179-13.185 and Table 13.3

Housing Mix[4.13, 5.12, 5.25, 6.103, 6.110, 7.9-7.15, 9.32, 9.53-9.64, 9.97, 10.10, 10.33, 10.45, 10.52]

14.231 Notwithstanding the ability of the Council to demonstrate a five year housing land supply, there is a pressing need for more, as evidenced by the significant uplift in the annual housing target. The extent of housing proposed by application schemes could make a meaningful contribution to meeting that need. However, OWGRA took issue with the mix of housing proposed referring, among other things, to significant overcrowding problems and the need for larger family homes as reported in the Council's Housing Strategy 2019-2024[701].

14.232 LP policy SC2 sets a strategic target that 40% of additional housing delivered across the Borough between 2015 and 2030 should be affordable. Viability testing is required where a lower provision is proposed. The application schemes propose 35% provision (by unit). However, the more recent LonP policy H5 sets out a Fast Track approach to viability testing in affordable housing delivery. In essence, eligible applications are not required to submit viability information. There was no dispute that the relevant criteria are met and the Council is content with the 35% provision proposed through the Fast Track route. I have no reason to disagree.

14.233 LonP policy H10 states that schemes should generally consist of a range of unit sizes having regard, among other things, to robust evidence of local need or, where not available, the 2017 Strategic Housing Market Assessment (SHMA)[702]. LP policy SC3 seeks a mix that meets objectively assessed and evidenced local housing need based on the latest and/or most specific available evidence, applying the housing need mix requirements summarised in Table SC3.1[703]. However, the policy also makes clear that the Table is a starting point for consideration of proposals, with schemes to reflect that mix unless otherwise agreed with the Council on the basis of evidence. Such evidence is available in this case, in the 2018 SHMA[704], which informed the housing mix requirements set out in emerging policy GWC2, and in the Council's Housing Need Register (as of September 2021)[705].

14.233 The Homebase scheme would deliver 164 affordable homes, with the Tesco scheme having the potential to deliver up to 587 affordable units (35% provision). Other than provision of four-bedroom homes, the proposed mix on both sites generally reflects the needs identified in the 2018 SHMA, as set out in emerging policy GWC2.[706]

14.234 In relation to the provision of four-bedroom (and larger) homes, the Council's Housing Need Register, which is of later date than both the 2018 SHMA and the Housing Strategy, demonstrates a greater increased need for one-bedroom homes for singles than for four-bedroom homes, with the overall housing need having been exacerbated by the covid pandemic.[707] There is little, if anything,

[701] CD10.41
[702] Since superseded by the 2018 SHMA at CD10.43
[703] CD6.1.3
[704] CD10.43
[705] ID1.12.2
[706] ID1.10.1 Table 4-3 paragraph 4.1.6
[707] ID1.12.2 Table 1

in the evidence before the Inquiry to substantiate the scale of need for larger family housing suggested by OWGRA.

14.235 Of the 164 affordable homes on the Homebase site, some 27% would be family size homes of three to four bedrooms, with 62% having two bedrooms or more. Across the whole of the Homebase site, a total of 65 dwellings would have three to four bedrooms, equating to 14% of the affordable housing offer.[708] Some 6.5% of the market offer (equating to 20 homes) would be three-bedroom homes. The Development Specification document for the Tesco site[709] includes minimum and maximum unit size mix parameters, including four-bedroom homes in the affordable housing offer[710]. Of the potential 587 affordable homes on the Tesco site, 33 to 42% would have three to four bedrooms, with 74-87% having two bedrooms or more. Some 12-16% of the market homes would be three-bedroom homes.

14.236 In relation to market housing, the evidence of the Applicant that Osterley and Spring Grove ward[711] has a higher proportion of three-bedroom (and larger) homes in the current housing stock (58%) than the Borough as a whole (or London) was not disputed. OWGRA felt that, unless this data was combined with information about targets for large family homes elsewhere in the Borough, this information was meaningless. However, I agree with the Applicant that the one-bedroom and two-bedroom homes proposed could play a role in freeing up family housing in the local housing stock[712]. They could also ease overcrowding, allowing persons in overcrowded accommodation the opportunity to move to their own home.

14.237 The tenure mix of the affordable housing proposed would be secured through the respective planning obligations. The schemes propose a mix of 50% London Affordable Rent/Social Rent and 50% intermediate housing across both sites, with the Homebase site providing all of the London Affordable Rent/Social Rent offer. The remaining affordable housing provision would be delivered on the Tesco Site.

14.238 The affordable housing offer is agreed as being appropriate by the Council in consultation with the GLA and its own housing officers.[713] In the absence of any substantiated evidence to the contrary, I have no reason to consider it inappropriate or otherwise unacceptable.

14.239 To conclude on this issue, in response to an increasing need for one-bedroom homes, identified in the Council's Housing Need Register (September 2021) and the 2018 SHMA, I am content that it is appropriate for the schemes to focus on providing a greater proportion of homes for single persons and couples than is required by emerging policy GWC2, whilst still providing a meaningful proportion of three-bedroom and four-bedroom homes. I find no conflict with the relevant development plan policies or emerging policy in this regard.

[708] ID1.10.1 Table 4-3 (page 55)
[709]CD4.6
[710] ID1.12.1 paragraph 6.80
[711] ID1.12.1 Table 4-5 para4.1.10
[712] ID1.12.1 paragraph 4.1.10
[713]Eg CD5.2 paragraphs 6.34, 8.83 -8.94, CD5.3 page 32 of the PDF and paragraphs 8.78-8.98, ID1.12.2

Local Infrastructure

Traffic/Cycling/Public Transport[6.105, 7.27-7.34, 9.3, 9.11, 9.65-9.80, 9.98, 9.99, 10.13-10.22, 10.34, 10.37, 10.87-10.90, 10.92, 10.122 -10.124],

14.240 Traffic generation for both developments was included in the traffic modelling, the scope of which was agreed with and validated by TfL.[714] Whilst OWGRA was concerned that it did not have access to the TfL traffic scenario information, the Council confirms that a conservative approach was taken to the data used and that it commissioned an independent review of the modelling. TfL is the statutory body responsible for most of the transport network in London, with a general duty to develop and apply policies to promote and encourage safe, integrated, efficient and economic transport facilities and services. Neither TfL, nor the Council's independent consultants, took any issue with the data used or the modelling. TfL confirmed that the traffic assessment was robust.

14.241 The modelling for Gillette Corner assessed four options. Whilst option 2 was preferred by TfL, that option did not include a full set of active travel improvements. It was therefore accepted by TfL, but only as an interim solution. TfL considered that a pedestrian/cycle crossing on the southern arm of the junction would also be required as a key mitigation measure (as per Option 4[715]). The Homebase planning obligation would secure the provision of the crossing prior to opening of the store (pursuant to options 4 or 6[716]), provided that updated supporting traffic surveys and monitoring (also secured) confirm that it is acceptable in terms of traffic impacts.[717]

14.242 The Tesco site S106 agreements would ensure that, prior to commencement of development, the scope of reviews of specified highways works (with traffic surveys and modelling that would have been undertaken following occupation of the Homebase scheme) is to be agreed with the Council and TfL. The specified works include the option 4 crossing (if neither the option 4 or option 6 works have been constructed at the date of submission of the scope of review); option 5 junction works, and option 6 works (if not already constructed). The option 5 works would provide a new controlled pedestrian crossing on the northern arm of the junction.[718] [719]

14.243 OWGRA raised concerns that Northumberland Avenue could be used as a rat-run for traffic wishing to avoid the traffic signals at Gillette Corner. The road is already subject to a 20mph speed limit. The Council recognises that some drivers may decide to use the route to avoid the signals. Therefore, whilst the traffic modelling does not indicate that there would be an increase in journey times on Northumberland Avenue, the need for any measures to discourage its

[714] Eg CD5.2 paragraph 8.328
[715] Option 4 is similar to Option 2 but includes the required new pedestrian crossing on the southern arm. When modelled based on current data however, the impact in the weekday afternoon and Saturday peak hours was considered to be unacceptable, hence the preference for option 2.
[716] Option 6 would require removal of the subway and changes to the pedestrian crossing over the A4, but could improve traffic flow making it more likely that active travel improvements could be accommodated.
[717] The officer's report confirms that Government and local policy is to push for a "green recovery" from the Covid-19 pandemic with increased use of home working, public transport and active travel, which factors are likely to affect traffic levels in the future. However the actual impact will only be known further down the line, hence the future assessment of impacts, as opposed to now.
[718] CD2.76 see plan at appendix 7; CD2.77 see plan at Appendix 8
[719] There is already a pedestrian controlled crossing over the western arm of the junction.

use would need to be reviewed once the store is operational. To that end, the Homebase S106 includes a financial contribution towards transport mitigation measures on Northumberland Avenue, should these be required once the store is in use.

14.244 There was also concern that shoppers and/or future residents may seek to park on the Northumberland Gardens estate or the Wyke Estate (opposite the Tesco site), reducing spaces for existing residents. The s106 agreements include contributions towards a study and/or consultation to determine whether any modifications to the existing Controlled Parking Zones (CPZ), or any new CPZs, are required following construction of the proposed developments. The agreements would provide for implementation of any CPZ changes, if required. If not required, the monies would be used for public realm improvements and/or traffic management measures in the locality. In addition, the S106 agreements preclude future residents (other than disabled badge holders) from being granted a permit for parking in any of the CPZs in the locality.

14.245 In terms of cycling, a partially off-road cycle route currently exists along Great West Road within the vicinity of the site. At present, the off-road cycle lane merges with vehicular traffic close to the north-eastern corner of the site. The package of highway works secured for the Homebase scheme includes continuation of the off-road cycle route along the site frontage, with users merging back onto the carriageway at the Gillette Corner junction. The scheme also includes a new pedestrian and cycle clean air route, via Syon Gate Way and Syon Gate Lane, as envisaged in the Great West Road Masterplan. Westbound cyclists on the Great West Road aiming to turn left at the lights towards Syon Lane Station could avoid the junction by using this route, exiting onto Syon Lane at the southern corner of the site.

14.246 The Tesco S106 secures provision of a mobility hub, which would include facilities designed to enhance access to local transport options including a cycle hub. This is intended to provide a high quality, secure and covered cycle parking area with Brompton Bike Hire lockers, allowing people to hire bikes and/or a dockless bicycle hire.[720] In addition, a 3m wide segregated cycleway would be provided along the site frontage, together with a 2m wide segregated footway. Together with removal of the roundabout access to the Tesco car park, this would link to facilities that have been delivered through the Bolder Academy development.

14.247 The Applicant has undertaken an Active Travel Zone Assessment for both schemes, which included a comprehensive review of road safety. The assessments identified locations where improvements could be made to encourage more walking and cycling trips. Some of the locations have been picked up within the highway or public realm works proposed around the sites and others are in locations where the Council is already working on schemes. Whilst the Council's Transport Strategy identifies improvements to cycle infrastructure along Windmill Lane, improving links between Osterley and Southall, there is not yet an outline design or programme for this route and the costs would be considerable. Once more detailed proposals have been

[720] ID1.10.1 paragraph 5.1.7

drawn up it is likely that a bid for CIL funding to deliver this route would be made.

14.248 The highway works secured by the S106 include relocation of the westbound bus stop and shelter on the southern side of the A4 some 40 metres to the east. That would move it further from the junction and proposed store entrance, but the relocation is necessary to accommodate the proposed off-carriageway cycle route along the site frontage. In my view, the benefits for all users of the remodelled junction are sufficient to outweigh any disbenefit there may be in bus users having to walk a short distance further than is currently the case, which is a concern of OWGRA. I am mindful in this regard that the footway here is generally level and well lit.

14.249 Twickenham rugby ground and Brentford Community Stadium lie within a couple of kilometres or so of Gillette Corner. OWGRA is concerned that the traffic surveys used to inform the baseline data were not carried out on match/event days. However, whilst match/event day traffic may currently cause disruption , that does not reflect the traffic situation for most of the time. In any event, neither of the developments proposed would, of themselves, increase that traffic. Both the Council and TfL are content that adequate mitigation is proposed to deal with the traffic impacts that would be a consequence of the application schemes themselves, which is the relevant consideration.

14.250 The Gillette Corner underpass, beneath the eastern arm of the junction, is not a pleasant place – it is poorly lit, in a poor state of decoration and subject to graffiti. The secured package of highways works includes a new surface level, signal-controlled pedestrian and cycle crossing on the eastern arm. There would be no necessity, therefore, to use the underpass. In recognition that some may wish to continue using the underpass, or may choose to use it instead of waiting for the lights to change at the new crossing, the financial contribution towards public realm works secured by the S106[721] includes, subject to a feasibility study, improved lighting to the underpass, replacement metalwork and redecoration. Whilst OWGRA asserted that the amount secured did not go far enough, there would always be the alternative of crossing at surface level.

14.251 Policy D2A of the LonP confirms that the density of development proposals should consider, and be linked to, the provision of future planned levels of infrastructure, rather than existing levels. Part B of the policy says that where there is currently insufficient capacity to support proposed densities, Boroughs should work with applicants and infrastructure providers to ensure that sufficient capacity will exist at the appropriate time.

14.252 Most of the Homebase site has a PTAL score of 2, other than the south-western part of the site, closest to Syon Lane station, which has a PTAL score of 3. Most of the Tesco Site has a PTAL score of 2, other than a small area fronting Macfarlane Lane, which has a rating of just 1. The sites are therefore in an area which currently has poor accessibility in terms of public transport. However, they are also in an Opportunity Area, where a significant level of

[721] CD2.75 Section 11 to schedule 1 paragraph and Plan 6 at appendix 7

residential and commercial development is being promoted over the coming years.

14.253 In preparing the GWCLPR, the Council commissioned a Transport Study to review current transport provision in the Opportunity Area and to recommend necessary improvements to support future development.[722] The major transport infrastructure proposals in that Study are also included in the Council's Infrastructure Delivery Plan[723]. The Council has engaged with transport providers, including TfL, Network Rail, South Western Railways (SWR) and the Department for Transport, in developing proposals that would increase transport capacity in the Opportunity Area, including those in the Transport Study. In essence, the principle of growth and development in the Opportunity Area, as set out in the GWCLPR, is based on the improvements that can be achieved.

14.254 The Transport Study proposes a package of bus and rail related measures designed to improve the current PTAL rating within the Opportunity Area. This would be delivered using a range of funding opportunities including S106 and CIL. As set out in the officer's report, those transport improvements would be delivered over a number of years to allow development to match the expected growth within the Opportunity Area. It is envisaged that the first of those improvements would be delivered in advance of the proposed occupation of the Homebase site, with further improvements coming online prior to occupation of the Tesco site.[724] Once complete, the packages are expected to increase the PTAL rating of the Tesco site to 3, with an increase to a PTAL of 4 for the Homebase site.[725]

14.255 The two sites are currently served by bus routes H28 and H91. TfL has consulted on changes to the H28 which would mean it would no longer terminate at the Tesco Site but would continue to serve it. It is proposed that the E1 would be extended from Ealing Broadway to serve Great West Road and terminate at the Tesco site, linking Osterley to the Elizabeth line at Ealing Broadway. In consultation with TfL, who undertook a detailed review of the impacts on bus services , the Homebase S106 includes a contribution of £1.7 million to provide improved bus services. OWGRA and others have raised concerns in relation to the current lack of capacity on local bus routes. TfL has not identified which routes the contribution would go towards, but it would review the situation in advance of the occupation of the Homebase Site and allocate as appropriate in accordance with the Opportunity Area Transport Study. The Tesco S106s would secure construction of bus drivers' welfare facilities , together with bus stops, standing areas, bus turning facilities, shelters and seating.

