



Quod

R22 Local Plan

**Matter 9: Site
Allocations**

**Site 107
Sainsbury's
Chiswick**

**Hounslow
Local Plan**

St James Group Ltd

27TH APRIL 2026

1 Introduction & Summary

- 1.1 As required by the Framework, St James ('St James')(part of the Berkeley Group) has engaged positively with the Hounslow Local Plan Review through early, proportionate and effective engagement to ensure the Plan is positively prepared, deliverable and clearly expressed.
- 1.2 Quod, on behalf of St James, submitted hearing statements on Matter 1 (Legal Compliance), Matter 2 (Spatial Strategy), Matter 3 (Housing Need), Matter 4 (Employment and Retail), Matter 6 (Viability), Matter 7 (Green Infrastructure), and Matter 8 (Design and Tall Buildings) at Stage 1.
- 1.3 Quod and St James attended the Examination Hearings, supporting written evidence with oral representations, welcoming the Inspector's requests for further engagement.
- 1.4 In response to Stage 1, the Council has updated its evidence base. Quod has provided a further hearing statement in response to this that was submitted on 20th April 2026 and addresses some of this new evidence in this statement.
- 1.5 The Inspectors have also now issued MIQs in respect of Matter 9 (Site Allocations), Matter 10 Delivery of Housing, and Matter 11 (Monitoring), a response to which has been submitted by 27th April 2026.
- 1.6 St James' interest in respect of Site Allocation 107 (Sainsbury's Chiswick), relates to a development agreement with Sainsbury's as freehold landowner. Together, the parties are committed to a deliverable comprehensive redevelopment of the existing superstore with a new large format supermarket and a strategic supply of housing above, purposes that were first identified by the Council in 2000.
- 1.7 Despite sustained engagement throughout the plan-making process, neither St James nor Sainsbury's have been invited to enter into a Statement of Common Ground with the Council.
- 1.8 Notwithstanding this, pre-application discussions with Council officers are ongoing in respect of a detailed planning application comprising a replacement and enhanced superstore, customer car parking, new homes, commercial floorspace, and public realm improvements.
- 1.9 The first public consultation for the redevelopment of Site Allocation 107 took place in February 2026.

Site Allocation 107

- 1.10 The site is deliverable and developable for the 'Key Proposal' promoted by Site Allocation 107 *"Redevelopment of the site to create a mixed use retail and residential development, with a single large ground floor retail unit."* and the 'Land Uses' proposed *"Large Formal Retail (E(a)) with Residential (C3)"*.
- 1.11 The site is sustainably located in the Chiswick (Major) Town Centre, and partly within the Primary Shopping Area (PSA). Site Allocation 107 seeks to replace and enhance the existing

Sainsbury's store and deliver as a minimum 300 new homes; which could include the provision of tall buildings as an appropriate form of development. This principle is supported.

1.12 However, material inconsistencies remain within Site Allocation 107 and the supporting evidence base, despite these being raised at Regulation 19 ('R19') stage and through pre-application engagement ahead of Regulation 22 ('R22'). These inconsistencies undermine the clarity and effectiveness of the allocation and risk confusion as to the form and quantum of development required. This ambiguity has now been identified in the Council's recent response to Inspector questions (EX50). The current approach is not effective and therefore amendments are required to ensure that the Site Allocation is sound, effective and justified.

1.13 As we set out in detail below (evidenced at paragraph 5.2 (page 12) of EX50 (March 2026)), the Council's approach to this strategic site, and how it intends to apply policy, is inconsistent and unsound due to the inherent conflict arising.

1.14 The content of our hearing statement is summarised below:

1.14.1 **Paragraph 5.2 (page 12) of EX50 should be withdrawn.** Irrespective of the policies of the plan as a whole, and the site allocation key proposal, land uses and site requirements, the Council appears to have predetermined its own maximum development envelope for this site, based upon inconsistent assumptions "Any increase in floor area to the retail element of this allocation would therefore have a knock on effect on the development quantum for the residential element of the allocation and vice versa". The output of which is to unilaterally reduce the supermarket into a substandard and undeliverable store, and reduce minimum housing numbers from 390 to 300. Their purpose is to fit the Council's theoretical scheme into this predetermined envelope. This is a stark admission which raises serious soundness concerns.

1.14.2 Site Allocation 107 refers to an incorrect minimum retail floorspace for two reasons. First, 5,300sqm does not align with the Site Requirement for "*Comprehensive redevelopment of the site must retain and enhance the capacity for (E(a) retail use and associated facilities on site*". **The figure should be revised to 7,000sqm, as a minimum, to accurately reflect the existing store.** Second, we now understand that the **Council's figure of 5,300sqm does not relate to the superstore itself, but includes retail and residential car parking and servicing**, drastically reducing the size of the store, and its viability. **The allocation should be revised to refer to the minimum superstore size (7,000sqm) exclusive of servicing and car parking or the correct retail GIAsqm of 16,560 to be effective.**

1.14.3 The Site Allocation housing capacity has reduced down from 390 homes (as previously published in the now withdrawn R19 Plan (2020)) to 300 homes without any clear justification. **390 homes should be used as the minimum.**

1.14.4 The adopted Character Sustainability Design Code (2024) (SPD1-B10) Chiswick retains Fig B10.22 Spatial Framework for the site (page B10-46). **This spatial framework is undeliverable and fails to reflect the requirements of the site allocation ("*Comprehensive redevelopment of the site must retain and enhance the capacity for (E(a) retail use and associated facilities on site*"). It must be**

recognised within the Site Allocation that Figure B10.22 is not a realistic indicative arrangement, is misleading and should be withdrawn.

1.14.5 The Tall Buildings Study (EBCC3) Figure 7.314 (page 252) uses a VuCity 3D model for the site which fails to reflect the requirements of the Site Allocation and the appropriate building heights set out Policy CC3, nor has it been supported by a site specific study or baseline analysis of heritage significance or focussed townscape studies, and is therefore based on ineffective assumptions. **This should be acknowledged.**

1.14.6 Policy P3 Chiswick (Modification Ref: EIP_C2_26) fails to reflect Site Allocation 107 and seeks development that responds to “*two to four-storey mixed use buildings*” along the High Road and “*two to three storey terraced housing elsewhere in Chiswick*”. **This should be amended to refer only to sites in the Conservation Area or explicitly exclude Site Allocation 107.**

1.14.7 The WPVA (EBV1) and EX52 (update) continue to fail to reflect the existing superstore use on site, the Council’s own retail evidence and the complexity of the Site Allocation requirements. **The Local Plan should be revised to reflect this.**

1.15 The unintended consequence of this, is that in delivering the Site Allocation, the landowners are unfairly competing against ambiguity and contradiction through the development control process which is causing delay and uncertainty. One reasonable way to resolve this would be through engagement, and a Statement of Common Ground.

Is the allocation deliverable?

1.16 The Site Allocation ‘Development Details’ are deliverable.

1.17 A minimum housing capacity is necessary to secure soundness of the allocation. There are viability concerns with 300 homes when a realistic BLV is applied.

1.18 The allocation of 5300sqm of retail floorspace to deliver the superstore, car parking and servicing is not deliverable. It is also not deliverable as a store size, as it is less than the existing, and no reasonable national retailer would materially downsize a high performing superstore through an expensive redevelopment scheme.

Application of policy

1.19 These representations are informed by a perceived application of draft policy that we object to, as follows:

1.19.1 Despite reference to a ‘minimum quantum’, it appears that 300 homes is considered as the housing capacity for this site.

1.19.2 Despite reference to ‘appropriate’ building heights, these are perceived as the maximum heights for the site¹;

1.20 Such an approach would undermine the wording of the plan ‘minimum’ and ‘appropriate’; consideration of the plan as a whole; and material considerations. It would also undermine and pre-determine any future planning application which would need to take into account compliance with many other development plan policies and the Framework.

