



# Appeal Decisions

Inquiry held on 28, 29 and 30 July 2009. Closed in writing 7 August 2009.

Site visit made on 30 July 2009

**by Andrew J Seaman BA (Hons) MA  
MRTPI**

**an Inspector appointed by the Secretary of State  
for Communities and Local Government**

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**Decision date:  
26 August 2009**

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## **Appeal A: APP/F5540/E/09/2098830**

### **Campion House, Thornbury Road, Osterley TW7 4NN**

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Linden Homes Chiltern against the decision of the Council of the London Borough of Hounslow.
- The application Ref 01119/M/CA3, dated 20 March 2008, was refused by notice dated 8 December 2008.
- The demolition proposed is the extensions to Campion House and other buildings in the grounds including chapel, refectory, dormitories and classroom.

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## **Appeal B: APP/F5540/A/09/2099169**

### **Campion House, Thornbury Road, Osterley TW7 4NN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Linden Homes Chiltern against the decision of the Council of the London Borough of Hounslow.
- The application Ref 01119/M/P4, dated 20 March 2008, was refused by notice dated 8 December 2008.
- The development proposed was originally described as 'the retention and conversion of Campion House and Tigar Hall, demolition of annex buildings and redevelopment to provide 168 dwellings, a community centre and the provision of associated open space'.

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## **Decisions**

1. Appeal A: I allow the appeal, and grant conservation area consent for the demolition of the extensions to Campion House and other buildings in the grounds including chapel, refectory, dormitories and classroom at Campion House, Thornbury Road, Osterley TW7 4NN in accordance with the terms of the application Ref 01119/M/CA3 dated 20 March 2008 and the plans submitted subject to the following conditions:
    - 1) The works of demolition hereby permitted shall begin before the expiration of three years from the date of this decision.
    - 2) The works of demolition hereby authorised shall be carried out in accordance with a programme to be agreed in writing with the local planning authority and not before a contract for the carrying out of the works of any approved redevelopment of the site, to accord with given planning permission, has been made.
  2. Appeal B: I allow the appeal, and grant planning permission for the retention of Campion House and Tigar Hall, demolition of annex buildings and outbuildings other than Tigar Hall and redevelopment of the site including – conversion of
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Campion House and erection of 13 new buildings to create 154 units (13 one bedroom units, 95 two bedroom units, 19 three bedroom units (including 16 maisonettes) and 27 four bedroom units (including 22 terraced houses and two semi-detached houses); and conversion of Tigar Hall to provide a community facility and also to house an IT suite, exhibition space and site management office; and with associated parking, access and landscaping to site at Campion House, Thornbury Road, Osterley TW7 4NN in accordance with the terms of the application, Ref 01119/M/P4, dated 20 August 2008, and the plans submitted with it, subject to the conditions listed in the attached Schedule.

### **Procedural Matters**

3. The development proposed in relation to Appeal B altered following its submission to the Council. The Council's decision notice identifies the resulting development sought which includes 154 dwellings, 95 of which would be two bedroomed units. I have determined both appeals on this basis.
4. The Inquiry sat for three days during which time a signed Section 106 Obligation was submitted. Due to the necessity to correct errors within its content, and with the agreement of the Council, I adjourned the Inquiry on 30 July 2009 in order that a revised document may be submitted. Such a document was received on 7 August 2009 in accordance with the deadline. I closed the Inquiry in writing thereafter. I have had regard to this deed in reaching my decision.
5. In clarification of the drawings previously considered by the Council, the appellant submitted drawings 11\_CHO\_S\_010 Rev C and 102\_CHO\_SS\_EL02 to the Inquiry. The former corrected a minor error with regard to the fact that it was revision 'C'. The latter corrected a minor error in the elevational depiction of the street sections. The Council raised no objection. I consider such drawings are necessary to ensure accuracy and are of a very minor consequence. I am satisfied that my subsequent consideration of their content would not prejudice the interests of any consultee, group or individual.
6. I was informed, and subsequently observed, that a Grade II listed statue has been removed from the grounds of Campion House.

### **Main issues**

7. The appeals raise three main issues:
  - The effect of the proposals upon designated Local Open Space and whether any net loss of such space resulting from the appeal schemes would be warranted by very special circumstances;
  - The effect of the proposals upon the character and appearance of the locality, which includes the Spring Grove Conservation Area; and
  - The effect of the proposals upon the setting of Campion House.