14.256 The closest underground stations are Osterley and Boston Manor on the Piccadilly Line. Having reviewed the Applicant's assessment of station capacity and line loading capacity at Osterley Station, taking into consideration the anticipated demand of already consented schemes, TfL confirms that further work is required before it can determine whether a financial contribution is

[722] ID1.7.9 and ID1.10.12
[723] ID1.10.15 and ID1.10.17
[724] Eg CD5.2 paragraph 8.326
[725] Table 8

required. However, as set out in the committee reports[726], given that the Tesco scheme would generate the greatest demand for underground trips, TfL recommend that an updated assessment of station capacity and line loading capacity at Osterley Station is provided with the first reserved matters application, with any identified improvements to be delivered prior to first occupation. This is secured in the s106 agreements.

14.257 The Piccadilly Line is due to be upgraded by TfL to provide increased capacity. The current estimate is that work to upgrade the line will be completed and the new trains running by 2025. This would coincide with the occupation of the Homebase Site and would be in advance of occupation of the Tesco Site.

14.258 The nearest rail station is Syon Lane which is acknowledged to be particularly busy at peak times. The station has step free access to both platforms. South Western Railways (SWR) is introducing new rolling stock with increased capacity soon. Clearly, the developments proposed would add to passenger numbers.[727] However, as reported by OWGRA, and as confirmed in the Committee reports, train use has declined significantly as a result of the Covid-19 pandemic. At the time of the Inquiry, SWR was running a reduced timetable. It is not clear when, or indeed if, usage will increase to pre-pandemic levels. It is also unclear how businesses, including Sky, may adapt following the pandemic and if similar numbers of passengers will return to Syon Lane station. Consequently, having regard to the increased capacity of the new trains, SWR, had no objections to the proposals and required no contributions towards improved platform or train capacity.

14.259 Strategic transport improvements identified in the Transport Strategy, including the West London Orbital Link (services currently targeted as commencing in 2029) and the proposed Southall-Brentford rail link will require CIL (and other) funding to facilitate delivery, to which these, and other developments in the Opportunity Area, are required to contribute. To that end, the S106 agreements secure a total CIL payment for the Homebase Development of some £15,337,391, and a payment of £30,539,183 for the Tesco site. The timescale for delivery of the development of the Tesco site would allow further transport improvements to take place in advance of occupation.

14.260 OWGRA contended that the proposed mitigations were not sufficient. However, the evidence before me, in the form of the Transport Assessments and consultation responses from those tasked with running and managing the public transport network, is that the provisions secured by the planning obligations would be sufficient to ensure that the impacts on transport networks and supporting infrastructure are fully mitigated. There would be no conflict in this regard, with LP policy EC1, LonP policy T1 or policy GWC6 of the emerging GWCLPR and the vision in the Great West Corridor Masterplan.

[726] CD5.2 paragraph 8.375 and CD5.3 paragraph 8.418

[727] Data supplied by SWR indicates that during the morning peak of 0720-0850 hours, between 250-400 people can alight from a train, and that in the evening peak of 1650-1850 hours between 150-350 people can alight. In the AM weekday peak it is predicted that the Homebase Site would generate an additional 69 trips and the Tesco Site 188. In the PM peak these are predicted to be 53 and 188 respectively.

Education Provision[6.104, 9.4, 10.28, 10.51, 10.91, 10.92]

14.261 As set out in the committee report, the Council has examined the individual and cumulative impacts of the developments on primary and secondary school places.[728] There would be a need for mitigation to provide for additional primary school places. No mitigation is required for secondary places. The Council considers that additional primary school places, either by expansion of an existing school or through the new school proposed at Layton Road, could be provided for from the CIL payments for the schemes.

Leisure Provision[6.104, 9.2, 10.43, 10.94, 10.124, 10.125]

14.262 As set out above, sufficient provision is made either by direct provision or financial contributions in relation to play space and amenity space to meet the needs of future occupiers. Whilst future occupiers would place increased demand on existing built facilities such as swimming pools and leisure/sports centres no evidence of any request from the local authority for any contributions is before me.

Local Healthcare Provision[6.104, 9.2, 9.4, 10.28, 10.51, 10.93, 10.121]

14.263 The Environmental Statements indicate that current GP and dentist capacity could accommodate the demands of future occupiers of the Homebase scheme.[729] Two additional GPs and 1.75 dentists would be required in relation to the Tesco development, which would be mitigated through CIL payment.[730] However, as set out in the committee report, the Hounslow Clinical Commissioning Group (CCG) advised that there would not be capacity for the additional population on the Homebase or Tesco sites.[731]

14.264 The Council's Infrastructure Delivery Plan (IDP)[732] considered the health infrastructure needs arising from future housing growth in the GWC Plan area. It notes that the primary mechanism for the delivery of health services in Hounslow comes from central government capital funding, from strategic CIL payments and from s106 contributions for site specific impacts.

14.265 Although some s106 contributions have already been allocated towards the Brentford Health Centre (one of six health hubs in the Borough) the CCG confirms that there remains a funding gap and further developer contributions are required to deliver the project. The planning obligations would secure the requested contributions towards the capital costs of additional primary care facilities .[733]

14.266 In terms of dental services, the Environmental Statement,[734] found that all six dental practices in the locality of the application sites are accepting new NHS and private patients, indicating capacity within the existing provision. No mitigation is proposed in this regard. The conclusions in the Environmental Statement are based on a telephone survey of all the identified local practices.

[728] Eg CD5.2 paragraphs 8.49-8.55
[729] ID2.40.11 paragraphs 6.100-6.101
[730] ID2.44.1 paragraph 6.210-6.211
[731] CD5.2 paragraphs 8.56-8.59
[732] ID1.10.15 and ID1.10.17
[733]
[734] ID2.40.11 paragraph 6.75

Whilst OWGRA and others contest that situation, the only evidence in this regard was anecdotal. I therefore attach greater weight to the Environmental Statement.

Emergency Services[9.4, 10.89]

14.267 OWGRA and others raised concerns about increased demands on emergency services. Again, though, no substantiated evidence was before me to support those concerns and there is nothing in the consultation responses that indicate any adverse impacts in this regard.

Sewerage Capacity and Water Supply[9.4, 10.120]

14.268 Notwithstanding concerns raised by OWGRA and others in this regard the statutory undertaker, Thames Water, who has responsibility for related infrastructure, has confirmed that it has no objection to the developments proposed, subject to conditions.

14.269 If planning permission is granted, conditions are recommended for both schemes requiring measures to restrict internal water usage for dwellings to a maximum 105 litres/person/day. In relation to the Homebase scheme, a condition is recommended requiring the submission of a development and water infrastructure plan, with occupation precluded until the infrastructure is in place. Recommended conditions for the Tesco scheme prevent development until either all water and wastewater network upgrades have been carried out or, in the alternative, secure submission of a development and water and wastewater infrastructure plan, with occupation precluded until the infrastructure is in place.

14.270 I conclude that the developments proposed would not have a material adverse impact on sewerage capacity or water supply.

Other Matters

Ecology and Biodiversity[6.103, 6.111, 9.4]

14.271 The Homebase site is used mostly for surface car parking and the Homebase building. It is of negligible ecological value with no habitats or species of value identified. The development proposed includes a landscaped amenity space on the podium that would include extensive green spaces and tree planting, new trees within the public realm around the base of the building, green roofs, and a green wall to Syon Lane, together with bat and bird boxes and insect hotels.

14.272 The overall masterplan for the Tesco site includes extensive landscaping, with a commitment to plant a minimum of 300 trees. The biodiversity and ecological value of the site would also be enhanced through extensive areas of green/ brown roofs, improving the water gardens to the rear and providing habitat areas. Delivery of the site-wide surface water drainage strategy, which would include sustainable drainage elements, would help improve water quality whilst creating biodiversity benefits.

14.273 The schemes would significantly enhance the biodiversity and ecological value of the sites. I find no conflict therefore with LP policies G5 and G6, which together seek to ensure that new developments contribute to the greening of

London and create habitats that are of relevance and benefit in an urban context.

15. PLANNING BALANCE AND OVERALL CONCLUSION

Benefits of the proposals[6.110, 6.111, 7.5-7.8, 7.94, 10.80-10.84]

15.1 The application schemes would enable the regeneration of under-utilised brownfield land in a location that is capable of becoming relatively sustainable in terms of accessibility, helping to bring forward the growth envisioned in the Opportunity Area. Together, they would deliver up to 2,150 homes across the two sites which would make a significant contribution, not only to towards the Borough's needs, but also to the London-wide need and the recognised shortfall that exists. The provision of some 750 affordable homes across the two sites would contribute to the pressing need within the Borough, although the provision is no more than the minimum required by policy. The mix of homes across the schemes includes around 50% family accommodation (i.e. two-bedroom, four person homes or larger) designed to meet the current housing need profile in Hounslow. These are all matters that attract substantial weight in favour of the proposals.

15.2 Regeneration of the sites would have a catalytic effect in bringing forward more sites in the Opportunity Area. The schemes would also bring a wide range of benefits for the local economy, including an average of 491 construction jobs over a three year period in relation to the Homebase scheme and some 317 FTE construction jobs over the ten year build period for the Tesco site, around 450 FTE jobs across both sites once operational (a net increase of around 160 operational jobs)[735] with associated multiplier effects, and increased household expenditure locally from new residents. Being mindful of the provisions of paragraph 81 of the Framework and the need to support economic growth, these are matters to which I afford significant positive weight given the scale of development proposed.

15.3 The schemes would provide an improved, modern Tesco store of 10,550 sqm with corresponding improvements to the public realm around the Homebase site; 200 sqm community space on the Homebase site; between 3,000 sqm and 5,000 sqm of retail, commercial, and community space on the Tesco site; at least 20,000 sqm of publicly accessible open space on the Tesco Site, including play space; and revitalisation of the Water Gardens on the Tesco site. The open space that would be provided is required to meet the needs of future occupiers. However, insofar as significant areas would be publicly accessible, and so could be enjoyed by existing residents, there would be a shared benefit for the wider community. That is a consideration to which I afford moderate weight given the extent of the space to be provided/improved. The provision of community space on both sites would also benefit existing residents. However, in the absence of anything to suggest that there is a identified shortfall in provision locally, I afford that only limited weight. The reprovision of an existing Tesco store, albeit improved, also attracts limited weight.

[735] paragraph 8.19 of the SoCG (CD11.1)

15.4 The planning obligations include a package of highway and transport improvements intended to mitigate the impact of the development proposed. Inasmuch as there would also be associated benefits for the wider community, this is matter which attracts limited to moderate weight.

15.5 In terms of environmental benefits, there would be a significant biodiversity net gain, with some 3 hectares of green space provided across both sites, including green/brown roofs and the planting of at least 459 trees, plus reinvigoration of the Water Gardens, forming part of the water management strategy for the Tesco site. These are matters to which I afford moderate weight.

Heritage Balance

15.6 For the reasons set out above I find no harm to the OUV or heritage significance of RBG Kew WHS.

15.7 In relation to the statutory tests, being mindful of s.72 of the LBCA, I have found that that part of the Tesco scheme that would lie within Osterley Park Conservation Area would not cause harm to the character and appearance of the Conservation Area, which would be preserved. I deal later with that part of the development schemes outwith the Conservation Area and its heritage significance.

15.8 Dealing next with listed buildings and the statutory test set out at s.66 of the LBCA, I find no harm in relation to Flora's Column, the gate lodges and piers at Osterley, the Goals Pavilion/Clubhouse, the Quaker meeting house, the NatWest Bank, or the King's Observatory, the setting to each of which would, in terms of their special interest, be preserved. I have, however, found some harm in relation to Syon House, the Lion Gate, the Ornamental Bridge, the Pepperpot Lodges, the Great Conservatory, the Gillette Building and the former Coty factory as a consequence of the proposed developments within their settings which settings would not, in terms of their special interest, be preserved.

15.9 Moving on then to the tests set out in the Framework. Where LSH is identified, paragraph 202 of the Framework indicates that a separate balancing exercise is required for each affected asset, with the identified harm to be weighed against the public benefits of the proposal. In relation to non-designated assets, paragraph 203 requires that any harm be taken into account in determining the planning application.

15.10 Any harm to the identified heritage assets would occur through development within the setting of the affected asset harming its heritage significance (including cumulative impact), rather than any direct physical effect. I set out earlier the harms to the affected assets.

15.11 The public benefits set out above are considerable. I am required to give considerable weight to the desirability of preserving the setting of listed buildings. In each case however, I find that the benefits are more than sufficient to outweigh the identified harm. Accordingly, having regard to footnote 7 of the Framework, the policies of the Framework do not, in this instance, provide a clear reason for refusing the applications.

15.12 Demolition of the existing Homebase building, a non-designated asset, would result in the total loss of its heritage significance. Paragraph 203 of the Framework requires that effects on the significance of non-designated assets be taken into account when determining planning applications. That is dealt with in the planning balance that follows.

Planning Balance

15.13 The starting point for these decisions is the development plan. There is no objection in principle to either scheme in terms of land use. Other than design/character and appearance and heritage, I have found no material conflict with relevant policies and guidance.

15.14 In relation to design/character and appearance, there is no doubt that the schemes would bring a significant change to the area. Significant change does not, however, necessarily equate to harm. Consideration of the schemes needs to be undertaken in the knowledge that the sites lie within an Opportunity Area as defined by the LonP. These are areas that will see the most significant change, having the potential to deliver a substantial amount of the new homes and jobs that London needs.

15.15 There is a tension though, between the development plan policies and the policies in the emerging plan, the latter documents which it is agreed cannot be given much weight now, since the policies have yet to be examined. That said, the emerging policies clearly give voice to the vision for the Opportunity Areas identified in the LonP. I am mindful, in this regard, that it was no parties' case that the applications were premature or would prejudice the outcome of the Local Plan examination. To my mind, the emerging policies of most relevance to the application proposals indicate a clear direction of travel which I have had in mind in coming to a view on the proposals. In any event, I have assessed the schemes on their own merits, in light of the site-specific, proposal-specific views testing that has been carried out to support the applications, which those writing the Masterplan and Capacity Study, and drafting the emerging policies, did not have the benefit of.

15.16 For the reasons set out earlier, I am content that whilst large, the Tesco scheme would be acceptable subject to detailed design at Reserved Matters stage. I have significant reservations though, about the impacts of the Homebase scheme due largely to the quantum of development proposed on this constrained site. I have found that in terms of its scale, massing, design and townscape/ streetscape impact, the development would have a significant material adverse impact on the character and appearance of the surrounding area generally, which concerns cannot be overcome by conditions. There would be conflict, in this regard, with the relevant policies and guidance. As to whether it complies with the development plan as a whole, that depends on whether, in the overall balance, the benefits outweigh the harms.

15.17 In this case, not only would there be harm because of the negative impact in terms of character and appearance, but to be added to that is the harm to the heritage assets that I have identified. LSH does not equate to a less than substantial planning objection. When considering a proposal involving LSH to a number of heritage assets, more weight can reasonably be attached in the overall planning balance than would be the case if only one asset would be

harmed. There is also the heritage harm that would be caused by the total loss of the non-designated asset that is the existing Homebase store.

15.18 As set out above, the benefits of the proposals are substantial. However, as provided for in the development plan and the Framework, whilst not preventing or discouraging appropriate innovation or change, new development is, nevertheless, expected to create high quality buildings and well-designed places that are visually attractive and sympathetic to local character and history. Good design is, in general, inherently informed by its context. For the reasons set out above, I consider that the Homebase scheme would be neither visually attractive nor sympathetic to local character and does not represent good design in its context. Having weighed carefully all the benefits they do not, in my view, outweigh the totality of the harms that I have identified.

