

## **Land at Lionel Road South, Brentford London TW8 9QR**

### **00703/A/P13**

Reserved Matters for access, appearance, landscaping, layout and scale in relation to Central Eastern, Capital Court and Central Southern sites comprising 648 residential units, a Class and D Class floorspace ... private amenity space pursuant to planning permission of 00703/A/P11 dated 12/6/2014.

### **Comments from the West Chiswick and Gunnersbury Society**

OL permission = Outline permission of Hybrid application (00703/A/P11)

RM application = Reserved Matters application (00703/A/P13)

**General point** Exclusion of the three Phase 2 blocks on the Duffy site from this RM application prevents a proper assessment of certain key aspects. These include aspects such as cumulative visual impact and coherence of design and (with respect to Conditions attached to OL permission) overall quality of accommodation and provision of play space.

**Summary** Overall, the West Chiswick and Gunnersbury Society (WCGS) considers that the detailed proposals submitted pursuant to the outline element of the hybrid planning permission granted in June 2014 are unacceptable in many significant respects.

**The Society requests that this application be rejected and that the applicant be advised to submit alternative/fresh proposals that are in keeping with the adopted Design Code.**

1. Key questions that need to be addressed in relation to the Reserved Matters application are:

**Does the appearance/design of the residential components minimise the negative impact of the scheme on the character and appearance of the surrounding heritage assets, including Conservation Areas and listed buildings? Does the proposed scheme minimise the negative impact on the amenity of existing residential communities?**

1.1 Whatever the benefits of the stadium scheme, the Local Planning Authority has a duty to protect its heritage assets and those of neighbouring boroughs and the quality of life of its residents. It must therefore ensure that the harm that will be inflicted on them by this scheme is reduced as far as possible. The many negative impacts were detailed in the Planning Officer Report (POR) in respect of the OL scheme presented to the Planning Committee in December 2013. In weighing the recognised harm against the claimed benefits of the scheme the Report made much of the potential mitigation that could be achieved by sensitive, high quality design of the residential elements and by adherence to a Design Code.

1.2 The starting point for any assessment of the application must be the statutory requirement in the Town and Country Planning (Listed Buildings and Conservation) Act 1990 for the Local Planning Authority to give great weight to the preservation of the setting of the adjacent designated heritage assets. As harm to the setting of these heritage assets has already been acknowledged in the approval of the OL scheme, the local planning authority now has a statutory duty to ensure that any harm arising from the RM application is minimised and where that is not possible, it is for the applicant to make a case as to why such harm is outweighed by public benefits over and above those which could be achieved by a less harmful scheme. The NPPF requires Local Planning Authorities to ensure that heritage assets are used to their optimum viable use, which does not mean the most profitable use but instead the one which most suitably preserves them. Recent cases in the courts in relation to the setting of designated heritage assets have reinforced the statutory presumption in favour of refusal of schemes where the statutory test is not met.

1.3 WCGS believes that the design and architectural responses proposed in this application fail utterly to achieve an appropriate level of mitigation and are significantly out of line with the Design Code and the requirements of the legislation and NPPF. In summary, the Society considers that the proposed design serves to emphasise the bulk and massing of these dense clusters of buildings. As a result they would cause substantial harm to and would fail to preserve the settings of the surrounding designated heritage assets. Neither would the proposed designs be sympathetic to the vernacular of the established residential areas to the south and east of the site. The architecture and materials neither respect nor respond positively to the existing townscape or the landmarks within it. They will not integrate the development with its surroundings. They will provide neither an identity for the different sites nor a sense of place for their residents.

1.4 The NPPF states that substantial [harm](#) (direct or by change in the setting) to or total loss of [Grade II](#) listed buildings and [registered parks and gardens](#) is expected to be 'exceptional'; and that substantial harm to or total loss of Grade I or II\* listed buildings and registered parks and gardens, protected wreck sites, battlefields, World Heritage Sites, scheduled monuments and undesignated sites of equivalent importance to scheduled monuments is expected to be 'wholly exceptional'.

1.5 In order to satisfactorily discharge its statutory duty the Local Planning Authority should also consider whether the current RM proposals are the least harmful option and so to consider whether alternatives are better (or less harmful). The Local Planning Authority already has had sight of an illustrative scheme prepared on behalf of the applicant in relation to the OL application and it must now assess whether the current proposals are better or less harmful than the illustrative scheme. It is the opinion of the WCGS that they are more harmful than the illustrative scheme and as a result would require additional public benefits to outweigh the additional harm caused. The WCGS does not consider that the current proposals offer any additional public benefits to outweigh the additional harm.