¹ As outlined at Para 5.2 (EX50)

2 Site Allocation 107

Issue: Whether the proposed allocation of sites in the Plan is positively prepared, justified, effective, consistent with national policy and in general conformity with the London Plan?

Key Proposal and Land Use

- 2.1 There is clear common ground that the primary objective is the comprehensive redevelopment of this brownfield site. It is highly accessible (PTAL 4/5), located within the borough's second highest order centre (a Major Town Centre), and is suitable for redevelopment to: replace the existing store with an enhanced offer to meet retail needs²; deliver new housing; and provide improved public realm. This should be achieved while avoiding or minimising impacts on heritage assets (with any effect limited to setting impacts given the site does not include any heritage assets), with any harm appropriately outweighed by public benefits, as required by the Framework.³
- 2.2 Site Allocation 107 is the largest of the three site allocations within Chiswick Town Centre and plays a critical strategic role in contributing to the projected levels of growth outlined within the R22 Plan's approach to Chiswick⁴; for the redevelopment of town centres outlined in Draft Policy TC2; and to the vitality and viability of the town centre.

Q4: Are the assumptions regarding the capacity of the sites in terms of density of development and net developable areas justified and what are these based on?

Site Capacity - Retail floorspace

- 2.3 The Site Requirement correctly states that a comprehensive redevelopment of the site must "*retain and enhance the capacity for (E(a) retail use and associated facilities on site*". It follows that the '*minimum development quantum*' must reflect at least the existing retail floorspace. A lower figure would be inaccurate and ineffective and would clearly fail to deliver a modern supermarket which improves customer experience and trading potential of at least the existing store (opened in 1986, and trading for 40 years). If floorspace is restricted to 5,300sqm, then this site will not come forward for comprehensive, mixed-used redevelopment, and the allocation would be unsound and ineffective. Indeed, the Design Code (SPD1) recognises this reality by identifying the existing store as being a "*Top 5% performing stores in the country with majority of takings being from in store sales (91.5%)*"⁵.

² EBED2a Table 4 Survey-derived performance of convenience floorspace compared to expected benchmark performance at 2024 demonstrates that the store is performing well, overtrading, and therefore performing a significant contribution to meeting borough retail needs in a sustainable town centre location.

³ Paragraphs 213-216 of the Framework (December 2024)

⁴ Hounslow Local Plan (S1) – Page 36 'Chiswick'

⁵ Design Code (SPD1 B10-41)

- 2.4 This issue has been consistently raised. Sainsbury’s R19 representations dated 28th October 2024⁶ “recommended that a foodstore of the same size as the existing store (7,000sqm) is allowed”⁷. The same point has been reiterated through pre-application discussions and in St James’ Matter 4 Hearing Statement (WS4.6), and has been discussed at pre-application meetings prior to the Local Plan being submitted for examination.
- 2.5 The correct existing retail area is 7,000sqm (itemised at Table 1), and it is therefore unacceptable that this fundamental retail floor area figure has still not been corrected in Site Allocation 107. Indeed, the Council’s own evidence base (EBED2a⁸) identifies a gross floor area of 6,931sqm.
- 2.6 For clarity, at Table 1 below, we set out detail of the site allocation retail floorspace requirements.

Table 1 – Existing and Estimated Supermarket Retail Floorspace

Area Description	Existing GIA (sqm)*	Estimated new GIA (sqm)*	Justification
Retail Superstore			
Net Sales	3,989	4,410	The sales area is proposed to increase by approximately 10%. The current store overtrades and there is an identified need for additional convenience floorspace. The increased area will help provide an enhanced food offer and range and improved layout with wider aisles reflective of a modern supermarket.
Non-trading space including entrance area, storage, staff facilities, customer WCs, offices and meeting rooms etc	3,011	3,800	Some BOH areas decrease as a result of more efficient retailing operations, but there is more customer circulation space to accommodate the travellers etc. and replacing rooftop plant internally.
Sub total	7,000	8,210	

⁶ Appendix 1 – Screen shot of R19 representations

⁷ The figure of 7,000sqm of retail floorspace does not include existing service yard or car parking, which is likely to need to be internalised alongside the retail floor area as part of the redevelopment of Site Allocation 107.

⁸ Table 4

Ancillary Floorspace to Retail Superstore			
Service Area	919 (mainly external area)	1,350 (internal area)	The service area will be covered under the podium and enclosed to deliver the site allocation. Additional space also accommodates larger number of Grocery Online vehicles to serve the area.
Car Parking	9,400 external area	c.7,000 (internal area)	Car parking numbers are to be reduced on site from 317 spaces and covered under the podium and enclosed to deliver the site allocation.
Sub total	10,319	c.8,350	
TOTAL Retail sqm	c.17,400*	c.16,560	
*Rounded figures			

- 2.7 Due to the ambiguity of the site allocation, it should be revised to either refer to Minimum Retail (GIA sqm): 7,000sqm Superstore (excluding car parking and servicing); or Minimum Retail (sqm): 16,560 sqm.

The Council's Updated Position

- 2.8 Further documents requested by Inspectors in Week 2 (EX41) required the Council to revisit the consistency of the evidence within the minimum development quantum identified for Site Allocation 107 for retail and main town centres uses.
- 2.9 In response, the Council refer to a figure of 5,304sqm (50,000 sqft sales area) derived from information submitted by Sainsbury's at the 2016 Call for Sites stage. The Call for Sites (2016) form also included an indicative capacity for 500 homes.
- 2.10 The Council incorrectly state at Paragraph 5.5 of EX50 that retail provision within this site allocation was not raised as a key issue at Regulation 18 ('R18') or 19 consultations. This is simply untrue and should be withdrawn as incorrect.
- 2.11 However, of greater concern is a new statement which has arisen from the Council's Retail and Main Town Centre Uses Note EX50 (March 2026). Paragraph 5.2 (page 12), reproduced in full below, sets out this position:

5.2 The Council has, through the capacity calculation and assessment, optimised the capacity of residential use on the site, and this is reflected in the site allocation quanta. This calculation uses a design led approach to optimise the density of residential uses in this highly accessible town centre location, whilst maintaining a successful retail store⁹. As such, the capacity calculation has taken into account all relevant planning constraints¹⁰, including potential

⁹ We do not consider that there is any evidence to support this statement, and St James and Sainsbury's object to it. The Council's own retail evidence indicates that this reduction in floorspace would be detrimental.

¹⁰ We would note that the constraint of unilaterally reducing the store size has not been taken into account.

impacts on nearby heritage assets¹¹, impacts on wider townscape effects, and the appropriate building heights that could reasonably be utilised on the site. The resulting capacity minimises potential harm to heritage assets¹² and addresses other site-specific constraints through appropriate building heights. Any increase in floor area to the retail element of this allocation would therefore have a knock on effect on the development quantum for the residential element of the allocation and vice versa¹³. The Council therefore considers that despite the evidence suggesting that the store is performing well, the development quantum in the Site Allocation represent the optimal capacity for an allocation both housing and retail on the site. Given the importance of conserving¹⁴¹⁵ nearby heritage assets, any increase in one land-use component would necessitate a corresponding reduction in the other¹⁶. (our emphasis)

2.12 This confirms our concerns that the Council has effectively imposed a unilateral judgement on a development cap by defining a maximum development envelope for Site Allocation 107. Irrespective of the Key Proposal, Land Use and Site Requirements, this cap informs the allocation Minimum Development Quantum, Design Code (SPD1 B10) Chiswick (2024) and Tall Buildings Study (EBCC3). The basis of this judgement remains ambiguous. We consider the approach to be unsound, as it conflicts with the Plan as a whole, the purposes of the Site Allocation, and the Framework, and should be withdrawn as it is misleading.