15.19 I have taken all other matters into consideration, including the fact that the application sites might, in their current form, be considered as detractors to character and appearance and the heritage significance of nearby listed buildings and Osterley Park Conservation Area. On balance however, I conclude that the proposals, taken together[736] would, as a consequence of the shortcomings of the Homebase development, conflict with the development plan taken as a whole and that the applications should not succeed.

16. RECOMMENDATION

16.1 For the reasons set out above, I recommend that both applications be refused and that planning permission not be granted.

16.2 Should the Secretary of State reach a different conclusion and grant planning permission, I recommend that the conditions set out in Annexes E and F attached hereto be imposed. With regard to the Agreements made under Section 106 of the Town and Country Planning Act 1990 (as amended), the Secretary of State would need to come to a view as to whether the version with, or without, the First Homes provision is to be preferred.

Jennifer A Vyse
INSPECTOR

[736] It was the express wish of the Applicant that the schemes should stand or fall together, the Homebase scheme being predicated on relocation of the existing Tesco store to the Homebase site, allowing for redevelopment of both sites.

ANNEX A
APPEARANCES

FOR THE APPLICANT:

Rupert Warren, of King's Counsel	Instructed by CMS
He called -	
Pankaj Patel BA(Hons) DipArch, ARB, RIBA, MBE	Founding Director of Patel Taylor
Marcus Adams BA(Hons) DipArch, MA Urban Design, RIBA	Managing Partner of JTP LLP
Julian Forbes-Laird BA(Hons) Dip.GR.Stud, MICFor, MRICS, MEWI, Dip.Arb(RFS)	Senior Director at FLAC and co-Principal of Sylvan Consulting
Dr Chris Miele PHD MRTPI IHBC	Senior Partner at Montague Evans LLP
Simon Roberts BA(Hons) MA, MRTPI	Technical Director at WSP

* The following assisted in various of the round table sessions during the Inquiry: Andrew Ward (Director with Royal Haskoning DHV) Connor Rusby (Senior Air Quality Consultant with Buro Happold), Ana Gomes (Senior Air Quality Consultant with Ramboll) Donald Sinclair (Managing Director with Hodkinson) Matt Harris (Director with Point 2 Surveyors Ltd) and Ian Fenn (Partner with JTP LLP).

FOR THE LOCAL PLANNING AUTHORITY:

Alex Booth, of King's Counsel	Instructed by Rachel McKoy of LBH l
He called -	
Ignus Froneman BArch.Stud, ACIfA, IHBC	Director of Cogent Heritage
Nik Smith BA(Hons) MA, MRTPI	Town Planning Consultant

* The following assisted in various of the round table sessions during the Inquiry: Robert Heslop (Head of Transport Planning and Road Safety with the Council) Andrew Smith (Head of Housing Development, Supply & Initiatives) and Geraint Nutt (Programme Delivery Manager).

FOR HISTORIC ENGLAND (RULE 6 PARTY):

Scott Lyness, of King's Counsel Assisted by Daniel Whittle (Burges Salmon)	Instructed by David Monteith of Historic England
He called -	
Alfred R J T Stroud MA(Oxon) MA, MSc, IHBC	Inspector of Historic Buildings and Areas with Historic England

FOR OSTERLY AND WYKE GREEN RESIDENTS' ASSOCIATION (RULE 6 PARTY):

Barbara Stryjak	Member of the Association
Ms Stryjak gave evidence and also called -	
Michael Spence BA(Hons) MLD, CML, REIA, FRGS	Principal of MS Environmental
John McNulty	Member of the Association
Mohsen Zikri	Member of the Association
Sheila O'Reilly	Member of the Association
Dominic West	Member of the Association
Olga Szokalska	Member of the Association
David Pavett	Member of the Association
Lis Guest	Member of the Association

INTERESTED PERSONS (in order of appearance):

Miranda Donaldson	Local resident
Aftab Siddiqui	Local resident
Cllr Louki	on behalf of Osterley and Spring Grove Councillors
Paul Engers	on behalf of the residents of Oaklands Avenue
Dr Sarah Rutherford DipHort(Kew), MA, PhD	The Gardens Trust
Keith Garner	on behalf of Georgina Darroch (RBG Kew, Government Affairs and World Heritage Manager)
Paul Velluet	Local resident
Tony Firkins	Local resident
George Andraos	Director Wyke Gardens Estate
Sally Smith	Chief Operating Officer, Hounslow Chamber of Commerce
Monika Ulan	Local resident
Nicholas Rogers AM	Assembly Member for South West London

ANNEX B
DOCUMENTS HANDED UP DURING THE INQUIRY

ID2.1	Opening statement for the Applicant
ID2.2	Opening statement for the Council
ID2.3	Opening statement for Historic England
ID2.4	Statement – Miranda Donaldson
ID2.5	Opening statement for OWGRA
ID2.6	Statement – Aftab Siddiqui
ID2.7	Statement – Councillor Louki
ID2.8	Statement – Paul Engers
ID2.9	Statement – Dr Sarah Rutherford
ID2.10	Statement – Keith Garner
ID2.11	Statement – Paul Velluet
ID2.12	Statement – Tony Firkins
ID2.13	Statement – George Andraos
ID2.14	Statement – Sally Smith
ID2.15	Statement – Monika Ulan
ID2.16	Statement – Nicholas Rogers AM
ID2.17	Historic England 2022 Tall Buildings: Advice Note 4[737]
ID2.18	Historic England update on the revised Tall Buildings Advice Note
ID2.19	Slides accompanying evidence in chief of Pankaj Patel
ID2.20	Slides accompanying evidence in chief of Marcus Adams
ID2.21	Landscape Institute Technical Guidance Note 06/19: Visual Representation of Proposals (17 September 2019)
ID2.22	Slides accompanying evidence in chief of Julian Forbes-Laird
ID2.23	Guidelines for Landscape and Visual Impact Assessment (Third Edition)
ID2.24	Correction Note to the proof of Marcus Adams
ID2.25	Table aligning the different viewpoint references used in CD10.51 and TVIA references
ID2.26	Pankaj Patel supplemental image to cross-examination Image 1
ID2.27	Pankaj Patel supplemental image to cross-examination Image 2
ID2.28	Pankaj Patel supplemental image to cross-examination Image 3
ID2.29	GLA representation hearing report D&P/3537a/03 Homebase (17 October 2017)
ID2.30	Mayor of London Good Housing Design Quality and Standards SPG Module C : Pre-consultation Draft Good Quality Housing for all Londoners
ID2.31	Hounslow Council's CIL Compliance Schedule (PDF) Superseded by CD2.53
ID2.32	Hounslow Council's CIL Compliance Schedule (Word) Superseded by CD2.53
ID2.33	UK Government Periodic Report–Second Cycle on RBG Kew WHS (2014)
ID2.34	ICOMOS Technical Review for RBG Kew (March 2022)
ID2.35	TfL detailed strategic transport comments - Tesco application (10 December 2020) Updated by ID2.39

[737] Supersedes the 2015 version at CD10.23

ID2.36	TfL detailed strategic transport comments - Homebase application (18 December 2020) Updated by ID2.38
ID2.37	OWGRA comments on ID2.25 and ID2.36 (18 January 2021)
ID2.38	TfL strategic transport comments update - Homebase (26 March 2021)
ID2.39	TfL strategic transport comments update - Tesco (26 March 2021)
ID2.40	**Homebase Environmental Statement Volume 1**
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ID2.40.6	Site and Development Description
ID2.40.7	Alternatives and Design Evolution
ID2.40.8	Figure 4.1 December 2019 Massing
ID2.40.9	Figure 4.2 July 2020 façade design
ID2.40.10	Construction Methodology and Phasing
ID2.40.11	Population and Human Health
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ID2.40.30	Figure 10.1 Noise Exposure Hierarchy
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ID2.43	**Homebase Environmental Statement Volume Addendum**
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ID2.45.14	Tesco ES Addendum Vol 2A – Part 6
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ID2.45.16	Tesco ES Addendum Vol 3A – Part 1
ID2.45.17	Tesco ES Addendum Vol 3A – Part 2
ID2.45.18	Tesco ES Addendum Vol 3A – Part 3
ID2.45.19	Tesco ES Addendum Vol 3A – Part 4

ID2.45.20	Tesco ES Addendum Vol 3A – Part 5
ID2.45.21	Tesco ES Addendum Vol 3A – Part 6
ID2.46	**Architect's Brief and Appendices - Homebase**
ID2.46.1	Homebase Client Brief March 2019
ID2.46.2	A1 Homebase Existing Site Layout Boundary Plan
ID2.46.3	A4 CGI Image 1
ID2.46.4	A4 CGI Image 2
ID2.46.5	A5 Preliminary Topographical Survey inc. GF Plan Sept 2018
ID2.46.6	A5 Topographic Survey inc. GF Plan & Road Layout Nov 2018
ID2.46.7	A6 Homebase Premier Utility Search Report July 2018
ID2.46.8	A6 Homebase Premier Utility Search PALM PDF
ID2.46.9	A7 Our Vision Guidance for Design Teams 2018-2020
ID2.46.10	A8 Homebase Design Outline
ID2.46.11	A9 Homebase GWC View Code Developer Workshop 2018
ID2.46.12	A9 Zones of Theoretical Visibility Developer Workshop 2018
ID2.46.13	A9 Great West Corridor Revision Developer Workshop 2018
ID2.46.14	A9 Sensitive Views Developer Workshop 2018
ID2.46.15	A10 Homebase Scheme Summary PPT
ID2.47	**Architect's Brief and Appendices - Tesco**
ID2.47.1	Tesco Client Brief April 2019
ID2.47.2	A1 Tesco Site Plan
ID2.47.3	A2 Consultation Boards October 2019
ID2.47.4	A5 Site Investigation
ID2.47.5	A6 Draft Great West Corridor Local Plan Review
ID2.47.6	A7 Draft Hounslow Site Allocations Vol 2
ID2.47.7	A9 LBH View Testing Developer Workshop
ID2.47.8	A10 Local Listings
ID2.47.9	A13 HTA Final Scheme
ID2.47.10	A14 Topographical Survey
ID2.47.11	A14 Arboricultural Survey
ID2.47.12	A16 View 5 Street View
ID2.47.13	A16 View 6 Street View
ID2.47.14	A17 HTA CGI – Rockhunter
ID2.47.15	A17 HTA CGI – Syon Lane Updated Blue Sky
ID2.47.16	A17 HTA CGI – Wooden Pavilion Updated
ID2.47.17	A18 Bolder Academy – Water Garden Access Route (A1)
ID2.47.18	A19 BSE Pre Development Design Guide (with appendices)
ID2.47.19	A21 Homebase Massing and CGI November 2019
ID2.47.20	A22 Legal Constraints
ID2.47.21	A23 Tesco Utilities Plan
ID2.48	Applicant's explanatory note re letters of support submitted during the Inquiry
ID2.49	Schedule of suggested conditions Homebase (14 April 2022 revision)
ID2.50	Schedule of suggested conditions Tesco (14 April 2022 revision)
ID2.51	Design Review Panel – timeline of comments
ID2.52	Location of nearby developments/applications referred to by Mr Roberts (paragraph 4.6.1 of his proof)

ID2.53	Revised CIL Compliance Statement
ID2.54	Appeal Decision Edith Summerskill House (APP/H5390/V/21/3277137)
ID2.55	Daniel Mann Objection Letter 15 September 2022
ID2.56	Local Planning Authority Note - Policy Support for Tall Buildings at the Application Sites
ID2.57	Presentation to Accompany Historic England Evidence in Chief (Alfie Stroud)
ID2.58	UNESCO and ICOMOS - Guidance and Toolkit for Impact Assessments in a World Heritage Context - 2022
ID2.59	Bundle of Responses to EIA Consultation on Figures for Homebase Environmental Statement
ID2.60	Homebase S106 Agreement 26 Sept
ID2.61	Tesco S106 Agreement (with First Homes) 26 Sept
ID2.62	Tesco S106 Agreement (no First Homes) 26 Sept
ID2.63	Presentation to Accompany Heritage EiC for Applicant Dr Chris Miele
ID2.64	Statement of Common Ground regarding updated to BRE Guidance - APP-E0345-W-21-3289748
ID2.65	Supplementary Statement of Common Ground on Energy Assessment between Applicant and The Council (See also ID2.66)
ID2.66	GLA Letter regarding Energy Assessment and revised Building Regs (27 September 2022) see also ID2.65
ID2.67	Appeal Decision Jolly Boatman (APP/K3605/W/22/3291461 and /3290981)
ID2.68	*London Historic Parks and Gardens Trust v Minister of State for Housing* [2022] EWHC 82 (Holocaust Memorial)
ID2.69	Syon Lane Inquiry – Note regarding AVR Kinetic Study Animation
ID2.70	Closing Submissions - OWGRA
ID2.71	Closing Submissions – Historic England
ID2.72	Closing Submissions – Council
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ID2.74	Closing Submissions – Applicant (Addendum)
ID2.75	Signed S106 Homebase site
ID2.76	Signed S106 Tesco site (without First Homes)
ID2.77	Signed S106 Tesco site (with First Homes)

ANNEX C
CORE DOCUMENTS

CD1	**Application Documents and Plans – Homebase Application**
CD 1.1	Site Location Plan
CD 1.2	Proposed Elevation – North West
CD 1.3	General Arrangement – Sections A and B
CD 1.4	General Arrangement – Sections C and D
CD 1.5	General Arrangement Plan - Roof
CD 1.6	Design and Access Statement
CD 1.7	Ecological Assessment and Biodiversity Report
CD 1.8	Retail/Town Centre Use Planning Statement (common to both applications)
CD 1.9	Planning Statement
CD 1.10	Heritage Statement
Environmental Statement (extracts) ***For complete version see ID2.40.1-ID2.43.16***:	
CD 1.11.1	Daylight, Sunlight section
CD 1.11.2	Noise section
CD 1.11.3	Air Quality section
CD 1.11.4	Wind section
CD 1.11.5	Townscape visual impact section
CD 1.11.6	Built heritage section
CD 1.11.7	Population and Human Health section
CD 1.12	EIA Scoping Opinion
CD2	**Application Documents and Plans – Tesco Application**
CD 2.1	Site Location Plan
CD 2.2	Planning Statement

CD 2.3	Internal Daylight, Sunlight and Overshadowing Report
CD 2.4	Heritage Statement
Environmental Statement (extracts) ***For complete version see ID2.44.1-ID2.45.21***:	
CD 2.5.1	Socio-economics section
CD 2.5.2	Air Quality section
CD 2.5.3	Noise and vibration section
CD 2.5.4	Wind microclimate section
CD 2.5.5	Daylight, Sunlight and Overshadowing section
CD 2.6	Ecological Impact Assessment
CD 2.7	EIA Scoping Opinion
CD3	**Additional / Amended Reports and/or Plans submitted after validation of the applications – Homebase application**
CD 3.1	General Arrangement Plan – Ground Floor
CD 3.2	General Arrangement Plan – Fourth Floor
CD 3.3	Proposed Elevation – North East
CD 3.4	Proposed Elevation – South West
CD 3.5	Proposed Elevation – South East
CD 3.6	Design and Access Statement Addendum
CD 3.7	Transport Assessment
Environmental Statement Addendum (extracts):	
CD 3.8.1	Non-technical summary addendum
CD 3.8.2	Townscape and visual impact section – Part 1 of 4
CD 3.8.3	Townscape and visual impact section – Part 2 of 4
CD 3.8.4	Townscape and visual impact section – Part 3 of 4
CD 3.8.5	Townscape and visual impact section – Part 4 of 4