1.6 The *London Housing Design Guide (LHDG)*<sup>1</sup> states “New houses and apartment buildings will be the lasting background to our daily lives. They should be a pleasure for people to walk past every day, through their civility, quality of materials, character and generosity towards the public realm.”

**1.7 Design concept/Architectural language** Emphasising the constraints imposed on the development by the railway lines and the adverse environmental impact of the M4 by using these features as the design cues (D&A Statement 5.3) is both inappropriate and perverse. To suggest that these suburban railway lines and grid-locked road system evoke a sense of speed and movement demonstrates a complete lack of understanding of the local transport network.

From outside the site, the railway lines are not a prominent feature; the only historic railway heritage is the elegant Kew Bridge station (a Listed building) whose setting and significance will be seriously harmed by the development. Future occupants of the residential blocks will neither need nor wish the design of their buildings to remind them that they are hemmed in by railway lines. The permitted size of the residential blocks already brings the scale of the buildings of the A4/M4 corridor to the north much closer to the sensitive areas to the south and east. This should not be compounded by also adopting the character of these buildings.

**1.8 Architecture and materials** The proposed scheme departs significantly from the Design Code with respect to several key elements that were intended to mitigate the harm to the surrounding areas and/or provide a sense of place and identity for the different residential sites. [A PDF of Section 7 of the Design code is provided as a separate annex to these comments for convenience of recipients.]

In particular, the Design Code specifies that:

- (i) the different residential sites should exhibit distinct variations to add a richness of approach and legibility and that each should have its own colour scheme from a co-ordinated palette

*yet* the proposed scheme imposes the same uniform character, elevations and colour scheme on all the sites (the only distinction being “subtle coloured accents being applied to balconies, soffits and overhangs”)

- (ii) the colour palette and masonry basis apparent in the local vernacular should inform the design and dominating and eye catching forms and dark, bright or dominant colours, tone and details should be avoided; elevations must not be reflective or over-glazed

*yet* in the proposed scheme, the predominant materials are dark earth coloured aluminium cladding and anodized aluminium banding with full height metal spines along the principal elevations; floor to ceiling glazing is introduced into key elevations to provide a lighter more transparent façade; brick is excluded

- (iii) careful attention would be paid to form and tapering and skylines

*yet*, while the proposed massing shown on page 68 of the D&A Statement may conform with the outline parameters, it results in crude, unrelieved blocks especially for the Central Southern site; it has lost all the subtlety of the illustrative scheme massing shown in 3.3 of the Faulkner Brown OL D&A Statement; the tower design of Building E (page 81) is especially inappropriate given its important position both as the stadium gateway and its proximity to the highly sensitive areas to the south

- (iv) The design intent of the massing is to have less disruptive forms seen

behind sensitive views

yet the CGIs purporting to demonstrate that “The architectural response has been carefully considered to enhance the relationship with the local architectural heritage” show that this is not the case;

- (v) from a distance, buildings must look as though there is a logical rationale for their location overall and their grouping in particular

yet as shown by the massing response figures on pages 78 and 79 and the CGIs, purporting to demonstrate that “The architectural response has been carefully considered to enhance the relationship with the local architectural heritage” such a rationale is entirely absent.

**1.9 Key CGIs** in the context of negative impact on the surrounding heritage assets are listed below. These views demonstrate the degree to which the potential mitigation provided in the Design Code has been lost due to deviation from the Code.

- *Central Eastern Site, Buildings E and F as seen from the Kew Bridge*, where what little mitigation that might have been provided (DC fig 7.6) for the major negative effect in terms of harm to the setting of the Kew Bridge CA, including the listed station building (POR 9.260 -1), has been lost due to the inappropriate form of these buildings. The flat-topped ‘flat-pack’ blocks intruding towards the river do not provide a more appropriate landmark than the current distant view of Vantage West.

- *Central Southern Site, New Community Stadium and Building E, as seen from the Kew Bridge Road, Steam Museum*, where it is clear that the design of building E fails completely to provide the essential mitigation shown to be possible (DC 7.5) for this heritage asset of regional significance.

- *Building F, Central Eastern Site, from Wellesley Road*, where the intrusion of Block E behind block F and the lack of articulation of these buildings has undermined the key mitigation concept of a saddle (DC 7.7).