2.13 It now appears that the Council has unilaterally decided to reduce both the retail floorspace box (store, servicing and parking) and housing numbers to 'fit' into a pre-determined envelope that only it understands. This would appear to play out in the urban design work that we appraise below and would appear to prejudice the opportunity for a 'minimum' quantum; appropriate buildings heights; and a planning balance to be undertaken at application stage, as clearly set out in Site Allocation 'Heritage Constraints'.

2.14 St James has undertaken a high-level modelling exercise of the 'Council's Scheme'¹⁷.

¹¹ It is accepted that heritage assets are identified but, and as we set out in this statement, we do not believe that there has been an assessment of heritage asset significance, and whether there are scheme setting impacts (positive and/or negative) on this significance, and whether this is acceptable / unacceptable and / or balanced by public benefits. We understand that the Council has not undertaken such as a heritage assessment for this allocation, only townscape.

¹² Please see footnote 10 above.

¹³ This is a new clarifying statement by the Council, which appears to confirm that the Council is applying a fixed maximum development cap. The Council appears to suggest that if the retail floorspace is correctly increased to reflect existing, the Council will reduce housing numbers.

¹⁴ Paragraph 208 of the Framework confirms the following "***208. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal***".

¹⁵ London Plan Policy D9Cd) requires proposals to take account of heritage assets, avoiding harm to their significance, and, where there is harm, the proposals have evolved through alternatives seeking to minimise or remove harm. Any resulting harm can, the policy notes (in line with the NPPF), be counterbalanced by benefit.

¹⁷ Cumulatively comprising the adopted Design Code (SPD1 B10) Chiswick (2024) Fig B10.22 Spatial Framework for the site (page B10-46); Tall Buildings Study (EBCC3) Figure 7.314 (page 252) 3D VuCity model; appropriate heights in Policy Table CC3.2; and the Site Allocation minimum areas which have also informed the Whole Plan Viability Assessment (EBV1)

Indicative Site Masterplans

2.15 The adopted Design Code (SPD1 B10) Chiswick (2024) retains Fig B10.22 Spatial Framework for the site (page B10-46), enclosed in full at **Appendix 2**, but this fails to meet Site Allocation Site Requirement “*must retain and enhance the capacity for (E(a) retail use and associated facilities on site*” because a significantly reduced retail box (5050sqm) is proposed which is identified as accommodating all retail floorspace and podium car parking (for retail and residential it appears) (extract below at Figure 1).

Figure 1 - Extract of Figure B10.22 Spatial Framework (SPD1)



- 2.16 It is not clear how the retail servicing has been accounted for which are vital to the retail use.
- 2.17 **Appendix 3** of this hearing statement indicatively demonstrates how a replacement superstore could be laid out with servicing. Effectively this comprises a 2 storey equivalent store and servicing across the majority of the ground plain. An additional level of car parking is required (3 storey equivalent).
- 2.18 The Tall Buildings Study (EBCC3) Figure 7.314 (page 252) uses a 3D VuCity model for the site, replicated at **Appendix 4** which uses Design Code Fig B10.22 to inform building heights, but as we explain this also fails to reflect the requirements of the site allocation.
- 2.19 The Council’s Scheme excludes any retail floorspace (store, servicing and parking) across the southern half of the site; excludes a necessary podium; and simply contains two residential buildings, green space and public realm.
- 2.20 Any residential accommodation in this location must be located ‘*on top of*’ the retail podium, as well as residential accommodation cannibalised by the replacement store at lower levels. We note that Block CH1f could not be located this close to existing buildings (only 4m in parts), and that overall, 5 buildings are more deliverable on top of the podium, not 7. CH1a for example is unlikely to deliver more than 4 homes per core. The buildings proposed also appear to be c.1,400sqm short of the areas tested in WPVA (EBV1). Buildings at 7 storeys¹⁸ require BS9991 compliance (Fire Safety) and incur costs of a second stair core and other standards as these are High Risk Buildings by definition. This residential accommodation would therefore need to be relocated onto the residential buildings increasing building heights overall.

¹⁸ Or at least 18m (as measured from the ground to the upper floor surface of the top residential floor)

2.21 The correct application of the replacement store, servicing, parking and residential above would increase the appropriate heights across the site, even if 300 homes were proposed.

Site Capacity – Retail Capacity

2.22 This demonstrates that the minimum retail quantum could only be achieved if a series of unrealistic assumptions are applied, namely:

2.22.1 5,300sqm does not relate to a new superstore. The floorspace includes a store, podium parking (for retail and all residential) and retail servicing. The Council has effectively compressed 17,400sqm as existing into 5,300sqm. This is not realistic and fundamentally undermines the Site Allocation.

2.22.2 A floor-to-ceiling height of 6m is assumed for the retail unit. This underestimates operational requirements, which include a minimum 4.5m clear height plus an estimated 2.5m transfer structure above (c.7m total). It also excludes servicing and parking. Overall, the replacement store would be equivalent to 3 residential storeys accommodated in a lower ground level or above the store.

2.22.3 The WPVA EBV1 appears to assume that 5,300sqm comprises the store, and omits parking and servicing areas and the cost of these.

Site Capacity - Housing Capacity

2.23 The Council has reduced the minimum quantum from 390 to 300 homes. A reduction of 23%. No clear or robust justification for this reduction has been provided.

2.24 Despite repeated representations, St James remains unclear why housing capacity has been reduced at a time when housing need is increasing, particularly given that the Site Allocation principles and underlying Design Code remain unchanged.

2.25 The Council's Housing Background Explanatory Note Update (EX7, September 2025) states that capacities are derived from the Site Allocations and Capacity Assessment (SACA) 2024 (EBSC2a). This is informed by the Tall Buildings Study (2024) (EBCC3), which in turn relies on the Design Code (SPD1 B10) Chiswick (2024) Figure B10.22 Spatial Framework. The Council's Five-Year Housing Land Supply Position (EX44h, March 2026) confirms that this approach underpins the trajectory.

Appropriate Building Heights

Tall Buildings Study / Design Code

2.26 The appropriate building heights in Policy CC3 have been informed by Design Code (SPD1 B10) Chiswick (2024) Fig B10.22 Spatial Framework and the Tall Buildings Study (EBCC3) Figure 7.314 (page 252) 3D VuCity.

