If you require further information about this agenda please contact:
Wendy Merry, Telephone 020 8583 2061, e-mail wendy.merry@hounslow.gov.uk.

SUSTAINABLE DEVELOPMENT COMMITTEE
A meeting of the Sustainable Development Committee will be held in the Committee Rooms 1 & 2, Civic Centre, Lampton Road, Hounslow on Monday, 17 December 2007 at 7:30 pm

MEMBERSHIP
Councillor O’Reilly - Chair
Councillors Barwood, Cooper, Dakers, Ajmer Dhillon, Bradley Fisher, Hardy, Harmer, Harris, Hibbs, Hills, Hughes, Malik, Oulds, Reid and Vaught.

AGENDA

1. Apologies for absence

2. Declarations of interest under the Town Planning Code of Practice or any other communications from Members

3. Minutes of the meeting held on 12 November 2007 - to follow

Protocol for Speakers

Members of the public or applicants must contact the Committee Administrator, Wendy Merry on 020 8583 2061 with details of the proposed submission no later than 5pm, on 10 December 2007. Notification will be given of the Chair’s decision with regard to the request to speak.

For planning applications, the applicants will only be allowed to speak if there is an objector who wishes to address the Committee. In exceptional circumstances the Chair may agree that an applicant who would significantly add to the information already available will be allowed to speak at the Committee in the absence of an objector.

Where both parties address the Committee, the order of speaking will be the applicant, followed by the objector.

Each party will be given no more than 5 minutes to speak.

Planning Applications for Decision

4. Addendum Report (Pages 1 - 4)

An Addendum report will be published shortly before the meeting with any additional information relating to agenda items not available at the time of publication of the main agenda.

5. Chiswick House, Burlington Lane, Chiswick (Pages 5 - 31)

6. 8 Cavendish Parade, Bath Road, Hounslow (Pages 32 - 35)

7. Tamian Way, Hounslow (Pages 36 - 49)
7.1 Nazareth House

Enforcement

8. 18 Church Road, Heston

9. Land at Heston Services

Other Planning Matters

10. Results of Planning Appeals

11. Guidance on national planning policies

DECLARING INTERESTS

Committee members are reminded that if they have a personal interest in any matter being discussed at the meeting they must declare the interest and if the interest is also a prejudicial interest then they may not take part in any discussion or vote on the matter.

T.WELSH, Director of Legal Services
London Borough of Hounslow, Civic Centre, Lampton Road, Hounslow TW3 4DN

17 December 2007
Addendum Report of the Director of Planning

SDC Committee 17th December 2007

Agenda Item 1 Pages 1-27.
Chiswick House, Burlington Lane, Chiswick

Following comments from the Government Office for London, the listed building consent recommendation for consent has been amended to read as follows:

**GRANT- Listed Building Consent**
In the event that the Committee resolve that the listed building consent application be granted, the proposal shall be referred to the Secretary of State for them to issue a decision.

**Chiswick Area Committee comment**- The scheme was presented for comment at the Chiswick Area Committee on 5th December 2007. The general response was positive, with one member expressing concerns re the café design, traffic, light pollution and that the proposal was too commercial.

English Heritage (the applicant) would like some of the proposed conditions to be amended:

<table>
<thead>
<tr>
<th>Summary of comments</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Condition 5 (Hours of deliveries) should be reconsidered and more specific</td>
<td>The Council considers that all areas of the park are liable to be used by the public, therefore it is appropriate for this condition to remain as it is, as this will mean that public access to footpaths is restricted for only a small part of the day.</td>
</tr>
<tr>
<td>to the use of Old Burlington Lane and that the ‘after 8.00am’ time constraint be removed.</td>
<td></td>
</tr>
<tr>
<td>Proposed Condition 11 (Vehicle Movements) should be clarified and discussed further.</td>
<td>The Council considers that all areas of the park are liable to be used by the public, therefore it is appropriate for this condition to remain as it is, as this will mean that public access to footpaths is restricted for only a small part of the day.</td>
</tr>
<tr>
<td>Proposed Condition 13 (Musical Instruments) should be reconsidered to align with the</td>
<td>The Council does not consider this change unacceptable, subject to liaison with the Licensing Department.</td>
</tr>
<tr>
<td>current Premises Licence.</td>
<td></td>
</tr>
</tbody>
</table>
Proposed Condition 15 (Function Car Parking) should be amended to refer to the Northern Walled Garden and its use for function parking only.

This condition is proposed to be amended to refer to the Northern Wall Garden, as this area is now to be used for function car parking.

Proposed Condition 22 (Marquee Time Limit)- is it not possible to cover these concerns with a differently worded condition, consideration should be given to extending the limit to 5 years – after which further approval would be sought.

This condition is worded in the standard way and is considered necessary, to assess the long-term impact of the marquee on the site. After an initial 3 year period, the marquee’s relative merits can be assessed and, if appropriate, the permission for its erection and use can be renewed.

**Amended Conditions:**

Proposed conditions 5 and 11 would be amended to read “*unless otherwise agreed in writing by the Local Planning Authority*” to allow for exceptional deliveries etc outside of these hours. These words would be added to the main body of the condition.

Condition 13 would be amended to read as:

No playing of musical instruments or operation of sound amplification equipment shall take place in any part of the premises open to the public, before 10am, nor after 11 pm, on any day/at any time so as to be audible outside the premises.

Condition 15 would be amended to read as:

*That the function car parking area in the Northern Walled Garden, as shown on the plan submitted shall be exclusively used for function parking associated with the marquee use when operational.*

**Additional Comments:**

The following comments (in the form of 10 letters of support and 2 letters of objection) have been received after the Committee report was finalised.

<table>
<thead>
<tr>
<th>Summary of comments</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The children’s play area is too large.</td>
<td>This is not considered to be the case. See Section 7 of the report.</td>
</tr>
<tr>
<td>The proposals are thoroughly</td>
<td>Agreed. See Section Seven of report.</td>
</tr>
<tr>
<td>researched</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>The marquee may prevent the park being used for a public purpose.</td>
<td>The marquee would be in a part of the house that is not open to the public. It is not uncommon for parks such as this to being largely public with small areas, such as grounds maintenance areas etc not being open to the public.</td>
</tr>
<tr>
<td>The café is in serious need of refurbishment and its replacement will enhance the area around it through careful design. The café will not disrupt views of the house. The playground is also well designed and located.</td>
<td>Agreed. See Section Seven of report.</td>
</tr>
<tr>
<td>Because of the lack of funds trees have been allowed to seed indiscriminately, to the detriment of better and existing trees. Some pose a health and safety threat, whilst others have suffered from neglect.</td>
<td>Agreed. Please see Section Seven of report for further explanation.</td>
</tr>
<tr>
<td>The scheme reflects both an understanding of the historical importance of the site and a means of satisfying present day social and financial needs.</td>
<td>Agreed.</td>
</tr>
</tbody>
</table>

A letter of support has also been received from the Chief Executive of Painshill Park, a site in Surrey, which is similar in age and design to Chiswick House.

**Further Additional Responses:**

**Access Officer**- No objections to the scheme to in principle and fully supports some of the improvements such as the new café and children’s play area. There are some concerns that some barriers to access to the house and grounds that don’t appear to have been properly addressed in the details provided to date. Therefore, an additional condition is proposed, to be worded as follows:

The applicant is asked to provide further details on inclusive access as detailed in the Access Action Plan as set out in the submitted Design and Access Statement, with particular reference to signage, seating arrangements, surface treatments, new ramps and steps and any other associated features.

Reason: To provide satisfactory access for people with disabilities and enable the applicant to meet the principles of their Access Action Plan.

**Council for British Archaeology**- No objection, subject to consideration of the house and its archaeology. Conditions have been proposed to safeguard these elements.
London Bat Group- No objection to the project as a whole, but concerned that bats and their roosts are not disturbed by the project. A condition has been proposed that is considered should address these concerns.

RSK Carter’s Ecological Consultants response to CIP Ecology’s comments:

A response has been given to all of CIP’s comments and the proposed Condition No 21 (Wildlife Protection Plan) is considered to be a safeguarding condition to ensure that wildlife continues to be protected.

Agenda Item 9
Land at Heston Services: page 53-67

At the end of paragraph 3.21 the following additional information should be included

- The arbitration clause provides as follows (clause 11): -

  "Any dispute or difference arising between the parties with regard to the respective rights or obligations as to any matter or thing arising out of or connected with this Agreement shall be referred to the decision of a single arbitrator to be agreed by the parties or failing agreement between them to be nominated on the application of any of them by the President for the time being of the Royal Institution of Chartered Surveyors and any such reference shall be deemed to be a submission to arbitration within the meaning of the Arbitration Act 1996 or any statutory modification or re-enactment thereof for the time being and from time to time in force"

- Counsel's advice in relation to this clause is (at paragraphs. 36 + 37): -

  "The arbitration clause is very wide and would cover a dispute as to the construction of the Agreement, whether an obligation to remediate or transfer has arisen or been breached and the remedy which follows. Clause 6 preserves the Council’s powers under section 106 to apply to the Court for an injunction or to go onto the land, carry out the works themselves and recover the cost. The Council’s other remedies of damages or specific performance arise under contract or equity and are subject to the arbitration clause."
Address: Chiswick House, Burlington Lane

Ward: Chiswick Riverside

Proposal:
Demolition of existing cafe and erection of a new cafe, temporary marquee area, children's play area, improved access and car parking with various tree and woodland management, erection and repair of built features (including walls and ornamental structures), repaving and replanting (Planning & Listed Building Applications)

Felling of and works to various trees within Chiswick House Conservation Area

Drawing numbers:


All received 23/08/07.

Tree Application: Tree Works Schedule and D105961/FW/001 received 23/08/07

Application received: 23/08/07
1.0 SUMMARY
1.1 This proposal is being made by English Heritage, who are responsible for the care and upkeep of Chiswick House and grounds. They have served notice on the London Borough of Hounslow, which owns and is custodian of the wider grounds.

1.2 The proposals are in line with national and local planning policy and guidance, as well as that advice offered by national amenity bodies. The scheme offers the chance to restore the house and gardens to the state it was designed to be in, creating an environment that is more accessible to the public and which offers a range of facilities that will enable the site to be financially self-sufficient. Such self-sufficiency should mean that the park will never again be in need of such extensive restoration.

1.3 The scheme respects the historical and architectural context of the site, listed building and wider conservation area, through the use of careful landscape/architectural design and restoration. It is also in accord with the Metropolitan Open Land designation of the site.

1.4 Therefore the scheme is considered acceptable and approval is recommended.

2.0 SITE DESCRIPTION/HISTORY
2.1 Chiswick House and Gardens is a site that is 26.4ha in size and which is internationally renowned for its designed landscape. This importance is reflected in its Grade I listing status. The listing covers the House itself, and the building and ornaments in the grounds, and they are counted as a group.

2.2 The site is bounded by the A4 (Ellesmere Road/Hogarth Lane) to the north, the A316 (Great Chertsey Road) to the south and Burlington Lane to the east. Staveley Road lies to the southwest and Park Road to the northwest. Hogarth’s House (another Grade I listed building) lies to the north of the site, creating an area of great historical significance and architecture.

2.3 The site is low-lying, with higher plateaus around the house and forms parts of the large expanse of Metropolitan Open Land in Chiswick. This flat land comprises lawns, with formal planting, a grass amphitheatre, an area of woodland, walled gardens, a flower garden, an artificial lake and grass recreational areas. The grounds also have a large number of historic garden buildings (most notably the large Conservatory), gateways, a cascade, statuary, two obelisks and a column.

2.4 The site benefits from having mature woodland and good habitats for bats and birds. However, water quality is poor.

2.5 Lord Burlington designed the site in the 1720s/30s, with the house built between 1726 and 1729. He, along with the garden designer William Kent, naturalised and opened out the landscape, creating what came to be known as the original English Landscape Garden. Successive owners made changes/additions to this design, but the basic design ethos remained intact. The site is home to a renowned camellia collection established in 1828.

2.6 The principle of the English Landscape Garden movement, of which William Kent was a founder, was a “natural” style. Nature was established as a value and the natural style was informal and asymmetrical. This was in direct opposition to the French and other mainland European styles, which were seen as formal, abstract and sterile and aimed to constrain and dominate nature. It included serpentine lakes, winding drives, and clumps of trees in lawns that reached from the wooded distance to the house and ha-ha walls. These features were/are all present in Chiswick House, although not always in an optimum state.
2.7 The natural style saw an emphasis on views, which came about as gardens extended into the surrounding landscape. Consequently house and surrounding countryside came to be designed as one entity. The ha-ha was used as a way of keeping animals away from the house.

2.8 The 1880s saw some of the land around the site being sold off, with the curtilage of the site being reduced to its current size. The housing which was built on this land still surrounds the house today.

2.9 1893 saw the house become an asylum. 1929 saw it purchased by a mixture of bodies and the grounds became a public park, with the house used as an art gallery.

2.10 Today the house is owned by DCMS and under the stewardship of English Heritage. The grounds remain a public park, owned by the London Borough of Hounslow, which is responsible for their maintenance. This shared ownership has led to the unique (for the borough) situation where a Grade I listed garden is also a public park.

2.11 This bilateral ownership has led to the two parties forming the Chiswick House and Gardens Trust in April 2005. This is a registered charity whose intention is to advance education by the preservation, restoration, maintenance, repair and enhancement of the estate for the benefit of the public as well as for the historical heritage of England. Another key aim for the Trust is to involve the community in the regeneration project and this has been carried out prior to submission of the application.

2.12 It has long been agreed that the site is not in its optimum state and it has suffered from long periods of neglect. Various attempts have been made to restore the site, but lack of finances and will has seem them fail. The present time offers the best chance of funding (through the HLF) and presents the chance to safeguard the historical value of the site.

3.0 PLANNING HISTORY

The site has undergone various works in the past, but nothing on a scale that is now being proposed. This is mainly due to a lack of funding/funding opportunities over the years. A selection of previous consents is presented below and emphasizes how the grounds have suffered from relative neglect.

3.1 00176/E/L1 Repairs to conservatory

 Granted 21/02/03

3.2 00176/E/L10 Alteration to include roadway in front of cascade, existing structure to be conserved, cascade to be made operational, new wall to be built to protect existing fabric from falling water and associated landscaping works.

 Granted 19/12/95.

3.3 00176/E/L12 Ironwork, conservation work, clean stonework, block side pedestrian gate, improve drainage and redecorate gates and entrance to building.

 Granted by S of S 13/01/06.

3.4 00176/E/L13 Installation of Sphinxes on top of reduced height piers in the forecourt to the front entrance of building.

 Granted 6/12/05.
3.5 00176/E/P9 Retention of a toilet building approved under temporary planning permission dated 29 January 1998.

Granted 15/05/00.

3.6 00176/E/P10 1) Change of use of part of existing cricket club to mother and toddler drop-in club incorporating fenced garden tea area, tea/coffee and snack facilities.

Change of use of depot and storage area into nursery with sales of garden plants and sundries incorporating the erection of a sales building and formation of loading area.

No record of outcome.

3.7 00176/E/P11 Development of a retail nursery for the cultivation and sale to the public of plants with local historical connections, specimen plants and plants requiring unusual growing conditions: and the sale of statuary and a limited range of gardening ancillary products. Provision of 15 additional car-parking places in existing car park and two access paths.

Withdrawn 11/08/03.

3.8 00176/E/M3 Circular 18/84 consultation for the repair and restoration of existing buildings and associated structures for use as interpretation centre.

No objection 26/10/99.

4.0 DETAILS

4.1 English Heritage have considered what needs to be restored at the site and also new features/facilities that will be needed in order to secure the long-term future of the site.

4.2 There are several elements to the proposals:

- Erection of a Marquee for events, which would be in place for part of the year.
- Demolition of the old café and the construction of a new one in an adjacent location.
- Erection of buildings in the service yard.
- Restoration of the Conservatory.
- Conversions, Refurbishment and Change of Use of Existing Buildings.
- Creation of a toddlers play area.
- New Footpaths and Service Roads.
- New Lighting.
- New Access, Gates, Fencing and Walls.
- Car Parking, Ramps and Steps.
- Other works, including the, statuary, a composting area, fencing, a new bridge, improvement of water quality and pond cleaning.
- General Cleaning/Repair/Maintenance.
- Tree Works to restore the site to its original landscape design.
Erection of a Marquee

4.3 A marquee area would be provided for the erection of a marquee for hospitality events. The Marquee/Marquee Area is proposed for the southeast quadrant of the gardens. The area would be hard landscaped (in hoggin gravel) and designed to drain easily. When not in use this area would be fully accessible to the public and will feature trees and shrubs in tubs, as well as public seating. This area would be used for educational and community use when not in use for events.

4.4 This would be sited to house the marquee for a period of up to 3 months in early summer and 1 month in the winter. It would take 2 days to erect. The Marquee would be approximately 30m long by 15m deep. The ridge height would be no greater than 5.1m. It is envisaged it will take no more than 350 people and will include seating, temporary washrooms and catering areas (food will be prepared off-site). Power will be provided from a retractable feed and waste would be removed from the site in the evening after the events are over. The marquee is designed to be the same colour as the stonework of Chiswick House, but no further details of appearance have been given at this time.

Demolition of the old café and the construction of a new one in an adjacent location

4.5 The existing café is to be demolished and replaced with a new purpose built building in a location to the east of the main house. This new location is in an area that was previously occupied by service buildings, which were demolished in the 1930s. This building will include toilet facilities. The building will be modern in design and would be constructed of Portland Stone and white concrete. It would be an l-shaped single storey structure 4.1m in height, with a flat sedum roof. The internal floorspace would be 350m² and there would be an outdoor seating area of 100m². It is designed to seat 80 people inside, with a further 40 under cover outside in a colonnaded seating area.

4.6 The toilets would also be usable by disabled people and they would be allowed to park in the forecourt of the house of the Cedar Avenue forecourt, as at present. There would be a level access and automatic doors at the entrances.

4.7 Servicing and refuse collections/deliveries would be along the Old Burlington Lane in fixed early morning periods. Pollards will prevent vehicular access to the café along this route at all other times. There will be a new refuse area for the café (and other users of the site) on the south side of Old Burlington Lane.

4.8 It is envisaged that the café would be let out to a franchise/franchisees.

Erection of buildings in the Service Yard

4.9 The yard/depot area to the north of the conservatory would be remodelled to improve staff facilities, storage, education, horticultural and workshop facilities. This will entail the removal of the existing open sided store and its replacement with a similar style structure in a new location and a new mess building. The existing barn would be replaced by a light steel frame barn building and be re-sited. A roof link would be built between the education building and the stable block.

Restoration of the Conservatory

4.10 The conservatory will be repaired and restored in order to provide increased public access and facilities. As much of the original as can be will be salvaged during the process. The central pavilion of the site would then be used to hold corporate hospitality, events, exhibitions and educational meetings, whilst providing a restored historic setting for the prized camellia collection.
Further Conversions, Refurbishment and Change of Use of Existing Buildings

4.11 In the yard/depot area several redundant portacabins and similar structures would be removed and the remaining glasshouses repaired for horticultural education purposes. The west conservatory back sheds would be restored and the east backsheds refurbished for use as offices, a kitchen and toilets.

Creation of a toddlers play area

4.12 This is only at the outline stage, but the aim is to provide a dog-free fenced area of circa 1520m² to include play equipment (750m²) and public art built from the trees that would be felled.

4.13 The equipment that is envisaged would be limited to swings, a play tower, and other equipment which has yet to be decided upon. Appropriate safety surfacing would be used.

New Footpaths and Service Roads

4.14 The existing path from the Cascade to the house forecourt would be realigned and widened in part and a paved turning circle created outside the forecourt. The house forecourt would be restored to its original dimensions with new surfacing and natural stone kerbs.

4.15 A new path on the alignment of a historic route will be constructed between the Deer House and Patte D’Oie (Goose Foot).

4.16 The existing Western Allee would be removed and the path restored on its historic alignment.

4.17 An new path would be constructed to link the newly unblocked Rustic House Gate entrance with the car park, Eastern Allee and Northern Wilderness path network.

4.18 The existing informal paths within the Northern Wilderness and along the Central Allee will be formalised with a hoggin surface.

4.19 The path layout around the Doric column in the Rosary is to be reconstructed with a circular path and improved drainage falls.

4.20 The Conservatory will be linked to the Walled Gardens with a formal footpath to replace the existing grass surface.

4.21 The existing footpath through the Western Walled Garden (Hockey Field) will be converted from a footpath to occasional service road.

4.22 New hoggin footpaths will be provided within the Southern and Northern walled gardens.

4.23 New paths will be added to provide pedestrian and service access to the new Café building. All paths will be suitable for the intended vehicular use and constructed from macadam with a gravel dressed surface.

4.24 The existing Old Burlington Lane will be realigned.

4.25 The macadam aprons either side of the classic bridge will be reconfigured to provide better connectivity with the realigned path system and ensure there is disabled access around the bridge.
New Lighting

4.26 Lit routes will be provided from the south front of the house to the Great Chertsey Road Gate; between the public car park/Northern Walled Garden and the House/café (this will include lighting bollards and statuary lighting); between the House and the new café and from the café to Old Burlington Lane.

4.27 A mix of wall and pole mounted lights would be placed in the depot/yard area.

4.28 Permanent standard lamp and lighting bollards would be provided along Dukes Avenue, Old Burlington Lane and the Forecourt approach.

New Access, Gates and Walls

4.29 The existing brick ha-ha is to be restored/repaired to its original length from the Deer House to Inigo Jones Gate.

4.30 The existing blocked Rustic House Gate from the public car park would be opened up and repaired, with a new cast iron gate provided to enhance and secure the entrance.

4.31 New iron gates would be installed to the existing pedestrian gateway between the Rosary and Western Walled Garden.

4.32 Within the depot area new access would be made through the existing brick wall to allow vehicles access to the park via the rear Gardens. The access will be secured with new timber gates.

4.33 The access to the yard/depot from Duke's Avenue will be widened to ease access for larger vehicles. This will involve the dismantling of one of the existing gate piers and a small section of wall and the reconstruction of the pier using the original brick and to match the existing post.

4.34 Erection of a new 1.2m high metal vertical railing in the depot.

4.35 Erection of gates to Western Walled Garden on access road from car park.

4.36 A new timber gated access will be provided for pedestrian access from the Western Walled Garden to the Eastern Allee.

4.37 The redundant toilet block between the western and northern Walled Gardens would be demolished. A small section of the west wall of the northern Walled Garden would be demolished and replaced with a new wall.

4.38 New timber close board gates would be installed to the entrance of the northern and western Walled Gardens in order to enable this area to be secured. The gates would be painted and would match other new timber gates.

4.39 The east boundary of the northern Walled Garden would be reconstructed.

4.40 The southern Walled Garden would have its east wall doorway unblocked and a new timber gate fitted.

4.41 A timber close board fence would be provided between the depot and western Walled Garden.

4.42 There would be a new metal gate to the central wall between the northern and southern Walled Gardens.

4.43 Various works would be carried out to the car park entrance and to the Duke’s Avenue entrance from the A4.
Car Parking, Ramps and Steps

4.44 DDA compliant ramps will be provided adjacent to the existing steps at the eastern and western end of the Conservatory terrace.