CD 3.8.6	Built Heritage Assessment of additional views section
CD 3.8.7	Summary and Residual Effects section
CD 3.9	Sustainability Statement including Circular Economy Statement
CD 3.10	Energy Statement including Whole Life Carbon Assessment and Overheating Assessment
CD 3.11	Biodiversity Net Gain Assessment
CD 3.12	The Council: Report of Design Review Panel – Homebase application
CD4	**Additional / Amended Reports and/or Plans submitted after validation of the applications – Tesco application**
CD 4.1	Parameter Plan – Maximum Development Parcels
CD 4.2	Parameter Plan – Maximum Building Heights
CD 4.3	Access Plan
CD 4.4	Design and Access Statement
CD 4.5	Design Code
CD 4.6	Development Specifications v 2
Environmental Statement Addendum (extracts):	
CD 4.7.1	Non-technical summary
CD 4.7.2	Townscape and visual impact section
CD 4.7.3	Built Heritage section
CD 4.8	Transport Assessment
CD 4.9	Sustainability Statement including Circular Economy Statement
CD 4.10	Energy Statement including Life Cycle Assessment and Overheating Mitigation Strategy
CD 4.11	The Council: Report of Design Review Panel – Tesco application
CD5	**Committee Report, Decision Notice and Planning Obligations**
CD 5.1	Minute of Committee Meeting

CD 5.2	Committee Report – Homebase Application
CD 5.3	Committee Report – Tesco Application
CD 5.4	Committee Report Addendum – Tesco and Homebase Application
CD 5.5	Draft Section 106 Agreement – Homebase Application (January 2022)
CD 5.6	Draft Section 106 Agreement – Tesco Application (January 2022)
CD 5.7	Draft Decision Notice – Homebase Application
CD 5.8	Draft Decision Notice – Tesco Application
CD 5.9	Draft Section 106 Agreement including First Homes – Tesco Application (4 March 2022)
CD 5.10	Draft Section 106 Agreement without First Homes – Tesco Application (4 March 2022)
CD 5.11	Draft Section 106 Agreement – Homebase Application (22 March 2022)
CD6	**Development Plan**
CD6.1 Hounslow Local Plan (2015):	
CD 6.1.1	Policy SC1
CD 6.1.2	Policy SC2
CD 6.1.3	Policy SC3
CD 6.1.4	Policy SC4
CD 6.1.5	Policy SC5
CD 6.1.6	Policy SV1
CD 6.1.7	Policy TC1
CD 6.1.8	Policy TC2
CD 6.1.9	Policy TC3
CD 6.1.10	Policy TC4
CD 6.1.11	Policy CC1
CD 6.1.12	Policy CC2

CD 6.1.13	Policy CC3
CD 6.1.14	Policy CC4
CD 6.1.15	Policy EC1
CD 6.1.16	Policy EC2
CD 6.1.17	Policy ED4
CD 6.1.18	Policy EQ1
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CD 6.1.23	Policy GB7
CD 6.1.24	Policy IMP1
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CD 6.2 London Plan (2021):	
CD 6.2.1	Policy SD1
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CD 6.2.4	Policy SD7
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CD 6.2.11	Policy SI 1

CD 6.2.12	Policy SI 2
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CD 6.2.19	Policy G1
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CD 6.2.22	Policy G6
CD 6.2.23	Policy G7
CD 6.2.24	Policy D1
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CD 6.2.26	Policy D3
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CD 6.2.51	Policy GG1
CD 6.2.52	Policy GG2
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CD 6.2.57	Policy S4
CD 6.2.58	Policy E11
CD 6.2.59	Policy DF1
CD7	**Emerging Development Plan**
Site Allocations Local Plan Review: Volume 2 Submission (November 2020)	

CD 7.1.1	Draft Site Allocations 2 (Tesco Osterley)
CD 7.1.2	Draft Site Allocations 11 (Homebase Syon Lane)
Great West Corridor Local Plan Review: Volume 4 Submission (November 2020)	
CD 7.2.1	Draft Policy GWC1
CD 7.2.2	Draft Policy GWC2
CD 7.2.3	Draft Policy GWC3
CD 7.2.4	Draft Policy GWC4
CD 7.2.5	Draft Policy GWC5
CD 7.2.6	Draft Policy GWC6
CD 7.2.7	Draft Policy P1
CD8	**Additional Material Submitted After Call-In of Applications**
CD 8.1	Kew Gardens Summary of Case
CD 8.2	Gardens Trust Summary of Case
CD 8.3	GLA/TFL Written Representation containing GLA Stage 1 and Stage 2 reports
CD 8.4	Kew Gardens Written Representation
CD 8.5	Gardens Trust Written Representation
CD 8.6	Dr S Rutherford: 'Proposals for Homebase Site, Gillette Corner, Hounslow, Historic Impact Assessment on Significant Heritage Assets of RBG Kew WHS and Setting' (2021)
CD 8.7	Dr S Rutherford: 'The Royal Botanic Gardens, Kew, The Isleworth Ferry Gate and the Arcadian Landscape (Syon Vista Lawn, The Queen's Cottage Grounds and Syon Park Historic Analysis & Significance' (2021)
CD 8.8	Dr S Rutherford: 'Proposals For Homebase & Tesco Sites At Gillette Corner, Hounslow Historic Impact Assessment On Significant Heritage Assets Of Royal Botanic Gardens Kew World Heritage Site, Syon Park And Osterley Park' (2022)
CD9	**Relevant Appeal Decisions / Judgments**
CD 9.1	Citroen Decision (APP/G6100/V/19/3226914)

CD 9.2	*R. (on the application of the London Borough of Hillingdon) v the Mayor of London and others* [2021] EWHC 3387 (Admin)
CD 9.3	*Jones v Mordue and others* [2015] EWCA Civ 1243
CD 9.4	*City and Country Bramshill Limited v Secretary of State for Housing Communities and Local Government and others* [2021] EWCA Civ 320
CD 9.5	Albany Riverside Decision (APP/F5540/V/19/3226900)
CD 9.6	*Barnwell Manor Wind Energy Ltd v E. Northants DC, English Heritage, National Trust & SSCLG* [2014] EWCA Civ 137
CD 9.7	Chiswick Curve Decision (APP/F5540/W/17/3180962 and APP/F5540/Z/17/3173208)
CD 9.8	'The Tulip' Decision (Land adjacent to 20 Bury Street) (APP/K5030/W/20/3244984)
CD10	**Other**
CD 10.1	Kew WHS Management Plan 2020-2025 (2020)
CD 10.2	RPG entry for Syon Park
CD 10.3	RPG entry for Osterley Park
CD 10.4	RPG entry for Kew Gardens
CD 10.5	Listing entry for Gillette Building
CD 10.6	Listing entry for Syon Lion Gate
CD 10.7	Listing entry for Kings Observatory
CD 10.8	Listing entry for Isleworth Ferry Gate
CD 10.9	Listing entry for Syon House
CD 10.10	Listing entry for Pepperpot Lodges
CD 10.11	Listing entry for Ornamental Bridge
CD 10.12	Listing entry for Flora's Column
CD 10.13	Listing entry for Great Conservatory
CD 10.14	Listing entry for Osterley Entrance Lodges
CD 10.15	Listing entry for Osterley Gate Piers

CD 10.16	Listing entry for National Westminster Bank (Osterley)
CD 10.17	Listing entry for Syon Clinic (former Coty Factory)
CD 10.18	Listing entry for Westlink House (former Pyrene Factory)
CD 10.19	Listing entry for Pavilion and Clubhouse, Gower Road
CD 10.20	Listing entry for Quaker Meeting House
CD 10.21	Historic England Good Practice Advice Note 2: Managing Significance in Decision-Taking in the Historic Environment
CD 10.22	Historic England Good Practice Advice Note 3: The Setting of Heritage Assets (Second Edition) 2017
CD 10.23	Historic England Advice Note 4: Tall Buildings (2015) [738] **NB** This was superseded by a later version in March 2022.
CD 10.24	Kew Gardens World Heritage Site Adopted Statement of Outstanding Universal Value
CD 10.25	National Design Guide
CD 10.26	National Model Design Code: part 1 – the coding process
CD 10.27	National Model Design Code: part 2 – guidance notes
CD 10.28	Isleworth Riverside Conservation Area Appraisal
CD 10.29	Osterley Park Conservation Area Appraisal
CD 10.30	Royal Botanic Gardens, Kew Conservation Area Appraisal
CD 10.31	Old Deer Park Conservation Area Appraisal
CD 10.32	Thames Landscape Strategy (2012)
CD 10.33	ICOMOS Guidance on Heritage Impact Assessments for Cultural World Heritage Projects (January 2021) Superseded by ID2.58
CD 10.34	UNESCO Operational Guidelines for the Implementation of the World Heritage Convention
CD 10.35	First Homes PPG

[738] Superseded by ID2.17

CD 10.36	LB Hounslow : Climate Emergency Declaration in June 2019
CD 10.37	LB Hounslow : Climate Emergency Action Plan
CD 10.38	LB Hounslow : Urban Context and Character Study (2014)
CD 10.39	Great West Corridor Masterplan and Capacity Study (2020)
CD 10.40	Great West Corridor Masterplan and Capacity Study (2020) – Appendix C: View Assessment
CD 10.41	LB Hounslow : Housing Strategy 2019-2024 (November 2019)
CD 10.42	Housing Market Assessment for London Borough of Hounslow (June 2016)
CD 10.43	London Borough of Hounslow Strategic Housing Market Assessment Update (October 2018)
CD 10.44	Mayor of London: London's World Heritage Sites: Guidance on Settings (2012)
CD 10.45	Mayor of London: Affordable Housing and Viability SPG (2017)
CD 10.46	Mayor of London: Accessible London SPG (2014)
CD 10.47	Mayor of London: Character and Context SPG (2014)
CD 10.48	Mayor of London: Control of Dust and Emissions SPG (2014)
CD 10.49	Mayor of London: Shaping Neighbourhoods Play and Informal Recreation SPG (2012)
CD 10.50	Mayor of London: Healthy Streets for London (2017)
CD 10.51	Applicant's consolidated bundle of AVR visualisations
CD 10.52	Applicant's Verified AVR Video and 360 Degree Views
CD 10.53	Syon Park Heritage Landscape Management Plan (2011)
CD 10.54	GLA and TFL: Assessing transport connectivity in London (2015)
CD 10.55	Air Quality Consultants: Calibrating Defra's 2018-based Background NOx and NO_2 Maps against 2019 Measurements
CD 10.56	LB Hounslow : Air Quality Action Plan 2018-2023 (September 2018)
CD 10.57	GLA: Mayor's Transport Strategy (March 2018)
CD 10.58	DfT: Rail Network Enhancements Pipeline (March 2018)

CD 10.59	DfT: Rail Network Enhancements Pipeline Autumn 2019 Schemes Update
CD 10.60	South Western Railway and Network Rail: Timetable consultation (December 2022)
CD 10.61	London TravelWatch response to South Western Railway December 2022 Timetable Consultation
CD 10.62	HM Government: The Clean Growth Strategy (2018 Correction)
CD 10.63	TFL: Budget Update to TFL Board on 2 February 2022
CD11	**Agreed Documents**
CD 11.1	General Statement of Common Ground - Applicant and The Council
CD 11.2	Statement of Common Ground on Heritage – Applicant, The Council and Historic England
CD 11.3	Not used
CD 11.4	Planning Policy Position Statement
CD 11.5.1	Site Visit Itinerary – Day 1
CD 11.5.2	Site Visit Itinerary – Day 2
CD 11.6	Addendum Table for Statement of Common Ground on Heritage – Applicant, The Council and Historic England[739]
CD 11.7	Statement of Common Ground on First Homes – Applicant and The Council
CD11.8	GLA comments on First Homes (9 March 2022)
CD12	**Historic England pre-application and application stage documents**
CD 12.1	Pre-application advice letter dated 20 May 2020 – Homebase application
CD 12.2	Pre-application advice letter dated 28 May 2020 – Tesco application
CD 12.3	Consultation advice letter dated 15 October 2020 – Homebase application
CD 12.4	Consultation advice letter dated 14 October 2020 – Tesco application
CD 12.5	Re-consultation advice letter dated 5 March 2021 – Homebase application
CD 12.6	Re-consultation advice letter dated 5 March 2021 – Tesco application

[739] During the Inquiry, the Council's position on harm as set out in the Addendum in relation to the WHS and Kew RPG, were amended in both instances from low LSH, to no harm.

CD 12.7	Comments dated 8 April 2021 in light of Albany Riverside Appeal Decision and on the Committee Report for the Homebase application

Annex D
Statements of Case, Proofs, Appendices, Rebuttals etc

ID1	Documents
ID 1.1	Statement of Case - Applicant
ID 1.2	Statement of Case – LB Hounslow
ID 1.3	Statement of Case – Historic England
ID 1.4	Statement of Case – OWGRA
Applicant Design Proof – Homebase	
ID 1.5.1	Summary of Pankaj Patel Proof - Homebase
ID 1.5.2	Pankaj Patel Proof – Homebase (Corrected Version 7 March)
ID 1.5.3	Appendix 1 – Letter of Appointment
ID 1.5.4	Appendix 2 – Pankaj Patel CV
ID 1.5.5	Appendix 3 – Glossary of Terms
Applicant Design Proof – Tesco	
ID 1.6.1	Summary of Marcus Adams Proof - Tesco
ID 1.6.2	Marcus Adams Proof - Tesco
ID 1.6.3	Appendix 1 – Marcus Adams CV
ID 1.6.4	Appendix 2 – Letter of Appointment
ID 1.6.5	Appendix 3 – Illustrative Masterplan
ID 1.6.6	Appendix 4 – Parameter Plans
ID 1.6.7	Appendix 5 – Design Code Framework Masterplan
ID 1.6.8	Appendix 6 – Design Compliance Checklist
ID 1.6.9	Appendix 7 – Residential Space Standards
ID 1.6.10	Appendix 8 – Illustrative Landscape Masterplan
ID 1.6.11	Appendix 9 – Glossary of Terms

Applicant Planning Proof	
ID 1.7.1	Summary of Simon Roberts Proof
ID 1.7.2	Simon Roberts Proof
ID 1.7.3	Appendix 1 – Professional Experience and Expertise
ID 1.7.4	Appendix 2 – Letter of Appointment
ID 1.7.5	Appendix 3 – Glossary of Terms
ID 1.7.6	Appendix 4 – Great West Corridor Local Plan Review Volume 4
ID 1.7.7	Appendix 5 – Inspectors' Post-Hearing Letter, Focussed Hearing Sessions
ID 1.7.8	Appendix 6 – Inspectors' Post-Hearing Letter (31/01/2022)
ID 1.7.9	Appendix 7 – Great West Corridor Strategic Transport Study
ID 1.7.10	Appendix 8 – Hounslow's Local Plan Authority Monitoring Report 2019/20
ID 1.7.11	Appendix 9 – Housing Delivery Test: 2021 measurement
ID 1.7.12	Appendix 10 – London Plan Annual Monitoring Report 2018/19
ID 1.7.13	Appendix 11 – Statement of Common Ground, The Council and Historic England on Hounslow Local Plan Reviews (December 2020)
ID 1.7.14	Appendix 12 – Statement of Common Ground, LB Hounslow and Royal Botanical Gardens, Kew and LB Richmond upon Thames on Hounslow Local Plan Reviews (December 2020)
ID 1.7.15	Appendix 13 – Letter from Derek Finnie Associates regarding Homebase Biodiversity Gain (17 December 2020)
ID 1.7.16	Appendix 14 – Letter from Ramboll regarding Osterley Tesco Biodiversity Net Gain Assessment (22 February 2022)
ID 1.7.17	Appendix 15 – Syon Gardens Landscape Strategy
Applicant Heritage and Townscape Proof	
ID 1.8.1	Summary of Chris Miele Proof
ID 1.8.2	Chris Miele Proof
ID 1.8.3	Appendix 1 – Dr Chris Miele CV