## Reasons

### *Local Open Space*

8. As agreed by the appellant and the Council, 2.09ha of the 3.22ha appeal site is designated by the Hounslow Unitary Development Plan (UDP) as Local Open Space (LOS). UDP Policy ENV-N.1.11 identifies, amongst other matters, that such spaces are public and private open areas outside the Green Belt and Metropolitan Open Land which provide essential visual breaks in built-up areas, contribute to local amenity and meet, or are capable of meeting, recreational needs. The policy further indicates that planning permission will not be granted for development on LOS except in very special circumstances (VSC), especially where it would lead to a deficiency in publicly accessible open space.
9. The development proposed would encroach into the designated LOS and, consequently, there is no dispute that the appeal proposals would result in a degree of loss. I agree. The Council does not dispute the principle of development upon the appeal site but it does consider that the undisputed gross level of encroachment into the LOS of approximately 28% would be unacceptable.
10. The development would establish a new publicly accessible open space known as Thornbury Green, outside of the LOS adjacent to Thornbury Road. The appellant submits that this area, in addition to other areas around the proposed buildings, would act as compensation to the gross degree of encroachment and would thereby result in a net loss of LOS, in effect, of 7.6%. Council officers, in recommending approval of the proposals, accepted the principle of such an approach although discounted the degree of compensation promoted by the appellant due, primarily, to the proximity of buildings to some of the publicly available space which would limit its effective functions. The officers concluded that the net effect would be in the region of 18% LOS loss. Although deemed acceptable by its officers, the Council is of the view that Thornbury Green would not be an area that would represent adequate or effective compensation for the loss of LOS.
11. I note the view of Champion Concerns Monitoring Group (CCMG) in particular, who consider that if Thornbury Green is deemed acceptable compensatory space, the net level of encroachment should account for other open space within the appeal site as opposed to the LOS alone.
12. Thornbury Green would be considerably greater in area than the frontage area previously proposed within an earlier scheme for 239 units dismissed on appeal in 2007, references APP/F5540/A/07/2040494 and APP/F5540/E/07/2040493 (2007 DL). Whilst my colleague was unconvinced that the indicated area of the scheme before him would naturally lend itself to use by the public, I find that the subsequent increase in size, shape and layout as now proposed, together with the fundamentally different design of the proposed buildings, would produce an area that would reasonably serve as publicly accessible open space.
13. Whilst the width of the area would taper, it would nonetheless exceed 25m at its widest point, extend along a considerable proportion of the available frontage, provide space for sitting and would contain a practical area for play. It may be positioned towards the margins of the appeal site but it would

nevertheless be a substantial area and would serve a greater function than merely a landscape belt.

14. Thornbury Green as a whole, and the play area in particular, would be capable of reasonable protection by suitable boundary treatments from Thornbury Road. With due regard to the diagonal paths that would aid the definition of public and private open space, the area would be reasonably, and not excessively, overlooked by the adjacent Blocks C, E, F and G. This would help to ensure security in a manner that would not, in my view, conflict with the advice contained within Planning Policy Guidance Note 17 'Planning for open space, sport and recreation' (PPG17) or the advice of the Urban Design Compendium 1. An adequate area of private amenity land would buffer the latter three blocks from the publicly accessible area to ensure no substantive harm to the living conditions of future residents. Unlike the Council, I therefore find that Thornbury Green would serve reasonably as partial compensation to the loss of LOS.
15. Nevertheless, for the reasons identified by the Council's committee report, I am not persuaded that the extent of compensatory open space to be provided by the appeal scheme would limit the extent of net encroachment to just 7.6%. I consider that it would be greater, albeit within a range not exceeding the approximate figure of 18% referred to in evidence. Such a degree of encroachment, with due regard to the concerns raised by CCMG for example and while less than the range of 20-25% referred to by my colleague in his 2007 DL, would nonetheless be of material significance given the development plan approach, including the objectives of The London Plan (LP), to the protection of open space.
16. No specific evidence as to why the LOS in the appeal site was so designated is available to me. The land in question has historically been in private ownership. It makes little contribution to local amenity and would appear to meet no current recreational needs. With regard to its role in providing an essential visual break within the built up area, I appreciate that the absence of built development from the LOS and how that is perceived from nearby, in addition to its actual visibility, is a reasonable consideration in assessing its function.
17. With this in mind, the scale of the existing buildings on the site and their relative close proximity to Thornbury Road means that the LOS itself, and the absence of development upon it, is practically undetectable from public vantage points to the east. Similarly it is shielded from nearby views from the west by the substantial boundary hedge with the Indian Gymkhana Club.
18. From some public areas around the buildings and dwellings of Kilberry Close to the south the absence of development within the LOS is more evident. This would also be the case from the rear of some dwellings which abut the northern boundary. However, I consider that the contribution of the LOS in providing a visual break in the built environment context of Thornbury Road and other developments to the west is of limited value. Therefore, while I note that a considerable extent of the appeal site is designated LOS, I find that it has a rather limited practical function within the locality. Such a consideration is material to my decision.

19. With regard to UDP Policy ENV-N.1.11, I agree with the appellant and the Council that the identification of VSC, necessary to warrant the appeal scheme, is a high hurdle to overcome. The appellant submits that such VSC are to be judged from a cumulative assessment of relevant matters, not from an assessment as to whether individual factors are in themselves very special. In the absence of any practical UDP definition of VSC, I agree.
20. By adopting such a reasonable stance and with regard to *Basildon District Council v SoS & Temple 2004*, I see no necessity for individual considerations to be of themselves, unusual or unique. Furthermore, matters which may contribute towards VSC are not automatically reduced in value, nor indeed discounted, merely because an alternative scheme for the same site may also be capable of demonstrating some similar circumstances. I therefore turn to the principal matters advocated as contributing to a consideration of VSC.
21. The creation of Thornbury Green would create a publicly accessible area of urban space, including a formal area of children's play. It would provide the first such frontage area within the Spring Grove Conservation Area. In conjunction, the creation of Thornbury Gardens to the rear of Campion House would, firstly, restore aspects of the former historic garden and secondly, would create an extensive area of publicly accessible open space, to be secured in its detail and in perpetuity by the S106 undertaking. Indeed, there would appear some potential to enhance the ecological value of the appeal site as a result. In my judgement these factors represent tangible benefits of the appeal proposals which are of significant weight.
22. At present, the existence of the rear land and gardens behind Campion House and the main appeal site buildings is generally hidden from public appreciation. The separation gaps between the resulting buildings of the appeal schemes, together with the creation of 'Church Walk' through the site, would provide permeability through the development. Essential visual breaks to the built development in the Thornbury Road area would be provided and views would be enabled from the east across the site frontage and into the remaining LOS behind. Views from the south would include part of the new development, such as Blocks H and J, but breaks within the development would maintain views north towards the retained LOS and that adjacent to the western boundary. As a consequence, I consider that, in totality, a beneficial awareness of the LOS would be likely to increase.
23. In addition to Thornbury Green, the retained LOS would contribute positively to local amenity and it would make a positive contribution to meeting recreational needs. To my mind, the public and private open space resulting from the development, with full regard to the degree of gross encroachment into the designated area, would satisfy to a greater extent the functions identified for LOS by UDP Policy ENV-N.1.11.
24. The cumulative public access benefits would, in my view, be enhanced in their significance given that the appeal site lies within an area defined on the UDP Publicly Accessible Local Open Space Deficiency Map. I accept that the nearby Brunel University development has effectively reduced the extent to which parts of the locality are in excess of 400m from publicly accessible local open space, but the appeal schemes would still bring benefits to the population of a sizeable area further to the west. I am mindful that such a positive outcome