4.45 DDA compliant handrails will be added to the existing east and west conservatory access steps.

4.46 Staff car parking will be provided within the yard (tarmac surface).

4.47 A new tarmac access road and footpath would be provided to the northern Walled Garden to provide vehicular access. This area would then be converted into a grassed orchard for use by the public for fairs, as well as for use as an occasional parking facility. 118 parking spaces would be available on a reinforced grass surface, which could also be used for recreational purposes.

4.48 The existing car park would be reconfigured to provide 9 additional spaces.

4.49 The existing steps into the northern walled garden would be broken and replaced with new steps, a handrail and paving to improve the setting of the entrance.

4.50 Stepped ramps, constructed from natural stone with a steel handrail, and would be created to the western and eastern ends of the Terrace.

Other works, including statuary, composting area, fencing, a new bridge, improvement of water quality and pond cleaning.

4.51 The Octagonal Pond would be cleaned and improved with a new drainage point and child safety grille.

4.52 A statue of the Venus de Medici would be installed on the Doric Column in the Rosary.

4.53 A 300m^2 compost area would be provided within the depot area. This will consist of a concrete base, walling and drainage.

4.54 A toddlers play area will be provided adjacent to the new café.

4.55 Existing fencing around the River would be regularised.

4.56 A new timber oak bridge would be provided to the Southern Pool.

4.57 The water quality of the River would be improved, although most of this work will form the contents of a separate application.

4.58 Internal repairs to Rustic Gate.

4.59 Plinths in the forecourt would be returned to their original positions.

Tree Works

4.60 Substantial tree removal is proposed throughout the park in order to restore the historically important views that form an integral and vital part of the English Landscape Garden style, the reason why the grounds were listed. Such work would also remove inappropriate tree species, improve the ecological value of the woodlands and facilitate other improvements.

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4.61 A total of 350 out of 3,500 trees will be removed, with 1600 new trees planted. These new trees will be mature/semi-mature with girths of between 16-18cm. New trees will be planted in the car park, the avenues, the Grove, the walled gardens and there will also be some general planting to enhance views. The Italian Cypress Trees in the Avenue will be replaced, as will the Cedars in the front forecourt. Further details are in the supplementary statements of the application.

4.62 A comprehensive Assessment of Ecological Impacts study has been submitted with the proposal to show that the work will not harm endangered species, or wildlife in general.

Cleaning, Repair, Maintenance

4.63 There would be a systematic restoration/repair of all historic features.

5.0 CONSULTATIONS

5.1 485 neighbouring residents/interested parties were notified on 20/09/07. All relevant amenity/historical societies and relevant government departments/bodies were notified. Several site notices were displayed and a newspaper advert was published on 13/09/07.

5.2 79 responses were received, commenting both in favour (19) and against (60) the proposal. The responses are summarised below.

5.3 The vast majority of the negative responses objected to the loss of the trees.

5.4 Negative Responses

<table>
<thead>
<tr>
<th>Comment</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The work would be arboreal vandalism in the name of historical</td>
<td>The schedule of works for tree removal has been the subject of much thought and will restore the grounds to state they were designed to be in. Documents submitted with the application show that ecological impacts have been considered.</td>
</tr>
<tr>
<td>reconstruction. Stag beetle, bats and other wildlife would be harmed.</td>
<td></td>
</tr>
<tr>
<td>The loss of trees will mean there are fewer trees to absorb traffic</td>
<td></td>
</tr>
<tr>
<td>sound.</td>
<td></td>
</tr>
<tr>
<td>The café is too grand and competes with the house. It is a pseudo fake</td>
<td>The café has been designed to complement and yet be subservient to the main house, line the conservatory. It is modern in style, yet picks up the architectural nuances of the wider site.</td>
</tr>
<tr>
<td>and too obtrusive.</td>
<td></td>
</tr>
<tr>
<td>There is a colossal amount of concrete involved.</td>
<td>This is not the case.</td>
</tr>
<tr>
<td>There proposed lighting is excessive, costly and would disturb</td>
<td>The lighting is appropriate to its location and would disturb wildlife no more than the generally busy environs of the park presently disturb it.</td>
</tr>
<tr>
<td>wildlife.</td>
<td></td>
</tr>
<tr>
<td>Lord Burlington’s vision for the site should not be what the site is</td>
<td>The site is listed because of the historical importance of Lord Burlington’s vision. Therefore, its restoration to this state is key.</td>
</tr>
<tr>
<td>held to. We cannot go back in time.</td>
<td></td>
</tr>
<tr>
<td>Comment</td>
<td>Response</td>
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</tr>
<tr>
<td>Traffic problems around the site are already evident and would increase.</td>
<td>This is not agreed. The applicant's transport assessment and the Head of Traffic and Parking do not consider traffic safety/parking issues to be problematic.</td>
</tr>
<tr>
<td>The café would hide archaeological artefacts in it new location.</td>
<td>The applicant's archaeological statement shows that they have considered how to protect any local archaeology.</td>
</tr>
<tr>
<td>The café does not need to be replaced and the playground is not necessary.</td>
<td>These are not planning considerations.</td>
</tr>
<tr>
<td>The proposed new access routes will be out of keeping with the existing layout and will be dangerous. Deliveries to the new café will be problematic. Access to the general public will be denied and there will be a conflict of uses.</td>
<td>This is not the case on either ground. Transport and servicing provision is considered acceptable and the new routes restore historically accurate routes. See Section 7 paragraphs on Marquee.</td>
</tr>
<tr>
<td>There will be excessive noise from the hospitality events.</td>
<td>Condition and other areas of legislation can regulate these matters.</td>
</tr>
</tbody>
</table>

5.5 Positive Responses

<table>
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<th>Comment</th>
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<tbody>
<tr>
<td>The opening up of views and vistas not seen for generations and the vigorous replanting and tree management activities outweighs the loss of trees. The garden needs care and maintenance in order to restore it to its former glory, so it can be enjoyed in the future. Remaining tree species should be allowed space to develop. A huge amount of time and money has gone into accommodating the various interested parties, many of who were reluctant to accept that there were considerations other than their own. There are an unacceptable number of trees in the grounds, which are dead, dying or dangerous, and action is now finally being taken to prevent further accidental fellings. The park is also swamped with invasive species, which should be removed, as they swallow space for indigenous species and prevent light filtration. No major feature trees are to go. There is a 4:1 replacement ratio of trees as opposed to those being felled. There has been wide-scale negligence of the park, the conservatory is rotting, and trees are dead. With the right will, concerns about noise, traffic, parking and abuse of the site can be managed. We did have concerns about the loss of trees, but have now attended a conducted tour of the grounds, are satisfied that the works are appropriate. Chiswick House has one of the most important 18th Century landscapes in the world and has been an international inspiration. The restoration should be supported.</td>
</tr>
</tbody>
</table>
This is the opportunity of a lifetime that should be taken following years of neglect. The scheme should be looked at holistically and not with regard to individual trees. The proposal will benefit contemporary users as well as preserve the historical context. This is clearly demonstrated by the way in which the design for each aspect takes into account all historic, natural and visitor requirements.

It is a fact that most older parks and gardens suffer from the impact of natural regeneration and/or ill-considered planting. Spaces become confined, intervisibility between spaces and the long views, which are so important to the sense of a landscape’s spaciousness, disappear. In public parks such as Chiswick, this has an impact on users perception of security as well as on the general enjoyment of the site.

The present café is unhygienic and a disgrace. The present condition of the café limits it to park users and is a wasted resource between the end of October and Easter. When the present café is closed there are no toilet facilities in the gardens.

It is good to see that the weeping willow and other large trees close to the café will be retained.

The harsh reality is that the Trust cannot guarantee financial sustainability after any Heritage Lottery Fund granted is awarded, so the marquee is necessary. To earn funding these events are needed and people want to be near the house for photos etc. Beautiful wildernesses need to be managed to continue to thrive.

Amenity Group Responses:

5.6 **Chiswick House Friends**: The Friends seek to see a commitment regarding traffic use/times of use of Old Burlington Lane and vehicle speed, and object to the loss of trees in the existing car park, but generally support the proposals.

5.7 **London Parks and Gardens Trust**: The Trust considers the house and grounds to have importance recreational and cultural amenity for local residents, but consider that it cannot be forgotten that the site has a national and international significance. It is also of outstanding significance among Hounslow’s great number of historic landscapes. The task is now to consolidate the estate and put it back into good and sustainable order. The proposals represent a good balance between recreational expectations of local people and the need to reinforce and consolidate historical aspects of the design.

5.8 **Garden History Society**: They consider that the applicants have followed good conservation practice in developing their proposals, so that there is minimal impact on the historic fabric, character and appearance of the site. The café will occupy and area of the site that was built upon until the 1930s and there will therefore be minimal impact on the listed villa and landscape. They have noted, with considerable concern, the steady decline of this landscape and consider that the proposals are acceptable and that permission should be granted.

5.9 **The Georgian Group**: The group support the planting scheme, are neutral on the café and object to the marquee. They question the basis on which the marquee is needed and ask that it be assessed against the guidelines on enabling development.

**Traffic and Parking**

5.10 The Head of Traffic and Parking does not object to the scheme and essentially regard the development as being an upgrade of what exists there anyway, with only a marginal increase in traffic likely. They consider that the improvements as summarised in the Transport Assessment Report mean that there would be no objections from a Highways point of view.
The Council’s Arboricultural Officer is satisfied that the management proposals for the trees are sound and reasonable arboricultural practice.

However, CIP’s ecological section consider that there is no attempt to address the issue of damage to bat roosts not due to be felled, and does not consider the overall impact of the works on the bat communities of the site. They also consider that not all avian issues have been considered and that badger mitigation is sketchy in detail.

Chiswick Area Committee

The proposal will be discussed at the 5 December meeting and the Committee’s comments will be published as an addendum.

6.0 POLICY

The Unitary Development Plan (UDP) and London Plan are both development plans for the Borough. The UDP was adopted in December 2003 and amended and saved by direction from the Secretary of State in September 2007. The London Plan was adopted in February 2004 and the First Alterations incorporated in December 2006

London Plan
Policy 2A.1 Sustainability criteria
Section 3D.4 Improving London’s Open Environment
Section 4B Designs on London
Policy 4B.1 Creating an inclusive environment
Policy 4B.5 Creating an inclusive environment
Policy 4B.6 Sustainable design and construction
Policy 4B.7 Respect local context and communities
Policy 4B.10 London’s built heritage
Policy 4B.11 Heritage conservation

Unitary Development Plan 2003
ENV-B.1.1 New Development
ENV-B.2.2 Conservation Areas
ENV-B.2.7 Alterations to Listed Buildings and Buildings of Local Townscape Character
T.1.4 Car and cycle parking and servicing facilities for developments.
C.4.3 Physical access to social and community facilities.
ENV-N.1.5 Protection of Metropolitan Open Land.
ENV-N.1.6 Metropolitan Open Land: Acceptable Uses.
ENV-N.1.9 Metropolitan Open Land improvements.
ENV-N.1.16 Historic Parks and Gardens.
ENV-N.2.2 Sites of Regional/ Local nature conservation.
ENV-N.2.3A Species Protection.
ENV-N.2.6 Landscape Features.
ENV-N.2.7 Trees and Community Woodlands.
ENV-N.1.11 Protection and improvement of Local Open Space.
ENV-B.3.1 Ancient Monuments.
ENV-B.3.2 Sites of archaeological importance.
6.4 **Other relevant documents:**

- PPG15 Planning and the Historic Environment.
- English Heritage- Farming the Historic Landscape-Caring for Historic Parkland.
- PPG16 Archaeology and Planning.
- Natural England- Designed Landscapes & Country Parks (AP 00/4)

### 7.0 PLANNING ISSUES

#### 7.1 The main planning issues to consider are:

- The acceptability, in principle, of the proposal, including its compatibility with the Metropolitan Open Land Designation.
- The impact of the proposal on the listed building and its setting.
- The importance of the restoration of the grounds.
- The enhancement of the conservation area.
- Parking and Access.
- Impact on neighbours.
- Whether the principles of enabling development have been met.

#### 7.2 If the proposal complies with all of the policies listed below, then it would be acceptable.

#### 7.3 Policy ENV-N.1.5 of the UDP defines Chiswick House and Grounds as being Metropolitan Open Land. The Council will give special regard to conserving and improving its character, appearance, historic, cultural and ecological value, whilst increasing access to, and enjoyment of, open space. This scheme represents a way of improving all of these values.

#### 7.4 Policy ENV-N.1.6 states that planning permission will not be granted, except in very special circumstances for the following uses where necessary:

- *Public and private open spaces and playing fields.*
- *Agriculture, woodland and orchards.*
- *Nature conservation.*
- *Allotments and nursery gardens.*
- Cemeteries.
- Rivers, canals, reservoirs, rivers, docks and open water.

#### 7.5 The proposal would aim to improve and preserve at least 4 (in italics) of these 6 uses and provide ancillary buildings and structures to serve these uses, principally in the form of the café and marquee. The proposals therefore do not constitute a departure from Metropolitan Open Land designation and permission could be granted, if the Committee considers that they do not detract from the open nature and special character of the area.
7.6 Policy ENV-N.1.9 states that the Council will pursue ways of improving MOL, so that it provides and attractive landscape, provides visual amenity, is maintained and managed, and so that there is enhanced provision of access and use on land in private and public ownership. Again, the objectives behind the proposal are in accordance with this policy.

7.7 Policy ENV-B.2.7 and PPG15 requires that alterations to listed buildings should be in keeping with the character of the building, preserve their special architectural and historic features and their surroundings. Paragraphs 2.16 and 2.17 of PPG15 “Planning and the Historic Environment” requires that planning authorities should have special regard to the desirability of preserving the setting of listed buildings.

7.8 Paragraph 3.4 of PPG15 states that applicants for listed building consent must be able to justify their proposals. They will need to show why works, which would affect the listed building, are desirable or necessary. They should provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

7.9 Paragraph 3.5 states that included in the issues relevant to the consideration of listed building consent applications are:

The buildings setting and its contribution to the local scene, which may be very important.

The extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment.

7.10 As following sections will show the proposals do meet these objectives. Whilst the main listed building is not to be restored until Phase 2 of the restoration process (and this will be the subject of a separate application), the addition of a new café and a temporary marquee will ultimately improve and enhance the setting of the listed building and its surrounding historic parkland, through their complementary appearance and their ability to raise much needed revenue for restoration. Similarly, the restoration of ancillary buildings, such as the conservatory, will also contribute to the protection of the historic landscape. Much of this work is essential in order to retain these buildings for the future.

7.11 English Heritage state that the principle of parkland conservation is to protect and retain the original historic fabric where possible, to accurately repair where needed, and to sustain its ecological and amenity value. Repair may also involve restoring the landscape to a previous form. This statement emphasizes the need to balance design landscapes and their importance against ecological matters.

7.12 UDP Policy ENV-B.2.2 states that the Council will require new development in Conservation Areas to preserve or enhance the character and appearance of the area and take into account any guidelines specific to the Conservation Area in question. The Old Chiswick Conservation Area was designated primarily to protect views within, into and out of the 18th Century designed landscape and it main objective is to preserve and enhance the open land character of Chiswick House grounds and to protect and enhance the setting of listed buildings within the area. Policy ENV-N.2.7 requires that all trees of landscape and amenity value be retained. If a tree is considered worthy of retention this is a constraint to development.
7.13 Two recent reports by Natural England (Town and Country Parks, 1999 by the House of Commons Environment, Transport and Regional Affairs Committee and Landscape Heritage Trust Report 1999 by PricewaterhouseCoopers) have highlighted the serious decline in the condition of parks, gardens and designed landscapes due to local authority budget cuts, lack of grant funding and severe skill shortages and training opportunities.

7.14 English Nature’s (Now Natural England’s) Veteran Trees- A Guide to Good Management states:

“At a limited number of sites, the veteran trees will themselves form the basis of an overall landscape design. Usually this happens where the trees have been planted, or incorporated, as part of a late 17th or early 18th century layout that has not undergone the more usual reworking as a result of changing fashions. At such sites there might well be a debate about how to best manage the landscape for the benefit of present and, more particularly, future generations. This becomes more pertinent as the design loses its integrity and becomes gappy.”

7.15 English Heritage: Enabling Development and the Conservation of Heritage Assets states that:

“Permission should only be granted if the asset is not materially harmed and the applicant convincingly demonstrates that on balance, the benefits clearly outweigh any disbenefits, not only to the historic asset or its setting, but to any other relevant planning interests.”

7.16 Its defining characteristics are that it is contrary to established planning policy and that the gain from contravening policy subsidises a public benefit that could not otherwise be achieved. Thus, unlike most planning applications, financial issues are central to determining proposals for enabling development. Public gain must outweigh public loss.

7.17 English Heritage believes that there should be a general presumption against “enabling development” which does not meet its criteria. Subsequent sections will show that this case has been met by the proposal.

7.18 Paragraph 3.11 says that it is not acceptable to significantly damage a designed landscape forming the setting of an historic building simply to finance the buildings repair. Para 3.12. states that intrinsic design quality cannot overcome objections of principle in relation to siting and volume.

7.19 Paragraph 4.32 says that LPAs take a firm line against granting consent for any development which could be considered detrimental to a heritage asset, its setting and its long-term viability.

7.20 For reasons to be detailed in subsequent sections of this report, it is considered that this proposal does meet all of these policy requirements and has considered all relevant implications, particularly with reference to ecological impacts. Therefore, the principle of the development is acceptable.
The impact of the proposal on the listed building, its setting and the wider Chiswick House Conservation Area and the importance of the restoration.

Tree Removal and Ecology

7.21 Burlington’s designed landscape is a key reason why the house and its ground have received special heritage protection status. The bulk of the objections to this scheme have focused on the perceived damage to this landscape, particularly the trees. Therefore this section of the report will first focus on this issue, before moving onto to consider the changes to the non-vegetative aspects of the site.

7.22 A total of 350 out of 3,500 trees will be removed, with 1600 new trees planted. Further details are in the supplementary statements of the application.

7.23 English Heritage and Natural England policies state the importance of balancing the restoration of designed landscapes against ecological considerations. With regard to the former the site is internationally recognized as being an exemplar of the English Landscape Garden movement, of which William Kent was a founder. Nature was established as a value and the natural style was informal and asymmetrical. This was in direct opposition to the French and other mainland European styles, which were seen as formal, abstract and sterile and aimed to constrain and dominate nature. It included serpentine lakes, winding drives, and clumps of trees in lawns that reached from the wooded distance to the house and ha-ha walls. These features were all present in Chiswick House, although many are now not in an optimum state.

7.24 The natural style saw an emphasis on views, which came about as gardens extended into the surrounding landscape. Consequently house and surrounding countryside came to be designed as one entity. The ha-ha was used as a way of keeping animals away from the house.

7.25 Most of these views have been eroded over time through the realignment of paths, and the self-seeding of trees. Given that these views are a key part of the design ethos of the site, their reinstatement is key to the character and appearance of the house, the wider conservation area and the registered historic garden status. Whilst this work, in an ideal world, should have been carried out in the past and the land should have always been maintained as originally designed, on a regular basis, this has not happened, principally due to a lack of funding and skilled staff and not through the will for the land to revert to an unplanned state. This has resulted in many self-seeded trees, of which many are invasive species. Nonetheless this has happened and there are ecological implications for the plant and, particularly animal, wildlife, which has established itself in the park.

7.26 The applicant’s ecological assessment shows that these ecological considerations have been considered and all of the trees that have been proposed for removal (a total of 350 out of 3,500 trees with 1600 new trees planted) have been assessed. The conclusion states that there may be temporary disturbance of ecology, but that the majority of these impacts are temporary and reversible. In order to balance against the potential for some limited harm, there are measures in place to provide replacement roosting perches, retention of hedges/trees that ideally should have been removed, plus other measures.

7.27 Furthermore 1600 new trees will be planted, creating new habitats for wildlife and in accordance with Natural England’s handbook on how to manage veteran trees.
7.28 The Council’s Arboricultural Officer is satisfied that the management proposals for the trees are sound and reasonable arboricultural practice and has pointed out that most of the trees to be removed are not mature, or semi-mature. Consequently, it is considered that their contribution to the area and their potential for wildlife habitat use is limited. Additionally, the removal of most of the self seeded sycamore, holly and elder is also good management practice. Others fall in the dead, dying or dangerous category.

7.29 Therefore, the tree loss and associated replacement and enhanced planting is considered acceptable in these circumstances. However, given that there are concerns from CIP about the impact of wildlife on the site, safeguarding conditions are proposed to be imposed to protect wildlife at the site.

Restoration of existing and construction of new and temporary buildings / structures

The Marquee/Marquee Area

7.30 Other than its location, details of the marquee are limited at the present time and further details, such as hours of use; deliveries, colour and other aspects of appearance will be conditioned should the recommendation for approval be accepted.

7.31 English Heritage considers the Marquee necessary, in order to generate business critical income, which will support the financial sustainability of the gardens following restoration and this aspect of its suitability will be discussed in a subsequent section of this report. Previously, such marquees have been sited to the north of Chiswick House. This new location is out of the traditionally historic landscape setting and is in the existing service yard, which is, and will continue to be sheltered/hidden by the presence of many mature trees. This area of the grounds was relatively built up, until the 1930s when the buildings were demolished. Therefore, the marquee will re-establish this trend. The tree cover will mean that the marquee will be hardly visible in the park and from beyond. Therefore its erection would not detract from the open nature and special character of this area of Metropolitan Open Land.

7.32 The use of the marquee base as a public square/community facility when not is use for functions is an acceptable compromise for this relatively small area of the park being used for private functions, especially as the yard is not used by the public at present. Bringing this private unattractive area back into use and as an attractive landscaped feature, will only serve to add to the setting of the listed building and the appearance of the historic gardens, creating an attractive and usable feature that will be available to the public for 8 months of the year.

7.33 Whilst there is the assumption that the marquee area will be a private area for hire when the marquee is up, as it is largely self-contained, with its own cooking, bathroom and limited delivery (and proposed limited refuse collection) hours along Old Burlington Lane (the area will be physically barred to traffic by bollards outside these early morning times), this relative isolation should mean that its operation should not stop the remainder of the park and the house itself from being used by the general public.

7.34 The use of the northern walled garden as an ad hoc parking area for these events, and the fact that visitors to these events will not be allowed to use other public car parks at the site, should mean that there would be no additional parking pressure at the site.