- *Brentford Community Stadium and Development Enabling Sites from Gunnersbury Park*, where the lack of “tapering roof forms and articulation of the roofscape” of the residential blocks has significantly reduced the mitigation shown to be possible (DC 7.4).

**1.10 The impact on other key views** into and out of Conservation Areas cannot be assessed as relevant CGIs are not provided. For example, views of Strand on the Green CA from the CA across the river in Kew are not provided although the need for modelling of the blocks to reduce their bulk on the horizon was emphasised in the POR (9.252). WCGS would seriously question whether the Local Planning Authority can satisfactorily discharge its statutory duty to give great weight to the preservation of the setting of the designated heritage (Conservation Areas and listed buildings) surrounding the site without this information having been submitted and assessed as part of this application.

## 2. Quality of Accommodation

Since issues relating to the discharge of Condition 9 - Housing Standards and Condition 11 – Privacy and Outlook of the OL permission are considered within the RM application (Planning Statement 7.10 -7.11), they are addressed here.

The Planning Statement concludes that “These reserved matters proposals will provide high quality housing and public realm, which is consistent with the framework provided by the outline element of the hybrid planning permission, together with the adopted development plan policy and the emerging Local Plan where relevant.” WCGS on the contrary considers that the quality of residential amenity in many of the residential units will barely meet minimum standards and points out that access by the general public to much of the ‘public realm’ will either not be permitted or be extremely difficult on match days. (See, for example, CGIs for Central Eastern Site & stadium, Blocks H & G within Central Eastern Site and CGI Stadium Concourse View).

We recognise that many of the problems in delivering suitable housing and public realm stem from the nature and quantum of overall development permitted in the OL permission. We feel, never-the-less, that the RM application should seek better solutions within the OL parameters.

### 2.1 Single-aspect, north-facing, residential units

The *Planning Statement* (9.16) states “: The *London Housing Design Guide (LHDG) Standard 5.2.1* states “Developments should avoid single aspect dwellings that are north facing”. *Condition 9 of the OL permission*, allows up to 10% of the total development (91 of 910 units) to be single-aspect, north-facing. The Design and Access Statement demonstrates that due to the positioning of dwellings as part of the detailed design process, only 26 units (or 4%) would be single aspect north facing units with the caveat that these units include design features such as wrap-around corner windows on to balconies, which provide a form of dual aspect to the units.” The *D&A statement of the RM application* (10. 3) indicates that these 26 units will all be within Block H of the Central Eastern Site.

We wish to point out that the *Design Code* identifies all three blocks on the Duffy site as giving rise to single-aspect, north-facing units. In order to comply with the overall limit of 10% it will be necessary, when submitting the relevant Reserved Matters application, to ensure that no more than 65 of the 262 units on the Duffy site are single-aspect, north-facing units. This may be difficult given the orientations, heights and footprints of these three buildings.

**2.2 Room height** The *London Housing Design Guide (LHDG) Standard 5.4* states “The height of rooms in a dwelling dramatically affects the perception of space in a home. A small increase in ceiling height can make the difference between a home feeling cramped or generous. When matched with generous window sizes, higher ceilings also improve natural light levels and ventilation, and the depth to which light penetrates a room. In habitable rooms, ceiling heights will be expected to be at least 2.5m, with a preference for 2.6m.”

The *D&A statement of the RM application (10.5)* states with respect to the blocks on the Capital Court site “Due to the restrictions in height imposed by the outline planning parameter, the ‘good practice’ recommendations of the London Housing Design Guide were not achievable.”

**2.3 Privacy/overlooking** The *London Housing Design Guide (LHDG) 5.1* states “Homes in the city should provide the opportunity to look out on and enjoy surrounding public and shared open spaces. At the same time, the home should be a comfortable, private setting for family and individual pursuits, social interaction and relaxation.” While indicating that rigid adherence to the minimum distances of 18-21m of earlier guidance is no longer expected, LHDG refers to these distances as “still useful yardsticks for visual privacy”. It states “Designers should ...avoid windows that directly face each other where privacy distances are tight.”

*Diagrams within the D&A statement of the RM application (10.4)* shows very tight distances between sections of blocks, including 8m at Capital Court site, 9m at Central Eastern site, and 12m at Central Southern site. It states “As indicated in the diagrams overleaf, the close proximity of building parameters has created a limited amount of ‘pinch-points’ where the outlook of the units is slightly compromised. In order to mitigate this, the designs propose alternate orientation of living spaces and a combination of high-level and low level windows which, together with the provision of internal blinds and curtains for residential uses, will minimise potential privacy issues.