would fulfil, in part, the objectives which underpin UDP Policy ENV-N.1.10. and accord, in part, with the aims of PPG17.

25. Champion House is, in effect and as noted below, a locally listed building. Notwithstanding the Council's concerns with the appeal scheme as a whole, I heard no dispute that the building is a positive feature of the conservation area or that the restoration of the original structure and part of its later extension would be of benefit to the character and appearance of the building and the wider conservation area. In conjunction, the creation of Thornbury Green would, in my assessment of its increased width, relationship to new buildings and landscape potential, provide an enhanced landscaped setting for Champion House, as detailed below, particularly when viewed from the south.
26. The conversion of Tigar Hall, in my assessment, can be described reasonably as a beneficial new community facility that would also retain a building of some historical association with the conservation area and general locality.
27. UDP Policy ENV-N.1.11 allows for new development to occur. As evidenced by the planning permissions granted at Brunel University and elsewhere, individual circumstances must be collectively assessed in relation to matters specific to their site in order to establish whether they are very special. Consequently, I find the considerations of regional need which supported the Brunel University scheme, not to be a prerequisite for the development proposed at Champion House.
28. The proposals would reduce the extent of the designated LOS to a lesser degree than considered by my colleague in 2007. This is of material significance. The current appeal schemes proffer a number of considerations which I find, when cumulatively assessed, represent VSC. The latter, which include the compensatory benefits of Thornbury Green, the beneficial works to Champion House and its setting within the conservation area, the benefits of public access to enhanced areas of open space in an area of acknowledged deficiency and the delivery of affordable housing are sufficient to warrant the net loss of LOS that would occur. I therefore find no conflict with the objectives and relevant policies of the development plan when taken in the round; including those expressed by Policy 3D.8 of The London Plan which seeks to realise the value of open space and green infrastructure and UDP Policies ENV-N.1.11 and ENV-N.1.10.

#### *Character and Appearance/Campion House Setting*

29. I deal first with the setting of Champion House. The primary building is a substantial and ornate mid-Victorian structure included upon the Council's list of Buildings of Local Townscape Character. I agree with my colleague (2007 DL) in that, effectively, this would be a 'locally listed' building under the terms of paragraph 6.16 of Planning Policy Guidance Note 15 'Planning and the historic environment' (PPG15).
30. The form of the original building, designed for the predominant local landowner, remains discernible. However, numerous additions and alterations have eroded aspects of its original architectural quality and its general setting. The large extensions to the north and the addition of the attached chapel, which in turn links to functional three storey blocks, create an extensive

developed frontage to Thornbury Road. The stand alone quality of the Victorian building has been compromised.

31. The Council and the appellant agree that Campion House is the 'Jewel in the Crown' of the Spring Grove Conservation Area. Following my inspection of the area, I have no reason to dissent. The appeal schemes would demolish the chapel and buildings to the south together with part of the extensions to the north. The external fabric and appearance of the main house would be repaired and largely restored in a fashion suited to its Victorian origins. Both aspects would respect suitably the form and appearance of the building.
32. In place of the demolished chapel, residential blocks and associated buildings would be a range of new buildings. In broad terms, the principle of creating a series of stand alone structures, reminiscent of the detached 'villas' of the area and the Victorian estate intentions, strikes me as reasonable. The scale and detailing of blocks E, F and G, would appear proportionate to the context of the appeal site whilst their siting, offset from Thornbury Road behind the newly created and landscaped Thornbury Green, would open views towards Campion House that would emphasise its historic status and position within the site and the locality.
33. Blocks C and D would be relatively large and contemporary four storey structures situated to the south-west of Campion House. On balance, I am satisfied that the landscaped separation gap would be sufficient, in addition to their lower height and relatively simple appearance, to ensure that they would not compete unduly with the Italianate grandeur of Campion House. The latter would be seen as detached from other structures, within a verdant landscaped setting wherein the dominant cedar trees would remain in an improved frontage context; a fact not diminished by the transitory and subservient scale of the suitably detailed 'villa' of Block A to the north.
34. In totality, I am satisfied that the appeal schemes would not harm, and would enhance, the setting of Campion House. I find no conflict with the objectives and relevant policies of the development plan, particularly as expressed by UDP Policies ENV-B.2.6 and ENV-B.2.7 in this regard.
35. I turn now, in the knowledge of the 2007 DL, to the effect of the appeal schemes upon the character and appearance of the locality which includes the Spring Grove Conservation Area. I consider that the character and appearance of the locality is, based upon my observations and with regard to the appellant's Conservation Area Statement, heavily influenced by the prevailing residential street pattern that reflects, in large part, the intentions of the planned mid-nineteenth century Davies' estate. The relatively wide, tree-lined avenues remain a cohesive and distinctive historic feature of the locality which, in conjunction with garden planting in front of predominantly generous building set backs, draws together an eclectic range of building types which, despite some individual groupings, display little architectural consistency and are demonstrative of the manner in which the locality has evolved.
36. Larger scale buildings intermix with structures of a more modest domestic origin. The remaining substantial Davies' villas, many subdivided into flats, are an important historic reference point of the locality. However, they sit cheek by jowl with twentieth century infill developments of varied design and variable

quality which range from detached and semi-detached two storey dwellings to substantial four storey apartment blocks.