ID 1.8.4	Appendix 2 – Glossary of Terms
ID 1.8.5	Appendix 3 – Letter of Instruction
ID 1.8.6	Appendix 4 – AVR London Report
ID 1.8.7	Appendix 5 – Historical Sources and Map Regression
ID 1.8.8	Appendix 6 – Historic and Modern Aerial Photographs
ID 1.8.9	Appendix 7 – Kew and Syon Works of Art
ID 1.8.10	Appendix 8 – Secondary Sources
Applicant Arboriculture Proof	
ID 1.9.1	Summary of Julian Forbes-Laird Proof
ID 1.9.2	Julian Forbes-Laird Proof
ID 1.9.3	Appendices - Front Cover and Contents Page
ID 1.9.4	Appendix 1 – Qualifications and Experience
ID 1.9.5	Appendix 2 – Letter of Appointment
ID 1.9.6	Appendix 3 – Glossary of Terms
ID 1.9.7	Appendix 4 – Explanatory Key to Tree Census Data
ID 1.9.8	Appendix 5 – Tree Census Data
ID 1.9.9	Appendix 6 – Tree Location Plan
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ID 1.9.11	Appendix 8 – Relevant Views with Tree Information Captions
ID 1.9.12	Appendix 9 – Historic Maps
ID 1.9.13	Appendix 10 – Oblique Aerial Imagery
ID 1.9.14	Appendix 11 – Overhead Aerial Imagery
ID 1.9.15	Appendix 12 – Tabulated ‘Arrivals and Departures’ Assessment
ID 1.9.16	Appendix 13 – Tree Longevity Tables
Applicant’s Supplementary Statement on Roundtable Matters	

ID 1.10.1	Supplementary Statement on Roundtable Matters
ID 1.10.2	Appendix 1 – Mayor of London: Housing Supplementary Planning Guidance (March 2016)
ID 1.10.3	Appendix 2 – Section Drawings Prepared by Point2 – Tesco
ID 1.10.4	Appendix 3 – Section Drawings Prepared by Point2 – Homebase
ID 1.10.5	Appendix 4 – Hounslow Local Plan 2015: Policy GB1 and GB2
ID 1.10.6	Appendix 5 – Hounslow Local Plan 2015: Policy GB9
ID 1.10.7	Appendix 6 – Syonhill Gardens Illustrative Play Provision
ID 1.10.8	Not used
ID 1.10.9	Appendix 8 – Ramboll Technical Note on Air Quality Mitigation and Enhancement for Tesco Development (19 February 2021)
ID 1.10.10	Appendix 9 – Buro Happold Technical Note on Air Quality Damage Cost Assessment (19 February 2021)
ID 1.10.11	Appendix 10 – Hodkinson response to OWGRA Queries on Sustainability (26 January 2022)
ID 1.10.12	Appendix 11 – Great West Corridor Strategic Transport Study Report (May 2019)
ID 1.10.13	Appendix 12 – Hounslow Transport Strategy Third Local Implementation Plan (February 2019)
ID 1.10.14	Appendix 13 – Mayor of London: Mayor's Transport Strategy (March 2018)
ID 1.10.15	Appendix 14 – Hounslow Infrastructure Delivery Plan Draft June 2019 (see Table 11)
ID 1.10.16	Appendix 15 – Hounslow Draft Open Space Study (September 2018)
ID 1.10.17	Appendix 16 – Hounslow Infrastructure Delivery Plan 2015-2030
ID 1.10.18	Appendix 17 – Hounslow Climate Emergency Action Plan 2020-2030
ID 1.10.19	Appendix 18 – Tables 4.7 to 4.12 of Tesco Development Environmental Statement Air Quality Technical Appendix
ID 1.10.20	Appendix 19 – West London Orbital Strategic Narrative (October 2021)

ID 1.10.21	Appendix 20 – Transport for London: Improving the Trains on the Piccadilly line
ID 1.10.22	Appendix 21 – Socio Economic Assessment Clarifications regarding Homebase and Tesco Development Environmental Statements
Historic England Heritage Proof	
ID 1.11.1	Summary of Alfred Stroud Proof
ID 1.11.2	Alfred Stroud Proof
ID 1.11.3	Appendices – Vol 1
ID 1.11.4	Appendices – Vol 2
London Borough of Hounslow Planning Proof	
ID 1.12.1	Nik Smith Proof
ID 1.12.2	Appendix A – Statement from London Borough of Hounslow Housing
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ANNEX E
Schedule of recommended conditions should planning permission be granted
APPLICATION A: APP/F5540/V/21/3287726
Homebase, Syon Lane, Isleworth

TIME LIMIT

1. The development hereby permitted, shall begin no later than the expiration of three years from the date of this permission.

Reason: To comply with the provision of Section 91(1) of the Town and Country Planning Act 1990.

EXTENT OF DEVELOPMENT AND APPROVED PLANS

2. The development hereby permitted shall consist of no more than 473 residential units, a replacement retail foodstore with additional commercial, business and service space, flexible community space, and ancillary plant, access, servicing and car parking (400 customer spaces and 99 residential spaces), landscaping and associated works.

Reason: To ensure that any development that is carried out is that which has been assessed.

3. Unless required otherwise by any of the following conditions, the development hereby permitted shall be carried out in in accordance with the following plans:

General arrangement plan Ground floor	579-PTA-ZZ-00-DR-A-1001_P37
General arrangement plan Level 01	579-PTA-ZZ-01-DR-A-1001_P43
General arrangement plan Level 02	579-PTA-ZZ-02-DR-A-1001_P50
General arrangement plan Level 03	579-PTA-ZZ-03-DR-A-1001_P37
General arrangement plan Level 04	579-PTA-ZZ-04-DR-A-1001_P32
General arrangement plan Level 05	579-PTA-ZZ- 05-DR-A-1001_P36
General arrangement plan Level 06	579-PTA-ZZ-06-DR-A-1001_P32
General arrangement plan Level 07	579-PTA-ZZ-07-DR-A-1001_P31
General arrangement plan Level 08	579-PTA-ZZ-08-DR-A-1001_P28
General arrangement plan Level 09	579-PTA-ZZ-09-DR-A-1001_P27
General arrangement plan Level 10	579-PTA-ZZ- 10-DR-A-1001_P26
General arrangement plan Level 11	579-PTA-ZZ-11-DR-A-1001_P28
General arrangement plan Level 12	579-PTA-ZZ-12-DR-A-1001_P28
General arrangement plan Level 13	579- PTA-ZZ-13-DR-A-1001_P27
General arrangement plan Level 14	579-PTA-ZZ-14-DR-A-1001_P27
General arrangement plan Level 15	579-PTA-ZZ-15-DR-A-1001_P22
General arrangement plan Level 16	579-PTA-ZZ-16-DR-A-1001_P22
General arrangement plan Lower ground floor	579-PTA-ZZ-B1-DR-A-1001_P33

General arrangement plan Upper ground floor	579-PTA-ZZ-M1-DR-A-1001_P23
General arrangement plan Roof plan	579-PTA-ZZ-RF-DR-A-1001_P11
Site Block Plan Proposed	579-PTA-ZZ-ZZ-DR-A-0051_P04
Proposed Site Plan	579-PTA-ZZ-ZZ-DR-A-1001_P02
General arrangement Elevation – south west Syon Lane	579-PTA-ZZ-ZZ-ELE-A-0001_P08
General arrangement Elevation – south east Syon gateway	579-PTA-ZZ-ZZ-ELE-A-0002_P09
General arrangement Elevation – north east	579-PTA-ZZ-ZZ-ELE-A-0003_P09
General arrangement Elevation – north west Great West Rd	579-PTA-ZZ-ZZ-ELE-A-0004_P07
General arrangement Elevation – south courtyard	579-PTA-ZZ-ZZ-ELE-A-0005_P08
General arrangement Elevation – north courtyard	579-PTA-ZZ-ZZ-ELE-A-0006_P07
General arrangement Elevation – Block A east courtyard	579-PTA-ZZ-ZZ-ELE-A-0007_P06
General arrangement Elevation – south west Syon Lane	579-PTA-ZZ-ZZ-ELE-A-0008_P07
General arrangement Elevation – Block E east courtyard	579-PTA-ZZ-ZZ-ELE-A-0009_P06
General arrangement Elevation – Block D west courtyard	579-PTA-ZZ-ZZ-ELE-A-0010_P08
General arrangement Elevation – Block D east courtyard	579-PTA-ZZ-ZZ-ELE-A-0011_P07
General arrangement Elevation – Block C west courtyard	579-PTA-ZZ-ZZ-ELE-A-0012_P07
General arrangement Section A and B	579-PTA-ZZ-ZZ-SEC-A-0001_P08
General arrangement Section C and D	579-PTA-ZZ-ZZ-SEC-A-0002_P07
Combined all-levels Landscape Masterplan	1553/004 Rev Y
Ground floor Landscape Masterplan	1553/013 Rev F

Reason: To provide certainty for all parties.

PRE-COMMENCEMENT CONDITIONS

Construction Logistics and Environmental Management Plan

4. Prior to the commencement of development (including any site investigations, site clearance and works of demolition) a detailed Construction Logistics and Environmental Management Plan (CLEMP) shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved CLEMP which shall remain in force for the entire demolition and construction

period. For the avoidance of doubt, this condition can be discharged either for the development as a whole, or in the following stages:

a. demolition works and construction up to and including the ground floor slab and,

b. construction works above ground floor slab.

The CLEMP shall be informed by the Construction Logistic Planning Guidance prepared by Construction Logistics in association with Transport for London. It must include as a minimum:

i) a plan showing the area to be surveyed to establish existing public highway condition;

ii) a pre-start record of the condition of the public highway identified by the plan referred to above, undertaken in consultation with Hounslow Highways, together with a written commitment (including a timetable for implementation) to repair any damage caused by the carrying out of the development;

iii) on-site parking and turning provision for site operatives, visitors and construction vehicles;

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

v) location of temporary offices, contractors compounds and welfare facilities within the site;

vi) details of points of access and egress to and from the site for construction traffic;

vii) details of signage at all vehicular exits from the construction site advising drivers of preferred routes;

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

ix) works of demolition and construction shall only take place between the hours of 08.00 and 18.00 Monday to Friday and between 09.00 and 13.00 on Saturdays, and at no time on Sundays or Bank/Public Holidays;

x) deliveries to the site shall take place only between the hours of 09.30 and 15.00 Monday to Saturday, and at no time on Sundays or Bank/Public Holidays;

xi) a plan identifying neighbouring residential, commercial and medical properties relevant to an assessment of noise and vibration impacts during the demolition and construction phases of the development;

xii) details of how noise and vibration levels at the properties identified above will be supressed, measured and monitored during demolition and construction works, including a review mechanism;

xiii) confirmation that daytime noise levels from demolition and construction works at the identified properties above shall not exceed 75dB $L_{Aeq,T}$ during the following time periods:

Monday to Friday (08.00 – 18.00 hours)
Saturday (09.00 to 13.00 hours)

xiv) details of measures to prevent the deposition of mud and debris on the public highway, including wheel washing facilities and the sheeting of vehicles transporting loose aggregates or similar materials on or off site;

xv) a Demolition and Construction Waste Management Plan that identifies the main waste materials, including vegetation, expected to be generated by the development during demolition and construction, together with measures for dealing with such materials so as to minimise waste and maximise re-use and recycling;

xvi) measures to ensure the safety of users of the adjacent public highways during the construction period, in particular cyclists and pedestrians, especially at the site access/egress points;

xvii) measures to minimise the emission of dust from the site during the construction period;

xviii) arrangements for any temporary site lighting, including security lighting, its location and hours of operation;

xix) arrangements for liaising with other contractors in the vicinity of the site to maximise the potential for consolidated construction traffic movements and to minimise traffic impacts;

xx) procedures for maintaining good public relations, including complaint management, public consultation and liaison contact details;

xxi) details of a booking system for construction traffic to minimise the number of construction vehicles waiting on the public highway; and

xxii) confirmation that all Non-Road Mobile Machinery (NRMM) with a net power between 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases, will comply with the emission standards set out in chapter 7 of the Mayor's SPG *Control of Dust and Emissions During Construction and Demolition* (dated July 2014), or subsequent guidance. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at: https://nrmm.london/.

Reason: In order to protect the environmental quality of the surrounding area, to safeguard the amenities of those living, working and receiving medical treatment in the locality, and in the interest of highway safety, pursuant to Local Plan policies EQ4, EQ5, EQ6 and EQ7.

District Heating Network

5. Other than site investigations and works of demolition, no development shall take place until evidence has been submitted to and approved in writing by the local planning authority to show appropriate provision to enable connection to a feasible district heating network in the future, including a safeguarded pipe route for future connection at the site boundary. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with the Local Plan policy EQ1 and London Plan policy SI2.

Cranes/Tall Construction Equipment

6. Prior to the commencement of any piling, details of cranes and other tall construction equipment (including details of obstacle lighting) shall be submitted to and approved in writing by the local planning authority. Such details shall comply with Advice Note 4 'Cranes' (published by the UK Civil Aviation Authority). Development shall be carried out in accordance with the approved details for the duration of the remaining construction period.

Reason: In the interest of aviation safety.

Contamination - Site Investigation

7. Prior to the commencement of development (excluding works of demolition):

   a. Details of further intrusive site investigation in addition to the phase 1 desk study and phase 2 intrusive investigation set out in the Geo-Environmental Assessment (September 2020) prepared by Waterman Infrastructure and Environment Limited, shall be submitted to and approved in writing by the local planning authority. The site investigation, which shall be carried out by a competent person, is to identify the extent and nature of any contamination. The report shall include a tiered risk assessment of the contamination based on the proposed end use of the site.

   b. Based on the results of the intrusive site investigation, an Options Appraisal and Remediation Strategy, giving full details of the remediation measures required and how they are to be undertaken, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Remediation Strategy.

   c. If, during the course of development, contamination not previously identified pursuant to the provisions of clauses a and b above is found, then no further development shall be carried out until there has been submitted to and approved in writing by the local planning authority, an amendment to the approved Remediation Strategy detailing how this unexpected contamination will be dealt with. Thereafter, the development shall be implemented in accordance with the approved Remediation Strategy as amended.

Reason: To ensure that any risks from contamination are properly dealt with in order to protect the health of future occupiers and prevent pollution of the environment.

Circular Economy Statement

8. No development shall take place until a final Circular Economy Statement (CES) has been submitted to and approved in writing by the local planning authority. The CES shall include a Bill of Materials, including kg/m^2 and recycled content (target for a minimum 20%) for the proposed new buildings, which shall be provided and completed for each 'building layer' where practicable. Development shall be carried out in accordance with the approved CES.

Reason: In the interests of sustainable waste management and in order to maximise the re-use of materials in accordance with policy SI7 of the London Plan.