2.27 We have made representations in response to Matter 8 (Tall Buildings) (WS8.5).

- 2.28 EBCC3 uses a test of ‘visibility’ to determine some of the building heights of the Council’s Scheme, which has informed the minimum development quantum of Site Allocation 107. It is unclear whether alternative massing scenarios were tested as part of this assessment, and the outcomes of this testing?
- 2.29 Notwithstanding, to set definitive heights on the basis of the principle of visibility alone is incorrect. Such an approach seems to follow an incorrect principle that visibility alone automatically leads to a harmful effect. That approach, as confirmed by the Inspector’s conclusions reached in the Edith Summerskills¹⁹ decision, is incorrect, and instead the acceptability of visibility should instead be informed by more detailed assessment work, including setting analysis of nearby heritage assets to determine what impacts would arise if new buildings, including tall buildings (Empire House informs existing character), were introduced to their broader setting context.
- 2.30 EBCC3 has inherent limitations, and as a result cannot substitute for a site-specific townscape and heritage assessment at planning application stage. This would of course include detailed design and architecture which would inform the overall assessment and heritage and planning balance.
- 2.31 The Council’s Scheme for Site Allocation 107 includes the absolute heights, presented alongside our assumption on how this is comprised for the retail and residential storeys:
- CH1a: 5 storeys (16.8m): 3 storeys residential + superstore (equivalent of 2 residential storeys)
 - CH1b: 14 storeys (45.6m): 12 storeys residential + superstore (equivalent of 2 residential storeys): Identified as a ‘District Scale’ Tall Building Dot on the R22 Local Plan Tall Building Map Tall Building Maps (Fig CC 3.3)
 - CH1c: 9 storeys (29.6m) – 7 storeys residential + superstore (equivalent of 2 residential storeys). Identified as a ‘Local Scale’ Tall Building Dot on the Local Plan Tall Building Map (Fig CC 3.3).
 - CH1d: 6 storeys (20m): 4 storeys residential + superstore (equivalent of 2 residential storeys).
 - CH1e: 4 storeys (13.6m): 2 storeys residential + superstore (equivalent of 2 residential storeys).
 - CH1f: 6 storeys (20m): 6 storeys residential. Probably *undeliverable due to unacceptable separation distances (equivalent floorspace capacity to be relocated)*..
 - CH1g: 5 storeys (16.8m) 5 storeys residential.
- 2.32 EBCC3 Table 7.18 draws conclusions from the VuCity Modelling (page 257 to 274) and makes recommendations at Table 7.20 with regards to appropriate heights (summarised at **Appendix 5**).
- In 56% of the views tested, the Council’s Scheme is not visible. The site is invisible concealed behind existing buildings in View 1, 2, 3, 9, 10, 11, 15, 16, 17, 18.

¹⁹ APP/H5390/V/21/3277137

- In 83% of the views tested, the Council's Scheme is not visible and concealed behind trees for much of the year. The site is concealed behind vegetation in View 5, 6, 7, 12, 13.
- In 94% of the views tested, the Council's scheme is either obscured by buildings, or concealed behind trees for much of the year, or partially concealed by tress cover for much of the year (View 8 and 14).

2.33 With regards to Table 7.18 and the VuCity Modelling (page 257 to 274), we note the following.

- In View 4, Building CH1b is visible, but no harm is identified by the Council. A small portion of Building CH1c appears behind the listed Old Packhorse Pub, though is not readily perceptible. In the supporting commentary, no analysis of the setting of the listed building is provided, including the existing presence of Empire House, which sits in the views foreground.
- In Views 5, 6, 7, 8, 12, 13 and 14, the Council's scheme will be visible as part of a diverse range of development (including existing tall buildings), and in some views, such visibility will be screened by vegetation for much of the year. No harm is identified by the council in these views.

2.34 We therefore draw the following conclusions:-

- EBCC3 Table 7.18 solely tests visibility.
- Where the buildings are visible, including in views where they are prominent, no heritage harm is identified, nor are any adverse effects identified in relation to townscape context.
- Existing vegetation is a material consideration to mitigate visual impact, creating filtering or screening for much of the year.
- The very common urban relationship expressed on the front page of the Hounslow Tall Building Study between new buildings sitting behind old buildings within Kew Bridge Conservation Area (see **Appendix 6**), in some cases, seems to be opposed as a concept all together (see View 4 example).
- There is no obvious assessment of where visibility and prominence is / or isn't acceptable in View 1 to 18, and therefore one cannot conclude that more visibility generally, or greater height to any of the seven buildings would result in an unacceptable adverse effect.
- The heights put forward as part of EBCC3 are not supported by any analysis of the significance of the surrounding historic environment, including the contribution of setting to that significance. Such an assessment is required to inform the acceptability of introducing visibility of new development, and whether such visibility in principle leads to a harmful effect.
- EX5i SoCG between the Council and Royal Botanic Gardens, Kew states in the LBH comments page 33 that "*However, the Council does not agree that a view through the trees of a well-designed building is harmful to Kew, whether this tree screening be evergreen or deciduous*". We agree and the same principle applies to Site Allocation 107, which is situated approximately 2km away.
- EX5i SoCG between the Council and Royal Botanic Gardens, Kew LBH comments page 33 confirms that "*Secondly, the Council is of the view that a fuller and more comprehensive conclusion on harm is not possible at the plan-making stage; and that*

the proposed Clusters or individual sites cannot themselves entail or cause harm, being a site allocation rather than a detailed planning proposal at planning application stage. This is why the Council has asked for a full HIA from applicants at both pre-application and application stage". We believe this principle applies to Site Allocation 107, and would welcome clarity. This would suggest therefore that an assessment of development either at the scale of what is presented in EBCC3, or greater, and whether such development causes harm to any assets has not been tested, and that any such assessment at plan-making stage would not be possible. Clarification is therefore requested from the Council on this matter²⁰, especially how a maximum, prescriptive height can be stipulated when the council themselves acknowledge that associated impacts (including conclusions of harm) cannot be appropriately identified. In either scenario, the supporting text accompanying the Site Allocation, and maximum height parameters cannot, and should not, constitute a cap on development as advocated by EX50 paragraph 5.2, with appropriate wording acknowledging that greater heights over those tested would need to be supported by further assessment and analysis.

- Even if heritage harm was identified, which it has not, national planning policy, the local plan and specifically the text supporting the site allocation recognises that harm, including less than substantial harm, can be outweighed by planning benefits. A balancing exercise has not been undertaken to determine where the balance exists, or if such an exercise would be required and therefore it cannot control development at the heights suggested.
- In 94% of the identified views, the Council's massing is largely concealed from view. It includes very low density residential buildings (2 storey in some cases) on top of a podium. By any reasonable assessment this is a low-density scheme which does not fully optimise the site, and may trigger Framework paragraph 130(c), failure to make efficient use of land.
- If the Council Scheme cannot evidence harm, there seems to be no rationale for controlling heights in the local plan, and reducing housing capacity, pending the outcome of a site specific HTVIA.
- As we've noted, the design analysis referred to in the Tall Building Study and which has informed the proposed heights for the allocation is not comprehensive. The heights stipulated were not subject to environmental testing. Accordingly, and as set out in our submission to the local plan, the adoption of any policy restricting height would represent a disproportionate and unjustified restriction on site capacity, which is contrary to policies in the London Plan, specifically D3 and D9, and also contrary to Framework policies comprising efficient use of land in sustainable locations.

²⁰ We believe that the Council confirmed at the Stage 1 hearing sessions that the minimum development quantum is to be treated as a definitive threshold, with proposals below this level potentially refused on grounds of under-optimisation. Clarification is therefore required as to whether schemes delivering below the stated minimum would be refused.

Heritage Constraints

- 2.35 Site Allocation 107 does not test whether the building capacity proposed would impact heritage assets, and instead it states that “*The proposed development could have an impact on the heritage asset listed above*”. This approach is unsound and puts into question the heights stipulated by the council.
- 2.36 We acknowledge the Council’s Suggested Modifications (EX57) which seeks to remove reference to ‘preserve’ from all Site Allocation (HLP_SA1-123_01) (EX57). This amendment is supported with the wording ‘conserve’ now in conformity with the Framework.
- 2.37 The wording should however be revised to reference the balancing provisions set out in Paragraphs 213-216 of the Framework, requiring clear and convincing justification for any development which causes harm to a designated heritage asset, and the requirement for such impacts to be outweighed by the benefits of a proposal.

Parking

- 2.38 The Draft Local Plan (S1A) states for Site Allocation 107 that:

“Redevelopment should provide an appropriate level of car parking to support the retail use while seeking to facilitate increased cycling and pedestrian access and movement across the site in a way which creates a legible street pattern and which provides high quality pedestrian and cycle routes.”