37. My colleague (2007 DL) identified the contribution made to the character of the conservation area by the 'Arts and Crafts' style houses opposite the appeal site and I do not dispute that they make a positive contribution to the special interest of the area. Nevertheless, they form only a relatively small part of the wider area. I am obliged to consider the character and appearance of the conservation area as a whole and, with this in mind, I saw a wide variety of building types throughout Spring Grove which have collectively altered the underlying suburban character formed by two storey detached and semi-detached homes.
38. The existing, primarily mid-twentieth century, buildings upon the site which are to be demolished make, at best, a neutral contribution to the character and appearance of the conservation area. Yet they are important in assessing the effect of the appeal schemes. In this regard, they are an established form of larger scale development with extensive footprints. They are functional and utilitarian buildings and are not, in my assessment, a form of development which is domestic or suburban in character or appearance. I consider that their replacement offers an opportunity to enhance the character and appearance of both the site and the area with an imaginative development that accords with the aims of PPG15 and the design aspirations of Planning Policy Statement 3 'Housing' (PPS3).
39. The appeal proposals have been designed with an awareness of the schemes previously dismissed in 2007 (2007 DL). In the appellant's view, this has been done with an endeavour to bring a consultative and fresh approach to the development opportunity offered. As a consequence, I am satisfied that the proposals before me are markedly different from their predecessors. This is evident, for example, in the reduction of the number of dwellings proposed and the reduced scale, form and layout of the indicated buildings. Indeed, the resulting layout acknowledges my colleague's acceptance that some form of courtyard development would be appropriate on the southern part of the site and the need to avoid an apparent continuous frontage of development along Thornbury Road.
40. The Council's decision notice raises a concern with regard to the high proportion of one and two bedroom flats proposed and the insufficient provision of family homes which it considers would be out of character with the conservation area. However, I have little substantive evidence to indicate the current housing mix of the locality or the housing needs of the area and the Borough.
41. Relatively modest two storey detached and semi-detached homes are apparent near to the appeal site and can be found throughout the conservation area yet, from my observations, there is also a wide range of other dwelling types. These include numerous examples of apartment blocks and buildings converted to flats which in some cases are in close proximity to the appeal site, such as at Kilberry Close. The housing mix proposed would appear, in my assessment, to reflect aspects of the general locality and I have no reason to conclude that the predominance of two bedroomed units as part of a development of mixed dwelling sizes would be unacceptable. In reaching this conclusion, I am also

mindful that the Council and my colleague did not consider that the previously dismissed scheme (2007 DL), which sought 239 dwellings with a considerably greater proportion of 1 and 2 bedroom units, was unacceptable in terms of housing mix and provision of housing for families.

42. The UDP indicates that a family dwelling can contain as few as two bedrooms. In such a context, in excess of 90% of the dwellings resulting from the appeal schemes would provide two or more bedrooms. I note the content of The Hounslow Plan which sets a vision for the Borough, yet this is not a document produced through due planning process and it attracts little weight as a consideration in my decision. Overall, the Council's expressed concern with regard to family homes appears unfounded.
43. The Council, in evidence, raised more detailed concerns at the density and layout of the proposals and I accept that the density proposed would be markedly greater than the established density of the locality, by any given measure. The methods of density calculation employed indicate that the appeal scheme would be at the upper end of the units per hectare range indicated by Table 3A.2 of the London Plan for a suburban area, which incorporates considerations of accessibility. Indeed, I note that the appeal schemes would exceed the density range, albeit slightly, if measured on the basis of habitable rooms per hectare.
44. Whilst I certainly do not suggest that the locality should be considered as 'urban' for the purposes of considering this Table, I also do not consider that the examples of 'suburban' areas provided at LP paragraph 3.23 are an apt summary of the cumulative characteristics of the Spring Grove Conservation Area. For example, the area displays examples of buildings of medium footprint and of four storeys in height plus a smattering of mixed uses. In terms of public transport, I am mindful that the site has access to bus routes within Thornbury Road and that Osterley Station lies within reasonable walking distance to the north. Unlike the proposals considered in 2007, the density information itself does not indicate to me that the current scheme would be an over intensive use of the site.
45. Table 3A.2 appears designed to be a tool rather than a rule. In my view, it is an assessment of the effects of the built development proposed, rather than a mathematical calculation, which is the appropriate means to judge the acceptability of any new housing scheme. As noted within PPS3, the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form.
46. As indicated above, Blocks A, E, F and G would, in terms of their detached style, proportionate scale, modest appearance and position within the site in relation to Thornbury Road and Campion House, reflect a twenty first century interpretation of the antecedents of the nineteenth century planned estate layout. Thornbury Road currently has buildings of an institutional scale opposite pleasant two storey properties. The proposals would place modern and well designed buildings in their stead. I am satisfied that these structures, allowing for the demolition of the existing buildings upon the site and set behind a landscaped frontage, would make a positive contribution to the character and appearance of the Thornbury Road street scene and the Spring Grove Conservation Area as a whole.