7.35 As there is concern about the long-term impact of the marquee on the site, a condition is proposed to limit its presence to an initial 3-year period. After this time, its relative merits can be assessed and, if appropriate, the permission for its erection and use can be renewed.
The Café

7.36 The café is to be an L-shaped single storey structure 4.1m in height with an internal floorspace of 350m² and further 100m² of outdoor seating. The siting of the café is different to that of the present structure and has been selected following extensive consideration and comparison against other sites. The chosen location sees it moved to an area that was previously developed until the 1930s. Therefore, its location would only involve the removal of less mature vegetative landscaping. A key consideration of the location is its potential to attract franchisees (through being near the house) and enable revenue to be made from the site to prevent the site from falling into disrepair again.

7.37 Furthermore, the siting has been specifically chosen for its views to and from Chiswick House. The new location would create an area of activity (along with the marquee) around the house and would enable the setting of the gardens to remain uninterrupted without the main building appearing swamped and crowded by other structures. Therefore its erection would not detract from the open nature and special character of this area of Metropolitan Open Land.

7.38 The building has been designed to be respectful of the Palladian architecture of Chiswick House, yet retains its own contemporary identity. It is a modern structure next to an 18th century house, but its limited height and the fact that many retained mature trees will surround it will mean that it is acceptable. The face-work is Portland Stone and white concrete, which is light in colour and echoes the colouring of the main house and other garden structures. The roof of the building would be sedum, thereby enabling it to act as a further green space in the park.

7.39 The building should enable a more freely available provision of public conveniences. The current ones are frequently locked.

7.40 The general location and appearance of the building are considered acceptable and would replace the existing dilapidated structure, which does not add to the character and appearance of the conservation area and historic landscape.

7.41 The servicing arrangements would be the same as those for the marquee and would be similarly suitable, ie café deliveries and refuse collection would be restricted to before 9.30am. It is recommended that a condition also be inserted stating that such activity should also not take place on site prior to 8am, in the interests of neighbouring occupiers. Any deliveries after this time will be occasional and walked through. A 5mph speed limit is proposed for the site.

7.42 The Children’s Play Area. The details of this are yet to be finalised, but the intention is to provide a dog free area of approximately 1520m² (equipment area 750m²), large enough to include both play equipment and informal play areas. There would also be artwork, which would reuse timber felled in the tree and woodland management program. Further details will need to be submitted probably under a separate planning application.

7.43 The general location is in an area that is already used as an informal play area by regular users of the park and it could easily be used by patrons of the café, so provides an element of safety and security, as it is naturally overlooked. It also continues the trend of grouping such activities in a well spaced area of buildings that are centred away from the main body of the site (particularly the more open eastern side) and yet are far enough away from the Burlington Road boundary, so as to not be highly visible from there.

7.44 The use of part of the site as a children’s’ play area is acceptable and conditioning further details would ensure that it would not harm the setting of the listed building.

7.45 The Yard, Depot and Stable buildings are all of a type and location that are in keeping with the site.
The Conservatory

7.46 The repairs to the Conservatory are necessary in order to restore it to its original condition. Restorative work that has been carried out in the past has resulted in wood rot and the building is not in an ideal state. The renovation does not alter the existing scale of the building or any of its elements, but simply involves restorative work that seeks to salvage as much of the original structure as possible. This building is a key feature of the landscape and the restoration will enhance this part of the gardens.

7.47 The Backsheds will be refurbished to become a study, training and interpretation centre. This will involve works to the roof and is considered acceptable.

7.48 Water Features and Associated Structures. The reparation of the Octagonal Pond will bring a key feature of the site back into active use and the new small fountain is indicative of the original design. The safety railings will be removed and this will improve the setting of the pond. A new safety feature will be a child safety grille just below water level.

7.49 The existing railings along the river will be replaced with new ones of a similar height and design, thereby retaining the riparian setting. Railings would not be replaced along the Western Lawns water edge, in order to accord with William Kent’s design, which sought to create uninterrupted views of the villa from across the river and thereby visually unifying House and Gardens. The riverbank will would be made shallower in this area to compensate for the safety margin provided by the railings. This does raise issues regarding safety, but given that the area would be opened up as part of the tree removal program this should allow for a high visibility for users with children. The more isolated amphitheatre basin will remain fenced off and this is considered to be a prudent safety measure.

7.50 A new oak bridge would be installed at the Southern Pool to replace the existing bridge, which is in a poor state. Vegetation would be thinned around the bridge, in order for it to be viewed as designed. These are purely cosmetic measures that will also make the area more usable.

7.51 The classic bridge will be repaired and restored and the surface replaced with a more historically appropriate gravel dressed tarmac. The surrounding paths have also been redesigned.

7.52 All of these restored features will add to the character and appearance of the parkland and should make the site more usable.

7.53 The extended Ha-Ha, Gates and Walls. As detailed earlier the ha-ha is a key feature of the English Landscape Garden style. The ha-ha, which is adjacent to Inigo Jones gate, has been filled in. The ha-ha would now be extended and the coping restored, so that the historic character of the area is enhanced.

7.54 Various other gates and walls will be upgraded, repaired, restored. All of the work is considered to be in keeping with the historic appearance of the area. Of particular note is the restoration of the Rustic Gate in the main car park, which is presently bricked up and relatively unsightly and unused. This will be restored to working order and will make a feature of what is otherwise a largely functional area.

7.55 Lighting, Bollards and other Site Furniture. Lighting is necessary in order to encourage a greater and safer use of the park. The lighting is low-level and low-rise where appropriate and light pollution would not spill out into nearby residential areas.

7.56 There would be a regularisation of other street furniture in the park. There would be new and an increased number of benches and new litter and dog excrement bins that are more in keeping with the design and style of the park.
Parking and Access

7.57 Throughout the park there will be both the reinstatement of historical path routes and new paths. Path surfacing treatments will include gravel dressed macadam, self-binding gravel and reinforced grass. Where required paths surfaces will be actively drained. Drainage and uneven or broken surfacing is a particular problem with some of the paths at the moment, so these aspects of the scheme represent a significant improvement from the present situation.

7.58 The Head of Traffic and Parking does not object to the scheme and essentially regard the development as being an upgrade of what exists there anyway, with only a marginal increase in traffic likely. They consider that the improvements as summarised in the Transport Assessment Report mean that there would be no objections from a Highways point of view.

Impact on Neighbours

7.59 The site is by its very nature a rural site at the heart of an urban area, yet while it is a large presence that cannot be missed in the area, it is largely self-contained. This means that it remains a relatively unobtrusive feature in the lives of its immediate neighbours.

7.60 The scheme has been designed to maintain this situation and as the marquee would not be visible from outside of the site, it is considered that the only aspect of the scheme that could harm neighbours is the traffic issue, which had been assessed by the Head of Traffic and Parking and is considered acceptable. It is not considered that the loss of trees would make any of the site, new or otherwise, anymore visually obtrusive in the area, or that there would be more diffusion of sound from the site into the area, due to the safeguarding conditions proposed.

7.61 It is proposed to condition the hours that any events held at the park can be held for and that a list of days that the site will be used to hold such events, outside of the marquee dates, be submitted for approval each year.

Whether the principles of enabling development have been met

7.62 It is widely accepted that the reason that no major works of any description have been undertaken at the house and gardens in the recent past has been due to a lack of funding/funds.

7.63 The work to use the site for corporate events etc is effectively enabling development, as it is not the use for which is was designed and there could be minor, if reversible, harm, caused to the site by such use.

7.64 English Heritage believe that there should be a general presumption against enabling development which does not meet all of the criteria listed below.

7.65 **Criteria 1:** The enabling development will not materially detract from the archaeological, architectural, historic, landscape or biodiversity interest of the asset, or materially harm its setting.

7.66 As discussed earlier the scheme, with safeguarding conditions, will not detract from any of these interests or materially harm the setting of the listed building.

7.67 **Criteria 2:** The proposal avoids detrimental fragmentation of management of the heritage asset.

7.68 There would be no detrimental fragmentation of the asset. This criteria is met. In fact the scheme would allow the site to be maintained as a whole though the revenue raised, so that restoration and maintenance need not be piecemeal in the future.

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7.69 **Criteria 3:** The enabling development will secure the long term future of the heritage asset, and where applicable, its continued use for a sympathetic purpose.

7.70 This is the case. The business plan for the site states that £808,000 per year will be needed for the site once the regeneration program is completed. The running cost will cover maintenance, staffing, admin and community liaison. In a fund starved climate, it is important that historic site such as these compete and learn to survive and become relatively self-sufficient. Even allowing for voluntary and charitable income the site would need to achieve a net income of £492,000. This is proposed to be achieved through retail, events, commercial leases, arts markets, education events, filming and photography, hospitality (40% of total needed, so therefore the marquee and conservatory restoration are critical), café (along with artists studios the café would also be a business critical earner), artists studios, birthday and other parties and residential tenancies. The business plan shows that this shortfall should be able to be raised by these activities.

7.71 **Criteria 4:** The problem arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the purchase price paid.

7.72 The problem has arisen because of the needs of the House and Gardens, although it is also somewhat true that the circumstances of the present owner, both of which are publicly accountable bodies, means that they cannot use the public funds required to sustain the site without depriving other functions that they serve.

7.73 **Criteria 5:** Sufficient financial assistance is not available from any other source.

7.74 It has long been acknowledged that the site has suffered due to a lack of funds and this cannot be in dispute. Heritage Lottery Fund monies are now the main source of grants for historic sites. However, with the advent of the 2012 Olympics much of these funds are being diverted away from sites such as Chiswick House. This proposal represents a last chance for the site to receive state financial assistance and the resultant enabling development has been proved necessary in order to provide the site with a revenue stream.

7.75 **Criteria 6:** It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset, and that its form minimises disbenefits.

7.76 The business plan clearly shows the amount of new development to be the minimum amount necessary. The benefits to the site (its restoration and continued maintenance) clearly outweigh the disbenefits, which are minimal at worst.

7.77 **Criteria 7:** The value or benefit of the survival or enhancement of the heritage asset outweighs the long-term cost to the community (i.e., the disbenefits) of providing the enabling development.

7.78 Given that it has been proved that the survival of the listed building and grounds depends on this development (which would also restore its setting) and it is contended that the long-term cost to the community is only going to be positive, it is not considered that the benefits of the scheme are outweighed by the disbenefits.

8.0 **EQUAL OPPORTUNITIES IMPLICATIONS**

- Awaiting Access Officer’s comments. His response is still being prepared and will be presented as an addendum.
9.0 CONCLUSION

9.1 The proposals are in line with national and local planning policy and guidance, as well as that advice offered by national amenity bodies. The scheme offers the chance to restore the house and gardens to the state it was designed to be in and will create an environment that is also more accessible to the public and which offers a range of facilities that will enable the site to be financially self-sufficient. Such self-sufficiency should mean that the park will never again be in need of such extensive restoration. Therefore the scheme is considered acceptable and approval is recommended.

10.0 RECOMMENDATION:

GRANT- Full Planning Permission.

For the reason listed below, the Director of Planning be authorised to issue planning permission for the development, subject to the following conditions:

Reason- Full Planning Permission

It is considered that these proposals, because of their position, design and appearance, would be acceptable, having due regard for the site characteristics of this Listed building and historic garden and would not be detrimental to the appearance of the Listed building, its ancillary/curtilage structures, the character and appearance of the wider Chiswick House Conservation Area, pedestrian and highway safety, or neighbours living conditions. The development is in accordance with the UDP Policies ENV- B.1.1 (New Development), ENV-B.2.7 (Alterations to Listed Buildings and Buildings of Local Townscape Character), ENV-B.2.2 (Conservation Areas), ENV-N.1.9 (Metropolitan Open Land Improvements), ENV-N.1.5 (Protection of Metropolitan Open Land), ENVN 1.6 (Metropolitan Open Land Acceptable Uses), ENV-N.1.16 (Historic Parks and Gardens), ENV-N.2.2 (Sites of Regional/ Local Nature Conservation), ENV-N.2.3A (Species Protection), ENV-N.2.6 (Landscape Features), ENV-N.2.7 (Trees and Community Woodlands), ENV-N.1.11 (Protection and Improvement of Local Open Space), ENV-B.31 (Ancient Monuments) and ENV-B.3.2 (Sites of Archaeological Importance), C.4.3 (Physical Access to Social and Community Facilities), T.1.4 (Car and cycle parking and servicing facilities for Developments) and Supplementary Planning Guidance and relevant sections of the London Plan.

Full Planning Permission Conditions:

1 A1A Commencement
2 B3 Matching Materials
3 B5 Detailed Applications
4 C27 Hours of Use of Marquee.
   Mon-Sat 12-00 noon - 12 midnight
   Sunday 12.00 noon- 12 midnight
5 C28 Hours of Deliveries and refuse collection (including band instrumentation delivery)
   Mon- Sat 8.00am-9.30am
6 C29 Hours of Construction
   Monday-Saturday 8.00-6.00.
7 D15 Noise Control
8 E1 Landscape works implementation
9 E17 Tree Surgery
10. **Samples of Hardsurfacing**

No development shall take place until samples and/or a specification of all the finishing materials to be used in any hard surfacing on the application site shall be submitted and approved in writing by the Secretary of State and thereafter undertaken in accordance with the approved scheme.

Reason: In the interests of the visual amenity of the area.

11. **Vehicle Movements**

Any vehicle used for commercial purposes including forklift trucks, shall only be started up, maneuvered, operated, loaded or unloaded between

*Monday-Friday 8.00-6.00*

*Saturday 8.00-1.00*

Reason: To protect the residential amenities of the area and to prevent noise and nuisance.

12. **Protect Major Roots and Site Inspection.**

All excavations in preparation of foundations and drainage and all works above ground level in the immediate vicinity of trees to be retained shall be carried out in a manner to ensure that all major roots that are uncovered shall be retained and foundations bridged around them, and all major branches shall also be retained unless the Local Planning Authority otherwise agrees in writing; such works to be carried out to the satisfaction of the Local Planning Authority.

Reason: To ensure that tree(s) are not damaged or otherwise adversely affected by the building operations.

13. **Restriction of playing musical instruments.**

No playing of musical instruments or operation of sound amplification equipment shall take place in any part of the premises open to the public, before 12pm, nor after 10 pm, on any day/at any time so as to be audible outside the premises.

Reason: To ensure that the proposed development does not prejudice the amenities of nearby occupiers or the area generally.

14. The developer shall prevent any mud, dirt or debris being carried on to the adjoining highway as a result of the site construction works.

Details of such preventive measures shall be submitted to and approved in writing by the Local Planning Authority before development commences.

The facilities so provided shall be maintained thereafter and used whenever the said operations are carried out.

Reason: In the interests of highway safety.

15. That the function car parking area in the Western Walled Garden, as shown on the plan submitted shall be exclusively used for function parking associated with the marquee use when operational.

Reason: To avoid any disruption to visitor car park and free flow of traffic in and out of the property.
16. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.

17. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the continuing standard of landscape quality in the interests of the visual amenity of the area.

18. **Disabled Access.**

19. **Details of Marquee.**

The Marquee area should not be used until details regarding the design and colour of the marquee have been submitted to an approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area.

20. **Play Equipment.**

The details and specific location of the play equipment to be site in the playground are not to erected until details have been submitted to an approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area.

21. **Protection of Important Species and their Habitats during the construction and tree felling period.**

Prior to the commencement of development, a wildlife protection plan shall be submitted and approved by the local planning authority identifying appropriate measures for the safeguarding of protected species and their habitats. The plan shall include:

a) an appropriate scale plan showing protection zones where [...any...] or [...specified...] construction activities are restricted and where protective measures will be installed or implemented;

b) details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;

c) a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as the bird nesting season);
d) a person responsible for:
(i) compliance with legal consents relating to nature conservation;
(ii) compliance with planning conditions relating to nature conservation;
(iii) installation of physical protection measures during construction;
(iv) implementation of sensitive working practices during construction;
(v) regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and
(vi) provision of training and information about the importance of “Wildlife Protection Zones” to all construction personnel on site.

All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority."

Reason: To protect species of recognized nature conservation importance.

22 C2 Marquee Time Limit
Three years.

23 Marquee dismantling and underlying area design.
For the duration of this permission, the marquee shall only be in place for no more than 3 calendar months between July and September and no more than one calendar month between November and January in each rolling year. Following each of these periods it shall be dismantled and the area beneath laid out in a manner, which has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To safeguard the appearance and character of the listed grounds and building.

24 Events on the rear lawn or elsewhere in the site.
No more than 3 public events, including firework displays, gourmet fairs or homes and gardens shows shall be held on the rear lawn in any one calendar year.

Reason: To ensure that this public park does not become unduly restricted.

25 D7 Street Furniture.(Amended)

11.0 RECOMMENDATION:

GRANT- Listed Building Consent
In the event that the Government Office for London, on behalf of the Secretary of States, does not issue a direction to refuse the application, the Director of Planning be authorised to issue planning permission for the development, subject to the following conditions and reasons:

Reason-Listed Building Consent
It is considered that these proposals, because of their position, design and appearance, would be acceptable, having due regard for the site characteristics of this Listed building and historic garden and would not be detrimental to the appearance of the Listed building or its ancillary/curtilage structures. The development is in accordance with the UDP Policies ENV- B.1.1 (New Development) and ENV-B.2.7 (Alterations to Listed Buildings and Buildings of Local Townscape Character).
Listed Building Consent Conditions

1  H1A (Time limit)
2  H3 (Listed Buildings-Materials to Match)
3  This consent does not permit the demolition or dismantling of any part of the building, or its ancillary or cartilage structures, or the removal of any internal feature, floor, wall or ceiling surface, except in so far as the alterations and restoration hereby approved necessitate the removal of certain parts of the existing structures as specifically shown on the approved drawings.

Reason: To protect and preserve the character of the listed building.

4  Prior to the commencement of the development a description of the steps and works to be taken and carried out in relation to the repair and alteration of the existing timber frame of the conservatory, including any additional elements to be inserted, shall be submitted to and approved by the Local Planning Authority in writing and the development shall thereafter be undertaken in accordance with the approved scheme.

Reason: To protect and preserve the character of the listed building.

5  Any areas of external brickwork required to be created/replaced in accordance with the approved plans shall match the existing brickwork in brick colour and size, mortar colour and pointing and bonding detail.

Reason: To protect and preserve the character of the listed building and conservation area.

6  B4 Samples of materials.

12.0 RECOMMENDATION:

GRANT- Trees in Conservation Area

For the reason listed below, the Director of Planning be authorised to issue a notice of no objection.

Reason-Trees in Conservation Area

The proposed tree felling and planting works are appropriate, represent sound arboricultural practice and would not harm the character and appearance of the Chiswick House Conservation Area. This notice only gives a notice

Tree Informative: A tree may provide a habitat for plants and wildlife protected under the Wildlife and Countryside Act 1981 and other legislation. Trees with hollow crevices for example, provide important natural roost sites.
This application is presented to the Sustainable Development Committee as Cllr Surjit Singh Dhaliwal and Cllr Darshan Singh Grewal have declared an interest in the application site.

1.0 SUMMARY

1.1 This application seeks to retain one halo illuminate sign and one non-illuminated projecting sign. Both signs would be at second floor level.

1.2 It is recommended that the signage does not have a detrimental impact on pedestrian or highway safety and does not harm the character of the existing building or the surrounding street scene. They are therefore recommended for approval.

2.0 SITE DESCRIPTION

2.1 The signs are located on number 8 Cavendish Parade, which is a three storey building at the corner of Bath Road and the access road to the car park of Somerfield. The restaurant that the signage relates to is at ground floor level. There are no planning records for the use of the upper floors of the building.

2.2 The sign is placed at the second floor level of the building. There are no similar signs in the area, but Somerfield have erected a single on the side of the building, approved under permission 00083/Q8/AD2. There is also a large freestanding sign for the public house on opposite the site of the car park access road.

2.3 This is an area of Bath Road that has high commercial activity. This results in a range of signage existing, of various design and scale.

3.0 HISTORY

3.1 00083/Q8/NOT2 Installation of telecommunications dish on free standing pole mount structure to roof (30 Day Notification)

 Notification Agreed  09/03/2006

3.2 There is no other history for the site.
4.0 DETAILS
4.1 The illuminated sign is placed 9.1m from the ground on the side elevation at the corner of the building of 8 Cavendish Parade. The sign measures 1.25m in height and 4.75m in width. The application also includes a small projecting sign, at the same height, measuring 0.5m in height and 1m in width.
4.2 The larger sign consists of the letters ‘Karahi Palace’ in orange placed on a white background. The small projecting sign is illuminated, but does not currently contain script.
4.3 The restaurant, which the adverts relate to, is directly below the signs at the ground floor.

5.0 CONSULTATIONS
5.1 There were no consultations carried out as part of this application.

6.0 POLICY
6.1 S38 (6) of the Planning and Compulsory Purchase Act 2004 states “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.
6.2 The Unitary Development Plan (UDP) and London Plan are both development plans for the Borough. The UDP was adopted in December 2003 and amended and saved by direction from the Secretary of State in September 2007. The London Plan was adopted in February 2004 and the First Alterations incorporated in December 2006.
6.3 Unitary Development Plan
ENV-B.1.1 New Development
ENV-B.1.4 Advertisements
6.4 Supplementary Planning Guidance
Section 6 Advertisements

7.0 PLANNING ISSUES
7.1 The main planning issues to consider are:
- Principle of the proposal
- Design of the proposed sign and its impact on the character of the surrounding street scene.

Principle of the proposal
7.2 Policy ENV-B.1.4 of the Unitary Development Plan states that all advertisements are to be of a size and degree of illumination that will not have an adverse impact on pedestrian safety and free flow of traffic. Policy ENV-B.1.1 also states that new development should have regard to the amenities of neighbouring properties.
7.3 The proposal would involve the retention of one illuminated sign and one projecting sign. The illumination is in a halo style, however, the projecting sign is not illuminated. It is considered that this level of illumination does not have a detrimental impact on passing pedestrians or road traffic using this section of Bath Road. The proposal will not be overly bright or bold in terms of lettering style or colour, particularly bearing in mind other surrounding signage.
Design of the proposed sign and its impact of the character of the surrounding street scene

7.4 Policy ENV-B.1.1 of the Unitary Development Plan states that any new development should have regard to the architectural features of buildings within the area. It is considered that both signs although of a considerable size, do not detract or cover any of the features of the wall that it is attached to.

7.5 Neither the fascia nor the projecting sign are overly bold or bright. The unit forms part of Bath Road where there are various other shop fronts with varying signs in terms of their size, colour and type of illumination. It is therefore considered that the proposed signs will not have any detrimental impact on the existing street scene.

8.0 EQUAL OPPORTUNITIES IMPLICATIONS

8.1 There are no equal opportunity implications

9.0 CONCLUSION

9.1 It is considered that the existing signs do not impact negatively on pedestrian or highway safety and would not harm the character of the existing house or the surrounding street scene. The development therefore complies with the relevant U.D.P policies and Supplementary Planning Guidance. It is therefore considered that the signage should be recommended for approval.

10.0 RECOMMENDATION:

GRANT

Reasons:
It is considered that the signs do not impact negatively on the pedestrian or highway safety along Bath Road. The fascia and projecting signs therefore meet the criteria set out in policies S.4.2, ENV-B.1.1 and ENV-B.1.4 of the London Borough of Hounslow Unitary Development Plan.