- 2.39 The Council’s Statement of Common Ground with Transport for London (TfL) (EX5a) flags this as an outstanding matter for discussion.
- 2.40 TfL note that given the site’s PTAL 4/5 rating and the location in Chiswick Town Centre, the London Plan would “*require retail (re) development to be car free*” and for an ‘appropriate level of car parking’ to relate only to “*disabled person’s car parking and that there should be no general car parking for store staff or customers*” at Site Allocation 107.
- 2.41 The current R22 wording should be retained for the following reasons.
- 2.42 For the supermarket redevelopment to remain commercially viable, a suitable provision of retail car parking is necessary. This has been raised through the public consultation events held to date and with pre-application discussions with the Council’s Highways Officer. This will help safeguard the trading potential of the current store while facilitating the development of a modern supermarket designed to improve customer experience.
- 2.43 In support of this wording, we draw the Inspector’s attention to a recent appeal decision for West Ealing Waitrose²¹. Inspector Griffiths disagreed with TFL on the same issue (to reduce

²¹ APP/A5270/W/24/3347877

customer car parking levels for replacement supermarket developments) as set out his conclusions at paragraph 61 of this decision, allowing the appeal.

“61. Issues have been raised around parking. The amount of car parking serving the supermarket would reduce significantly as part of the scheme, though not to the extent suggested by the GLA (footnote 9)²². I am content that with proper management, something that can be secured by condition, this reduction need not cause issues for those who live around the site. Indeed, it would not be in the commercial interests of the retailer to allow parking issues to undermine the experience of their customers”

Viability

2.44 On behalf of St James, Quod submitted a hearing statement in respect of Matter 6: Viability and Policy Requirements. This commented in detail on the Whole Plan Viability Assessment (EBV1) broadly in respect of the following matters.

2.44.1 It does not demonstrate deliverability of the 35% or 50% affordable housing threshold proposed for the majority of sites²³;

2.44.2 It excludes abnormal costs, and other matters²⁴ which inform viability on brownfield development (published nearly 2 years ago);

2.44.3 It advocates use of the viability tested route because of these viability concerns; and

2.44.4 It applies weight to viability assessments.

2.45 For Site Allocation 107, the following are important considerations which are not yet recognised in the local plan or there are inconsistencies in the supporting evidence.

Benchmark Land Value

2.46 EBV1 uses four BLV typologies at Table 4.40.1 and Appendix 6 (and paragraph 4.40 – 4.44). For Site 107 Sainsbury’s Chiswick Appendix 7 Row 48 uses an unreasonably low BLV based on secondary office and secondary retail uses:-

- BLV 1 Office (secondary) £16.6M for the site
- BLV 2 Retail (secondary) £14.5M for the site

2.47 The inaccuracy of the assumption is demonstrated by the BLV being greater for secondary office, rather than as a retail location. This cannot be correct.

²² Footnote 9 states: *“The GLA suggests that being part of a town centre, the new supermarket should have no car parking but that in my view fails to account for the fact that what is proposed is a replacement supermarket”*

²³ EBV1 (all policy costs) Appendix 7 (page 154 – 162) only 114 (10%) cells of 1,107 are green (for 50% AH); and Page 153 does not indicate that the majority of cells support 35% to 50% (AH). 82% of typologies of 10 homes of more are not viable at 35%-50% (690/840) (before abnormal and other factors are considered).

²⁴ BLV; Building Safety Levy; Carbon Offset; BS9991 fire safety compliance; CIL indexation.

2.48 A comparison of other supermarket BLVs across London indicate a BLV range of c. £30M to £70M.

2.49 This is supported by the Council’s own evidence. EBED2a Retail & Town Centre Needs Study 2024 Update *Table 4. Survey-derived performance of convenience floorspace compared to expected benchmark performance at 2024* estimates turnover of the existing store as £56.1M. Whilst we have not interrogated this survey figure, it would support a BLV in the range that we have indicated, and significantly in excess of the Council’s higher BLV of £16.6M.

2.50 If one compares this to EBV1 page 162, Appendix 7 All costs BLV 1 (secondary office) £9400/sqm 70%SR: 30%SO, then the viable % AH reduces substantially (to 0% if the BLV is greater than £39M).

£9,241,173 PER HA

BLV	Residual land values										
	0% AH	5% AH	10% AH	15% AH	20% AH	25% AH	30% AH	35% AH	40% AH	45% AH	50% AH
£16,634,111	39,226,144	35,826,671	32,450,973	29,099,351	25,771,704	22,468,032	19,188,337	15,923,078	12,665,182	9,431,459	6,221,909

2.51 This also our concerns regarding the viability of a site allocation with an effected cap on retail (5,300sqm) and housing numbers (300 homes), which is also expected to deliver against other policy requirements, supporting an increase in both minimum quantums.

2.52 The EBV1 BLV not only fails to reflect our previous submissions, but the Council’s own evidence.

Abnormal Costs

2.53 Key Proposal of Site Allocation 107 by its very nature of proposing mixed use development, with a single large ground floor retail unit, and at least 300 homes above, will result in abnormal costs above typical brownfield abnormal or standalone supermarket development. For this allocation this will comprise the following.

- Construction of temporary store and associated temporary services and access.
- Site clearance and supermarket demolition.
- Substructural and ground works abnormal: Undercroft car park excavation and retaining walls, tanking, waterproofing, complex ramps and vehicle circulation structures, smoke ventilation and sprinkler systems etc.
- Superstructure: large podium deck covering the site; transfer structures to support heavy podium and residential loads; large spans for service yard, fire compartmentation and acoustic separation between uses etc.
- Services & utilities abnormal: enhanced attenuation due to raised podium, complex plantroom positioning rather than rooftop, lifts / travellers to accommodate split level accommodation.
- Additional preliminaries due to concrete frame supermarket such as craneage.
- Phased construction and sequencing premiums due to maintaining a live trading environment.

2.54 EBV1 excludes these abnormal costs and they are not accounted for in Site Allocation 107. The allocation, or statement of common ground, should recognise these costs.

East of the Borough

- 2.55 The WPVA recognises that the east of the borough represents one of the main opportunities to support affordable housing where there are higher residential sales values (WPVA Figure 2.16.1), which inform viability and indicate an objective for genuine optimisation of delivery.
- 2.56 This is not reflected in the site allocation.

Conclusion

- 2.57 The above considerations support our proposed revisions.
- 2.58 They also support our proposed replication of the Tower Hamlets Local Plan Policy D.SG5 wording to ensure site allocation deliverability *“For site allocations, the policies set out in this plan may be applied flexibly to ensure that the sites are viable and deliverable”*.

Stage 1 Schedule of Suggested Modifications

- 2.59 The Council’s Suggested Modifications (EX57) include the amendment of Figure CC3.3 (EIP_C6_43) to provide a map of the borough applying the two tall building definitions (lower and higher scale). We support CH1 / Site Allocation 107 remaining identified as an area that has the potential for tall buildings, but recall the Inspector asking for the removal of site specific “tall building dots” located on the Tall Building Maps (Fig CC 3.3).
- 2.60 We note that Table CC3.2 continues to refer to building heights of ‘*up to*’. This phrasing infers a maximum height rather than an indication of heights that may be appropriate. “Up to” should be removed.
- 2.61 In response to documents requested by the Inspector in Week 1 (EX30A), the Council produced an Area-Based Approach Note (EX46) which proposed a number of modifications to the Spatial Strategy of the Plan, including Policy P3 ‘Chiswick’. Modification Ref: EIP_C2_26 comprises the addition of Parts L-O to Part 3 which clarifies development requirements within Chiswick.
- 2.62 We object to a number of amendments within Policy P3, specifically Part L which requires development to: *“respond to the historic, well-established character of two to four-storey mixed-use buildings along the high road and the low to medium-rise Victorian and Edwardian townscape of two to three storey terraced housing elsewhere in Chiswick”*.
- 2.63 Such wording is too narrow and does not take into account the Site’s strategic position within the area, including the appreciation of larger format buildings within its immediate and wider context. At a minimum the text should be revised to include wording such as, ‘take account of’, or ‘be cognisant to’, the character of the area, and be informed by a detailed analysis of the surrounding and broader context.
- 2.64 Policy P3 as drafted is not cognisant of Site Allocation 107 being a suitable location for tall buildings under Policy CC3 and Table CC3.2, and it should be signposted that building heights significantly above the 2 to 4 storey context are supported.