Surface Water Drainage

9. Prior to the commencement of development (excluding site investigations and works of demolition) a final detailed surface water drainage scheme, including drawings and supporting calculations and an updated Drainage Assessment Form, shall be submitted to and approved in writing by the local planning authority. The scheme shall align with the September 2020 Flood Risk Assessment and FRA Addendum and Drainage Assessment Form (March 2021) and associated drawings prepared by AECOM. Development shall be carried out in accordance with the approved details and no part of the development shall be occupied until the drainage works have been implemented in accordance with the approved details. The submitted details shall:

   a)provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

   b) include a timetable for implementation; and

c) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the risk of flooding in accordance with London Plan policy SI13, the Mayor's Sustainable Design and Construction SPG, the Non-Statutory Technical Standards for Sustainable Drainage Systems and Local Plan policy EQ3.

Tree Protection

10. Prior to the commencement of development, including site investigation, site clearance and works of demolition, trees on adjacent land (as identified in the submitted Arboricultural Report 2020 prepared by Tree Fabrik) shall be protected in accordance with BS5837:2012, with any tree work carried out in accordance with BS3998:2010 – Tree Work - Recommendations. The protection shall be retained intact for the full duration of the development hereby permitted until all equipment and materials have been removed from the site. If the protection is damaged, all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any protected area in accordance with this condition, and the ground levels within those areas shall not be altered, nor shall any excavations be made without the prior written approval of the local planning authority.

Reason: In the interests of biodiversity and visual amenity, pursuant to policies CC1, CC2 and GB7 of the Local Plan.

Air Quality

11. For a period of at least six months prior to commencement of development (including works of demolition and site clearance), and throughout the construction period, diffusion tube monitoring at heights of 2, 4, 6 and 8m, shall be undertaken on the corner of Syon Lane and Great West Road and along Great West Road, at locations that shall previously have been submitted to and approved in writing by the local planning authority. The diffusion tube monitoring shall utilise a methodology that has also previously been submitted to and approved in writing by the local planning authority. If, at any time during the monitoring, the annual mean concentration of NO_2 exceeds 36 $\mu g/m^3$, filtered mechanical ventilation shall be installed at the relevant facades of the affected residential accommodation prior to first occupation, in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. The installed measures shall be permanently retained thereafter.

Reason: To ensure satisfactory living conditions and minimise air pollution in accordance with Local Plan policy EQ4 and London Plan policy SI1.

ABOVE SLAB LEVEL CONDITIONS

Materials

12. No development above slab level shall commence until details and samples of all external facing materials have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples and details. The samples and details to be provided shall include:

    a) brick/stonework (including brick/stone and mortar on-site sample panels measuring at least 2m x 2m);

    b) cladding materials (including system specifications/details and on-site samples (where relevant);

    c) windows (including sections/head/cill/reveals and on-site sample);

d) privacy measures (including obscure glazing details where separation distances between habitable room windows are less than 18m and privacy screens);

e) balustrades (including details/sections/materials for each balcony type);

f) rainwater goods; and

g) any other materials/details to be used in the façades.

Reason. In order to safeguard the visual amenity of the area and to satisfy the requirements of policies CC1, CC2, CC3 and SC4 of the Local Plan and London Plan policies D3, D4, D8 and D9.

Hard and Soft Landscaping

13. Prior to the commencement of development above slab level, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and timetable. The details to be submitted shall include:

a) soft planting, including any grass and turf areas, trees, planters, shrub and herbaceous areas including details of species, sizes, numbers/densities and sections of landscaped areas;

b) a Tree Planting Statement providing full details, locations, specifications and construction methods for all purpose-built tree pits and associated above ground features, including specifications for tree protection and a stated volume of suitable growing medium to facilitate and promote the healthy development of the proposed trees;

c) hard landscaping, including ground surfaces, kerbs, edges, rigid and flexible paving, furniture, steps, refuse disposal points and, if applicable, synthetic surfaces for the podium level;

d) fences, walls and any other boundary treatments;

e) quiet zones;

f) outdoor play spaces and play equipment;

g) any signage and information boards;

h) brown and green roofs and green walls;

i) any CCTV equipment;

j) the wind mitigation measures referred to in paragraph 13.111 of the Barton Willmore LLP Environmental Statement (30220/A5/ES2020);

k) any other landscaping features forming part of the scheme;

l) a landscape management plan for the lifetime of the development, which shall include long term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, and details of any temporary landscaping (including boundary treatment); and

m) a timetable for implementation and completion of the landscaping scheme relative to the commencement of development, first occupation and completion of relevant construction works.

Reason: In order to provide acceptable and usable space for future occupiers and in the interests of visual amenity and biodiversity, in accordance with Local Plan policies CC1, CC2 and GB7, and London Plan policy S4.

Cycle Parking

14. Prior to the commencement of development above slab level, and notwithstanding details shown on the approved plans, full details (including manufacturers' specifications) of residential and visitor cycle parking facilities including storage, access and lifts, shall be submitted to and approved in writing by the local planning authority. The details to be submitted shall conform to guidance in Chapter 8 of the London Cycling Design Standards in relation to design and layout and shall be fully implemented and made available for use before first occupation of the development hereby permitted. Thereafter they shall be retained for use at all times without obstruction for the lifetime of the development.

Reason: To promote sustainable modes of transport and healthy communities pursuant to Local Plan policy EC2 and London Plan policy T5.

15. Prior to the commencement of development above slab level, and notwithstanding details shown on the approved plans, full details (including manufacturers' specifications) of cycle parking facilities for the commercial floorspace and foodstore hereby permitted, including storage, access and lifts, shall be submitted to and approved in writing by the local planning authority. The details to be submitted shall conform to guidance in Chapter 8 of the London Cycling Design Standards in relation to design and layout and shall be fully implemented and made available for use before the premises are brought into use. Thereafter they shall be retained for use at all times without obstruction.

Reason: To support sustainable transport objectives in accordance with Local Plan policy EC2 and London Plan policy T5.

Water Usage

16. No development shall commence above slab level until written documentary evidence in the form of a water efficiency calculator has been submitted to and approved in writing by the local planning authority demonstrating that each of the dwellings hereby permitted will achieve a maximum internal water usage of 105 litres/person/day. The dwellings shall be constructed in accordance with the approved details.

Reason: In order to protect and conserve water supplies and resources in accordance with Local Plan policy EQ2.

BREEAM

17. No development shall commence above slab level until a BREEAM Retail New Construction Shell Only Design Stage certificate and summary score sheet (or such equivalent standard that replaces this) for the foodstore hereby permitted has been submitted to and approved in writing by the local planning authority to show that an 'Excellent' (minimum score 70%) rating will be achieved. Development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions pursuant to Local Plan policies EQ1 and EQ2 and London Plan policy SI2.

Habitat Management and Monitoring Plan

18. No development shall commence above slab level until a Habitat Management and Monitoring Plan has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Plan and adhered to thereafter.

Reason: To secure improvement in biodiversity at the site in accordance with Local Plan policy EQ4 and London Plan policies G6 and G7.

Bird Hazard Management Plan

19. No development shall commence above slab level until a Bird Hazard Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include details for the management of any flat/shallow pitched/green roofs and green walls on buildings within the site which may be attractive to nesting, roosting and loafing birds. The Plan shall also demonstrate compliance with Advice Note 6 *Potential Bird Hazards from Sustainable Drainage Schemes* produced by the Airport Operators Association and General Aviation Council. The Bird Hazard Management Plan shall be implemented as approved and shall remain in force in perpetuity.

Reason: In the interest of aviation safety.

Whole Life Carbon Cycle

20. No development shall commence above slab level until a scheme securing the following has been submitted to and approved in writing by the local planning authority:

    a) 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 BRE's *Green Guide to Specification*;

    b) at least 50% of timber and timber products used are to be sourced from accredited Forest Stewardship Council (FSC) or Programme for the Endorsement of Forestry Certification (PEFC) scheme, as set out in the Mayor's Sustainable Design and Construction SPG; and

    c) details of the measures to be taken to avoid construction or insulation materials which would release toxins into the internal and external environment, including those that deplete stratospheric ozone.

    Development shall be carried out in accordance with the approved scheme.

Reason: In order to ensure the sustainable sourcing of materials in accordance with the Mayor of London's Sustainable Design and Construction SPG.

Wind Mitigation

21. Prior to the commencement of development above slab level, details of wind mitigation measures for probe points 45, 59, 62, 66 and 171 (referred to in paragraph 13.112 of the Barton Willmore LLP Environmental Statement (30220/A5/ES2020)) shall be submitted to and approved in writing by the local planning authority. The details to be submitted shall demonstrate that the proposed mitigation will result in acceptable conditions in terms of safety and comfort around the development. The development shall thereafter be constructed in accordance with the approved details, with the approved mitigation measures permanently retained thereafter.

Reason: To ensure a safe and comfortable environment for existing and future residents, in accordance with Local Plan policy CC3 and London Plan policy D9.

Accessible Homes

22. Prior to commencement of development above slab level, a scheme securing a minimum of 10% of the total dwellings across the development site as a whole to be provided as 'wheelchair user dwellings' built to Building Regulations M4(3) standard, with all other dwellings designed so as to meet building regulation M4(2) 'accessible and adaptable dwellings' requirements, shall be submitted to and approved in writing by the local

planning authority. Development shall be carried out in accordance with the approved scheme.

Reason: To ensure a socially inclusive and sustainable development in accordance with London Plan policy D7 and Local Plan policies CC2, SC3 and SC5.

Photovoltaics

23. Prior to the commencement of development above slab level, elevations and sections of the roofs showing roof mounted photovoltaic arrays, with details showing how power output will be optimised through efficient PV cell specification and layout, shall be submitted to and approved in writing by the local planning authority. The photovoltaic arrays shall be implemented in accordance with the approved details before first occupation of any part of Blocks A, D and E of the development hereby permitted and shall be retained and maintained in working order thereafter.

Reason: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with according with London Plan policy SI2 and Local Plan policies EQ1 and EQ2.

Sound Insulation

24. Prior to the commencement of development above slab level, details shall be submitted to and approved in writing by the local planning authority showing sound insulation measures, including anticipated noise levels within the dwellings hereby permitted as a result of those measures, for the floor/ceiling/wall structures separating the foodstore/ commercial and communal part of the development from those dwellings. Development shall be carried out in accordance with the approved details. None of the relevant residential accommodation shall be occupied until the measures installed have been tested and proven to be effective in accordance with a scheme that has previously been submitted to and approved in writing by the local planning authority. The approved measures shall be permanently retained thereafter.

Reason: To provide acceptable living conditions for future residents in accordance with Local Plan policy EQ5 and London Plan policy D14.

Building Emissions

25. Prior to the commencement of development above slab level, details of how the scheme will meet the two air quality neutral emissions benchmarks for buildings set out at Appendix 5 of the Mayor's Sustainable Design and Construction SPG shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To minimise air pollution in accordance with Local Plan policy EQ4 and London Plan policy SI1.

PRE-OCCUPATION CONDITIONS

Contamination – Verification Report

26. No part of the development hereby permitted shall be occupied until a Verification Report demonstrating completion of the works set out in the Remediation Strategy approved pursuant to condition 7, and the effectiveness of the remediation, has been submitted to and approved in writing by the local planning authority. The Verification Report shall include the results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in a Verification Plan (a long-term monitoring and maintenance plan). The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that any risks from contamination are properly dealt with in order to protect the health of future occupiers and prevent pollution of the environment.

Waste Management and Recycling

27. No part of the residential accommodation hereby permitted shall be occupied until a Waste Management Strategy showing full details of the waste and recycling facilities, including management of storage areas, internal collection and collection from the site, for that accommodation, has been submitted to and approved in writing by the local planning authority. The waste and recycling facilities shall be provided in accordance with the approved details prior to occupation of the relevant residential element. They shall be retained throughout the lifetime of the development and shall be used for no other purposes.

Reason: To encourage the sustainable management of waste, to ensure acceptable living conditions for future occupiers and in the interest of visual amenity, pursuant to Local Plan policies CC1, CC2 and EQ7.

28. Neither the foodstore, nor any of the other commercial floorspace hereby permitted, shall be occupied until a Waste Management Strategy showing full details of the waste and recycling facilities, including management of storage areas, internal collection and collection from the site, for the relevant unit has been submitted to and approved in writing by the local planning authority. The waste and recycling facilities shall be provided in accordance with the approved details prior to occupation of the relevant unit. They shall be retained throughout the lifetime of the development and shall be used for no other purposes. No refuse or recycling waste bins shall be stored outside the building.

Reason: To encourage the sustainable management of waste and to ensure that refuse can be properly stored and removed from the site as soon as the building is occupied in accordance with Local Plan policies CC1, CC2 and EQ7.

Electric Vehicle Charging Points

29. None of the residential accommodation hereby permitted shall be occupied until details of the number, location and management of electric vehicle charging points associated with the residential element of the development, including a timetable for implementation, have been submitted to and approved in writing by the local planning authority. The details to be submitted shall include a minimum 20% of all residential parking spaces to be active Electric Vehicle Charging spaces, with the remainder provided as passive Electric Vehicle Charging spaces, together with identified triggers and the process for the future conversion of passive spaces to active spaces. Development shall be carried out in accordance with the approved details. Once provided, the charging points and spaces shall be permanently retained in working order thereafter.

Reason: In order to promote sustainable transport modes in accordance with policies CC1, CC2 and EC2 of the Local Plan.

30. Neither the foodstore, nor any of the other commercial units hereby permitted, shall be brought into use until details of the number, location and management of electric vehicle charging points associated with the car parking for those premises have been submitted to and approved in writing by the local planning authority. The details to be submitted shall include a minimum 10% of all foodstore/commercial spaces to be provided as active Electric Vehicle Charging spaces, with the remainder provided as passive Electric Vehicle Charging spaces, together with identified triggers and the process for the future conversion of passive spaces to active spaces. Development shall be carried out in accordance with the approved details. Once provided, the charging points and spaces shall be permanently retained in working order thereafter.

Reason: In order to promote sustainable transport modes in accordance with Local Plan policies CC1, CC2 and EC2.

Energy Strategy

31. a) No residential accommodation hereby permitted shall be occupied until evidence (including photographs, installation contracts and As-Built certificates under the Standard Assessment Procedure/National Calculation Method) has been submitted to and approved in writing by the local planning authority showing that the development has been constructed in accordance with the Energy Strategy detailed in the Energy Statement and Sustainability Statement prepared by Hodkinson (both dated March 2021) (and any subsequent approved revisions) sufficient to achieve a minimum 51% reduction in carbon dioxide emissions.

    b) The foodstore/commercial floorspace hereby permitted shall not be occupied until evidence (including photographs, installation contracts and As-Built certificates under the Standard Assessment Procedure/National Calculation Method) has been submitted to and approved in writing by the local planning authority showing that the development has been constructed in accordance with the approved Energy Strategy (and any subsequent approved revisions) sufficient to achieve a minimum 51% reduction in carbon dioxide emissions.

    c) Devices for the monitoring of the low and zero carbon technologies approved pursuant to parts a and b above shall be installed upon final commencement of operation of those technologies 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 of the development hereby approved.

Reason: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with according with London Plan policies SI2, SI3 and SI4 and Local Plan policies EQ1 and EQ2.

Whole Life Carbon Cycle

32. No part of the development hereby permitted shall be occupied until evidence (including photographs and copies of installation contracts) has been submitted to and approved in writing by the local planning authority to demonstrate that it has been carried out in accordance with the details approved pursuant to condition 20 above. The development shall be maintained in accordance with the approved details at all times thereafter.