Conditions:
1 AD2 Advert Maintenance
2 AD3 Advert Safe Maintenance
3 AD4 Advert Removal
1.0 SUMMARY

1.1 This application proposes to extend the existing London United bus depot site at the end of Tamian Way by changing the use of an adjoining, currently vacant, commercial site, originally approved for warehousing but more recently used for industrial/warehousing purposes, to use for bus garage purposes, a sui generis use. It is considered that the proposal will not adversely affect neighbouring amenity, nor the safety and free flow of traffic on the neighbouring highway network, and, in proposing facilities which would provide for extensions to local bus service provision, will be particularly supportive of sustainable transport policies. The proposal also complies with the relevant policies of the Council’s UDP, as amended, and London Plan, and is recommended for approval subject to appropriate safeguarding conditions.

2.0 SITE DESCRIPTION

2.1 The application site is located at the end of Tamian Way which is a cul de sac off Green Lane and part of a large commercial area including the Lawrence and Fairway Industrial Estates. The site itself falls within the former.

2.2 The main part of the application site is currently occupied by a warehouse/industrial unit (Unit B) with a site area of 0.25 hectares. It has direct access to Tamian Way and adjoins the current site of London United’s bus garage and servicing depot from which they administer, organise and run bus services in this part of West London. London United advise that it has been in occupation of the western end unit (Unit C1) of Building C, just to the north of the warehouse/industrial unit, for over 12 years.
2.3 The existing warehouse/industrial unit lies directly to the south of the existing bus garaging and servicing depot site. The application site is bounded to the west by Hounslow Heath Golf Course, which is within designated Green Belt and a site of regional nature conservation importance. The adjoining golf course is also part of Comprehensive Project Area A4. There are no residential properties close to the site, only commercial within the industrial estate.

2.4 Originally the application was submitted to include just the warehouse/industrial site, Unit B, and part of the existing bus transport depot site (i.e. the current egress from the bus depot site), but this was revised on 14th November 2007 when the whole bus depot was brought within the application site’s red line area. The part of the bus depot site included within the red line site from 14th November 2007 was originally outlined blue on the submitted plans as being land in the ownership and control of the applicants.

3.0 HISTORY

3.1 507/H/P27 Erection of a single storey warehouse with two storey ancillary offices.
    This is referred to as Unit B1, and is the building subject of the proposed change of use. This building was immediately to the south of another large commercial building referred to as Unit B which has since been demolished.
    Although granted as a warehouse – Class B8 – and not Class B1, the building appears to have been more recently used for light industrial purposes. The applicant advises that the previous user was Dunwoody Airline Services Ltd which used the premises as a freight yard with associated workshop facilities. This use continued up to the beginning of 2005, since when the building has been vacant.

3.2 Building C, where the applicants, ‘London United Ltd.’, have occupied the end unit on the west side (Unit C1) for the last 12 years as mainly a workshop, was built in the 1960’s.

4.0 DETAILS

4.1 The applicant, London United, advises that it wishes to expand its blue route bus service provision which means that it needs more space at its existing “Hounslow Heath” depot at Tamian Way. It also wants to improve existing facilities on the site.

4.2 At present the applicant advises that the bus wash and brake testing facilities are in the open air, as also is the storage of fuel and bus refuelling facility. This causes significant problems in cold weather. The canteen and restroom facilities on the existing site are also limited. Under the proposal the large commercial building on the application site (2437 sq metres floorspace) will become the new bus garage (and will incorporate the facilities presently having to be carried out in the open air, and new maintenance bays etc.), with the existing bus depot building retaining the existing vehicle workshop but also providing a new canteen and improved staff facilities.

4.3 Proposed external changes to the existing warehouse/industrial building within the application site are minimal. These comprise a roller shutter door on the north elevation of the building to match the two existing roller shutter doors on the east elevation, and two fire exit doors on the north elevation.
4.4 The applicants advise that the improvement to the service it wants to provide will benefit the whole of the area and will include a new bus route to service Terminal 5 to start in March 2008.

4.5 By combining the warehouse/industrial site to the south with the existing bus garage and servicing depot site, this will enable London United to increase the bus storage capacity of the depot from 70 to 125. With additional space for bus storage this will give the company much improved opportunities to tender for the expansion of new public transport routes.

4.6 The applicants have submitted a Transport Assessment in support of their proposal, following discussions with Council’s Highways Department. They have also submitted a Green Travel Plan.

4.7 London United state that as well as improving public transport provision, the proposal will not put any undue pressure on local roads from the additional buses which would be attracted to the site, as the additional bus traffic around the depot would not be during peak periods, only early morning and late evening. The applicants state that compared to the reintroduction of light industrial or warehousing use on the application site, the impact of the new, much larger, bus garage and servicing depot on local roads, when the site is combined with the existing bus garage and servicing depot to the north, would be minimal with no material impact in traffic terms.

4.8 With regard to employment, the applicant’s advise that there are 217 full and part time staff based at the existing depot (including 183 drivers, 11 maintenance engineers, and managerial and admin staff). The overall numbers will increase to 368 with the incorporation of the application site, and proposed development.

4.9 The parking area will be shared by staff and buses, with the staff using it primarily during the day and the buses mainly 7pm to 5am. Parking plans showing daytime and nighttime arrangements for both cars and buses on both the existing bus depot site and the proposed larger site, including the warehouse/industrial building, have been submitted. In addition, the submitted Green Travel Plan provides a strategy to maximise non-car travel to the site and minimise single occupancy of cars. Bike storage facilities are also shown to be included. The site is well served by existing public transport (bus service) provision.

4.10 As part of the submitted scheme there will be a new point of vehicular access to the expanded bus depot site, which will be through the current warehouse site, including building, Unit B. All the traffic will continue one way around an access loop egressing the bus depot site at the existing depot egress point.

4.11 The applicants have also submitted a Flood Risk Assessment. This concludes that there is only a low risk of flooding, and says that the site is not likely to be affected by current or future flooding from any source and will not increase flood risk elsewhere.

5.0 CONSULTATIONS

The application was advertised as a Major/Significant Development by a site notice on 1 October 2007 and was publicised in the press on 4 October 2007. No response to either advertisement has been received.

The owners/occupiers of 12 neighbouring commercial sites (5 in Tamian Way and 7 in Amberley Way) were notified on 26 September 2007, and 3 other interested parties, with the result that no observations have been received.
The Environment Agency was notified on 26 September 2007 and responded on 8 October 2007 that it had no objection to the proposal provided that the following conditions were attached to any planning permission granted:-

CONDITION 1 – No development approved by this permission shall be commenced until:

a) the application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved by the LPA;

b) detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the ‘containment proposals’) have been submitted to and approved by the LPA;

c) for each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;

d) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and

e) if during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

REASON: To prevent pollution of the water environment.

CONDITION 2 – No development approved by this permission shall be commenced until a scheme for the provision of surface and foul drainage works has been approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

REASON: To prevent pollution of the water environment and reduce the risk of flooding.

The agency also requests to be consulted on any details submitted.

Response: The requested safeguarding conditions would need to be incorporated in any planning consent.

The Crime Prevention Office was notified on 26 September 2007 and responded 12 October 2007 that his concerns have been addressed in the proposal and he has no objection to the granting of permission.

Transport for London was notified on 26 September 2007 and responded 2 November 2007 that “…due to the size and location of this development, TfL believe that it would not have an adverse impact on the TLRN (Transport for London Road Network), and, therefore have no objection…..”.

At the 8 November meeting of the Heston and Cranford Area Committee members sought further information as to whether there would be 24 hour bus operations from the site (as there may be transport issues if 24 hour use is proposed), and whether there would be a S106 Agreement.
In response, the applicants have since confirmed that there are currently 5 buses providing a night service, the first of these departs at midnight and arrives back at 6am. There is no indication that these services will not continue, and there is a possibility that they may be extended. It is also noted that the first of the existing day buses departs as early as 4.30am and the final day bus returns at 1.30am.

With regard to a legal agreement members were advised that as the application was to improve public transport services the securing of additional monies through a 106 for public transport funding was not deemed appropriate. Members were also advised that the Council would consider whether there were any other matters which would need to be addressed by a 106 because they could not be covered by condition. Members of the SDC Committee will note that a Section 106 agreement is not recommended to be included in this instance.

6.0 POLICY

Unitary Development Plan

The Development Plan for the Borough comprises the Council's Unitary Development Plan (UDP) and the London Plan. The UDP was adopted in December 2003 and was amended in September 2007 by direction from the Secretary of State. The London Plan was adopted in February 2004 and was amended in December 2006 by the incorporation of Early Alterations to the London Plan. A report following an Examination in Public on Further Alterations to the London Plan, was published in October 2007. As emerging policy, the Further Alterations to the London Plan can be afforded some weight in planning matters.

- ENV-B.1.1 New Development
- IMP.1.2 The Re Use and Recycling of Urban Land and Buildings
- IMP.5.3 Comprehensive Project Areas (CPA4)
- IMP.6.1 Planning Obligations
- T.1.2 The Movement Implications of Development
- T.1.4 Car and Cycle Parking and Servicing Facilities for Developments
- T.2.4 Public Transport Infrastructure
- T.4.1 Hierarchy of Highways
- T.4.3 Traffic Implications of New Development
- E.1.1 Location of New Employment Development
- E.1.5 Development Involving Loss of or Changes in Employment Uses
- ENV-P.1.2 Water Pollution and Water Quality
- ENV-P.1.5 Noise Pollution
- ENV-P.1.6 Air Pollution
- ENV-P.1.8 Development Proposals on or Near Contaminated Land
- ENV-N.1.4 Development Near the Green Belt Boundary
- ENV-2.2 Sites of Regional/Local Nature Conservation

When the application was submitted the site formed part of Employment site E13 but this Employment Site was not retained in the UDP as amended.
6.1 LONDON PLAN

2A.1 Sustainability criteria
3C.3 Sustainable transport in London
3C.4 Land for transport functions
3C.9 Increasing the capacity, quality and integration of public transport to meet London’s needs
3C.19 Improving conditions for buses
4A.6 Improving air quality
4A.9 Providing for renewable energy
4A.12 Water quality
4A.14 Reducing noise
4B.5 Creating an inclusive environment
4B.6 Sustainable design and construction
4C.8 Sustainable drainage
6A.5 Planning obligations

7.0 PLANNING ISSUES

7.1 The primary planning issues are whether the proposed bus garage use is appropriate to this location, whether any undue nuisance would be caused to neighbouring occupiers and whether the safety and free flow of traffic would be prejudiced in any way by the proposal. There are also issues relating to visual amenity, considered under the subheading ‘Neighbouring Amenity’, and sustainability raised by the proposal.

Principle of Bus Garage Use at this Location

7.2 The application site is within a very commercial area on the Lawrence Industrial Estate. The existing bus garage and servicing depot is directly to the north of the existing warehouse/industrial site. The bus garage and servicing depot has existed at this location for over 12 years and is well established. The Mayor’s SPG on ‘Land for Transport Functions’ states “Bus garages …fall within the sui generis category although they have similarities with B2/B8 uses. Sites require special treatment particularly as operations will often require extended hours of operation”. At the time the application was submitted the site was within the E13 Employment Site where appropriate uses were designated to be B1c, B2 and B8. However, this Employment Site was not saved as part of the statutory plan, because it duplicated other policies in the UDP. It is considered that the proposed use is acceptable in principle, from a policy perspective, at this location given the characteristics of the use which reflect the nature of activities and function of the larger industrial estate (as well as the existing adjoining bus garage and servicing depot site to the north).

7.3 In the context of the emerging Employment Development Plan Document, the site is designated as a Preferred Industrial Location (PIL) within the North Feltham Strategic Industrial Location (SIL). It is noted thus that the proposed bus garage and servicing use is also considered to be consistent with the purpose of the SIL designation, with the Mayor’s Draft SPG on Industrial Capacity (2003) stating “They (Preferred Industrial Locations) may be appropriate for other uses of an industrial nature, including some of those classified as sui generic e.g. …bus garages…”.
7.4 Policy E.1.5 (Development Involving Loss of or Changes in Employment Uses) states that with the exception of town centres, edge of centres and key employment locations, permission will normally be given for development involving the change of use from one employment use to another subject to satisfactory access to the public transport network and the main road network, and to it not upsetting the balance of employment generating uses in the borough. The site is well located for public transport and the main road network, and it is not considered that the balance of employment generating uses in the borough would be adversely affected by the proposal.

7.5 Policy IMP.1.2 (The Reuse and Recycling of Urban Land and Buildings) requires that opportunities are taken in the first instance for providing new development through the conversion of existing buildings and or the recycling of previously developed land, where this is appropriate and sustainable. Policy E.1.1 (Location of New Employment Development) provides that when considering new employment provision the Council will encourage patterns of land use which contribute to urban regeneration and the re-use of previously developed land. The emphasis is on sustainability. The applicants advise that the warehouse/industrial site has been vacant for several years and the proposed development would provide jobs for an additional 151 employees. The use would also serve the Council’s sustainable objectives in that it seeks to improve public transport.

7.6 The London Plan includes policies 3C.19 ‘Improving conditions for buses’ and 3C.9 ‘Increasing the capacity, quality and integration of public transport to meet London’s needs. Policy 3C.19 provides that the Mayor will work with TfL and boroughs to implement Londonwide improvements to the quality of bus services for all. Policy 3C.9 Increasing the capacity, quality and integration of public transport to meet London’s needs’, provides that the Mayor will work with strategic partners to increase the capacity of public transport in London by up to 50% over the plan period and to improve the integration, reliability, safety, quality, accessibility, frequency and attractiveness of the existing public transport system”. It is considered that the current proposal, in providing for the future expansion of the existing bus garage and servicing depot, will enable the blue route bus route service to be expanded and improved in line with the spirit of these London Plan policies.

7.7 It is, therefore, considered, that the terms of both relevant UDP and London Plan policies would be met by the proposal. Indeed, by reason of its proximity to the existing bus garage and servicing depot, the warehouse/industrial site would appear to offer an appropriate means for expansion of the facility.

**Neighbouring Amenity**

7.8 Policy ENV-B.1.1 (New Development) requires any noise to be minimised at source and appropriate measures provided to protect local and neighbourhood amenity. Policy ENV-P.1.5 (Noise Pollution) states that the Council will not allow any development which could result in unacceptable levels of noise nuisance to nearby existing or future occupiers. Policy ENV-P.1.6 (Air Pollution) provides that the Council will give detailed consideration to air pollution matters when considering development proposals and will continue to monitor air quality and will seek reductions in the levels of specific airborne pollutants particularly pollution caused by road and air transport where possible.
7.9 In respect of noise, there are no residential properties within close proximity, the closest being in Green Lane, some distance away. The existing bus garage and servicing depot borders the warehouse/industrial site to the north. The commercial neighbours to the east were notified of the proposal but have not raised any objection to the proposal. It is not considered that any undue nuisance would arise from the extended use in terms of noise and general disturbance from the coming and going of buses during the day. This is an area where there will already be a higher level of noise disturbance than a residential area and the buses will be mainly early morning and late evening, when the majority of occupiers of the adjoining units would unlikely be present. With regard to overnight services, few workers would be affected by traffic noise, and any local residents, who, in any event would be some distance away, would not be unduly affected. Although an ‘Hours of Use’ safeguarding condition could be attached to any consent to regulate bus movements, in this instance, following comments received from the Pollution Control Officer (below), this is not deemed appropriate or necessary.

7.10 Similarly, in terms of air pollution, whereas a planning condition could be attached to any consent to ensure that acceptable air pollution limits are not exceeded, this proposal to store up to 125 buses on the extended site, with the resultant increase in traffic to and from the site, will, from the advice of the Council’s Pollution Control Officer, not result in any undue effect on local pollution levels such that a safeguarding condition is required.

7.11 The Pollution Control Officer advises “Having carefully considered the geographical location of the premises which is surrounded by mixed industrial premises, including containerisation (Maersk) and goods vehicles at Stage Truck Ltd., I do not feel that the proposed extension to the premises is likely to have a direct adverse impact on the environment. If the proposal involves an increase in bus movements, particularly night-time movements, then these may be of some limited impact on the residents of Clements Court (in Green Lane). However, this will need to be considered in the overall context of movements in and around the various trading estates along Green Lane. At the time of my day-time visit, it was my subjective view that the noise generated by aircraft landing at Heathrow and approaching directly above Clements Court, was far more noise intrusive than any vehicle noise”. …Similarly, the Pollution Control Officer does not consider that any undue problems of air pollution will arise as a result of the development. He concludes his comments as follows:- “…I can confirm that I do not propose to recommend the inclusion of any pollution conditions regarding the activities of this garage”.

The land to the west is open land (golf course) and Metropolitan Green Belt, and also part of Comprehensive Project Area A4 seeking comprehensive treatment of the Crane Valley. The existing bus depot site to the north already has a wider border to this land. It is not considered that an extension of the proposed use onto the warehouse/industrial site will have any adverse consequences for the adjoining open land. Indeed, the relocating of the existing visually intrusive bus wash and brake test facilities from the existing depot site (currently adjoining the western border with the open land) to within the building on the application site, will improve the appearance of the existing depot site from this land, and reduce any noise and general disturbance arising from these activities for the golf course users. This would also be in accordance with policy ENV-N.1.4 (Development Near the Green Belt Boundary) which requires that any development proposal in areas near the Green Belt and conspicuous from within it, must be designed so that it does not detract from the open aspect or visual amenities of the Green Belt. There will be no obtrusive structures affecting this boundary within the application site, and the alterations to the warehouse/industrial building, which are minimal and in visual terms, acceptable anyway, would not be seen from this boundary. A condition is, however, recommended to include some boundary planting within the application site, to the rear of the existing warehouse/industrial building, Unit B. No external alterations are proposed to building, Unit C1.
7.13 **Safety and Free Flow of Traffic**

7.14 Policy T.4.3 (Traffic Implications of New Development) states that development will not be permitted if the traffic movement associated with it would increase danger or congestion. Policy ENV-B.1.1 (New Development) requires that traffic generated by development does not prejudice the free and safe movement of pedestrians, cyclists, public transport services or existing traffic, and to provide car parking and servicing facilities in accordance with the appropriate standard. Policy T.1.4 (Car and Cycle Parking and Servicing Facilities for Development) requires all development to provide parking and servicing facilities in accordance with the Council’s standards. It does not, however, give any specific parking standards for bus depots.

7.15 The relevant London Plan transport policies 3C.9 and 3C.19 have already been discussed under the sub heading ‘Principle of Bus Garage Use at This Location’ above. Other policies, which could also be placed under that heading, but are included here are 3C.3 ‘Sustainable transport in London’ and 3C.4 ‘Land for transport functions’ Policy 3C.3 requires access improvements to, and between, town centres by improved bus services, and “improved sustainable transport between suburban centres particularly by enhanced bus services…..”. Policy 3C.4 requires UDP policies to ensure the provision of sufficient land and appropriately located sites for the development of an expanded transport function to serve the economic, social and environmental needs of London, including taking account of proposals for passenger transport including buses which require additional land by London boroughs identifying sites for these purposes in their UDP’s. The policies argue for the need to improve bus transport facilities but do not specify any detailed parking or servicing requirements for bus garages and servicing depots.

7.16 Notwithstanding the above, the Committee will note that Transport for London has not raised any objection to the proposal. It is also the view of the Council’s Head of Traffic and Parking that the bus and car parking requirements for the extended depot can be accommodated within the overall site area, albeit tightly, the submitted parking plan for the extended depot site showing 35 permanent car parking spaces, up to 140 phased car parking spaces, and up to 127 bus parking spaces. The Head of Traffic and Parking has also advised that on-street parking is not an issue in this location, nor is likely to be an issue with this development. However, in view of the required ‘tightness’ of the parking necessary to successfully accommodate the necessary buses and cars within the site, it is considered essential that a condition be imposed requiring full details of how this will be successfully managed.

7.17 In terms of the impact on local roads as a result of extra bus and car generation in the submitted Transport Statement, it is argued by the applicants and accepted by the Local Planning Authority, that the proposal will lead to much less larger vehicle traffic generation during peak times than would normally be expected with a B1(c), B2 or B8 use of the site. There would instead be increased movement of larger vehicle traffic early in the morning and late evening. The impact on the local road network from this change would likely be beneficial to the safety and free flow of traffic. Neither the Council’s Head of Traffic and Parking nor the Council’s Area Highways Engineer has raised any objection to any part of the proposal.
7.18 With regard to employee traffic, and car parking in particular, it is noted that the proposed development is likely to result in an additional 151 employees. The car and bus parking area is presently shared on the existing depot site as few buses are parked on site during the day when most employees are at work. This arrangement will continue but some additional car parking (up to 36 spaces, including 11 permanent spaces), together with cycle storage facilities (20 cycle capacity), will be provided on the warehouse/industrial part of the application site. It is also noted that an area for motorbike parking is also proposed.

7.19 To support the planning application a Green Travel Plan has been submitted. This requires users of the site to avoid use of the private car, and to avoid, in particular, the single occupancy of private cars. To ensure compliance this needs to be covered by a safeguarding condition.

Other Matters

7.20 The comments of the Environment Agency (above) are noted and, if planning approval is to be given, planning conditions are recommended to be attached, to address its concerns regarding possible contamination of the water environment and any increased risk of flooding in the area.

7.21 A number of other safeguarding planning conditions are also recommended to ensure that the site functions satisfactorily in accordance with the terms of the planning consent and without harm to the local environment.

8.0 EQUAL OPPORTUNITIES IMPLICATIONS

The Council will normally require all new developments and refurbishments to make provisions for the needs of people with disabilities. Few alterations are proposed to the existing warehouse/industrial building, Unit B, on the site, however, insufficient information has been submitted to determine whether the development will be fully inclusive in all respects. A safeguarding planning condition, is therefore, recommended to ensure that the proposal is fully accessible. No external alterations are indicated for the existing bus depot building, Unit C1.

9.0 PLANNING OBLIGATIONS

9.1 UDP policy IMP.6.1 seeks planning obligations to secure planning benefits related to the proposed development and policy 6A.5 of the London Plan.