3 Q8: Proposed Modifications

Q8: Are any modifications required to ensure that the individual site allocations and/or their development requirements identified in Chapter 12 of the Plan are accurate and sound?

- 3.1 To rectify the concerns raised, we would welcome working with the Council to agree a Statement of Common Ground.
- 3.2 We would also welcome the following modifications to Site Allocation 107.
 - 3.2.1 To effectively deliver a replacement store, the allocation should be revised to refer to the minimum superstore size (7,000sqm) exclusive of servicing and car parking or the correct retail GIAsqm of 16,560. 5,300sqm as drafted should be deleted.
 - 3.2.2 The Site Allocation housing capacity should be revised back to at least 390 homes. 300 homes should be deleted.
- 3.3 The Site Allocation should be supported by the following text:-
 - 3.3.1 It is acknowledged that Character Sustainability Design Code (2024) (SPD1-B10) Chiswick retains Fig B10.22 Spatial Framework (page B10-46) does not reflect the full extent of the site allocation requirements (“Comprehensive redevelopment of the site must retain and enhance the capacity for (E(a) retail use and associated facilities on site”). It is for illustrative uses only.
 - 3.3.2 It is acknowledged that the Tall Buildings Study (EBCC3) Figure 7.314 (page 252) uses a VuCity 3D model for the site which does not reflect the full extent of the site allocation requirements. It is for illustrative uses only.
 - 3.3.3 The assessment contained within Tall Buildings Study (EBCC3) Figure 7.314 (page 252) is a visual assessment, not a heritage impact assessment.
 - 3.3.4 It is accepted that for the majority of the views assessed at EBCC3 Table 7.18 and 7.19, the scheme massing is not visible because it is either obscured by buildings, or concealed behind trees for much of the year, or partially concealed by tress cover for much of the year.
 - 3.3.5 The appropriate Tall Building Heights at Policy CC3 (Figure CC3.3 and Table CC3.2) will be subject to detailed, site-specific assessments. Greater heights could be accepted, subject to a more detailed and thorough assessment at planning application stage, taking into account policies of the Plan as a whole, because EBCC3 Table 7.18 and 7.19 indicate limited visibility of the scheme tested.
 - 3.3.6 It is acknowledged that WPVA (EBV1) and EX52 (update) BLV assumption does not reflect the existing retail use or the BLV; does not take into account abnormal costs; or

the full extent of the site allocation requirements (it only assesses *5,300sqm retail floorspace*). The EBV1 outcomes for site allocation 107 are for illustrative use only.

- 3.3.7 For site allocations, the policies set out in this plan may be applied flexibly to ensure that the sites are viable and deliverable.
- 3.3.8 The Council withdraws the statement at Paragraph 5.2 (page 12) of EX50. The Council has not created a pre-determined building envelope for site allocation 107, as this would not take into account the requirements of the plan as a whole and the policies of the Framework.
- 3.3.9 The text contained within Policy P3 Chiswick (Modification Ref: EIP_C2_26) which seeks development that responds to *“two to four-storey mixed use buildings”* along the High Road and *“two to three storey terraced housing elsewhere in Chiswick”* does not relate to Site Allocation 107.

Appendix 1



At the very least, the previous capacity (390 units) should be reinstated as a minimum, and Opportunities to deliver higher density at the site supported within policy. The allocation should allow for a degree of and should not be overly restrictive. setting an overly restrictive context. As such it is suggested that the following amendments are made to the residential capacity of the allocation:

“Residential Units: ~~300~~ **Minimum 390**”

Retail Capacity

The plan allocates the site for 5,300sqm of retail space. While SSL support the inclusion of retail floorspace within the allocation, the existing store is a significant provider of jobs within the Borough and is a contributor to local economic growth which SSL are keen to protect. As such it is recommended that a foodstore of the same size as the existing store (7,000sqm) is allowed for as part of the allocation.

Appendix 2

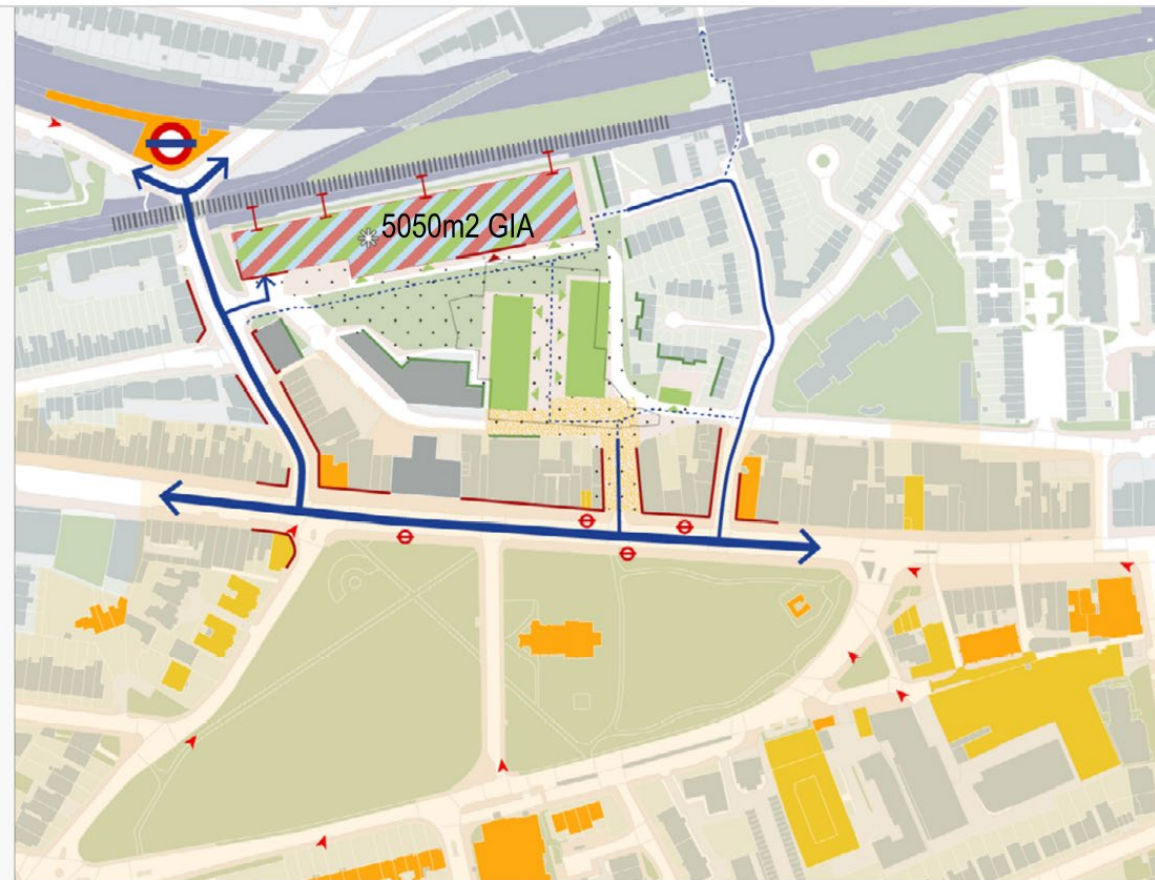
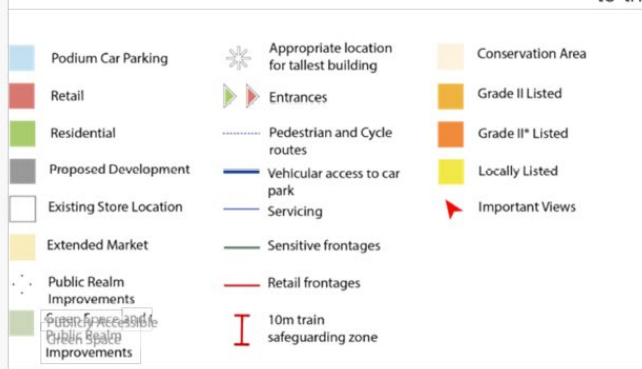