Reason: In order to ensure the sustainable sourcing of materials in accordance with the Mayor of London's Sustainable Design and Construction SPG.

33. Prior to first occupation of any part of the development hereby permitted, a detailed Whole Life Cycle Carbon assessment shall be submitted to and approved in writing by the local planning authority, demonstrating that the Whole Life Cycle Carbon emissions savings secured pursuant to condition 20 above achieve the benchmarks set out in the Mayor of London's Whole Life-Cycle Carbon Assessment Guidance. The assessment shall include details of measures to reduce carbon emissions throughout the whole life cycle of the development and provide calculations in line with the Mayor's Guidance.

Reason: In order to ensure the sustainable sourcing of materials in accordance with the Mayor of London's Sustainable Design and Construction SPG.

Sustainable drainage

34. No part of the development hereby permitted shall be occupied until evidence (including photographs and installation contracts) has been submitted to and approved in writing by the local planning authority to demonstrate that the sustainable drainage scheme for the site approved pursuant to condition 9 above has been completed in accordance with the approved details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the approved details.

Reason: To comply with London Plan policies S12 and SI13, along with associated guidance and Local Plan policy EQ3.

Water Infrastructure Phasing Plan

35. Prior to first occupation of the residential accommodation hereby permitted, a development and water infrastructure phasing plan shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied other than in accordance with the approved development and infrastructure phasing plan.

Reason: To ensure that adequate water infrastructure is provided for the development.

Secured by Design

36. No dwelling hereby permitted shall be occupied until Secured by Design accreditation has been achieved for the implemented development and evidence of such accreditation has been submitted to and approved in writing by the local planning authority. The measures installed in accordance with the accreditation shall be permanently retained in working order thereafter.

Reason: In the interest of community safety.

Trolley Management

37. The foodstore hereby permitted shall not be brought into use until details of a shopping trolley management plan to ensure that trolleys cannot be taken off the premises have been submitted to and approved in writing by the local planning authority. The measures secured by the plan shall be implemented prior to first commencement of trading and the shopping trolleys shall subsequently be managed in accordance with the approved management measures at all times thereafter.

Reason: In the interests of highway safety and visual amenity.

POST-OCCUPANCY CONDITIONS

BREEAM

38. Within six months of the first operation of the foodstore hereby permitted, a post-construction stage BREEAM Retail New Construction Shell Only Design Stage certificate and summary score sheet (or such equivalent standard that replaces this) shall be submitted to and approved in writing by the local planning authority to show that an 'Excellent' (minimum score 70%) rating has been achieved.

Reason: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with London Plan policies SI2 and Local Plan policies EQ1 and EQ2.

Circular Economy Reporting

39. Within 12 months of completion of the development hereby permitted, a Post Completion Report setting out the predicted and actual performance against all numerical targets in the Circular Economy Statement secured pursuant to condition 8 shall, together with any supporting evidence, be submitted to and approved in writing by the local planning authority. The Post Completion Report shall provide updated versions of Tables within the approved Circular Economy Statement and Bill of Materials.

Reason: In the interests of sustainable waste management and in order to maximise the re-use of materials.

Noise

40. The cumulative noise from any fixed external plant associated with the development hereby permitted shall not exceed levels more than 5dB below representative background (LA_{90}) levels at free field locations representing the façades of nearby dwellings/noise sensitive premises. Noise levels shall be assessed by measurement or calculation based on the guidance in BS4142: 2014+A1:2019.

Reason: To protect the amenities of existing and future residents in accordance with Local Plan policy EQ5 and London Plan policy D14.

41. Maximum noise levels within the dwellings hereby permitted shall not exceed:

    Living Rooms = 35 dB $L_{Aeq,\ 16hour}$;

    Dining room/area = 40 dB $L_{Aeq,\ 16hour}$;

    Bedrooms = 35 dB $L_{Aeq,\ 16hour}$ during day-time (07.00 – 23.00) and 30 dB $L_{Aeq,\ 8hour}$ in the night time (23.00 – 07.00).

    The maximum noise levels described must be achieved during background ventilation rates, as defined in Part F of the Building Regulations.

Reason: To ensure appropriate living conditions for residents in accordance with Local Plan policy EQ5 and London Plan policy D14.

Opening Hours

42. The foodstore hereby permitted shall not be open to customers other than between 07.00 and 22.00 Monday to Saturday and 10.00 – 16.00 on Sundays and bank/public holidays.

Reason: To protect the amenities of existing and future residents in accordance with Local Plan policy EQ5 and London Plan policy D14.

43. The commercial floorspace hereby permitted (other than the foodstore) shall not be open to customers other than between the hours 07.00-22.00 on any day.

Reason: To protect the amenities of existing and future residents in accordance with Local Plan policy EQ5 and London Plan policy D14.

Removal of Permitted Development Rights

44. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended), or any order subsequently revoking and re-enacting that order with or without modification, the commercial floorspace hereby permitted (other than the foodstore) shall be used only for purposes within Use Class E part (g) of The Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other use as defined within this use class or its associated approved change of use in the Order.

Reason: In the interest of the amenity of the area, and to ensure that the non-residential functions will continue to meet the needs of local residents.

Landscape

45. Any trees or shrubs planted pursuant to condition 13 (including any such replacements) which die or are removed or become seriously damaged or diseased within three years from the date of planting, shall be replaced in the next planting season with the others of the same species, and of comparable maturity.

Reason: In the interests of visual amenity and to ensure that the planted areas continue to be able to be enjoyed for their intended purpose.

External Lighting

46. No external lighting shall be installed other than in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority. The details to be submitted shall demonstrate accordance with the *Guidance Notes for The Reduction of Light Pollution (2011)*, produced by the Institute of Lighting Professionals.

Reason: In the interest of visual amenity and in order to protect the living conditions of occupiers of nearby dwellings and to provide acceptable living conditions for future occupiers.

Recommended wording should the Secretary of State consider a condition relating to the removal of Japanese Knotweed would meet the test of necessity.

Japanese Knotweed

Development shall not commence until a scheme for the treatment and management of Japanese Knotweed on the site, including a timetable for implementation, has been submitted to and approved in writing by the local planning authority. The submitted scheme shall also include a specification and agreement to provide for biosecurity measures for machines and soil storage to prevent the spread of this invasive species. Should there be a delay of more than one year between written approval of the scheme and its implementation or the commencement of development, then a new site survey and, if necessary, further remedial measures shall be submitted for the further approval of the local planning authority in writing. Development shall be carried out in accordance with the approved scheme.

Reason: To ensure the safe removal and management of invasive non-native species on the site, and to prevent spread into the wider environment, in accordance with policy GB7 of the Local Plan.

----------End of Schedule----------

ANNEX F
Schedule of recommended conditions should planning permission be granted
APPLICATION B: APP/F5540/V/21/3287727
Tesco Osterley, Syon Lane, Isleworth

RESERVED MATTERS

1. Details of the following matters (the Reserved Matters) as relevant for each phase of the development hereby permitted, shall be submitted to and approved in writing by the local planning authority before any development commences within that phase (other than works of demolition, site clearance and remediation) and the development shall be carried out as approved:

    - layout (to include details of the areas to be used for each land use, including car and cycle parking)
    - appearance
    - scale
    - landscaping (hard and soft)

Reason: The application has been made for outline permission only and the submitted details (other than access) are for illustrative purposes only.

2. The first application for approval of the Reserved Matters shall be made to the local planning authority before the expiration of three years from the date of this permission. All subsequent Reserved Matters applications shall be submitted no later than ten years from the date of this permission.

Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990, but with a longer period for subsequent Reserved Matters submissions reflecting the anticipated build period.

3. The development hereby permitted shall begin before the expiration of three years from that date of approval of the first of the Reserved Matters to be approved. The relevant parcel(s) must begin no later than the expiration of two years from the final approval of the Reserved Matters applications for the relevant phase or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the provision of Section 51 of the Planning and Compulsory Purchase Act 2004.

APPROVED PLANS AND QUANTUM OF DEVELOPMENT

4. Unless required otherwise by conditions below, the submission of all reserved matters and the implementation of the development hereby permitted shall accord with the following parameter plans:

Site Location Plan	01754-S-01
Proposed Site Levels	01754-JTP-DR-MP-PP-001 Rev P5
Maximum Building Heights	01754-JTP-DR-MP-PP-003 Rev P5
Predominant Ground Floor Uses	01754-JTP-DR-MP-PP-004 Rev P5
Predominant First Floor Uses	01754-JTP-DR-MP-PP-005 Rev P5
Access and Movement	01754-JTP-DR-MP-PP-006 Rev P5

Open Space at Ground Level	01754-JTP-DR-MP-PP-007 Rev P5
Open Space at Ground Level	01754-JTP-DR-MP-PP-007 Rev P5
Open Space at Podium Level	01754-JTP-DR-MP-PP-008 Rev P5
Open Space at Roof Level	01754-JTP-DR-MP-PP-009 Rev P5
Basement Provision	01754-JTP-DR-MP-PP-0010 Rev P5
Energy Centre Location	01754-JTP-DR-MP-PP-011 Rev P5
Key Minimum Distances	01754-JTP-DR-MP-PP-012 Rev P5
Proposed Site Access Arrangements	PB9283-RHD-GE-SW-DR-R-0093 Rev P04

Reason: To provide certainty for all parties.

5. The maximum permitted floorspace (gross internal area in square meters (sqm)) for each use granted by this permission shall be:

    - Residential (Use Class C3) - 146,700 sqm (up to 1,677 residential units and ancillary areas, excluding energy centre, plant, refuse, car parking and cycle parking)
    - Residential (use Class C3) - 160,400 sqm (up to 1,677 residential units, including all ancillary areas, energy centre, plant, refuse, car parking and cycle parking)
    - Flexible commercial floor space (Use Classes E and F) - 5,000 sqm
    - Pub/drinking establishment/Mobility Hub (Sui Generis) - 1,000 sqm

    Non-residential floorspace in the Reserved Matters details shall be subject to the following minimum floorspace requirements:

    - A minimum of 1,000 sqm within use as shops (Use Class E(a)), financial and professional services (Use Classes E(c)), cafes and restaurants (Use Class E(b)), public house/drinking establishment (sui generis) and mobility hub (sui generis)
    - A minimum of 1,000 sqm within use as business, research and development and/or industrial process (Use Class E(g))
    - A minimum of 1,000 sqm within use as healthcare (Use Class E(e)), gym and leisure (Use Class E(d)), community (Use Class (F), creche (Use Class E (f))

Reason: To ensure that the quantum of floorspace aligns with the parameters assessed pursuant to the Environmental Statement and in the interest of the amenity of the area.

DESIIGN STATEMENTS/LANDSCAPE MANAGEMENT

Design Statements

6. Each application for Reserved Matters approval shall be accompanied by a Design Statement which shall explain how the proposal conforms to the requirements of the Design Code document (Design Code Osterley Place 01754 dated January 2021 prepared by JTP) and a Development Specifications Compliance Statement, which shall explain how the proposal conforms with the Development Specifications document (Rev 2 March 2021 prepared by WSP).

Reason: For the avoidance of doubt, to accord with the terms of the application and to provide an appropriate design, appearance, scale and form of development in the interest of visual amenity.

Landscape Management Plan

7. Each Reserved Matters application for approval of details relating to landscaping shall include a landscape management plan that is subject to the written approval of the local planning authority. Each landscape management plan shall include long term design objectives, a timetable for implementation, management responsibilities and maintenance schedules for all landscape areas, including all proposed trees, shrubs and hedgerows for a minimum period of five years from implementation of the final planting scheme. The landscape management plan shall be carried out as approved.

Reason: In the interests of visual amenity and biodiversity.

PRE-COMMENCEMENT CONDITIONS

Phasing

8. No development shall take place until a programme of phasing for implementation of the whole development site, which takes into account the timescales set out in conditions 2 and 3, has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved phasing programme. The programme shall also include details, where relevant, of the timing for the delivery of:

    a) hard/soft landscaping;

    b) the public open spaces (The 'Clearing', The Meander and The Water Garden);

    c) other public realm relative to each phase.

Reason: In the interests of visual amenity and to ensure that adequate facilities are available for residents.

Detailed Submission Requirements

9. Except for any works relating to demolition, site clearance and/or remediation, development shall not commence within any phase until details of the following have been submitted to and approved in writing by the local planning authority:

    a) floor, elevation and section plans;

    b) details of ground floor level shopfronts where proposed;

    c) daylight and sunlight report, including shadow plot diagrams;

    d) details of play space, amenity space and landscaping strategy;

    e) details of works to the public realm and highways, including any traffic calming measures;

    f) statement of community involvement;

    g) affordable housing statement;

    h) fire strategy;

    i) updated drainage assessment form and assessment demonstrating compliance with the principles set out in the September 2020 Flood Risk Assessment and FRA Addendum and Drainage Assessment Form March 2021 and associated drawings prepared by Ramboll;

j) wind assessment (based on Chapter 10: Wind Microclimate of the Environmental Statement dated September 2020 prepared by Ramboll);

k) ecological enhancement and mitigation measures, including details of a minimum urban greening factor of 0.4 and biodiversity net gain calculations, based on the Ecology and Biodiversity Report 2020 prepared by Derek Finnie Associates;

l) circular economy statement; and

m) vehicular and pedestrian access within the site and to the buildings.

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

Reason: To ensure that high standards of urban design, landscaping and environmental mitigation, which informed assessment of the proposal, are achieved.

Construction Logistics and Environmental Management Plan

10. No development shall commence in any phase, including works of demolition and site clearance, until a detailed Construction Logistics and Environmental Management Plan (CLEMP) for that phase has been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved CLEMP, which shall remain in force for the entire demolition and construction period for that phase. The CLEMP shall be informed by the Construction Logistic Plan Guidance prepared by Construction Logistics in association with Transport for London. It must include, as a minimum:

a) a plan showing the area to be surveyed to establish existing public highway condition;

b) a pre-start record of the condition of the public highway identified by the plan referred to above, undertaken in consultation with Hounslow Highways, together with a written commitment (including a timetable for implementation) to repair any damage caused by the carrying out of the development;

c) on-site parking and turning provision for site operatives, visitors and construction vehicles;

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

e) location of temporary offices, contractors compounds and welfare facilities within the site;

f) details of points of access and exits to and from the site for construction traffic;

g) details of signage at all vehicular exits from the construction site advising drivers of preferred routes;

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

i) all works of demolition and construction to take place only between the hours of 08.00 and 18.00 Monday to Friday and 09.00 and 13.00 on Saturdays, and at no time on Sundays or Bank/Public Holidays;

j) deliveries to the site shall take place only between the hours of 09.30 and 15.00 Monday to Saturday and at no time on Sunday or Bank/Public holidays;

k) a plan identifying neighbouring residential and commercial properties relevant to an assessment of noise and vibration impacts during the demolition and construction phases of the development;

l) details of how noise and vibration levels at the properties identified above will be suppressed, measured and monitored during demolition and construction works, including a review mechanism;

m) confirmation that daytime noise levels from demolition and construction works at the identified properties above shall not exceed 75dB $L_{Aeq,T}$ during the following time periods:

Monday to Friday (08.00 – 18.00 hours)

Saturday (09.00 to 13.00 hours);

n) details of measures to prevent the deposition of mud and debris on the public highway, including wheel washing facilities and the sheeting of vehicles transporting loose aggregates or similar materials on or off site;

o) a Demolition and Construction Waste Management Plan that identifies the main waste materials expected to be generated by the development during demolition and construction, including vegetation, together with measures for dealing with such materials so as to minimise waste and to maximise re-use and recycling;

p) measures to ensure the safety of all users of the adjacent public highways, in particular cyclists and pedestrians, especially at the site access/egress points;

q) measures to minimise the emission of dust from the site during the construction period;

r) arrangements for any temporary site lighting, including security lighting, its location and hours of operation;

s) arrangements for liaising with other contractors in the vicinity of the site to maximise the potential for consolidated construction traffic movements and to minimise traffic impacts;

t) procedures for maintaining good public relations, including complaint management, public consultation and liaison contact details;

u) details of a booking system for the arrival and departure of construction traffic to avoid vehicles waiting on the public highway; and

v) confirmation that all Non-Road Mobile Machinery (NRMM) with a net power between 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the Mayor's SPG *Control of Dust and Emissions During Construction and Demolition* (dated July 2014), or subsequent guidance. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at: https://nrmm.london/.