47. Blocks C and D would be of a more contemporary design, set upon an east-west axis. The four storey scale of Block C would be evident in its end elevation presented towards Thornbury Road. The height of the two blocks would be lower than Campion House, albeit that their mass would be more apparent due to the unrelieved flat roofs proposed. I am satisfied that their separation from Campion House would provide a suitable break in the built development along Thornbury Road and would afford views of the LOS to the west whilst facilitating the creation of Church Walk, a reflection of the historic route which existed between the appeal site and the nearby church.
48. It is feasible that the two buildings would be perceived, from certain vantage points to the west for example, as one larger structure. Yet, I am satisfied that the design of both buildings, which includes a substantial curved façade in part and a deep recess at their point of separation, would provide sufficient relief and interest within their elevations to ensure that they would not appear as an unremitting block imposed upon their surroundings. The articulation within the buildings, particularly as provided by the fenestration and infill panels, would provide a vertical emphasis to the four storeys which would break up adequately their horizontal scale when seen from either north or south. Further beneficial articulation of the roof detailing could be reasonably secured by condition.
49. Block C would project further east than Block E, yet would still remain set behind the front elevation of Campion House and would, in my estimation, act as an appropriate and relatively simple foil to the Victorian detailing of the original structure and to the 'villa' styles of Blocks E, F and G. I therefore find that Blocks C and D would, especially in light of the area of LOS to the north, not appear harmful to the character or appearance of the site and the wider conservation area.
50. The various derivations of Blocks H and J, predominantly of four storeys, would be located behind Blocks E, F, G and Tigar Hall. As a consequence they would not form a conspicuous element of the street scene of Thornbury Road or elsewhere. In terms of scale and appearance, including fenestration but excepting the partial dominance of ground floor garaging, I consider that these elements of the appeal scheme would maintain an architectural consistency across the development as a whole and with aspects of Blocks C and D in particular. The effect of these buildings, when considered alone or in combination with others, would not harm the appearance of the conservation area.
51. Whilst not specified in the reasons for refusal, the Council raised various concerns which particularly relate to the south-western quadrant of the appeal site. With these in mind, I appreciate the relatively close proximity of some buildings to one another, for example Block Hi to Block D and Block Jii to Jiii. Such relationships have implications both for the living conditions of future occupants and for the character and appearance of the development.
52. To my mind, the development seeks to introduce a contemporary solution to the development opportunity offered by the site. In such a context, and in recognition of the desire expressed by PPS3 to make efficient use of previously developed land, I am not persuaded that the content of the Council's 1997 UDP Supplementary Planning Guidance (SPG) should be prescriptively applied to the

- current proposals. Indeed, given the age of the SPG which predates the adoption of the current UDP, I afford only limited weight to its provisions.
53. Whilst the separation of buildings, spaces and the windows of habitable rooms may not invariably meet the advice standards of the SPG and Appendix 1 of the UDP, I am not convinced that the resulting development, particularly in terms of building layouts and their juxtaposition, would produce unacceptable living conditions for future occupants or any near neighbours in terms of privacy, overlooking, outlook and shading. I do not consider that the proximity of the all weather pitch of the Indian Gymkhana Club would, given the substantial boundary hedge and the existing controls over the operation of floodlights, unacceptably impinge on the living conditions of future residents.
54. I have greater empathy with the Council's concern, raised in evidence, with regard to the provision of amenity space. I accept that, cumulatively, the development would provide a total area of amenity space which exceeds the minimum advised standard set out within its SPG. However, the extent of private space that would be available to the occupants of a proportion of the new dwellings proposed, mindful that they could be occupied as family dwellings, is negligible. It is not merely a matter of area; it is also a matter of quality. With due regard to the content of PPG17 and PPS3 paragraph 17 in particular, I have concerns that the living conditions of occupants of certain properties could be materially impaired, for example within Block G and within the flats of Blocks Hii and Hiii, who would only have access to private balconies.
55. I am mindful, however, that the development as a whole would have ready access to substantive areas of good quality public open space in Thornbury Gardens and Thornbury Green, in addition to areas of communal open space, around the buildings and to the south-west, designed solely for residents. The submissions demarcate clearly the private open space areas from those intended to be publicly accessible and I foresee, particularly in light of the terms of the S106, no necessary conflict between the two.
56. The success of such mixed areas of amenity space, as far as applied in the lower density development at Accordia for example, has yet to be assessed fully. It is a relatively contemporary approach in the UK and, to that extent, there is no substantive evidence to indicate to what extent the shared areas of amenity space would fulfil adequately the needs of future occupants of the current appeal schemes.
57. Despite my reservations, I have no reason to consider that a more communal approach to amenity space would not be successful, particularly when the internal space provision for each unit is invariably of reasonable proportions. On balance, I therefore find that the limited provision of private amenity space for each dwelling does not, in this particular instance, warrant dismissal of Appeal B and I conclude that the amenity space provisions for the development when considered as a whole, would be acceptable.
58. The derivations of blocks H and J would present limited landscaping opportunities along the access routes, but the homezone approach would create a distinctive mews style development. I am satisfied that the combination of good building design with high quality hard and soft landscaping, to be secured by planning conditions, would create an internal

identity for these parts of the scheme which would not impinge on the general character or appearance of either Thornbury Road or the conservation area.

59. The development proposed would provide a mix of housing which would include a high proportion of family dwellings, albeit including a considerable number of two bedroomed units. The proposal would accommodate the relatively high density proposed within a range of buildings which, with regard to the existing utilitarian form of buildings upon the site, would be of good design. The proposed 'grain' of development would not be harmfully opposed to the evolved and rather eclectic pattern of buildings which exist in the locality, such as seen at Kilberry Close. Overall, I find that the scheme would respect the character and appearance of the Spring Grove Conservation Area. The cohesive street pattern would remain unaltered, the proposed buildings, particularly facing Thornbury road, would acknowledge the historic form of buildings in the locality yet provide a contemporary measure of architecture suitable to the evolution of the underlying suburban diversity. These factors in conjunction with the retained cedar trees and landscape potential of Thornbury Green in particular would ensure that the Thornbury Road street scene would not be harmed.
60. I therefore find the proposals would not conflict with the objectives and relevant policies of the development plan; particularly the extensive new development considerations proffered by UDP Policy ENV-B.1.1 and the conservation intentions of UDP ENV-B.2.2.