In sections where the distances are reduced, the use of privacy film on windows would be suggested. The design proposals also make provision for 2.1 high privacy screens across external balconies which extend beyond (...text missing from document?)”

Such desperate measures will not provide a comfortable living environment and will impact negatively on the levels of daylight experienced by the occupants of the new residential units (see below), especially where room heights are compromised (see above).

**2.4 Daylight** The Planning Statement (9.18) states “In addition, the Internal Illuminance Analysis report prepared by Dixon Payne, demonstrates that even at the lowest levels of the proposed buildings, internal illuminance would exceed the BRE guidance.” The Illuminance Analysis provided in the RM application indicates, however, that several of the blocks have elevations with outlooks that are obstructed or fettered either by other residential blocks or by the stadium. The footprint and height of these blocks (9- to 16-storey) and the stadium (approx 10-storey) are such that a large number of units will be affected (although figures are not given). With respect to the Central Southern Site (Blocks E and F) the analysis states “Specifically, for the fenestration of the blocks whose outlook is onto the Stadium will be between 7.60 - 11.09% VSC which increases significantly to 22.90% and above when the Stadium no longer is the predominate obstruction to skylight.” Several other blocks have elevations with between 15 – 27% VSC.

We would point out that the guidance quoted in this report indicates that:

with a VSC (Vertical Sky Component) of at least 27% conventional design will usually give reasonable results,  
with a VSC between 15% and 27%, special measures (larger windows, changes to room layout) are usually needed to provide adequate daylight,  
with a VSC of between 5% and 15% it is very difficult to provide adequate daylight unless very large windows are used.

The relevant Daylight Waldram Analyses within the report (pages 11-18) illustrate graphically what the very different VSCs will mean for future residents. Compare, for example, 1<sup>st</sup> diagram (VSC of 7.6) and others on page 11 (blocks E and F) with last two diagrams (VSC above 30) on page 14 (blocks G and H).

**2.5 Communal space** The RM application (Planning Statement 4. 10, 10.8-10.10) includes a pavilion to the north and entrance lobby to the south of the community open space for Central South site. The need for a barrier between this “resident-only” space and the stadium concourse for “adequate crowd management and security measures” (10.10) is understood. However, the reduction in this small space, squeezed between high blocks, will provide a most unsatisfactory communal garden with door-step play for the 238 units in Blocks E and F.

**2.6 Play space** The play space for 5 – 11 year olds is to be located in a Local Area of Play (LAP) measuring 380sqm to be provided within the public park adjacent to the Duffy Site (Planning statement 9.17). This site will form part of a future Phase 2 RM application. The Construction Logistics Plan submitted in connection with the OL permission indicates that the Duffy site is to be used for Phase 1 site services, construction vehicles and materials and that Phase 2 construction will not be complete for several years after Phase 1. How will a satisfactory play space for 5- 11 year olds be provided during this period for the units within the three Phase 1 sites?

Access to the LAP will, in any case, involve a lengthy and difficult route for young children from the Central Eastern site, especially on match days (see below).

**2.7 Public realm/permeability/access** The *London Housing Design Guide (LHDG)* 1.1 states “Urban spaces are most successful when it is inherently clear who is meant to use them. It is important to ensure that outdoor spaces are inviting and accessible, and that they engender a sense of ownership amongst the people who are intended to use them. There should also always be clear distinctions between spaces that are for public and private use.”

It is clear from the RM application that permeability between different parts of the development and between the development and the surrounding area will be extremely poor for residents and the general public. Public access to much of the ‘public realm’ will be either not permitted or extremely difficult on match days or other occasions when the stadium is in use. Vehicle access to all residential parking will be suspended around match times and the “attractive public route and cycle-way” across the Concourse will only be available on non-match days.

The blocks on the Central Eastern site are marooned on an island, squeezed between the converging railway tracks and the stadium with the only access being over the

new bridge to Capital Interchange Way (D&A Statement 7.2) (see CGI for Blocks H & G within Central Eastern site).

Access to and from the 181 residential units on this site will be severely compromised on match days. Pedestrian and cyclist use of the new bridge will be difficult since, together with the 'public realm streetscape' at the Capital Court site, the bridge will serve as a pedestrian route towards the stadium's East Stand, which will be used principally by away team supporters (Planning Statement 8.22).

WCGS 13 September 2015