Reason: In order to protect the environmental quality of the surrounding area, to safeguard the amenities of those living and working in the locality and in the interest of highway safety, pursuant to Local Plan policies EQ4, EQ5, EQ6 and EQ7.

Cranes/Tall Construction Equipment

11. Prior to commencement of piling in any phase, details of cranes and other tall construction equipment (including details of obstacle lighting) shall be submitted to and

approved in writing by the local planning authority. Such details shall comply with Advice Note 4 'Cranes' (published by the UK Civil Aviation Authority). Development shall be carried out in accordance with the approved details for the duration of the remaining construction period within that phase.

Reason: In the interest of aviation safety.

Tree Protection

12. Prior to the commencement of development in any phase, including site investigations, site clearance and works of demolition, retained trees within that phase and any trees on adjacent land (as shown within the submitted Arboricultural Report 2020 prepared by Tree Fabrik), shall be protected in accordance with BS5837:2012, with any tree work to be carried out in accordance with BS3998:2010 – Tree Work - Recommendations. The protection shall be retained intact for the full duration of the development within that phase until all equipment and materials have been removed from the site. If the protection is damaged, all operations shall cease until it is repaired in accordance with the approved details.

    Nothing shall be stored or placed in any protected area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the local planning authority.

Reason: In the interests of visual amenity and biodiversity pursuant to policies CC1, CC2 and GB7 of the Local Plan.

Contamination - Site Investigation

13. Prior to the commencement of development in any phase (excluding works of demolition):

    a. Details of further intrusive site investigation in addition to the phase 1 desk study and phase 2 intrusive investigation set out in the Geo-Environmental Assessment 2020 prepared by Waterman Infrastructure and Environment Limited have been submitted to and approved in writing by the local planning authority. The site investigation, which shall be carried out by a competent person, is to identify the extent and nature of contamination. The report shall include a tiered risk assessment of the contamination based on the proposed end use of the site.

    b. Based on the results of the intrusive site investigation, an Options Appraisal and Remediation Strategy, giving full details of the remediation measures required and how they are to be undertaken, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Remediation Strategy.

    c. If, during the course of development, contamination not previously identified pursuant to the provisions of clauses a and b above is found, then no further development shall be carried out until there has been submitted to and approved in writing by the local planning authority an amendment to the approved Remediation Strategy detailing how this unexpected contamination will be dealt with. Thereafter, the development shall be implemented in accordance with the approved Remediation Strategy as amended.

Reason: To ensure that any risks from contamination are properly dealt with to protect the health of future occupiers and to prevent pollution of the environment.

Surface Water Drainage

14. Prior to the commencement of development in any phase (excluding site investigations and works of demolition) a final detailed surface water drainage scheme (including

drawings and supporting calculations and an updated Drainage Assessment Form) shall be submitted to and approved in writing by the local planning authority. The design shall align with the details approved pursuant to condition 9i) above. Development shall be carried out in accordance with the approved details for the relevant phase and the relevant part of the development shall not be occupied until the surface water drainage works have been implemented in accordance with the approved details. The submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii) include a timetable for its implementation; and,

iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the risk of flooding in accordance with London Plan policy SI13, the Mayor's Sustainable Design and Construction SPG, and Local Plan policy EQ3.

Air Quality Monitoring

15. For a period of at least six months prior to first commencement of development (including works of demolition and site clearance), and throughout the entire construction period, diffusion tube monitoring at heights of 2, 4, 6, and 8m, shall be undertaken at the locations identified in Figure:1 in Appendix 8 of the Ramboll Monitoring Study 2020 (Osterley Place) (Ref:1620006465 Issue: Final). The diffusion tube monitoring shall utilise a methodology also to have previously been submitted to and agreed in writing by the local planning authority. If, at any time during the monitoring, the annual mean concentration of NO_2 exceeds 36ug/m3, filtered mechanical ventilation shall be installed at the relevant facades of the residential accommodation hereby permitted prior to first occupation, in accordance with details that shall previously have been submitted to and agreed in writing by the local planning authority. The installed measures shall be permanently retained thereafter.

Reason: To ensure satisfactory living conditions and minimise air pollution in accordance with Local Plan policy EQ4 and London Plan policy SI1.

Construction Phase Ecological Management Plan

16. No development shall commence in any phase until a Construction Phase Ecological Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The Construction Phase Ecological Management Plan shall incorporate details of the ecological clerk of works supervision to be put in place to monitor the clearance of vegetation to ensure no impact on undiscovered or other unexpected faunal encounters.

Reason: In the interests of nature conservation pursuant to Local Plan policy GB7 and London Plan policy G6.

ABOVE SLAB LEVEL CONDITIONS

Bird Hazard Management Plan

17. No development shall commence above slab level in any phase until a Bird Hazard Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include details for the management of any flat/shallow

pitched/green roofs on buildings within the site, and any water bodies within the site, which may be attractive to nesting, roosting and loafing birds. The Plan shall also demonstrate compliance with Advice Note 6 *Potential Bird Hazards from Sustainable Drainage Schemes* produced by the Airport Operators Association and General Aviation Council. The Bird Hazard Management Plan shall be implemented as approved and shall remain in force in perpetuity.

Reason: In the interest of aviation safety.

Water Usage

18. No development shall commence above slab level in the relevant phase until written documentary evidence in the form of a water efficiency calculator has been submitted to and approved in writing by the local planning authority demonstrating that each of the dwellings in the relevant phase will achieve a maximum internal water usage of 105 litres/person/day. The dwellings shall thereafter be constructed in accordance with the approved details.

Reason: in order to protect and conserve water supplies and resources in accordance with Local Plan policy EQ2.

BREEAM

19. No development shall commence above slab level in any phase until a BREEAM New Construction Shell Only Design Stage certificate and summary score sheet for commercial units within that phase (or such equivalent standard that replaces this) has been submitted to and approved in writing by the local planning authority to show that an 'Excellent' (minimum score 70%) rating will be achieved. Development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions pursuant to London Plan policies SI2 and Local Plan policies EQ1 and EQ2.

Accessible Homes

20. Prior to commencement of any development above slab level, a scheme securing a minimum of 10% of the total dwellings across the development site as a whole to be provided as 'wheelchair user dwellings' built to Building Regulations M4(3) standard, with all other dwellings designed so as to meet building regulation M4(2) 'accessible and adaptable dwellings' requirements. Development shall be carried out in accordance with the approved scheme.

Reason: To ensure a socially inclusive and sustainable development in accordance with London Plan D7 and Local Plan policies CC2, SC3 and SC5.

Sound Insulation

21. Prior to the commencement of development above slab level in any phase, details shall be submitted to and approved in writing by the local planning authority showing sound insulation measures, including anticipated noise levels within the dwellings hereby permitted as a result of those measures, for the floor/ceiling/ wall structures separating the commercial and communal premises from those dwellings. Development is to be carried out in accordance with the approved details. None of the relevant residential accommodation is to be occupied until the measures installed have been tested and proven to be effective in accordance with a scheme that has previously been submitted to and approved in writing by the local planning authority. The approved measures shall be permanently retained thereafter.

Reason: To provide acceptable living conditions for future residents in accordance with Local Plan policy EQ5 and London Plan policy D14.

Whole Life Carbon Cycle

22. No development shall commence above slab level in any phase until a scheme for that phase securing the following has been submitted to and approved in writing by the local planning authority:

    a) 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 BRE's *Green Guide to Specification*.

    b) at least 50% of timber and timber products are to be sourced from accredited Forest Stewardship Council or Programme for the Endorsement of Forestry Certification scheme, as set out in the Mayor's Sustainable Design and Construction SPG; and

    c) details of the measures to be taken to avoid construction or insulation materials which would release toxins into the internal and external environment, including those that deplete stratospheric ozone.

    Development shall be carried out in accordance with the approved scheme.

Reason: In order to ensure the sustainable sourcing of materials in accordance with the Mayor's Sustainable Design and Construction SPG.

Habitat Management and Monitoring Plan

23. No development shall commence above slab level in any phase until a Habitat Management and Monitoring Plan for all the habitat areas within that phase has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Plan and adhered to thereafter.

Reason: To secure improvement in biodiversity at the site in accordance with Local Plan policy EQ4 and London Plan policies G6 and G7.

PRE-OCCUPATION CONDITIONS

Waste Management and Recycling

24. No part of the residential accommodation hereby permitted shall be occupied until a Waste Management Strategy showing full details of the waste and recycling facilities, including management of storage areas, internal collection and collection from the site, for that accommodation, has been submitted to and approved in writing by the local planning authority. The waste and recycling facilities shall be provided in accordance with the approved details prior to first occupation of the relevant residential element. They shall be retained throughout the lifetime of the development and shall be used for no other purposes.

Reason: To encourage the sustainable management of waste, to ensure acceptable living conditions for future occupiers and in the interest of visual amenity, pursuant to Local Plan policies CC1, CC2 and EQ7.

25. No commercial unit in any phase of the development hereby permitted shall be occupied until full details of the waste and recycling facilities, including management of storage areas, internal collection and collection from the site, for that unit, have been submitted to and approved in writing by the local planning authority. The waste and recycling facilities shall be provided in accordance with the approved details prior to first occupation of the relevant unit. They shall be retained throughout the lifetime of the development and shall be used for no other purposes. No refuse or recycling waste bins shall be stored outside the building.

Reason: To encourage the sustainable management of waste, to ensure acceptable living conditions for future occupiers and in the interest of visual amenity, pursuant to Local Plan policies CC1, CC2 and EQ7.

Wastewater

26. No part of the development in any phase hereby permitted shall be occupied until confirmation has been provided that either:-

    a) all wastewater network upgrades required to accommodate the additional flows from that part of the development have been completed; or

    b) a development and wastewater infrastructure phasing plan has been submitted to and agreed in writing by the local planning authority to allow that part of the development to be occupied. Where a development and wastewater infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the approved plan.

Reason: In order to ensure that adequate wastewater infrastructure is available to meet the demands of the development so as to avoid sewage flooding and/or potential pollution incidents.

Water Network

27. No part of the development in any phase hereby permitted shall be occupied until confirmation has been provided that either:

    - all water network upgrades required to accommodate the additional demand flows to serve that part of the development have been completed; or

    - a development and water infrastructure phasing plan has been submitted to and agreed in writing with the local planning authority to allow that part of the development to be occupied. Where a development and water infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the approved housing and infrastructure phasing plan.

Reason: In order to ensure that adequate water infrastructure is available to meet the demands of the development so as to avoid incidents of no/low water pressure.

Sustainable Drainage Monitoring

28. No part of the development in any phase hereby permitted shall be occupied until evidence (including photographs and installation contracts) has been submitted to and approved in writing by the local planning authority to demonstrate that the sustainable drainage scheme for the relevant phase, as approved pursuant to condition 14, has been completed in accordance with the submitted details.

Reason: To prevent the risk of flooding in accordance with London Plan policy SI13, the Mayor's Sustainable Design and Construction SPG, and Local Plan policy EQ3.

Whole Life Carbon Cycle

29. No part of the development hereby permitted shall be occupied until evidence (including photographs and copies of installation contracts) has been submitted to and approved in writing by the local planning authority to demonstrate that it has been carried out in accordance with the details approved pursuant to condition 22 above. The development shall be maintained in accordance with the approved details at all times thereafter.

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.

30. Prior to first occupation of any part of the development hereby approved, a detailed Whole Life Cycle Carbon assessment shall be submitted to and approved in writing by the local planning authority, demonstrating that the Whole Life Cycle Carbon emissions savings of the development secured pursuant to condition 22 above, achieve the benchmarks set out in the Mayor of London's Whole Life-Cycle Assessment Guidance. The assessment shall include details of measures to reduce carbon emissions throughout the whole life cycle of the development and provide calculations in line with the Mayor's Guidance.

Reason: In order to ensure the sustainable sourcing of materials in accordance with the Mayor's Sustainable Design and Construction SPG.

Secured by Design

31. No dwelling within any phase of the development hereby permitted shall be occupied until Secured By Design accreditation has been achieved for that phase and evidence of such accreditation submitted to and approved in writing by the local planning authority. The measures installed in accordance with the accreditation shall be retained in working order thereafter

Reason: In the interest of community safety.

POST-OCCUPANCY CONDITIONS

External lighting

32. No external lighting shall be installed in any phase other than in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The details to be submitted shall demonstrate that the proposed lighting will comply with the *Guidance Notes for The Reduction of Light Pollution (2011)*, produced by the Institute of Lighting Professionals.

Reason: In the interest of visual amenity and in order to protect the living conditions of occupiers of nearby properties and future occupiers of the site, in accordance with Local Plan policies CC1 and CC2.

BREEAM

33. Within six months of occupation of any of the commercial units hereby permitted, a post-construction stage BREEAM Retail New Construction Shell Only Design Stage certificate and summary score sheet (or such equivalent standard that replaces this) shall be submitted to and approved in writing by the local planning authority to show that an 'Excellent' (minimum score 70%) rating has been achieved.

Reason: To ensure that the development makes the fullest contribution to minimising carbon dioxide emissions in accordance with according with London Plan policy SI2 and Local Plan policies EQ1 and EQ2.

Noise

34. The cumulative noise from any fixed external plant associated with the development hereby permitted shall not exceed levels more than 5 dB below representative background (L_{A90}) levels at free field locations representing the facades of nearby dwellings/noise sensitive premises. Noise levels shall be assessed by measurement or calculation based on the guidance presented within BS4142: 2014+A1:2019.

Reason: To protect the amenities of existing and future residents in accordance with Local Plan policy EQ5.

35. Maximum noise levels permitted within the dwellings hereby permitted shall not exceed:

    Living Rooms 35 dB $L_{Aeq,\ 16hour}$;

    Dining room/area 40 dB $L_{Aeq,\ 16hour}$;

    Bedrooms 35 dB $L_{Aeq,\ 16\ hour}$ during day-time (07.00 – 23.00) and 30 dB $L_{Aeq,\ 8hour}$ in the night time (23.00 – 07.00).

    The maximum noise levels described must be achieved during background ventilation rates, as defined in Part F of the Building Regulations.

Reason: To protect the amenities of residents in accordance with Local Plan policy EQ5 and London Plan policy D14.

Removal of Permitted Development Rights

36. Notwithstanding the provisions of the Town and Country Planning (General Approved Development) Order (England) 2015, as amended (or any order revoking and re-enacting that order with or without modification) any non-residential development hereby permitted shall be used only for purposes falling within the Use Class associated with the first established use of the premises and for no other use as defined within that Use Class or its associated approved change of use in the Order.

Reason: In the interests of the amenity of the area and to ensure that the non-residential functions will continue to meet the needs of local residents.

----------End of Schedule----------

Department for Levelling Up, Housing & Communities

www.gov.uk/dluhc

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.