9.2 In this instance it is not considered that a legal agreement is necessary to secure an acceptable development.

10.0 CONCLUSION

It is considered, on the basis of the information submitted, that, with appropriate safeguarding conditions, the proposed development will provide for an acceptable use for the site, not affecting neighbouring or visual amenity in any adverse way, nor the safety and free flow of traffic on the adjoining highway network, and will be in accordance with the Council’s sustainable transport policies. It will also be in accordance with the spirit or word of all other relevant policies of the Council’s UDP and the provisions of the relevant policies of the London Plan.
11.0 **RECOMMENDATION**

**Grant**

**Reasons**

With appropriate planning conditions the proposal is considered to provide for an acceptable use for the site, which will not adversely affect neighbouring or visual amenity in any way, nor the safety and free flow of traffic on the adjoining highway network. It will also be in accordance with the word or spirit of policies IMP.1.2 (The Re-Use and Recycling of Urban Land and Buildings), IMP.5.3 (Comprehensive Project Areas), ENV-B.1.1 (New Development), T.1.2 (The Movement Implications of Development), T.1.4 (Car and Cycle Parking and Servicing Facilities for Developments), T.2.4 (Public Transport Infrastructure), T.4.1 (Hierarchy of Highways), T.4.3 (Traffic Implications of New Development), E.1.1 (Location of New Employment Development), E.1.5 (Development Involving Loss of or Changes in Employment Uses), ENV-P.1.2 (Water Pollution and Water Quality), ENV-P.1.5 (Noise Pollution), ENV-P.1.6 (Air Pollution), ENV-P.1.8 (Development Proposals on or Near Contaminated Land), ENV-N.1.4 (Development Near the Green Belt Boundary), and ENV-N.2.2 (Sites of Regional/Local Nature Conservation) of the London Borough of Hounslow’s adopted Unitary development Plan (2003), as amended, and London Plan policies 2A.1 Sustainability criteria, 3C.3 Sustainable transport in London, 3C.4 Land for transport functions, 3C.9 Increasing the capacity, quality and integration of public transport to meet London’s needs, 3C.19 Improving conditions for buses, 4A.6 Improving air quality, 4A.9 Providing for renewable energy, 4A.12 Water quality, 4A.14 Reducing noise, 4B.5 Creating an inclusive environment, 4B.6 Sustainable design and construction and 4C.8 Sustainable drainage.

**Conditions:**

1. **A1(A) Time Limit – Full Permission**

2. **Boundary Walls/Fences/Gates**

   Details of all boundary walls, fences and gates to be provided, retained or modified, shall be submitted to, and shall be approved in writing by, the Local Planning Authority, together with details of all associated sight lines, prior to the commencement of the development, and the approved details shall be implemented as approved on the first bringing into use of the extended bus depot site.

   **REASON:** In the interest of local visual amenity and neighbouring amenity and the safety and free flow of traffic.

3. **Planting**

   Details of a planting scheme for the area to the west of the proposed new maintenance building, adjoining the shared boundary with the neighbouring golf course, shall be submitted to, and approved in writing by, the Local Planning Authority, prior to the commencement of development. The approved details of planting shall be carried out as approved and shall be maintained in accordance with a maintenance plan, which is also to be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

   **REASON:** In the interests of local visual amenity.
4  Green Travel Plan
The development shall not be implemented unless it is implemented
together with the provisions contained within the submitted Green Travel
Plan to minimise the use of the private car.
REASON: In the interests of sustainable transport, and minimising the
number of singularly occupied cars visiting the site.

5  Disabled Access
Before the development is commenced full details shall be submitted of a
scheme showing disabled access and manoeuvrability around the site for
disabled persons, including parking, and the approved details shall be
implemented as approved on the first bringing into use of the
development, and shall thereafter be retained.
REASON: In the interest of equality of access.

6  Retention of Car Parking
The areas of proposed permanent car parking within the application site
shall be provided on the first bringing into use of the development, and
shall be permanently retained thereafter.
REASON: To ensure that there is adequate car parking on the expanded
depot site in the interests of the safety and free flow traffic.

7  Management of Parking Area
Full details of the management of the bus and car parking area, to ensure
that its use runs smoothly and is fully optimised at all times, shall be
submitted to, and shall be approved in writing by, the Local Planning
Authority before the development commences, and the approved details
shall be implemented in accordance with the approval on the first bringing
into use of the development.
REASON: In the interests of the safety and free flow of vehicular traffic on
the adjacent highway network.

8  Internal Access Road/Route Maintained
The internal clockwise loop access route within the site shall be kept clear
at all times and used for access purposes only.
REASON: In the interests of the safety and free flow of vehicular traffic on
the adjacent highway network.

9  Bike Storage
Full details of the bike storage facilities shall be submitted to, and shall be
approved in writing by, the Local Planning Authority prior to the
commencement of the development, and the approved details shall be
implemented as approved on the first bringing use of the extended depot
site, and shall thereafter be retained.
REASON: In the interests of sustainable transport and visual amenity.
10 Measures to Address Contamination
No development approved by this permission shall be commenced until:

a) the application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved by the LPA;

b) detailed proposals for the removal, containment or otherwise rendering harmless such contamination (the ‘containment proposals’) have been submitted to and approved by the LPA;

c) for each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development;

d) if during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted to the LPA; and

e) if during development work, site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed contamination proposals.

REASON: - To prevent pollution of the water environment.

11 Drainage Details
No development approved by this permission shall be commenced until a scheme for the provision of surface and foul drainage works has been approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

REASON: To prevent pollution of the water environment and reduce the risk of flooding.

12 Ancillary Offices
The administration offices within Building B shown on the submitted plan shall be ancillary to the bus depot use and shall not be a separate office use, or used for any other purpose without the express consent of the Local Planning Authority.

REASON: To ensure that no independent office use commences and the primary use of the site remains that of bus depot.

13 No Mezzanine
No additional floorspace/mezzanine shall be provided within the proposed bus depot building (Unit B) without the prior approval in writing of the Local Planning Authority.

REASON: To ensure that there is appropriate parking on the site and adequate manoeuvrability, in the interest of the safety and free flow of traffic on the adjoining highway network.
SUSTAINABLE DEVELOPMENT COMMITTEE 17th DECEMBER 2007
Sue Bendle: Tel 020 8583 4967
e-mail: susan.bendle@hounslow.gov.uk

References:  
P/2005/3021  00937/A/P26
P/2005/3025  00937/A/L4
P/2005/3027  00937/A/CA3

Address: Nazareth House, Richmond Road, Isleworth
Ward: (Isleworth Ward)
Proposal: Planning, Listed Building and Conservation Area
Consent applications for:

1. Demolition of the Red House and community hall and the retention and refurbishment, alteration and conversion of the grade II White House, church, courtyard block and gatehouse and erection of 14 two, three, four and five storey blocks to provide 30-bed care home, 38 assisted living flats and 86 extra care flats and houses, 2 guest suites, 4 carer stations and 6 convent units (total 166 units), a plant block and associated parking and landscaping (planning application);

2. Retention refurbishment, alteration and/or part conversion of the Grade II listed White house, church, courtyard block and gatehouse and demolition of some buildings on site (listed building application);

3. Demolition of buildings on site (conservation area consent application)

Drawing numbers: See agenda item 5 of the Sustainable Development Committee meeting 28/03/07

Date received: 11th October 2005

1.0 SUMMARY

1.1 At the meeting of the Sustainable Development Committee on 12th November 2007 further time was requested to enable an acceptable scheme to be negotiated under section 106 of the Town and Country Planning Act 1990 or other appropriate legislation and subject to the satisfactory completion of a legal agreement the Director of Planning be authorised to grant planning
permission subject to reasons and conditions to be agreed under delegated authority.

1.2 Members requested that the application is referred back to the Sustainable Development Committee for decision no later than December 2007. (Members are referred to the report and minutes for the meeting on 12\textsuperscript{th} November 2007).

2.0 INTRODUCTION

2.1 Whilst certain provisions to be included within the Section 106 Agreement were agreed with the developer there were still a number of outstanding issues that had not been resolved prior to the meeting of the Sustainable Development Committee in November. The Council expectations for the heads of terms included the following:

- Restriction on occupation categories as proposed with the Council requiring to see evidence of how the units have been marketed for a six-month period before considering the next category;

- Further details of the management document to be worked up and commitment received from the developer as to precisely how it is intended that the development will operate;

- Definitions of the intermediate levels of care and what is described as "care" rather than "services";

- The eligibility criteria to be amended to say that the applicant must meet Hounslow's eligibility criteria for a care management service.

- An ‘after admission’ detailed assessment of the care needs of those in residence. Such a mechanism would need to allow for a certain degree of flexibility as in the short term as the status of individual residents may change. Different care needs should be allocated to residents with different care needs on a monthly basis, with an annual target and appropriate incentives to achieve a target number of points. A top up contribution towards affordable housing if there were too few residents with care needs during a 12 month period, or a top up contribution towards PCT if the resident population was generating a greater load on health care services than was anticipated would then be paid.

- 20\% as charitable units

2.2 In summary, if the applicant's were prepared to accept the further requirements for the heads of terms as itemised above, within the Section 106 agreement, it is considered that this would give the Council sufficient comfort that the C2 use is protected.

3.0 REVISED HEADS OF TERMS FOR A SECTION 106 AGREEMENT
3.1 The applicant’s have now submitted further revisions to the heads of terms for a Section 106 Agreement as follows:

**The Owner’s Obligations**

1. Occupation of the development to be restricted to:

   persons aged 65 years or more (or in the case of two or more sharing occupation, one of them is aged 65 years or more) unless otherwise approved in writing by the local planning authority; or a maximum of 15 key worker employees employed at the site.

2. Occupation of the assisted living units and extra care units to be restricted to persons (or in the case of two or more sharing occupation, one of them) in need of personal care as defined in paragraph 8 of the Department of Health’s publication "Supported Housing and Care Homes: Guidance on Regulation" August 2002. This could be evidenced by the production prior to occupation of written confirmation from a site based registered nurse on an anonymised basis that a pre-admission general needs assessment, care needs assessment and risk assessment has been carried out for the prospective resident and the nurse has identified their personal care needs over and above the basic care package (as defined below).

3. Occupation of the assisted living units and extra care units to be restricted to persons who comply with the criteria set out in paragraphs 1 and 2 above and have entered into a commitment to subscribe to at least the basic care package. The basic care package is the minimum standard of personal care to be provided to the occupiers which shall include:

   - a minimum of 4 hours of personal care per week (as defined above);
   - the provision of at least one daily meal; and
   - the laundering of all bed linen and towels.

4. The owner shall itself register, or procure that the management company or a third party provider registers, to operate on site as a domiciliary care agency (or such other relevant agency from time to time) through the procedure set out by the Commission of Social Care Inspection or such other authority as from time to time replace them.

5. The owner shall ensure that it is a contractual condition of occupation of the assisted living units and extra care units that the assignment of such units of accommodation is restricted to persons who meet the criteria set out in paragraphs 1 to 3 or to the owner or a subsidiary company of the owner.

6. The owner shall not dispose or permit the disposal of completed individual units of assisted living accommodation or extra care accommodation on this site other than on a leasehold or licence basis,
provided that this shall not prevent the leasehold or freehold disposal of such units to a successor in title purchasing the lease or freehold of more than 30 units in one transaction.

7. The buildings shown within Phase 1 on the Site Phasing Plan shall not be occupied until:
   - the restoration works to the listed gatehouse and entrance gates/piers are practically completed;
   - the enabling works to the listed buildings in Phase 2 are practically completed (list of enabling works being drawn up); and
   - the care home and communal facility buildings shown in Phase 1 are practically completed.

The buildings shown within Phase 2 on the Site Phasing Plan shall not be occupied until:
   - the care home and communal facility buildings shown in Phase 1 are practically completed; and
   - the communal facility buildings shown within Phase 2 are practically completed.

The buildings shown within Phase 3 on the Site Phasing Plan shall not be occupied until:
   - the care home and communal facility buildings shown in Phase 1 are practically completed; and
   - the communal facility buildings shown within Phase 2 are practically completed.

8. The owner shall pay to the Council a sum towards the provision of PCT services in the Borough of Hounslow. In light of the fact that a GP surgery is being provided on site as part of the development and the development is much smaller than the schemes referred to by The owner would pay one third of the contribution prior to the occupation of each of the three phases of the development.

9. The owner shall pay to the Council a sum of £500,000 towards the provision of services and/or facilities for frail older people in the Borough of Hounslow required to meet the recommendations of the Council's Older Peoples Housing Strategy and the priorities of the Council's Commissioning Strategy for Older People. The owner would pay one third of the contribution prior to the commencement of development of each of the three phases of the development.

10. The 11 units previously allocated as 6 convent units in the wash block and 5 extra care units in the stable block/courtyard block shall instead only be used as housing for key workers employed on the site. This key worker housing will be offered for rent on a 20% discount to the market rent. The 11 units will be provided before occupation of the first assisted living unit or extra care unit in the second phase of the development and retained throughout the life of the development.
11. The owner shall not permit first occupation of any assisted living unit or extra care unit not occupied on a charitable basis unless it shall have been marketed by way of a local marketing plan, which marketing plan may start on commencement of the development (details to follow). The owner shall accept reservations for first occupation of any assisted living unit or extra care unit solely in accordance with the following sequential categories:

Category 1 – residents currently residing in the Borough of Hounslow
Category 2 – relatives of residents currently residing in the Borough of Hounslow and former residents of the Borough of Hounslow
Category 3 – residents living within specified distance of the site (to be agreed and stated in the Section 106 Agreement)
Category 4 – all other residents not falling in any of the above categories

In respect of each phase, the owner shall not accept reservations from any residents falling within Category 2 until a period of 2 months has elapsed since the earlier of practical completion of the unit or of a show unit or taking the first reservation from a resident in Category 1.

In respect of each phase, the owner shall not accept reservations from any residents falling within Category 3 until a period of 2 months has elapsed since the earlier of practical completion of the unit or of a show unit or taking the first reservation from a resident in Category 2.

In respect of each phase, the owner shall not accept reservations from any residents falling within Category 4 until a period of 2 months has elapsed since the earlier of practical completion of the unit or of a show unit or taking the first reservation from a resident in Category 3.

12. Prior to occupation of any part of the development, the owner shall provide the river walkway at-grade in the location shown on an agreed plan within its site or pay a sum (TBC) to the Council in respect of the reasonable cost to the Council in making arrangements for the existing riverside walkway on Heron's Reach to meet the new at-grade river walkway.

13. Prior to occupation of any part of the development, the owner shall relocate the bus stop on the east side of Richmond Road adjacent to the site to an alternative agreed point on the Richmond Road so as to avoid conflict with the new site entrances (subject to the Council entering into a Section 278 Agreement and any necessary traffic regulation order being made).

14. The owner shall pay the Council's reasonable legal costs and disbursements in connection with the negotiation, preparation and completion of the Section 106 Agreement in a sum to be agreed.

4.0 CHANGES IN THE REVISED HEADS OF TERMS
4.1 A further meeting was held with the applicant’s and Council officers together with lawyers representing both sides in November 2007 to discuss further changes to the revised heads of terms.

4.2 With regard to the restriction on occupation categories and the Council requirement to see evidence of how the units have been marketed for six months, the obligation now provides for a period for six months to elapse from the earlier of the commencement of marketing to or the taking of the first reservation from a resident in Category 1 before cascading to the next category of resident. The marketing plan is stated as being able to start on commencement of the development. In the applicant’s experience many, if not all, of the units on similar schemes are sold off-plan. The cascade to the subsequent categories will take place two months after the earlier of commencement of marketing to or taking the first reservation from the prior category.

4.4 The applicant’s together with Council officers have not agreed a definition of the intermediate levels of care and what is described as "care" rather than "services". The draft definition suggested by the Council is as follows:

- assistance with bodily functions such as feeding, bathing and toileting; or
- care falling just short of assistance with bodily functions, but still involving physical and intimate touching, including activities such as helping a person get out of a bath and helping them to get dressed

The following lines would fall outside of the definition:

- non-physical care, such as advice, encouragement and supervision relating to the foregoing, such as prompting a person to take a bath and supervising them during this; or
- emotional and psychological support, including the promotion of social functioning, behaviour management, and assistance with cognitive functions.

In Supported Housing and Care Homes - Guidance on Regulation (2002) paragraph 10 states that it is only the first two bullet points which trigger the requirement under the Care Standards Act for registration as a domiciliary care agency although other kinds of personal care and support may also be provided by such an agency. Consequently, the Council would take those two bullet points as being a working definition for the minimum requirement for four hours of personal care, i.e. a person could have needs falling under all four categories, but must have a need for four hours support under the first two categories.

4.5 In the applicant’s view the Council’s definition of personal care would exclude frail older people from the extra care and assisted living accommodation which will be provided at the development. In particular, it would prevent occupation by people with sensory
deterioration such as blindness, poor eyesight, speech impairment and deafness. Further, it would exclude those with long-term "self managed" conditions such as diabetes and epilepsy. It would also prevent occupation by those with general medical conditions for which regular treatment is given (e.g. breathing difficulties or arthritis). It would also exclude those with mild confusion or forgetfulness and periodic depression for which medication is accepted. It would also preclude those older people who wish to enter units for say six months in order to recover from a post-operative frailty such as a cataract. However, the applicant’s have amended the minimum age for residents to 65 years or more to further demonstrate the C2 credentials of the scheme. It is anticipated that a definition will be agreed prior to the meeting and this will be reported verbally.

4.6 Despite the applicant’s view that there is no planning justification for the PCT contribution being sought by the Council, in an attempt to move negotiations forward, a payment of £150,000 is offered. This amount reflects the fact that a GP surgery is being provided on site as part of the development and it is anticipated that the development will relieve pressure on local medical services and hospital facilities and reduce the delayed discharge/bed-blocking issue in the Borough.

4.7 The applicant’s do not agree that part of the site may be a Class C3 use and are not prepared to make any payment towards affordable housing. However, they are prepared to make a contribution towards the provision of supported residential accommodation to meet local needs and in particular towards the provision of services and/or facilities for frail older people in the Borough required to meet the recommendation of the Council's Older Peoples’ Housing Strategy and the priorities of the Council's Commissioning Strategy for Older People. Although the development will assist in meeting the needs of the private paying residents of the Borough for extra care, assisted living and care home accommodation, the applicant's recognise that there is also a need for public sector provision in this area. Therefore, the sum of £500,000 is offered towards the Council’s initiatives in this regard.

4.8 The applicant’s also wish to allocate the previous six convent units in the wash block and five extra care units in the stable block/courtyard block as housing for key workers employed on the site. This key worker housing will be offered for rent on a 20% discount to the market rent.

4.9 The applicants are working with the Council to deliver a walkway along the riverfront and additional work is being undertaken by both parties to ascertain the feasibility of this.

5.0 CONCLUSION
5.1 The applicant’s have accepted some of the further requirements for the heads of terms within the Section 106 agreement that would give the Council some comfort that the C2 use is protected. In particular, they have offered a PCT contribution and a contribution towards the provision of supported residential accommodation to meet local needs. Housing for key workers employed on the site is also proposed. Whilst they do not accept the Council’s definition of personal care the applicant’s have amended the minimum age for residents to 65 years or more to further demonstrate the C2 credentials of the scheme.

5.2 Subject to the definition of care being agreed, it is now considered that the revised heads of terms are acceptable.

6.0 RECOMMENDATION

SUBJECT TO THE SATISFACTORY COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 OR OTHER APPROPRIATE LEGISLATION THE DIRECTOR OF PLANNING BE AUTHORISED TO GRANT PLANNING PERMISSION SUBJECT TO REASONS AND CONDITIONS TO BE AGREED UNDER DELEGATED AUTHORITY.
Summary
This report seeks Members’ authority to issue an enforcement notice in respect of the use of a two storey side extension as a self contained unit.

1.0 RECOMMENDATION

1.1 That the Committee considers it expedient, having regard to the provisions of the Unitary Development Plan and all material considerations, to grant authority for:

1.2 All necessary steps to be taken for the preparation, issue and service of an enforcement notice in relation to 18 Church Road, Hounslow requiring within 3 calendar months:

- Cessation of the use of the property as two houses.
- Restoration of the property’s use as a single-family dwellinghouse.
- Removal of one kitchen and kitchen related facilities, and one staircase.
- Removal of all resultant debris.

And for:

The institution of any necessary legal proceedings in the event of non-compliance with the above enforcement notice, pursuant to Section 179 of the Town and Country Planning Act 1990; and

The carrying out of works in default under Section 178 of the Act in the event of non-compliance with the enforcement notice, including the recovery of the Council’s costs in carrying out such work.

2.0 SITE DESCRIPTION

2.1 The property is a two-storey end-of-terrace house on the west side of Church Road. Church Road is residential in character, running north south from the busy junction with Heston Road towards Upper Sutton Lane and the Great West Road. The original house has an estimated floor area of 85m². The house has been extended by a single storey extension, granted permission in 2003, and a two-storey side and rear extension received planning permission in 2002.
3.0 PLANNING HISTORY AND OTHER RECORDS

Planning Records

3.1 **Reference number: 00259/18/P1**
Erection of two storey rear/side and single storey side extension to dwellinghouse

**Received Date: 22/05/2001**
**Decision: Planning Permission Granted**
**Decision Date: 08/01/2002**

3.2 **Reference number: 01412/10/P2**
Retention of a pitched roof to a single storey rear extension.

**Received Date: 12/09/2003**
**Decision: Planning Permission Granted**
**Decision Date: 04/11/2003**

Building Control Records

3.3 **Reference number: BN/2003/3562/**
Two storey side extension, single storey rear extension and alterations.

**Received Date: 06/03/2003**
**Decision: PENDING**

Council Tax Records

3.4 Council records still have the property listed as one house.

4.0 ENFORCEMENT HISTORY, INVESTIGATION AND EVIDENCE

4.1 A complaint alleging the separate residential use of the extension was received on 24 May 2004. A letter outlining the breach was first sent to the owner on 8 June 2004. The response from the owners was sent in writing from an agent and was received by the Planning Department on 23 June 2004. The response indicated that the main house was still occupied by the owners, and the extension was let to lodgers. The letter indicated that a door on the first floor and the ground floor connected the extension to the house.

4.2 An enforcement officer was denied entry on 19 November 2004, however after a letter was sent requesting an internal inspection, access was promised to the case officer once the owner had a chance to speak to the tenants. No further contact appeared to have been made. On 20 December 2006 access was again refused to another case officer. This time, however, the woman who answered confirmed that the side extension was let separately and that the property was in use as two separate units.
4.3 Full access was eventually granted on 20 February 2007. The side extension is connected to the main house via two internal doors. One on the ground floor, and one on the first floor. The extension did however have its own kitchen, and the case officer was then informed that a family friend was staying in the side extension. The officer advised the owner that he should remove the second kitchen, as it was not necessary should the property be used in the way he suggested. The side extension has its own internal staircase, a living room and kitchen on the ground floor and a bedroom and bathroom on the first floor.

4.4 No further contact was received from the owner, a final letter was sent on 30 July 2007. This letter referred the owner back to a condition of his planning consent forbidding the use of the extension as a separate accommodation from the main house. The owner replied by letter received on 21 August 2007, stating that his architect is in hospital, and delaying his decision. Having regard to the time passed, and the lack of action so far, it is considered expedient at this time to recommend that an enforcement notice is served on the property to control the use of the side extension in relation to the main house.

**ANALYSIS**

*Expediency in general*

4.5 Under Section 172 of the Town and Country Planning Act 1990 (as amended), the Council has the power to take enforcement action where it assesses that a breach of planning control has resulted in material harm in planning terms.