Fig B10.22 Spatial framework

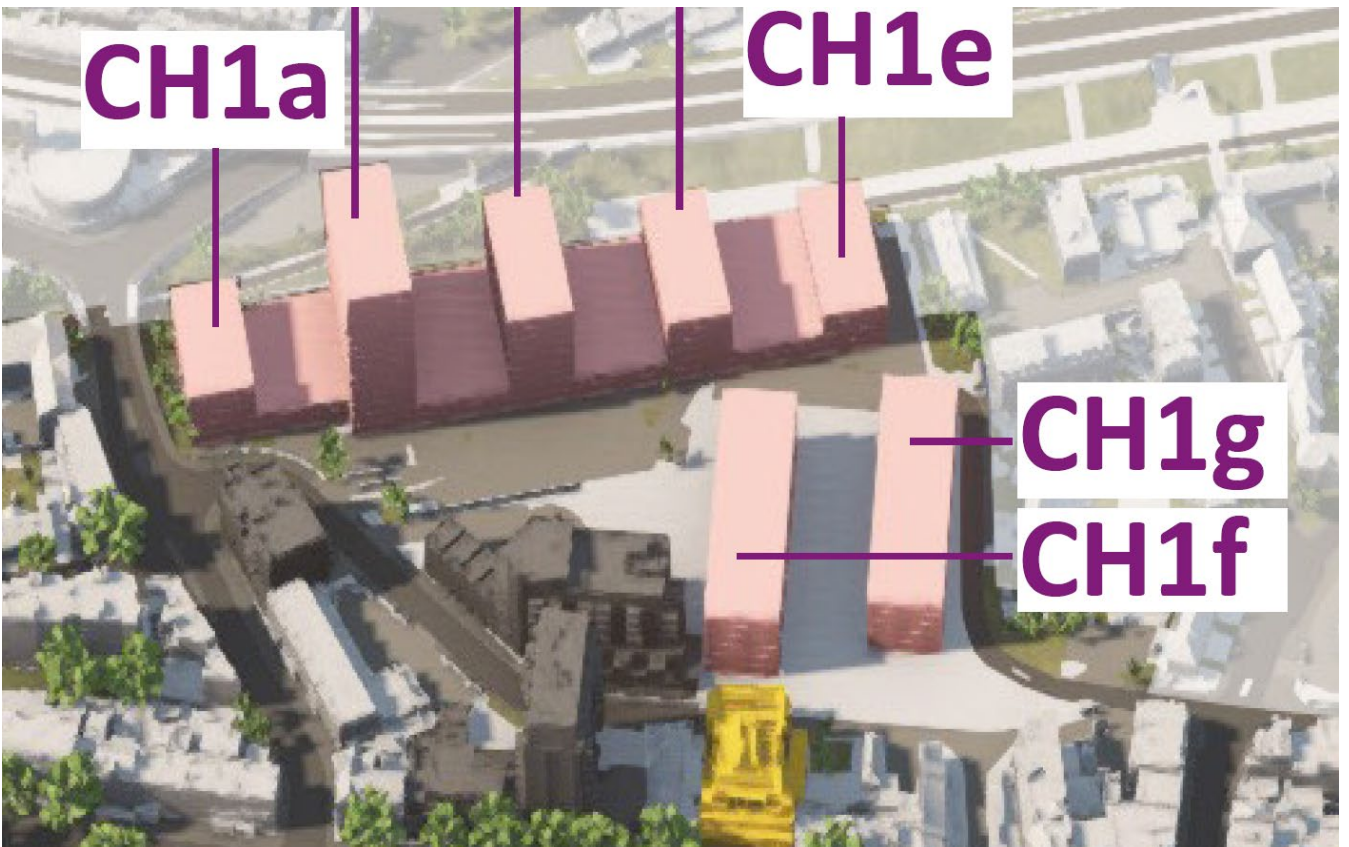
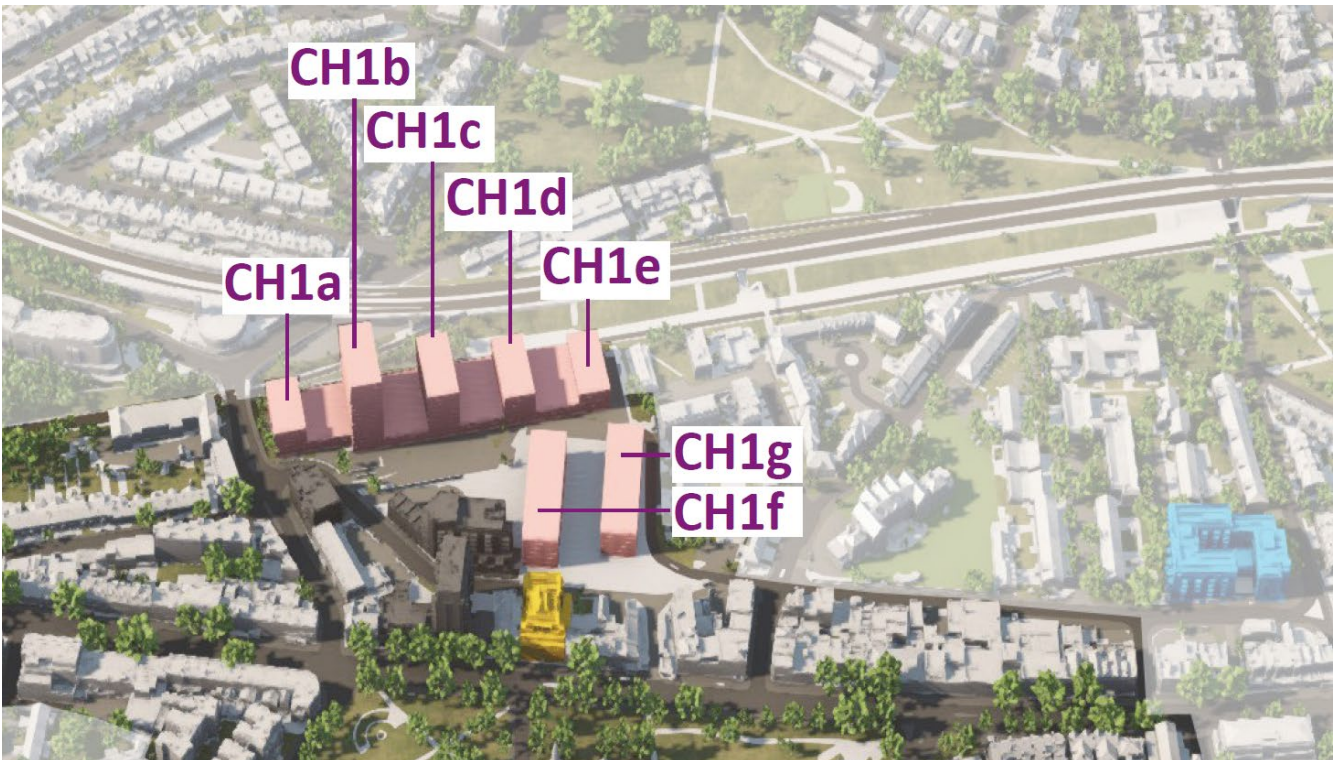
*For more information on site capacity and building heights refer to the Local Plan and Tall Buildings Study