#### *Other Matters*

61. The whereabouts of the Grade II listed statue removed from the site is unknown. Whilst I am mindful of my duty to have special regard to the desirability of preserving the setting of a listed building, its absence prohibits me from reaching a conclusion upon this matter. Nevertheless, and with regard to the findings of my colleague (2007 DL), such a fact does not alter my final decisions upon the appeals before me.
62. I have had regard to the suitably raised comments of the Champion Concerns Monitoring Group and to the matters raised by other correspondents and by those present at the Inquiry. Such considerations do not, however, alter my conclusions.

#### *Planning Obligation*

63. The completed Section 106 Obligation would secure a number of matters in accordance with the requirements of the Council's Planning Obligations Supplementary Planning Document (SPD). The method of calculating the financial contribution towards health services is not as clear as it could be. However, I have no reason to consider that the sum proposed, accepted by the Council, would not be fairly and reasonably related in scale and kind to the proposed development.
64. With regard to the remaining content of the deed, I am satisfied that it would properly secure the provision of an appropriate level of affordable housing, secure the private and publicly accessible open space, make suitable provision for the necessary highway and transport works relating to Thornbury Road and its environs, including a Travel Plan, and secure the community facility at Tigar Hall. The Council accepted that the financial contributions towards education

provision and the public realm accord with the SPD and I have no reason to disagree.

65. The S106 would mitigate reasonably the effect of the development proposed and I have no reason to consider that the above matters do not accord with the content and policy tests of Circular 05/05 'Planning Obligations'.

*Conditions*

66. With regard to Appeal B, I have noted the suggested conditions of the Council which, in broad terms, were not disputed by the appellant. Where necessary I have amended the suggested wording to aid precision and accord with the requirements of Circular 11/95 'Use of conditions in planning permission'.
67. The development proposed includes a number of elements. To avoid potential errors in implementation I consider that it is necessary to include a condition which requires the scheme to be undertaken in accordance with the submitted plans. The development is of a scale where phased implementation may be required; accordingly I attach a reasonable condition relating to the agreement of a scheme of phasing.
68. In the interests of ensuring that the character and appearance of Campion House and the Spring Grove Conservation Area are not harmed, I attach a condition requiring details of the works necessary, following the approved demolition works, to make good the former. Similarly, I attach a condition which requires the submission of details relating to the enhancement of the elevational detailing of Blocks C and D, as envisaged in the Council's committee report; this relates to the roof treatment in particular to ensure sufficient articulation. For the same reason, I attach a condition requiring the submission and agreement of sample materials to be used in the development.
69. There is evidence of land contamination within the site. Consequently, and with regard to the content of Planning Policy Statement 23 'Planning and Pollution Control' and other government advice, I attach a condition to ensure suitable assessment and remediation as necessary.
70. Due to the archaeological potential of the appeal site I consider it necessary to attach the suggested condition requiring investigation and, as necessary, the implementation of a suitable mitigation and recording strategy.
71. I am satisfied that a condition requiring the submission, agreement and implementation of a Construction Management Plan is necessary and reasonable. I have amended the Council's preferred condition to encompass hours of construction and wheel washing facilities, thereby avoiding the necessity for separate conditions. Similarly, and in the interests of maximising sustainability within the construction, such a Plan can reasonably include details of a 'sustainable construction scheme' to accord with the standards set by The London Plan Supplementary Planning Guidance 'Sustainable Design and Construction'. However, I consider that the matter of securing a suitable surface water drainage, which may include a system of sustainable urban drainage, is best achieved by the use of the separate condition which I have attached.

72. To ensure that any earthworks have an acceptable effect upon the character and appearance of the development and the area, I attach a condition relating to the submission, agreement and implementation of their detail.
73. I attach necessary conditions relating to the submission, agreement and implementation of hard and soft landscaping, in conjunction with a landscape management plan, to ensure that the development has a suitable effect upon the character and appearance of the area and remains fit for its intended purposes. Suitable signage to the publicly accessible open space is also necessary and I attach a condition to secure such an outcome.
74. I also attach a reasonable condition to secure the necessary improvements to the ecological value of the site, as submitted by the appellant as contributing to VSC. Given the proximity of the site to Heathrow airport a condition to mitigate the bird hazard is necessary whilst, with regard to the available noise evidence, I attach a condition to secure suitable noise attenuation for each dwelling.
75. It is necessary to ensure, throughout the development, that the details of car and bike parking are agreed and implemented, together with a range of details relating to the formation and operation of the basement car park. I attach conditions accordingly. I attach a necessary condition to ensure that suitable sightlines are created along Thornbury Road.
76. I attach a condition to secure the provision of suitable waste and recycling facilities upon the site to ensure the reasonable objectives of the Council are satisfied.
77. The dwellings within the development have limited private amenity space. As a consequence, I consider that the attached condition restricting certain householder permitted development rights is exceptionally justified. To protect the living conditions of residents to the north, I also attach a condition to require obscure glazing to the first floor windows of the northern elevation of Block A; such a requirement for ground floor windows is unnecessary due to the scope for standard boundary treatments to protect the neighbour's privacy.
78. The Council advised that it was of the view that the matter of access to Tigar Hall for people with disabilities would not be controlled by Building Regulations. In the absence of contrary evidence, I consider it reasonable that this matter be secured by the attached condition. I also attach a condition to ensure that the proposed office within Tigar Hall remains related to the management of the development.
79. To ensure that the needs of wheelchair users are met, I attach a condition to secure the completion of the relevant wheelchair adaptable units within any particular phase prior to the remainder of that phase being brought into use. Similarly, in the interests of ensuring that the proposal is suited and adaptable to the needs of future occupants, I received assurances from the appellant that the development would be capable of meeting the Lifetime Homes Standard as sought by the Council. On balance, I consider that the attached condition is justified.
80. With regard to the provisions of Circular 11/95 and the existence of other legislation, I consider that a condition relating to the return of the missing

statue is neither reasonable nor, on the basis of the available evidence, necessary.