4.6 Guidance as to how to apply this power and when a Council should find enforcement action expedient is contained in PPG18 and Circular 10/97, both entitled ‘Enforcing Planning Control’. The government urges local planning authorities to use enforcement action as a last resort. Reports are not brought forward to committee unless it has been concluded that there is no other course of action available.

4.7 The Development Plan for the Borough comprises the Council's Unitary Development Plan (UDP) and the London Plan. The UDP was adopted in December 2003 and was amended in September 2007 by direction from the Secretary of State. The London Plan was adopted in February 2004 and was amended in December 2006 by the incorporation of Early Alterations to the London Plan. A report following an Examination in Public on Further Alterations to the London Plan was published in October 2007. As emerging policy, the Further Alterations to the London Plan can be afforded some weight in planning matters.
4.8 S38 (6) of the Planning and Compulsory Purchase Act 2004 states "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

**Relevant Planning Policy**

4.9 The Development Plan policies relevant to this case are:

**POLICY ENV- B.1.1 NEW DEVELOPMENT**

The Council will consider all development proposals having regard to the following criteria to ensure that proposals make a positive contribution to overall environmental quality.

(A) In relation to the context, form and layout of the buildings and spaces, new development should:

(A.5) ensure adequate daylight and sunlight reaches adjoining properties, and minimise any detrimental impact on adjoining properties, by applying the Council’s adopted standards (See SPG);

(A.6) focus on the design, links and use of spaces between buildings;

(A.7) incorporate good quality, landscape design including boundary treatment as an integral part of a development proposal, retaining existing features (See SPG);

(A.10) include screened areas for refuse and recycling facilities. These should be sited where they do not unduly affect the amenity of nearby occupiers and the street scene (See Appendix 2);

(B) New development and the uses being proposed should respect the local environment and community and should:

(B.6) provide car parking and servicing and cycle parking facilities in accordance with the appropriate standard (See Appendix 3);

(B.7) ensure any noise is minimised at source and provides measures to protect local and neighbourhood amenity; ensure protection from any adverse impact of external noise (See SPG on Noise);

**POLICY H.4.1. HOUSING STANDARDS AND GUIDELINES**

The Council will allow new residential development within existing residential areas and on suitable brownfield sites, which are or capable of being served by a choice of means of travel and community services. Proposals should have regard to the Council’s current standards and guidelines for:

privacy
private amenity space;
recycling and composting (see Appendix 2);
refuse storage and collection (see Appendix 2);
noise (see SPG);
residential extensions;
and to the proposed residential design guide.

The Council will encourage developers to have regard to guidelines for internal space arrangements, housing for people with disabilities, energy efficiency measures (Policy ENV-P.2.5), and recycling facilities in new developments (Policy ENV-P.2.4).
Affordable housing built with a Social Housing Grant for a Registered Social Landlord will be expected to comply with the Housing Corporation “Scheme Development Standards” included in Supplementary Planning Guidance.

The standards and guidelines will be applied flexibly to ensure that development relates well to the surrounding area, respecting the predominant character and density and not damaging the amenities of adjacent properties. (See also Policy ENV-B 1.1).

POLICY H.4.2. RESIDENTIAL DENSITY
Density standards are a useful tool for house development in order to protect local character and to assist developers in preparing their proposals. However density will be of secondary importance after taking account of the individual requirements of each site and the merits of each scheme. Residential density in new developments should take account of the established density of the surrounding areas and should normally not be less than 150 habitable rooms per hectare (HRHA) (60 habitable rooms per acre (HRA)) nor exceed 250 HRHA (100 HRA). Provided it can be achieved within a high quality environment higher densities for predominantly non-family accommodation will be considered in town centre locations, areas of good public transport accessibility or in locations where there is no established residential character and the proposal conforms to the criteria referred to in Policy H.4.1. and ENV-B.1.1. Housing schemes for predominantly family accommodation (3 bedspace units) should normally be within the range of 150 - 210 HRHA (60 – 85 HRA).

SUPPLEMENTARY PLANNING GUIDANCE 10
PRIVATE AMENITY SPACE
Each house with 3 habitable rooms and under requires an area of useable amenity space greater than 50m². The Council suggests that residential homes should normally provide a minimum of 75m² of useable amenity space.

SUPPLEMENTARY PLANNING GUIDANCE 12
INTERNAL SPACE PROVISION
Each two-storey house requires an internal floor space of at least 72m².

4.10 The key planning issues in this case are therefore:
- The use of the extension as a separate unit
- The lack of private amenity space for the side extension
- The disturbance to neighbouring properties.

Assessment of Harm
4.11 The installation of a second kitchen in the side extension enables it to be used as a completely separate unit through an access door in the side elevation. The interconnecting doors can be locked to allow privacy to the occupants of the original house. The occupier has previously confirmed that the extension is let to another family.

4.12 The rear garden is not subdivided. Access cannot be gained to it directly from the extension, though access is possible by use of the gate at the side of the property. It is unclear if the occupants of the extension have any use of this space and the conversion is therefore also contrary to Supplementary Planning Guidance 10. Private Amenity Space. There is also no clear refuse storage for the occupants of the extension.
4.13 The internal floor space of the additional house is estimated at 34m², this is well below the minimum requirement of 72m² as specified in Supplementary Planning Guidance 12. The floor space created in the unit being less than half the requirement and similar to the minimum standards for a bed-sit.

4.14 The positioning of a second house on this plot is unacceptable, in an already residentially dense area the presence of this small house; with an undetermined amount of amenity space has resulted in a unit of substandard size and standards. The result is poor living conditions for the occupants. The positioning of the unit is not complementary to neighbouring properties with the occupants using a side door installed in the extension.

4.15 The property has no off street parking for a second house putting added pressure on the on-street parking available for neighbours. The increase in comings and goings resulting from an additional unit will cause unacceptable disturbance to the occupiers of the adjacent properties.

**Proposed action**

4.16 The removal of the kitchen to secure the incidental use of the extension to the main property.

5.0 SUMMARY AND CONCLUSION

5.1 The use of the extension as a separate house results in accommodation that does not meet the Council’s standards. The addition of this unit causes disturbance to the local residents and is considered unacceptable. This conversion is therefore contrary to the Council’s Unitary Development Plan policies B.1.1, H.4.1 and H.4.2, and contrary to the Council’s Supplementary Planning Guidance 10. Private Amenity Space and 12. Internal Space Provision.

5.2 Based on the information in this report it has been concluded that no action short of the proposed enforcement action described in this report can remove the harm caused by these breaches of planning control. In these circumstances, it is considered expedient to take enforcement action as recommended at the start of this report.

**Background Papers:**

The policy documents can be viewed online, at the Civic Centre and local libraries.

The planning files can be viewed at the Civic Centre.
**Summary**

This report briefs the Committee on the planning history of this site and breaches of planning control and recommends:

i) That action be taken to require specific performance of the land owner’s undertakings under the terms of the S.106 agreement entered into on 21 May 1998; and

ii) That the Committee authorise the Director of Planning to serve enforcement notices in relation to the tipping of waste material on the land should this recur in the future.

### 1.0 RECOMMENDATIONS:

1.1 That the Committee authorise all necessary steps to be taken to secure the remediation of the site, and the other works required, by the owner of the land at Heston Services as set out in the S106 agreement dated 21 May 1998, including any necessary legal action in default.

1.2 That the Committee recommend to the Council what action it considers should be taken in respect of the provision in the S106 agreement dated 21 May 1998 enabling the Council to exercise its option of acquiring the land.

1.3 That the Committee authorise the Director of Planning, in the event that unauthorised tipping and storage of waste material on the land should recur, having regard to the provisions of the Unitary Development Plan and all material considerations, to grant authority for the preparation, issue and service of an enforcement notice in relation to land at Heston Services without further reference to the Committee requiring the cessation of the use of the site and restoration of the site.

And for:

The institution of any necessary legal proceedings and the carrying out of works in default in the event of non-compliance with the notice, including recovery of the Council’s costs in carrying out such work.

### 2.0 SITE DESCRIPTION

2.1 The site (plan and aerial photograph – appendix 1) is an area of open land immediately to the north of the M4 motorway and west of North Hyde Lane. It once formed part of the eastbound Heston Motorway Service Area (MSA) between junctions 2 and 3, but is now separately owned and is being used for purposes unrelated to the MSA although potentially accessible from it. To the west are the remaining active parts of the MSA containing a public amenity building, a petrol filling station, an HGV vehicle park, a police traffic command building and a Travelodge. To the north is the Airlinks Golf Course. There are residential properties to the east of North Hyde Lane, opposite the site.
2.2 The site covers an area of approximately 1ha. (2.4 acres) and is broadly rectangular in shape. An emergency access road from North Hyde Lane to the MSA road runs west to east along its northern boundary and links the MSA to North Hyde Lane. This road is restricted from providing public access to the motorway.

2.3 Aerial photographs at (appendices 2 and 3) show the condition of the site in 2003 and 2006.

2.4 The land is the subject of current prosecution action by the Environment Agency as set out in section 3 below.

2.5 The site is part of an extensive area of Metropolitan Green Belt at this edge of the borough and is also within the area designated as Comprehensive Project Area (CPA) 6 in the Unitary Development Plan.

2.6 A site visit on 21 September 2007 established that the site was in the final stages of being cleared of rubbish that was previously the subject of an Environment Agency Prosecution.

2.7 At the same site visit it was also observed that coaches were being parked in and around the site and further site visits are planned to establish whether there is a breach of planning control and whether it is expedient to take enforcement action against any such breach. A further report will be presented on this issue in due course if it proves necessary.

3.0 PLANNING AND OTHER HISTORY

3.1 The site is part of a much wider area that was the subject of gravel extraction between 1949 and 1967 and subsequently landfilled. Landfilling in the locality was completed in 1967.

3.2 The eastbound MSA was initially developed during the late 1960s following a planning permission granted in August 1965.

3.3 In March 1997, planning permission was refused for the redevelopment of part of the existing MSA to include a new amenity building and a 67 bed Travelodge because it was considered to be an inappropriate form of development within the Metropolitan Green Belt.

3.4 However on 21 May 1998 permission was granted for an amended redevelopment of the MSA, including a 64 bed Travelodge. The permission was subject to various conditions and to a S.106 agreement which required the transfer of 2 acres at the easternmost part of the site to the Council for use as a nature conservation area. The area is shown in Plan 1.

3.5 This S.106 agreement is a central concern in this report and will be referred to at length later.

3.6 There have been repeated attempts to develop part or all of this site since 1998, either on its own or in conjunction with land further west.

3.7 On 7 August 2003, the Council refused under delegated powers three separate outline applications by Moto Hospitality Ltd and Chalfont Coaches for the development of different parcels of land as a coach depot, a Travelodge and as affordable housing. The housing would have occupied all of the land previously intended as a nature conservation area.
3.8 On 27 July 2004 an outline application by Moto Hospitality Ltd to develop the site along with part of the MSA site for up to 112 affordable homes was withdrawn by the applicant as it was about to be considered by Sustainable Development Committee (SDC). Again housing would have occupied the land intended as a nature conservation area. The officer recommendation was to refuse permission for the following reasons:

1. Inappropriate development in the Green Belt
2. Unsatisfactory housing environment given contamination of site and proximity to motorway
3. Loss of privacy and outlook for existing residents nearby
4. Loss of proposed nature reserve

3.9 On 21 June 2005 an application by New Bharat Coaches Ltd to develop a waste transfer station on part of the site was withdrawn by the applicant as it was about to be considered by SDC. The officer recommendation was to refuse permission for the following reasons:

1. Inappropriate development in the Green Belt
2. Increased heavy goods vehicle traffic in North Hyde Lane environmentally intrusive and harmful to neighbouring residential amenities
3. Inappropriate additional use within a motorway service area
4. Failure to demonstrate that use would not raise difficulties of contamination and flooding.

3.10 On 13 November 2006, SDC considered a report on an application by New Bharat Coaches Ltd to erect two buildings and to develop a vehicle maintenance facility on part of this site together with associated offices, welfare facilities and parking. The application was refused by the Committee for three reasons:

1. Inappropriate development in the Green Belt
2. Increased heavy goods vehicle traffic harmful to neighbouring residential amenities
3. Failure to demonstrate that use would not raise difficulties of contamination and flooding.
4. Although no permissions have been granted to use the site for either waste management or vehicle maintenance purposes, that the new land owners have begun to use the land for unauthorised purposes including the tipping of waste in breach of both planning and environmental protection legislation.

3.11 New Bharat Coaches were declared to be the owners of the land in both of these applications.

3.12 In late summer 2007, at Isleworth Crown Court, Tajinder Singh Dhaliwal, a director of New Bharat Skips Ltd, was found guilty on 10 counts of keeping controlled waste on the site and of knowingly causing controlled waste to be deposited there in contravention of the Environmental Protection Act 1990. These criminal acts were witnessed on specific dates in October and December 2004. On 10 September 2007, Mr. Dhaliwal was sentenced and fined.

3.13 The Environment Agency has served S.59 notices under the Act. These require the removal of all of the controlled waste that has been deposited by 14 September 2007.

3.14 Officers of The Environment Agency have since inspected the site on a weekly basis since the service of the notices. As at the start of December 2007 they have been able to confirm that the site has now been completely cleared of material covered by the notice and no activity is taking place. They state that the notice has been complied with to their satisfaction.
Debate at Sustainable Development Committee in November 2006

3.15 During the course of the debate at SDC on **13 November 2006**, there was discussion about the past history of the site and specifically about the terms of the S.106 agreement in 1998 when permission had been granted for the MSA extension.

3.16 On this matter the Director’s report said at paragraph 1.2 that the agreement provided that two acres of land “should have been restored and transferred to the Council for use by the public”.

3.17 Later, at paragraph 3.3, the report repeated that the land:

“Should be transferred to the Council for use as an area for nature conservation. However, to date this transfer has not been concluded, as the Agreement also provided that no transfer should take place until areas of hardstanding on the land had been removed and the land had been infilled with uncontaminated subsoil, reseeded and replanted. While the hardstanding has been removed, none of the other steps has been carried out. Accordingly, to date the required transfer has not been concluded”.

3.18 In a letter dated **8 November 2006**, which was sent to all members of the Committee, Cllr Surjit Singh Dhaliwal, on behalf of the applicant company, New Bharat Coaches Ltd, took issue with these statements. Cllr Dhaliwal stated that the terms of the original agreement had required the Council to confirm its acceptance of the offer of purchase by **17 May 2001**. He stated that the Council did not exercise this option and that a planning officer had confirmed this (see paragraph 3.26) before his company had acquired the site.

3.19 The Council has since undertaken extensive research into this matter as a result of these allegations and the following section sets out the findings.

The S.106 terms, and events since completion of the agreement

3.20 The S.106 agreement that was signed on 21 May 1998 was between the Council and Granada Group PLC and Granada Hospitality Limited, although it binds all successors in title. This would include New Bharat Coaches Ltd.

3.21 The main provisions of the agreement are as set out below:

- Granada offered to transfer the land specified in the agreement to the Council. The Council in turn had 3 years from the date of the agreement to accept the offer to transfer the land to the Council for use as a nature conservation area. If the Council failed to notify the owners of its acceptance of the offer within this 3-year period, it would be deemed to have refused the offer and there would be no further requirement on the owner to make any further offer to transfer the land to the Council.

- If the Council accepted the offer within the 3-year period then the land was to be transferred to the Council within a specific period of 6 months. However, before the completion of any transfer of the land, the owners were to ensure that any structure and hard standings then existing on the land were removed and that the land was infilled with uncontaminated subsoil and topsoil, seeded with grass where necessary and replanted with trees and shrubs where necessary; all in accordance with an infill and replanting scheme which was to have been submitted to and approved by the Council. The total value of replanting contained in this scheme was limited to £20,000 with no indexation.
• If the Council accepted the offer, the owners were also to erect a chain link fence of 2 metres in height with gates for maintenance and access purposes only along the western boundary of the land.

• If the Council did not accept the offer within the 3 year period, then the owners were nevertheless under an obligation within the following 6 months to ensure that all structures and hard standings were removed and that the land was infilled with uncontaminated subsoil and topsoil, seeded with grass where necessary and replanted with trees and shrubs where necessary and in accordance with an approved infill and replanting scheme. The value of replanting was again limited to £20,000 with no indexation.

• The Council was under an obligation not unreasonably to withhold or delay approval of any replanting scheme submitted by the owners.

• The owners would be under no further obligations in relation to the land once the land has been remediated and transferred or simply remediated in accordance with the options listed above.

• The agreement has a dispute resolution clause with regard to the respective rights or obligations by reference to a single arbitrator if agreed and if not an arbitrator appointed by the Royal Institute of Chartered Surveyors.

3.22 The Council’s records show that the owner’s offer to transfer the land was accepted by the Council within the 3 years stipulated in the agreement in the form of a letter dated 7 December 1999 from the Borough Solicitor’s Department.

3.23 Following acceptance of the offer, the land should have been transferred within 6 months of that date. Transfer documents were prepared by the Council’s conveyancing team in anticipation of this and proposed planting arrangements were submitted to the Council on Granada’s behalf. However, the land was never remediated and the transfer was not completed. The last letter on the Council’s conveyancing file, dated 22 October 2001, approves the owner’s proposed replanting scheme, which should have been the trigger for the remediation of the land.

3.24 In the 22 October 2001 letter, it was made clear that the land was at that stage still in an unacceptable condition for the transfer to proceed. The Council’s concerns included the following

• At least two structures remained on site
• No topsoil or subsoil had been delivered to the site and a substantial area of hard standing was still to be broken up
• A significant amount of debris remained on site including oil drums, an abandoned vehicle, large scale cable reels, traffic cones, children’s bicycles etc
• No seeding or tree planting had occurred.

3.25 Given that the land was in such a condition, the Council was not in a position to take possession of the land. To do so, would have required the Council to take on a liability that would have incurred the Council additional remediation costs.

3.26 The matter appears to have lain unresolved for a lengthy period after this and at some time in 2003 or 2004 the owners of the land appear to have sold it on to New Bharat Coaches Ltd. It is unclear what form of search the company undertook before completing this purchase, but it appears that the company placed at least some reliance on a letter that they claim to have received from a planning officer that stated incorrectly that “it does not appear the Council did exercise its option to acquire the land”. The Council does not have a copy of this letter and its authenticity is uncertain.
3.27 The Council has taken Counsel’s advice on this issue and he has advised that:
- As the Council accepted the offer of transfer in time, an obligation to transfer the land to the Council arose in June 2000.
- This obligation remains and now applies to New Bharat Coaches Ltd as successors in title.
- The Council is still entitled to seek the specific performance of the contract, requiring the present owner to transfer the site to the Council.
- The Council is alternatively entitled to seek the specific performance of the alternative provision in the agreement, the remediation of the site by the owners themselves.
- The Council is not restricted from exercising any of its powers under the planning acts to enforce the terms of the S.106 agreement.

3.28 Counsel also points to the enforcement powers which are in any event available to the Council in relation to any continuing unauthorised use of the site by the current owners.

4.0 PLANNING POLICY

4.1 The Development Plan for the Borough comprises the Council's Unitary Development Plan (UDP) and the London Plan. The UDP was adopted in December 2003 and was amended in September 2007 by direction from the Secretary of State. The London Plan was adopted in February 2004 and was amended in December 2006 by the incorporation of Early Alterations to the London Plan. A report following an Examination in Public on Further Alterations to the London Plan was published in October 2007. As emerging policy, the Further Alterations to the London Plan can be afforded some weight in planning matters.

4.2 Unitary Development Plan

IMP.5.2 Comprehensive project areas
ENV-N.1.1 Purposes of including land in and objectives for the use of land in the Green Belt
ENV-N.1.2 Acceptable development in the Green Belt
ENV-N.2.3 Promotion of nature conservation management
ENV-N.2.9 Green corridors
ENV-P.1.3 Surface water management
ENV-P.1.8 Development proposals on or near contaminated land
ENV-P.1.9 Remediation of contaminated and potentially unstable land
ENV-P.1.5 Noise pollution
ENV-P.1.6 Air pollution
T.1.2 The movement implications of development
T.4.3 Traffic implications of new development
T.4.4 Road safety

4.3 The London Plan: Spatial Development Strategy for Greater London

3D.8 Green Belt
4.4 Government Guidance
Planning Policy Statement 1: Delivering sustainable development
Planning Policy Guidance Note 2: Green Belts
Planning Policy Guidance Note 10: Planning and waste management
Planning Policy Statement 23: Planning and pollution control

5.0 PLANNING ISSUES

5.1 In this case there are a number of inter-related issues to consider:

5.2 Firstly, should the Council now seek to enforce the terms of the S.106 agreement by requiring the present land owners to:
   - Undertake the remediation and other required works specified in the agreement (including replanting up to a maximum cost of £20,000)? OR
   - Give the owners notice that if the specified works are not carried out, then the Council will enter the land and itself carry out the required works.

And then, if desired,
   - Transfer the ownership of the site to the Council for purposes specified in the agreement?

5.3 Secondly, would it be expedient to take enforcement action regarding the use of the site for tipping waste, should it recur in the context of which it is appropriate to consider:
   - The location and the principle of the development in the Green Belt
   - Environmental impact, landfill and existing contamination
   - Traffic impact
   - Impact on adjoining land uses and local residents

S106 AGREEMENT

5.4 The Environment Agency has achieved the cessation of tipping and, by clearance, a degree of remediation. It would not leave the site in the state envisaged under the May 1998 planning permission, nor would it secure the long-term future of the site in the best interests of its Green Belt status.

5.5 The only realistic way that the Council could secure this is by enforcing the terms of the S106 agreement.

5.6 The land can be remediated without the Council taking on any obligation in relation to the land. However, this does not guarantee what would happen to the land thereafter, although this is to some extent controllable by planning enforcement powers. Other powers also exist to keep the land in a basically acceptable condition.

5.7 If the Council were to take the land into its ownership, it would have a greater degree of control, but also greater responsibility, and, because the agreement provides no commuted sum to accompany the land to cover this, it would have additional revenue for maintenance and budgetary provision would have to be found. At the least, responsibility for the site would include the cost of preventing or remediating any vandalism, fly tipping or unauthorised incursions, if not more extensive maintenance, including possible provision for public access.
5.8 It is therefore recommended that Members authorise officers to secure the remedial and other work envisaged by the S106 agreement if necessary, through proceedings in the civil courts with a view to obtaining an injunction or an order for specific performance or by default by entry onto the land to carry out the operations directly. If the latter were to happen, the Council it would have a right to recover its reasonable costs from the persons bound by the obligation.

5.9 Enforcing the agreement through the courts will involve expense to the Council. The Council may be able to secure an order that the owner pays part or all such Council’s costs, but the court may order that each party bears its own costs, or that the Council pay part or all of the owner’s costs.

5.10 It is also recommended that the Committee express its views to the Executive on the question of whether to take the land into council ownership.

ENFORCEMENT ACTION

5.11 Under Section 172 of the Town and Country Planning Act 1990 (as amended), the Council has the power to take enforcement action where it assesses that a breach of planning control has resulted in material harm in planning terms.