Appendix 3



APPENDIX 4



APPENDIX 5

IMPACTS ON TOWNSCAPE AND VIEWS

7.9.35. The impacts of the building heights in the representative views are summarised in Tables 7.18 and 7.19 below.

View	Summary of impacts
VIEW ONE: From Chiswick High Road (to the west of Gunnersbury station) viewing eastwards	The modelled proposals on Site CH1 are concealed behind existing buildings in this view
VIEW TWO: From Chiswick High Road, at Gunnersbury station, viewing eastwards	The modelled proposals on Site CH1 are concealed behind existing buildings in this view
VIEW THREE: From Chiswick High Road / King's Lane junction viewing eastwards	The modelled proposals on Site CH1 are concealed behind existing buildings in this view
VIEW FOUR: From Chiswick High Road / Action Lane junction viewing north-eastwards	Building CH1b will be visible and fairly prominent rising above the existing buildings on Acton Lane
VIEW FIVE: From south-western corner of Turnham Green viewing northwards	Buildings CH1b and CH1f will be visible but not prominent in the backdrop to the frontage on Chiswick High Road in this view. Existing tree cover is likely to obscure visibility for much of the year
VIEW SIX: From Chiswick Town Hall south of Turnham Green viewing northwards	Building CH1b will be visible to the rear of Empire House in this view however existing tree cover is likely to obscure visibility for much of the year
VIEW SEVEN: From Sutton Court Road south of Turnham Green viewing northwards	Building CH1b will be visible and fairly prominent to the rear of Empire House in this view however existing tree cover is likely to partially obscure visibility for much of the year
VIEW EIGHT: From south-eastern corner of Turnham Green viewing north-westwards	Buildings CH1b, CH1c and CH1f will be visible to the rear of Empire House in this view but appearing to step down significantly in height. Existing tree cover is likely to partially obscure visibility for much of the year
VIEW NINE: From Voysey House at Barley Mow Passage viewing westwards	The modelled proposals on Site CH1 are concealed behind existing buildings in this view
VIEW TEN: From Chiswick High Road / Heathfield Terrace junction viewing westwards	The modelled proposals on Site CH1 are concealed behind existing buildings in this view
VIEW ELEVEN: From Town Hall Avenue viewing northwards	The modelled proposals on Site CH1 are concealed behind existing buildings in this view
VIEW TWELVE: From Acton Green viewing south-westwards	Buildings CH1a, CH1b, CH1c, CH1d and CH1f will be visible in this view across the open space with the taller buildings CH1b and CH1c prominent. Existing tree cover is likely to obscure visibility for much of the year

Table 7.18: Chiswick Town Centre Area of Search - Summary of building height impacts in views (Part One)

View	Summary of impacts
VIEW THIRTEEN: From Acton Lane at the edge of Acton Green viewing south-westwards	Buildings CH1a, CH1b, CH1c, CH1d, CH1e and CH1f will be visible in this street view with the building heights stepping up and clear gaps apparent between each building. The lower building CH1a will be visible at the end of the street and other buildings are likely to be obscured by vegetation for much of the year
VIEW FOURTEEN: From South Parade on Acton Green viewing westwards	Buildings CH1b and CH1c will be visible and prominent viewing down this street however existing tree cover is likely to partially obscure visibility for much of the year
VIEW FIFTEEN: From Chiswick High Road / Duke's Avenue junction viewing westwards	The modelled proposals on Site CH1 are concealed behind existing buildings in this view
VIEW SIXTEEN: From Chiswick High Road / Annadale Road junction viewing westwards	The modelled proposals on Site CH1 are concealed behind existing buildings in this view
VIEW SEVENTEEN: From Chiswick High Road / Chiswick Lane junction viewing westwards	The modelled proposals on Site CH1 are concealed behind existing buildings in this view
VIEW EIGHTEEN: From Thames River Path viewing north-eastwards	The modelled proposals on Site CH1 are concealed behind existing buildings in this view

Table 7.19: Chiswick Town Centre Area of Search - Summary of building height impacts in views (Part Two)

VIEW FOUR: From Chiswick High Road / Action Lane junction viewing north-eastwards



Figure 7.325: Existing photograph



Figure 7.326: Existing VuCity Model



Figure 7.327: Existing VuCity Model with development

VIEW SEVEN: From Sutton Court Road south of Turnham Green viewing northwards



Figure 7.334: Existing photograph



Figure 7.335: Existing VuCity Model

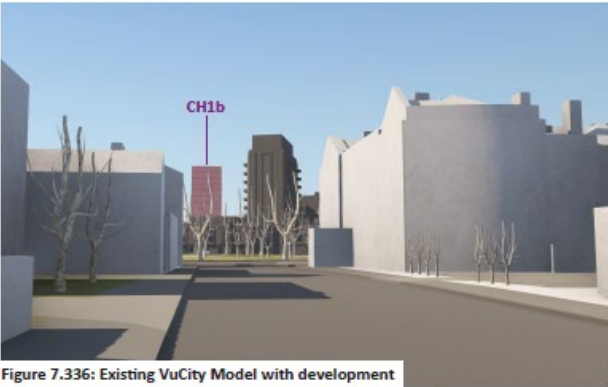


Figure 7.336: Existing VuCity Model with development

VIEW THIRTEEN: From Acton Lane at the edge of Acton Green viewing south-westwards



Figure 7.352: Existing photograph



Figure 7.353: Existing VuCity Model

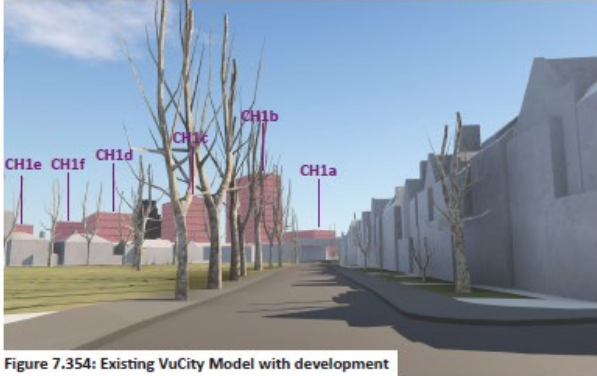
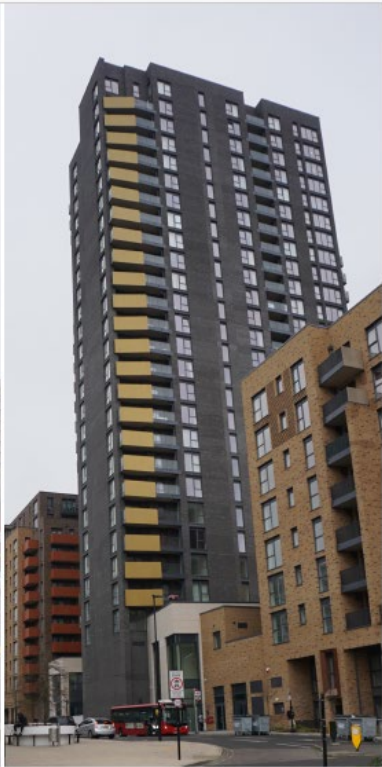


Figure 7.354: Existing VuCity Model with development

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APPENDIX 6



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HOUNSLOW TALL BUILDING STUDY