81. With regard to Appeal A, in addition to a time limit for commencement, I attach a condition to accord with the advice of PPG15 Annex B designed to ensure that the demolition works approved are undertaken when there is a degree of certainty that the redevelopment proposed will proceed.

### **Conclusion**

82. The appeal schemes would result in a net loss of LOS which I find warranted by the VSC applicable to the proposals. I find that the development would not harm, and would preserve, the character and appearance of the locality and the Spring Grove Conservation Area whilst simultaneously enhancing the setting of Campion House. The proposal would not conflict with the design advice contained within Planning Policy Statement 1 'Delivering Sustainable Development', PPS3 or PPG15 and would represent the efficient and effective use of previously developed land. With balanced regard to the provisions of the development plan, including the strategic objectives of the London Plan and the provisions of the UDP, I find the proposals acceptable. For these reasons I conclude that the redevelopment scheme proposed should be allowed; as a consequence, I also conclude that the demolition proposed within Appeal A should be permitted. Accordingly, subject to the attached conditions, I allow both appeals.

*A J Seaman*

Inspector

## DOCUMENTS

- 1 Appellant's Opening Points
- 2 List of preferred planning conditions
- 3 Statement of Common Ground signed 28 July 2009
- 4 Unilateral Undertaking Dated 28 July 2009
- 5 Summary of Accordia development, Cambridge
- 6 Revised Table 1, Extent of Local Open Space, Mr Bond's evidence
- 7 Extract of Hounslow UDP pages 152a, 153, 155a
- 8 Design at Appeal CABE
- 9 Opening Statement on behalf of Local Planning Authority
- 10 Council document entitled 'Policy Section for All Reports'
- 11 Appendix 1 of UDP
- 12 Viewpoints in the Spring Grove Conservation Area
- 13 Plan showing Campion House and the location of Brunel site
- 14 CABE – Accordia Case Studies
- 15 Extract - London Borough of Hounslow UDP May 1991 Appendices
- 16 Density Calculations (and plan) from Campion Concerns Monitoring Group
- 17 Statement to Campion Inquiry – Natalie Stephenson
- 18 CCMG Comments (statement) – Mr Pavett
- 19 Unilateral Undertaking signed 6 August 2009

## PLANS

- A As submitted with the planning application and listed within the Statement of Common Ground
- B Bundle of A3 drawings submitted by appellant
- C Drawings DB3 and DB4
- D Illustrative Aerial view of proposed development
- E Revised Drawing List and Drawings 11\_CHO\_S\_010 Rev C and 102\_CHO\_SS\_EL02

## **Schedule of Conditions**

- 1) The development hereby permitted shall not begin later than three years from the date of this decision.
- 2) The proposed development shall be carried out in all respects in accordance with the details contained in the application and the plans submitted therewith and approved by the local planning authority, or as shall have been otherwise agreed in writing by the local planning authority beforehand.
- 3) Before the development is commenced details of the works of conversion to Campion House, including making good works following the approved demolition, shall be submitted to and approved in writing by the local planning authority. The works shall be implemented as so approved.
- 4) A scheme of phasing of development shall be submitted to and agreed in writing by the local planning authority before development commences or the approved demolition is undertaken. This shall include for the provision of the public open space and the community facility. The development shall be implemented as so approved unless agreed in writing with the local planning authority.
- 5) Notwithstanding the terms of condition 2 above, revised details of the elevational detailing of Blocks C and D shall be submitted to and approved in writing by the local planning authority. The development shall be implemented as so approved.
- 6) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 7.1 to 7.4, as necessary, have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until condition 7.4 has been complied with in relation to that contamination.

### **7.1. Site Characterisation**

An investigation and risk assessment, in addition to the assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, pets and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

#### 7.2. Submission of Remediation Scheme

If necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### 7.3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

#### 7.4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7.1 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7.2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with condition 7.3.

#### 7.5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 3 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority.

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

- 8) No development shall take place within the site until the applicant, or their agents or successors in title, have 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 in writing by the local planning authority (including a watching brief, the timetable for the investigation and a potential mitigation and recording strategy). The development hereby permitted shall be carried out in accordance with the provisions of the approved programme of archaeological work. The appropriate mitigation and recording strategy shall be followed in the event that significant archaeological remains are encountered.
- 9) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
  - i) the hours of demolition and construction work;
  - ii) the means of access and site delivery/traffic arrangements including a construction workers travel plan;
  - iii) the parking of vehicles of site operatives and visitors;
  - iv) the loading and unloading of plant and materials;
  - v) the storage of plant and materials used in constructing the development including any contractor's compound;
  - vi) the erection and maintenance of security hoarding including temporary screening/bunding, decorative displays and facilities for public viewing, where appropriate;
  - vii) wheel washing facilities;
  - viii) measures to control the emission of dust, dirt noise, vibration and lighting during construction;

- ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - x) a 'sustainable construction scheme' designed with regard to the 'essential' standards for materials contained within The London Plan Supplementary Planning Guidance 'Sustainable Design and Construction'. This should include details, as necessary, relating to the use of insulation materials and rainwater harvesting/grey water re-use.
- 10) No development for which planning permission is required, shall, unless the Council first approves otherwise in writing, take place within each phase (phasing as shall have been approved under Condition 4) until details of earthworks for the relevant phase have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding land form, and the location and protection of tree pits against encroachment by hard landscaping and services (including mains supplies, foul and surface water drainage work, etc). Development shall be carried out in accordance with the approved details.
- 11) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (such as furniture, play equipment, refuse or other storage units and signs); proposed and existing functional services above and below ground; retained historic features and proposals for restoration, where relevant; the 'gateway' structure between Blocks E and F and between Blocks F and G; any external lighting; communal compost areas; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate); details of existing trees that are to be retained and root protection areas to be put in place before works commence on site and for the duration of the development.
- 12) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings relevant to any phase or the completion of that phase, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of any agreed phase die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 13) The development shall not commence until a programme and specification have first been submitted to, and have been approved in writing by, the local planning authority for the ongoing management of

- existing and the creation of new wildlife habitats on the site (including the extent of clearance of vegetation and a scheme for the humane closure of the fox earth on the site) and the permanent future retention of the habitats to the quality specified in that programme. The approved programme shall include timing details, shall be implemented on commencement of the development or on the commencement of any demolition (whichever is soonest), shall continue for the period specified in the approved programme, and shall be monitored during the implementation period and remedial measures taken as necessary to ensure that the objectives set out in the programme are achieved.
- 14) No part of any phase in this development (phasing as shall have been approved under Condition 4) shall be occupied/brought into use until there has been submitted to and approved in writing by the local planning authority a landscape management plan for the relevant phase, including long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas (other than small, privately owned, domestic gardens). The landscape areas shall be managed and maintained in accordance with the approved landscape management plan, which shall be for a minimum of five years.
  - 15) Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the local planning authority. The submitted Plan shall include details of management of any feature within the site which may be attractive to nesting, roosting and loafing birds.
  - 16) 15 of the car parking spaces shall be provided and retained as visitor parking spaces with at least one car parking space as a car club space unless otherwise agreed in writing by the local planning authority.
  - 17) The secure bicycle parking spaces in the locations shown on the approved drawings shall be provided in each phase of the development before any dwelling within that phase is occupied.
  - 18) Before any part of the development within any phase is occupied (phasing as shall have been approved under Condition 4), details of vehicular and cycle access to and within the car park, as well as plans and particulars for the management thereof, for that phase shall have been submitted to and approved in writing by the local planning authority and implemented in accordance with the details so approved. These details shall include widths and gradients of the ramps; location, type and operation of barriers to and within the car park; circulation space; allocation of disabled and other parking spaces and servicing arrangements; lighting; CCTV; arrangements for the ventilation of the car park (including details of sound attenuation for any necessary mechanical plants and the standard of dilution expected); internal treatment of the car park and a demonstration that the layout and management is appropriate for use. The development shall be carried out in accordance with the approved scheme and permanently retained in full working order thereafter.
  - 19) Before the development commences details of sightlines at the points of access to the public highway and to the car parking areas, in accordance with the advice of Manual for Streets, shall be submitted to and approved

- by the Local Planning Authority and the development shall be carried out in accordance with the details.
- 20) The development hereby permitted shall not be begun within each phase (phasing as shall have been approved under Condition 4) until details of the arrangements for storing of waste and recyclable materials and arrangements for composting on site (including details of the means and timing of collections and, in relation to proposed bin areas, access and pulling distance details) for the relevant phase have been submitted to and approved in writing by the Local Planning Authority. The arrangements for storing waste and recycled materials shall not be carried out otherwise than in accordance with any approval given and no part of any phase within the development shall be occupied until the arrangements for storing waste and recycled materials associated with that phase have been completed.
  - 21) The wheelchair adaptable units hereby approved as shown on the approved drawings shall be completed and made available for occupation before the phase of the development containing those units is brought into use (or in accordance with a timetable agreed in writing with the local planning authority).
  - 22) All new build dwellings in the development shall comply with the Joseph Rowntree Foundation Lifetime Homes Standards.
  - 23) Before any works start on Tigar Hall, a scheme shall be submitted to and approved in writing by the local planning authority showing how people with disabilities will gain access to the building and within it. The scheme so approved shall be implemented before Tigar Hall is brought into use.
  - 24) The proposed Management office on the site shall be used for purposes ancillary to the residential occupation of the site only.
  - 25) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any order revoking or re-enacting that order) no enlargement or any additional structures/buildings within the curtilage of the terraced and semi-detached houses hereby approved shall be carried out.
  - 26) Before the development is commenced a scheme for protecting the proposed residential accommodation from external noise, including the provision of sound attenuated glazing and passive ventilation systems for each dwelling, shall be submitted to and approved by the Local Planning Authority and any works which form part of such a scheme shall be completed before each dwelling is first occupied.
  - 27) All windows in the northern flank elevation of Block A at first floor level shall be obscured glazed, hinged to open inwards and shall not be repaired or replaced otherwise than with obscured glazing.
  - 28) No part of the development shall be occupied until arrangements have been put in place to secure, and install on opening of the public open space within the development, one or more direction signs for pedestrians on the adjoining highway in Thornbury Road indicating the existence of and point of access to the publicly accessible Local Open Space to the rear (west) of Campion House in accordance with details

which shall first be submitted to and approved in writing by the local planning authority.

- 29) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out for the potential of disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii) include a timetable for its implementation; and
  - iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.