5.12 Guidance as to how to apply this power and when a Council should find enforcement action expedient is contained in PPG18 and Circular 10/97, both entitled ‘Enforcing Planning Control’. Local planning authorities should use enforcement action as a last resort.

The location and principle of the development in the Green Belt

5.13 Central Government policy on Green Belt and promotes its permanence and open character. Openness is its most important attribute. Green Belts have five purposes:

- To check the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns from merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

5.14 These purposes are the prime consideration when assessing any development.

5.15 Once Green Belts have been defined, they should support the following objectives.

- Providing access to the open countryside;
- Providing opportunities for outdoor sport and recreation near urban areas;
- Retaining attractive landscapes and enhancing landscapes near to where people live;
- Improving damaged and derelict land around towns;
- Securing nature conservation interests; and
- Retaining land in agricultural, forestry and related uses.
5.16 In this area of Hounslow the Green Belt forms a buffer against any westward sprawl. This site marks the change from residential Heston to the openness of the Green Belt and provides important visual relief along North Hyde Lane and the M4. This section of the Green Belt also links with that to the south of the M4, including the Nature Conservation Area west of the Thorncliffe Hotel. The Green Belt is also an important part of Comprehensive Project Area 6 (CPA 6), which recognises the importance of this open land.

5.17 PPG2 states that large-scale development or redevelopment of Green Belt land (including tipping waste) should, so far as possible contribute to the achievement of Green Belts objectives. It includes a presumption against inappropriate development and that the Green Belt’s appearance should not be injured such development.

**Environmental Impact**

5.18 The use for tipping, unless part of an overall environmental improvement scheme would not fall within any Green Belt purposes or objectives and so would be inappropriate development, by definition harmful to the Green Belt. Such development is only acceptable in very special circumstances that outweigh the harm. Tipping on this site was unsightly and did not protect the Green Belt.

5.19 The site is on historic landfill. The tipping involved illegal deposit of controlled and special waste and there appears to have been no attempt to deal with the existing contamination of the site contrary to UDP Policy ENV-P.1.8.

**Traffic and effect on neighbours**

5.20 All access to the site is from North Hyde Lane and other nearby residential streets. Appropriate roads for the scale of vehicles involved do not service the site. The use increased the number of heavy vehicle movements through North Hyde Lane. This would have brought additional unwanted heavy traffic through a residential area and caused unacceptable intrusion and harm to residents’ and neighbours’ living conditions. Policy T.4.3 resists development if the associated traffic movement would increase danger, cause unacceptable noise, congestion or environmental intrusion.

**Proposed action**

5.21 In summary, therefore, the planning harm arose both from traffic accessing the site and from inappropriate use of land in the Green Belt. Under the circumstances, had the Environment Agency action not brought the use to a halt and achieved removal of the waste material, planning enforcement action would have been expedient.

5.22 Although there is now no breach of planning control, there is good reason to consider that this site might again be the target of unauthorised tipping. Similar problems have arisen on other areas of open land in the Borough’s Green Belt. Officers already have powers to issue Temporary Stop Notices to bring an immediate but temporary halt to such activities, but it is necessary to have the ability to follow this up in a very short space of time (temporary stop notices only last for 28 days) with an Enforcement Notice (In addition, it should be noted that in certain cases where a Temporary Stop Notice has been issued, persons with an interest in the land may be entitled to compensation from the Council). It is therefore recommended as set out at the beginning of this report that, in this case, officers are now given the authority, in the event that such activity resumes, to serve an enforcement notice in the case of this site without further reference to the Committee. Once an enforcement notice has been issued, the Council has the power to issue a Stop Notice to immediately prohibit the continuance of the breach of planning control (Stop Notices also give rise to an entitlement to compensation as described above).
6.0 EQUAL OPPORTUNITIES CONSIDERATIONS
6.1 None

7.0 CONCLUSION
7.1 The state of this Green Belt land as it stands is an unacceptable eyesore inappropriate to Green Belt objectives and;

7.2 Based on the information in this report it has been concluded that it is prudent to authorise the future service of an enforcement notice should the use recur and to take steps to further remediate the land as set out in the S106 agreement.

Background Papers:
Local Government and Housing Act 1989
Local Government Act 1974
The Council’s Town Planning Code of Good Practice
Planning application files 01256/A

This report has been or is due to be considered by:
Sustainable development Committee

This report is relevant to the following wards/areas:
All
Appendix 1
Site plan and Aerial Photograph
Appendices 2 and 3
Aerial Photographs 2003 and 2006
RESULTS OF PLANNING APPEALS

Report by: Director of Legal Services

Summary

The report gives an outline of appeal decisions affecting sites in the Committee’s area received in October and November 2007. Links to the decision letters are set out below. Hard copies of the decision letters are available on request.

Central Hounslow Area Committee (Planning) 13 December 2007

1. RECOMMENDATIONS

1.1 To note the report

<table>
<thead>
<tr>
<th>NO.</th>
<th>SITE</th>
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<tr>
<td>1</td>
<td>Land at 4 Tennyson Road, Hounslow</td>
<td>11 October 2007</td>
<td>Dismissed</td>
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<tr>
<td>2</td>
<td>11A &amp; 15 Roseville Avenue, Hounslow</td>
<td>24 October 2007</td>
<td>Both appeals Dismissed</td>
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<tr>
<td>3</td>
<td>31 Yew Tree Walk, Hounslow</td>
<td>25 October 2007</td>
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1. Land at 4 Tennyson Road, Hounslow

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<td>25 January 2007</td>
<td>Written Reps</td>
<td>11 October 2007</td>
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Enforcement

Cease use of premises as two self-contained residential units and remove kitchen and bathroom facilities from one self-contained unit.

Summary reasons for Council’s decision to take enforcement action

- Conversion of the property into two self-contained units has resulted in substandard accommodation for occupants arising from unsatisfactory room sizes, inadequate provision of private amenity space and no family sized unit on the ground floor.

Key points of Inspector’s decision

- Net floor requirements of the Guidelines are not to be treated as wholly prescriptive, but as an aid to deciding the adequacy of what has been, or is to be, provided in a flat conversion. The accommodation was considered cramped, providing an unattractive living environment for occupants.
• Limited open curtilage accentuates the sense that the development has been cramped into the space available. All the normal activities of the occupants’ day-to-day living have been constrained within one small room. This is a severe disadvantage.

• Limited distance of the whole building from the property boundaries is reflected in the resulting restricted availability of parking and garden facilities. Amenity space is limited to a narrow strip alongside the rear of the building, and has not been apportioned between the two units.

• While there may be space accessible at the front of the building to park two cars, the configuration is awkward and this is insufficient. The road is narrow and heavily used for off-street parking. There is an existing problem in the area of reduced safety standards for car uses and pedestrians. Even granted the high level of public transport, no less than three spaces should be accepted, as a precondition of the change of use.

• The development is over-development with adverse consequences.

• The period for compliance with the notice was extended from 2 to 6 months.

Decision Letter - 4 Tennyson Road, Hounslow

2. 11A & 15 Roseville Avenue, Hounslow

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<th>OFFICER RECOMMENDATION</th>
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<td>24 October 2007</td>
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Enforcement
Demolition of a front canopy, which forms a continuous structure across the whole frontage of the combined properties

Summary reasons for Council’s decision to take enforcement action
• The canopy fails to conform to Council’s policies relating to residential extensions, failing to complement the original dwellinghouses and having an obtrusive and detrimental impact upon the surrounding streetscape.

Key points of Inspector’s decision
• The porch sits as an incongruous addition to the properties; the pillars and canopy are a stark contrast to the original building lines and frontage, creating an alien feature within the street scene.

• The canopy appears as a bold and unorthodox feature, unlike any other in the street scene. Its impact upon the host dwellings is such that they appear out of sorts with the more regular building lines and simple facades that are commonplace in the street. This is in conflict with Council polices requiring that development makes a positive contribution to overall environmental quality, complement the original building and harmonise with adjoining properties and maintain the general street scene.

Decision Letter - 11A Roseville Avenue, Hounslow
Decision Letter - 15 Roseville Avenue, Hounslow

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3. 31 Yew Tree Walk, Hounslow

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Proposal
Erection of roof extension, incorporating hip to gable conversion, rear roof extension and roof light to front roof slope of house

Summary reasons for Council’s refusal
- The proposed extensions, including rear loft extension and roof light and, in particular, the hip to gable conversion, by reason of their excessive size, bulk, appearance and design, would be disproportionately large in relation to the roof and constitute an obtrusive feature which would unbalance this pair of semi-detached houses and be out of character and harmful to the established roofline of adjoining properties and the wider street scene.

Key points of Inspector’s decision
- The scheme would result in a bland, boxy structure, high on the rear elevation. This would be an unsympathetic feature when viewed from neighbouring properties and gardens to the rear of the appeal site. The change to a hipped roof form would be at odds with most other houses when seen from the front of the property, and would detract from the consistent pattern of hipped roofs.
- The size, style and appearance of the proposed extension pay insufficient attention to the form of the existing roof. This would be contrary to the council’s policies that require extensions to have regard to the form and character of the existing building and neighbouring properties.

Decision Letter - 31 Yew Tree Walk, Hounslow

Chiswick Area Committee (Planning) 5 December 2007
The only appeal decision affecting sites in the Chiswick Area Committee (Planning) received in October 2007 was the decision relating to Hartington Court, Hartington Road London dated 11 October 2007 (dismissed). This decision was included in the November Report.

Heston & Cranford Area Committee (Planning) 6 December 2007
1. RECOMMENDATIONS
1.1 To note the report

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<td>2</td>
<td>110 Bath Road, Hounslow</td>
<td>11 October 2007</td>
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<tr>
<td>3</td>
<td>2 Rectory Road, Hounslow</td>
<td>22 October 2007</td>
<td>Dismissed</td>
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Proposal
Retention of a single storey outbuilding and use as a playroom comprising kitchenette, bedroom and lounge with separate room providing bath and WC to rear garden of house

Summary reasons for Council’s refusal
- The proposal is an inappropriate back land development. It does not provide a suitable standard of accommodation for future residents, who would suffer from inadequate daylight, privacy, poor outlook, substandard amenity space, inadequate off-street parking and access.
- The proposal would cause harm to neighbours’ living conditions through noise, disturbance, and loss of outlook, privacy and loss of private garden space.

Key points of Inspector’s decision
- The proposed use is likely to have a detrimental affect on occupiers of neighbouring dwellings, and would particularly affect privacy levels in the back gardens and first floor rear-facing rooms. While there is no vehicular access to the building, the comings and goings of the occupier and visitors would generate far more noise and disturbance than from a conventional outbuilding.
- Due to the remote location and type of accommodation provided, there would be an insufficient level of dependency on the main dwelling. Accordingly, it would be inappropriate to control the proposed use by means of a condition restricting occupation to use for purposes ancillary to the main dwelling.
- The living conditions would be unsatisfactory for an independent dwelling, although they would be adequate for ancillary residential use.
- Harm that would be caused to the living conditions of occupiers of adjoining dwellings with regard to privacy and noise disturbance represents a significant, substantial and overriding objection.

Decision Letter - 10 Ely Road, Hounslow

2. 110 Bath Road, Hounslow

Enforcement action
Cessation of use of an outbuilding as a separate residential unit and removal of bathroom and kitchen related facilities from the outbuilding
Summary reasons for Council’s decision to take enforcement action

- The unauthorised use of this detached outbuilding as a separate residential unit harms the living conditions of residents at neighbouring properties, results in an unacceptable increase in noise, traffic and general disturbance, there a loss of privacy for both the occupants of the dwellinghouse and neighbouring properties, and is out of character with the locality.
- This is unacceptable development of the site, does not satisfy the principles of back land development, nor does it provide a suitable standard of accommodation for future residents. There is no suitable access to the site, nor is there adequate on/off street parking.

Key points of Secretary of State’s decision

- The outbuilding is served by rear access by way of an unmade track, which is overgrown in places, but by no means impassable.
- There is no real likelihood of mutual overlooking to a harmful degree, as between the outbuilding and any other dwelling in the vicinity. There is ample scope for the garden to serve effectively as an amenity area. The internal layout of the building is not unduly cramped or lacking in basic facilities. The accommodation provides a satisfactory residential unit of a standard, which a willing occupant should not be debarred from accepting.
- The existence of a suitable separate access obviates the concern for loss of amenity caused by undue noise and disturbance.

Decision Letter - 110 Bath Road, Hounslow

Council’s challenge of the Secretary of State’s decision

- The Council has appealed to the High Court against the decision of the Secretary of State’s Inspector to grant planning permission, and has made an application for leave to appeal to the High Court against the decision of the Secretary of State’s Inspector to quash the enforcement notice. The appeal and application for leave to appeal have not yet been determined.

3. 2 Rectory Road, Hounslow

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<th>OFFICER RECOMMENDATION</th>
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<td>2 February 2007</td>
<td>Written Reps</td>
<td>22 October 2007</td>
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</table>

Enforcement action

Removal of outbuilding

Summary reasons for Council’s decision to take enforcement action

- The outbuilding, because of its size, scale and appearance constitutes a bulky and obtrusive feature that harms the appearance and character of the original house, the adjacent footway, surrounding gardens and the area as a whole.
- It results in a poor and overbearing outlook for neighbours, and a loss of daylight, harmful to living conditions.
**Key points of Inspector’s decision**

- The appellant contends that much of the appeal building represents permitted development.
- It is settled law that development not in accordance with terms of a planning permission (whether actual or deemed) is in its entirety, unauthorised development, save where the non-compliance can properly be treated as so minor as not to invalidate the entire project (i.e. it is *de minimis*).
- If a building of appropriately smaller dimensions had been put in place originally, it would have been permitted development, whereas the larger building is not, nor is any part of it. Its formal status depends on the circumstances as at the time it was built. It is that act which constitutes development.
- The amount of building over the permitted level was not so insignificant that it can be regarded as *de minimis*, hence the whole building is unauthorised development.

**Decision Letter - 2 Rectory Road, Hounslow**

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**Isleworth & Brentford Area Committee (Planning) 13 December 2007**

1. **RECOMMENDATIONS**

1.1 To note the report

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<td>1</td>
<td>16 Crane Avenue, Isleworth</td>
<td>2 October 2007</td>
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<td>2</td>
<td>Land to rear of 189-199 Twickenham Road, Isleworth</td>
<td>8 October 2007</td>
<td>Allowed</td>
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<tr>
<td>3</td>
<td>Land at Kew Distribution Centre, M15 Building, Lionel Road, Brentford</td>
<td>12 October 2007</td>
<td>Appeals A and B Dismissed</td>
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<tr>
<td>4</td>
<td>45 South Street, Isleworth</td>
<td>16 October 2007</td>
<td>Dismissed</td>
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<tr>
<td>5</td>
<td>27 Cranmore Avenue, Heston</td>
<td>24 October 2007</td>
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<td>6</td>
<td>Commerce Road, Brentford</td>
<td>28 November 2007</td>
<td>Appeals A and B dismissed Partial award of costs against the Council</td>
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1. **16 Crane Avenue, Isleworth**

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<td>20 February 2007</td>
<td>Written Reps</td>
<td>2 October 2007</td>
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**Proposal**

Retention of existing first floor rear extension to house with amendment to set the extension in from the side boundary and lower roof to a flat roof
Summary reasons for Council’s refusal

- The first rear extension, as proposed to be amended, by reason of its position, bulk and appearance, would appear incongruous and out of keeping with nearby houses, disrupting their uniform appearance and unbalancing the pair of semi-detached houses, and would be harmful to the visual amenity of the area.

Key points of Inspector’s decision

- An appeal was previously dismissed for a first-floor rear extension built onto the appeal premises without planning permission. The extension was found to be obtrusive and not sufficiently subservient to the existing house.
- The current proposal is for a smaller first floor extension to replace the extension that has been built. It has been designed to overcome the concerns previously raised. However, with its flat roof and windows, it would look substantially out of keeping with the traditional pitched roof style of the existing house.
- The proposed extension would not be readily visible from Crane Avenue, however it would be seen from the rear gardens of neighbouring properties and from a private rear access way. The properties in the area have largely retained a traditional appearance, even those that have been extended. The proposed development would detract from the character and appearance of the surrounding area.

Decision Letter - 16 Crane Avenue, Isleworth

2. Land to rear of 189-199 Twickenham Road, Isleworth

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Proposal

Demolition of buildings on site and erection of a two-storey and single-storey building providing three flats and a two-storey building providing two flats

Summary reasons for Council’s refusal

- The proposed development would be an undesirable overdevelopment with a density above recommended levels, resulting in the provision of cramped and substandard accommodation, unacceptably close to adjoining properties and resulting in loss of outlook to those properties and lack of amenity space and parking.
- The proposed development would result in additional traffic, and with no parking provided would be likely to result in increased demand for on-street parking and access in an area that is already heavily congested.

Key points of Inspector’s decision

- The Council did not provide guidance relating to privacy and spacing distances. As there are no windows on the east side elevation, there would be no loss of privacy or significant adverse affect on the outlook from those properties. An adequate separation distance had been achieved, particularly in the context of the existing ground floor commercial uses. While there would be some reduction in levels of sunlight reaching the balcony, this would not be unacceptable.
• Although some of the bedroom, kitchen and bathroom sizes are below the recommended standards, this is not to a significant degree and the flats would be adequate in size for their intended purpose. There is a modest shortfall in the amenity space provided, however such standards should not necessarily be applied in a prescriptive manner, especially where there may be other material benefits arising form the proposal.

• The proposal would not represent an unacceptable over-development of the site, with regard to the affect on living conditions of occupiers of neighbouring dwellings, and the standard of living accommodation and amenity space for future occupiers.

• There is no provision for off-street parking. The Council stated that the development would generate a requirement for 6 additional spaces, however no relevant standards or information on how this figure was calculated was provided. Given the modest size of the flats, and their location, car users might only occupy a portion of them. The site is located in an area where a wide range of facilities and services can be reached on foot or by bus. The proposed development would not result in a significant increased demand for on-street parking, or add appreciably to congestion in surrounding streets.

Decision Letter - 189-199 Twickenham Road, Isleworth

3. Land at Kew Distribution Centre, M15 Building, Lionel Road, Brentford

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<td>Refuse</td>
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<td>5 June 2007</td>
<td>Written Reps</td>
<td>12 October 2007</td>
<td>Appeals A and B Dismissed</td>
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Proposal
• Appeal A – demolition of existing office building and erection of advertising display tower with an overall height of 24.4 metres
• Appeal B – 2 internally illuminated display panels measuring 9m x 6m each

Summary reasons for Council’s refusal
• The proposed advertisement tower would be inappropriate and unacceptable in the context of surrounding development, detrimental to the street scene and local visual amenity and may result in the loss of an existing employment site.
• The proposed advertisement tower, by virtue of its size, height, position, design and illumination would represent a distraction to motorists, to the detriment of public safety.

Key points of Inspector’s decision
• The appeal site lies within a commercial area and adjoins the Great West Road. There are a number of existing substantial advertising display towers nearby, and the erection of an additional tower and display of the scale proposed would result in an excess of such dominant advertising material. The proposed development would not make a positive or sensitive addition to the robust skyline, and it would harm the visual amenities for the area by being jarring and intrusive.
• The appeal site adjoins the M4 motorway, presenting drivers with an elevated urban view dominated by a plethora of commercial buildings, signs and advertising. The proposal would not appear as isolated or unusual. However, it is located at a point where traffic conditions and volumes necessitate a driver’s full attention. Lane widths, traffic volumes, information signs and lack of hard shoulder all require full concentration on road traffic conditions at this point. Introduction of another advertisement tower and display of the scale proposed would be likely to distract drivers’ attention. The appeal proposals, in addition to the existing overload of attention seeking structures, information and advertising, would constitute a significant traffic hazard and would be detrimental to highway safety.
• There was not sufficient information on employment land availability in the area to determine whether the loss of an employment site would constitute an additional reason for dismissing the appeals.

The Decision Letter is not available on-line. Please contact Helen Farquhar on 020 8583 2046 if you would like to be provided with a copy.

4. 45 South Street, Isleworth

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<td>16 October 2007</td>
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Proposal
• Erection of a three storey rear extension and conversion into three self-contained flats consisting of one 1-bedroom flat with disabled access, one 2-bedroom flat and one 1-bedroom flat with refuse/bicycle store area

Summary reasons for Council’s refusal
• The proposed conversion to flats, because of its excessive density, lack of parking and amenity space and poor pedestrian access is considered to be an overdevelopment, out of character with the surrounding residential area and harmful to neighbours’ living conditions and the character and appearance of the conservation area.
• The proposed three storey rear extension, by reason of its size and appearance would appear over-dominant and out of keeping with the shape and proportion of the existing property and harmful to the character and appearance of the conservation area.

Key points of Inspector’s decision
• The proposed development would extend the property at three-storey height into its small rear garden. A lengthy flat roof would extend rearwards for the full length of the extension. Such a substantial structure of this design would be notably out of accord with the character and appearance of the existing property and far more intrusive and out of keeping with the existing (albeit unattractive) extensions to it. It would also be out of keeping with the character and appearance of adjoining properties, which maintain pitched roofs and have small two-storey extensions. The proposed development would detract form the character and appearance of the surrounding area, and would fail to preserve or enhance the character or appearance of the conservation area.
The extension would, due to its height and depth, appear over dominant and intrusive when seen from the narrow rear garden of the neighbouring house, and would detract from the living conditions of neighbours.

The proposed development would not provide sufficient garden space, however space would be provided for the ground floor flat and communal bin and cycle storage would be provided for all flats. This would constitute reasonable open amenity space provision for a conversion of the type proposed. Pedestrian access to the upper flats comprises a satisfactorily safe and convenient arrangement. Satisfactory living conditions would be provided for the occupants of the proposed development.

**Decision Letter - 45 South Street, Isleworth**

5. **27 Cranmore Avenue, Heston**

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<td>23 April 2007</td>
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<td>24 October 2007</td>
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**Enforcement**

Demolish unauthorised porch and canopy

**Summary reasons for Council’s decision to take enforcement action**

- The unauthorised porch and canopy fails to complement the original house and the surrounding area.
- Due to its position, disproportionate scale and bulk, height, design, overbearing appearance, and materials used in its construction, it harms the appearance of the property and surrounding area.

**Key points of Inspector’s decision**

- The porch and canopy were considered to be one structure. The area of the combined structure exceeds 3 square metres, and planning permission is required.
- The canopy would be used for sheltering bikes, the tiles match those of the existing roof and there are examples of similar pillars in the area. However, it sits as an incongruous addition to the property; the pillar and canopy are a stark contrast to the original building lines and frontage, creating an alien feature within the street scene. Moreover, the semi-detached property no longer has the uniformity and balance to match the other semi-detached properties in the street.
- The development draws the eye and harms the character and appearance of the area.

**Decision Letter - 27 Cranmore Avenue, Heston**
6. Commerce Road, Brentford

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<td>28 November 2007</td>
<td>Public Inquiry</td>
<td>28 November 2007</td>
<td>Appeals A and B dismissed Partial award of costs against the Council</td>
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Proposal

- Appeal A (as determined by the Inspector and the Secretary of State): Hybrid application for planning permission for a mixed-use development including residential, commercial, community and leisure uses A1, A2, A3, D1 and D2 and 833 car parking spaces. The retention of a bus depot, public open space and car parking.
- Appeal B: Application for conservation area consent for demolition of a structure currently overhanging part of a towpath into a conservation area.

Indicated reasons for Council’s refusal (had there been no appeal)

**Appeal A**

- The proposed development represents a loss of a Preferred Industrial Location and threatens potential for employment in the area.
- The range of uses (normally located in a town centre) threatens vitality and viability of the Brentford town centre.
- The proposed development would be an overdevelopment of the site in an area of low accessibility to public transport. It would result in unsatisfactory living conditions for future residents due to: inadequate amenity space (private and public) in an area of Publicly Accessible Open Space Deficiency; in terms of sunlight/daylight and shadowing impact; and overlooking with resultant loss of privacy.
- The proposed development makes provision for an insufficient level of affordable housing and mix of units (overall and with regard to affordable), and does not meet the Borough’s housing need.
- The proposed development: by virtue of its size, massing and appearance, represents an overdevelopment that would not be compatible with or enhance the character of the area in terms of size, scale and design; and by virtue of its height, mass and detailed design, would fail to preserve or enhance the character of the conservation area.
- The proposed development fails to give sufficient importance to its canal side location and to safeguard an existing wharf.
- The site is isolated and has poor pedestrian, cycle and public transport accessibility. The proposed development would (as a result of traffic generated, traffic access and egress arrangements) give rise to traffic conditions prejudicial to highway safety, increased danger, cause noise, congestion and environmental intrusion.

**Appeal B**

- The pitched-roof canopy contributes to the character of the conservation areas, because of its age and because it is an industrial structure linking working buildings to the canal. It is the only remaining such building of the canal basin, and the case for its loss is not made.
Key points of Secretary of State/Inspectors’ decision

- The Inspector conducted a public inquiry that sat for a total of 32 days between 4 July 2006 and 21 May 2007. The Inspector made a report to the Secretary of State dated 12 September 2007 recommending both appeals be dismissed and planning permission and conservation area consent be refused. A separate report was made in relation to an application for a partial award of costs.

- The Secretary of State considered the Inspector’s report and in a letter dated 28 November 2007 agreed with the Inspector’s conclusions and recommendation. A separate letter was made in relation to the costs application.

- This summary does not distinguish between the Inspector’s reports and the Secretary of State’s letters. This report is a summary only, and it is recommended that this summary be read in conjunction with the Inspector’s reports, the Secretary of State’s letters described above (available on request).

Procedural Matters

- During the early stages of the Inquiry, the appellant sought to make two amendments to the original planning application. Amendment A deleted reference to possible alternative commercial uses (B1 or B8) of the site of the bus depot and reduced the amount of car parking spaces from 900 to 833 spaces. A condition relating to flood protection was also agreed. The second amendment (Amendment B), which included changes to the mix and quantum of uses, was considered too substantial to be considered within the appeal (and would require a fresh application to be considered).

- The appeal was determined on the basis of Amendment A.

Housing, Affordable Housing and Housing Mix

- Housing Supply: Although Hounslow can demonstrate an up to 5 year supply of available, suitable and deliverable housing sites, there is no reason not to exceed targets where suitable sites come forward. While the scheme has attractions in providing a substantial addition to housing delivery in Hounslow, the shortcomings are sufficiently serious to treat this addition with caution.

- Sequential Approach to Residential Development: The proposed development would make use of a previously developed site, but fails to re-use any existing buildings. While there is reason to accept that this is a suitable location for new housing development, the scheme has a number of significant shortcomings.

- Residential Density: The scheme proposes a particularly high level of residential development. At 582 hrr it would exceed London Plan density guidelines of 300-450 hrr. Coupled with a high quality scheme that would be particularly well served by facilities and infrastructure, the density proposed might be seen as acceptable and highly efficient, however in the present circumstances exceeding the density ranges would not be justified.

- Affordable Housing: The pressing need for affordable housing means the level of affordable housing provision proposed should be regarded as the minimum acceptable. It would have been preferable to have a greater commitment to affordable housing provision within phase 1, and the split of 70% intermediate housing and 30% social housing is an extreme shift from London Plan policy and does not reflect the needs of the community. The segregation of affordable housing units (emphasised by a difference in appearance and lack of facilities) is contrary to the policy aim of creating a well-mixed and integrated community.

- Housing Mix: By failing to provide any units with four or more bedrooms and any one bedroom social housing units, the scheme fails to provide an adequate basis for the creation of a balanced, mixed and inclusive community.
Design and Layout

- **Amenity and Recreation Space**: The late addition of balconies in Block B is welcome and necessary. The attractiveness of the communal podium decks would be limited (e.g. with shared use for cycle storage). The level of children’s formal and informal play space does not reasonably relate to the scale of the proposed development and this could lead to conflict between user groups.

- **Other Public Realm Considerations**: The public realm would be deficient in failing to provide an appropriate balance between activity and repose for its resident population. Parts of the scheme around the canal basin would achieve a high quality and strong sense of place. However, in the context of the quality of housing and other development proposed, this would fail to make amends for inadequacies in the overall quantity and quality of public space.

Residential Amenity

- **Effect on Existing Occupiers**: None of the effects on existing occupiers arising in relation to light and noise (although unlikely to be welcomed by all residents) would be so serious as to breach relevant policies. In view of the separation provided by the canal basin, the effect on outlook and sense of enclosure would not be so severe that the scheme should be rejected for these reasons either.

- **Effect on Potential New Occupiers**: The inadequate level of privacy achieved in some of the proposed flats and lack of adequate sunlight for a substantial number of the proposed flats represent design failings. If permission were to be granted for the scheme, modifications would be required at the detailed design stage. Although there would be no justification for refusing the appeal scheme on the grounds of potential air quality, noise and micro-climate effects on potential new occupiers, the disadvantages described fit poorly with the aim of achieving high quality housing set within a sustaining environment.

- **Conservation Areas**:  
  - Appeal B: Loss of the structures currently overhanging part of the towpath would be relevant including in terms of function, history and nostalgic connotations. The scheme fails to represent either a visually or functionally appropriate replacement, and in the absence of a replacement, the loss would be unnecessary and undesirable.
  - Appeal A: The size, height and density of the scheme would have an overwhelming impact which would fail to form an appropriate response to the sensitivity of the location, and would fail to preserve or enhance the character or appearance of the conservation areas.

Highways, Transport and Access

- **Safety and Congestion**: The appellant’s transport study does not provide the confidence required to demonstrate that congestion would not occur. Failure to provide for an all-red phase at the Commerce Road/London Road junction indicates that road safety would be compromised.

- **Bus Gate**: The provision of a bus gate was given limited weight.

- **Sustainable Transport Choices**: Sustainability objectives would not be well served by focusing such a large development in this location.

- **Car Parking**: Given the moderate Public Transport Accessibility Level rating of the appeal site, and limitations on the range of local (walkable) services and facilities, the failure of the scheme to meet the car parking standards is not acceptable. The use of “Controlled Parking Zones” would not necessarily help in defusing the situation, and considerable weight was given to the inadequacies of the car parking proposals.

- **Cycling and Walking**: The scheme would make provision for cyclists and pedestrians and would help encourage cycling and walking. However, while there is no overall conflict with the relevant policies, their objectives could be better met (particularly in relation to cycle provision in Block B).
Employment

- The loss of the appeal site as a Preferred Industrial Location could possibly be justified in circumstances where proposed new development fits well within the current setting. Potential employment benefits were not considered sufficient to outweigh concerns in relation to design, transport and housing matters set out above.

Town Centre Vitality and Viability

- The suggested 80% of expenditure on A3 and A4 uses capable of being retained within that catchments is optimistic, and achieving a level of 50% retained expenditure would require a significant shift in spending patterns. The need for the proposed quantum of A3 and A4 floor space has not been clearly demonstrated.
- The scheme would compete with the Brentford town centre and become a preferred destination. Sites within town centres should be considered for such activities, and then land in proximity should be preferred in the sequential approach adopted by relevant policies. If the appeal site were to be developed ahead of sites within the town centre and closer to its core, it is likely to prejudice decisions relating to the viability and desirability of pursuing options on more central sites.

Other Matters

- Canal Infrastructure: There would be no conflict with policy in relation to loss of any wharf and insufficient reason to protect the Commerce Road wharf simply on the basis that it has the potential to make a future contribution to sustainable transport.
- Nature Conservation: There would be adequate protection in the appeal scheme and an overall enhancement of the nature conservation value of the site.
- MP Motor Repairs Ltd: Although the proposed development would not sit comfortably with the retained motor repair business, it should be possible to manage the relationship so as to avoid serious conflict.
- Section 106 Obligation and Conditions: The terms of the unilateral undertaking submitted by the appellants under section 106 of the Town and Country Planning Act 1990 and proposed conditions were considered, but did not overcome the reasons for refusing the application.

Conclusion

- While the site has the potential to provide a pleasant setting for a certain amount of new housing close to the Brentford town centre, the number of new homes and businesses proposed in Appeal A would stretch the site beyond what can be considered to be its natural limit and what it could reasonably be expected to accommodate. The result would be an over-dense development with inadequate on-site amenities and unsatisfactory affordable housing that would increase burdens on the existing transport infrastructure and harm the setting of the conservation areas.
- Taking account of the changes made in the amendment to minimise flood risks and clarify that it is not proposed to redevelop the bus depot, the shortcomings associated with the proposed development are so substantial that both Appeals A and B should be dismissed and planning permission and conservation area consent refused.
Costs

- The Council did not include air quality or wind/microclimate in its reasons for refusal. Prior to the Inquiry, it produced evidence relating to these matters, but did not indicate that its concerns could be overcome by a condition or through a section 106 obligation. The appellant prepared proofs of evidence, and during the Inquiry (following cross-examination) it became clear that the Council did not intend these matters to be viewed as additional reasons for refusal and it was content for matters to be dealt with by means of conditions of a section 106 obligation.
- By failing to state its position clearly, the Council was found to have behaved unreasonably and that this resulted in unnecessary expense to the appellants. The appellant was awarded a partial award of costs against the Council.

The decision letters are not yet available on-line. Please contact Helen Farquhar on 020 8583 2046 if you would like to be provided with a copy.

West Area Committee (Planning)  6 December 2007

1. **RECOMMENDATIONS**

1.1 To note the report

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<th>NO.</th>
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<td>24 September 2007</td>
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<td>2</td>
<td>59 Buckingham Avenue, Feltham</td>
<td>15 October 2007</td>
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<td>3</td>
<td>8 The Green, High Street, Feltham</td>
<td>16 October 2007</td>
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<td>5</td>
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1. **22 Boundaries Road, Feltham**

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**Proposal**

Two-storey side extension and loft conversion with rear dormer

**Summary reasons for Council’s refusal**

- The Committee refused the proposed side extension. The extension, because of its excessive bulk and uncharacteristic design, would be detrimental to the appearance of the premises and the character of the area generally.
Key points of Inspector’s decision

- The proposal would not conflict with policies relating to two-storey extensions. The feeling of openness and spaciousness would be retained and a terracing affect would not result.
- Both the side extension and dormer would respect the design and form of the house, and would not be a particularly prominent or obtrusive feature in the street scene.
- The affect of the proposal on the living conditions of occupiers of nearby dwellings was considered. Although the proposal would lead to some reduction in light falling on the windows, it would not cause significant harm, as the windows did not appear to serve habitable rooms. Although a degree of overlooking of rear gardens would be possible from the dormer, any potential for overlooking and loss of privacy would be limited due to the design and position of the window, and would not cause significant harm.

Decision Letter - 22 Boundaries Road, Feltham

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Enforcement action
- Alter the existing rear roof extension so that it confirms to the approved plans; or
- Remove the roof extension and reinstall the original roof using materials to match the existing parts of the original roof

Summary reasons for Council’s decision to take enforcement action
- The roof extension fails to complement the appearance of the dwellinghouse due to its excessive bulk. It is not subordinate to the original dwellinghouse, due to the lack of suitable set-down. Due to the highly visible location, the roof extension has a detrimental impact on the surrounding street scene.

Key points of Inspector’s decision
- Planning permission was granted for a conversion scheme, for development that would have not been of undue prominence, in that its two projections from the roof were to have been set down below ridge height. Instead, as built, the two protrusions from the roof, at the side and rear of the dwelling, are connected, and are flush with the ridgeline.
- Although the appellant’s house has rather enhanced prominence, because it is at the end of a row, the lack of long views still limits the visibility of the work carried out. This applies to the side elevation, which is in public view, but not from a distance or over a broad arc. The rear roof is unseen from the street, and from where the development can be seen its prominence is reduced, essentially because it forms part of an appreciable mass of built form, reflecting the density in the surroundings. The extent to which the development falls short of reasonable policy expectations is limited.
- The planned roof height of the extension was found, on first implementation of the building project, not to meet Building Regulations requirements. In order to meet these requirements, the height of the building was increased. The Inspector could appreciate how it would have appeared to the appellant that, in effect, a variation in the planning permission had been sanctioned, to meet the problem identified.
Such considerations cannot, in themselves, justify unauthorised development of an unacceptable standard. But here, where the case for rejecting the development is not clear cut on the merits, the appellant’s personal circumstances, resulting from the difficulties experienced, become relevant. The inconvenience and expense which would be occasioned by removing or fundamentally altering the development would not be justified by the limited planning advantages to be gained from having to comply with the notice accordingly. Those personal considerations are just sufficient to tip the balance, such that permission can properly be granted to retain the work in question.

Decision Letter - 59 Buckingham Avenue, Feltham

3. 8 The Green, High Street, Feltham

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Enforcement action
Demolition of existing single storey outbuilding

Summary reasons for Council’s decision to take enforcement action

- The outbuilding, because of its position, size and scale constitutes a bulky and obtrusive feature that harms the appearance and character of the original house, the surrounding gardens and the area as a whole.
- The outbuilding does not preserve or enhance the character of the conservation area.

Key points of Inspector’s decision

- The building is barely visible from any public vantage point. In terms of impact on the public domain, the development is completely lacking in harm to the conservation area. In the conservation area there is no uniform distinctiveness of architectural style. The outbuilding in question is larger than those to be found in many domestic curtilages, but its proportions represent no harmful lack of conformity with the defined norm of the area.
- The development causes no harm to the character or appearance of its surroundings.
- The Council’s proposition that conditions be incorporated to ensure the walls are suitably finished, and to regulate the provision of any further windows in the building so as to safeguard against undue overlooking from it and any ensuing loss of privacy, were considered to effectively remove any reasonable cause for objection.

Decision Letter - 8 The Green, High Street, Feltham
4. 46 Canterbury Road, Feltham

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**Proposal**

Erection of a part single/part two storey side extension to house

**Summary reasons for Council’s refusal**

- The proposed extension would be harmful to the amenities of the neighbouring property to the east, in terms of loss of light and outlook, an unacceptable level of enclosure and loss of privacy.
- The proposed extension would, by reason of size, scale and design, be harmful to the appearance of the existing building, the street scene and the local area in general.

**Key points of Inspector’s decision**

- The proposal would appear as a dominant and incongruous feature, rather than a subordinate extension harmonising with the proportions of the existing house and attached house. The width of the proposal and lack of set back from the existing house at ground floor level create an unfortunate terracing effect. This situation would be made worse by the new front door that would give the proposal the appearance of another house, rather than an extension. The proposal would be harmful to the character and appearance of the area.
- The proposal would be seen as overbearing when viewed from the rear windows and garden of the neighbouring property, thus exacerbating the existing sense of enclosure to an unacceptable level. It would have a harmful impact on the living conditions of the occupiers of the neighbouring property in terms of outlook and light, but not in terms of overlooking.

**Decision Letter - 46 Canterbury Road, Feltham**
5. 2 Rochester Avenue, Feltham

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Proposal
Erection of a two-storey side extension and single storey rear extension to house

Summary reasons for Council’s refusal
- The proposed side extension due to its size, scale, position, and appearance, would not be in keeping with the style and character of the existing house, and would be harmful to the appearance of the premises and the street scene.

Key points of Inspector’s decision
- The two-storey extension would be clearly visible from public vantage points. As a result of the width and lack of set back from the main front wall of the existing house, the proposed extension would not be subsidiary to the existing house. Rather, it would be read as a dominant feature in the street scene. This would be exacerbated by the design of the roof, which would have an uncharacteristic gable when the existing house and other end of terrace houses in the vicinity of the appeal site have hip ends.
- The proposed extension would be an incongruous addition to the house, resulting in it being out of keeping with other properties in the area.

Decision Letter - 2 Rochester Avenue, Feltham

Background Papers:
Appeal files

This report has been or is due to be considered by:
Sustainable Development Committee

This report is relevant to the following wards/areas:
All areas
Guidance to the Sustainable Development Committee on National Planning Policy

The following note is intended to supplement individual committee reports and provides guidance to Members on National Planning Policy for consideration in reaching decisions and/or providing comments on planning applications.

Planning Policy Guidance Notes (PPGs), and Planning Policy Statements (PPSs), which are replacing PPGs, set out the Government’s national policies on different aspects of land use planning in England. The following provides an overview of each PPG and PPS. It does not seek to address all issues specific to a proposal, as these are outlined in each individual committee report.

Planning Policy Statement 1: Delivering Sustainable Development (February 2005) sets sustainable development as the core principle underpinning planning and lists the Government’s four aims for achieving sustainable development:

- social progress which recognises the needs of everyone;
- effective protection of the environment;
- the prudent use of natural resources; and,
- the maintenance of high and stable levels of economic growth and employment.

Paragraph 13 lists key principles that should be applied to ensure that decisions taken on planning applications contribute to the delivery of sustainable development, including high quality inclusive design.

Planning Policy Guidance 2: Green belts (January 1995, amended March 2001) sets out objectives for the green belt including retaining openness through controls on development. New development is only acceptable if it is for specific purposes, identified in para. 3.4, and PPG2 emphasises that it is for the applicant to show why permission should be granted for inappropriate development.

Planning Policy Statement 3: Housing (November 2006) The overall aim of PPS 3 is to ensure that everyone has the opportunity of living in a decent affordable home in a community where they want to live. It supports the delivery of decent homes through the efficient use of land, good design, and a mix of sizes and tenures. Housing should be in suitable locations with a good range of community facilities and with good access to jobs, key services and infrastructure.

Planning Policy Guidance 4: Industrial, commercial development and small firms (November 1992) The Government is committed to a review of Planning Policy Guidance 4: Industrial, Commercial Development and Small Firms (PPG4), but at present a key aim is to encourage continued economic development in a way which is compatible with its stated environmental objectives and seeks to:

- Encourage the re-use of vacant or under-utilised land;
- Encourage new development in locations that minimise the need to travel and the number and length of trips; and
- Encourage a diverse range of employment opportunities.

Planning Policy Guidance 5: Simplified planning zones (November 1992) The Borough does not have any SPZs at present.
The Government’s key objectives for town centres, as set out in Planning Policy Statement 6: Planning for town centres (PPS6), is to promote their vitality and viability by:

- planning for the growth and development of existing centres; and
- promoting and enhancing existing centres, by focusing development in such centres and
- encouraging a wide range of services in a good environment, accessible to all.

Planning Policy Statement 7: Sustainable Development in Rural Areas (August 2004) Not applicable

Planning Policy Guidance 8: Telecommunications (August 2001) sets out the Government’s planning guidance on the siting and design of telecommunication systems and installations. PPG 8 offers guidance on environmental and health issues and consultation procedures.


Planning Policy Statement 10: Planning for Sustainable Waste Management (July 2005) sets out the approach of sustainable management using the ‘waste hierarchy’ of reduction, reuse, recycle and compost, using waste as a source of energy and disposing of waste only as a last resort. In determining planning applications, locational needs together with wider environmental and economic benefits of sustainable waste management are material considerations. The design and layout of new development should also support sustainable waste management.

Planning Policy Statement 11: Regional Spatial Strategies (September 2004) Not applicable as the Spatial Development Strategy for London is prepared by the Mayor of London.


Planning Policy Guidance 13: Transport (March 2001) sets out objectives of PPG13 (as set out at Paragraph 4) are to integrate planning and transport at the national, regional, strategic and local level to:

1. promote more sustainable transport choices for both people and for moving freight;
2. promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and
3. reduce the need to travel, especially by car.
Planning Policy Guidance 14: Development on unstable land (1990) explains the effects of unstable land on development. Consideration is given to the responsibilities of the different parties and the need for instability to be taken into account in the planning process is emphasised.

Planning Policy Guidance 15: Planning and the historic environment (September 1994) provides a full statement of Government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment.

Planning Policy Guidance 16: Archaeology and planning (November 1990) sets out the government’s policy on archaeological remains, including the weight to be given to them in planning decisions, and the use of planning conditions.

Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation (July 2002) For all open spaces of public value local authorities should:

- avoid any erosion of recreational function and maintain or enhance the character of open spaces;
- ensure that open spaces do not suffer from increased overlooking, traffic flows or other encroachment;
- protect and enhance those parts of the rights of way network that might benefit open space; and
- consider the impact of any development on biodiversity and nature conservation.

Planning Policy Guidance 18: Enforcing planning control (December 1991) outlines the general approach to enforcement, including the primary responsibility of local planning authorities in breaches of planning control that would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest.

Planning Policy Guidance 19: Outdoor Advertisement Control (March 1992) sets out guidance on the display of outdoor advertising, for which control can be justified on the grounds of amenity and public safety.

Planning Policy Statement 22: Renewable energy (August 2004) sets out policies for renewable energy and the vital role the development of renewable energy can play in facilitating the government’s objectives for sustainable development and climate change.

Identifies key principles that local planning authorities should adhere to in their approach to planning for renewable energy include promoting and encouraging a full range of renewable energy sources, and considering the wider environmental and economic benefits of all renewable energy proposals.

Planning Policy Statement 23: Planning and Pollution Control (November 2004) advises that any consideration of the quality of land, air or water and potential impacts arising from development, leading to impacts on health, is capable of being a material planning consideration, in so far as it arises or may arise from or may affect any land use.
Planning Policy Guidance 24: Planning and Noise (September 1994) outlines the considerations to be taken into account in determining planning applications both for noise sensitive developments and for those activities which will generate noise; introduces the concept of noise exposure categories for residential development, encourages their use and recommends appropriate levels for exposure to different sources of noise. Also advises on the use of conditions to minimise the impact of noise.

Planning Policy Statement 25: Development and Flood Risk (December 2006) aims to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest flood risk. Where new development is exceptionally necessary in areas of flood risk, the guidance seeks to prevent an increase in flood risk elsewhere, and where possible, reducing flood risk overall.