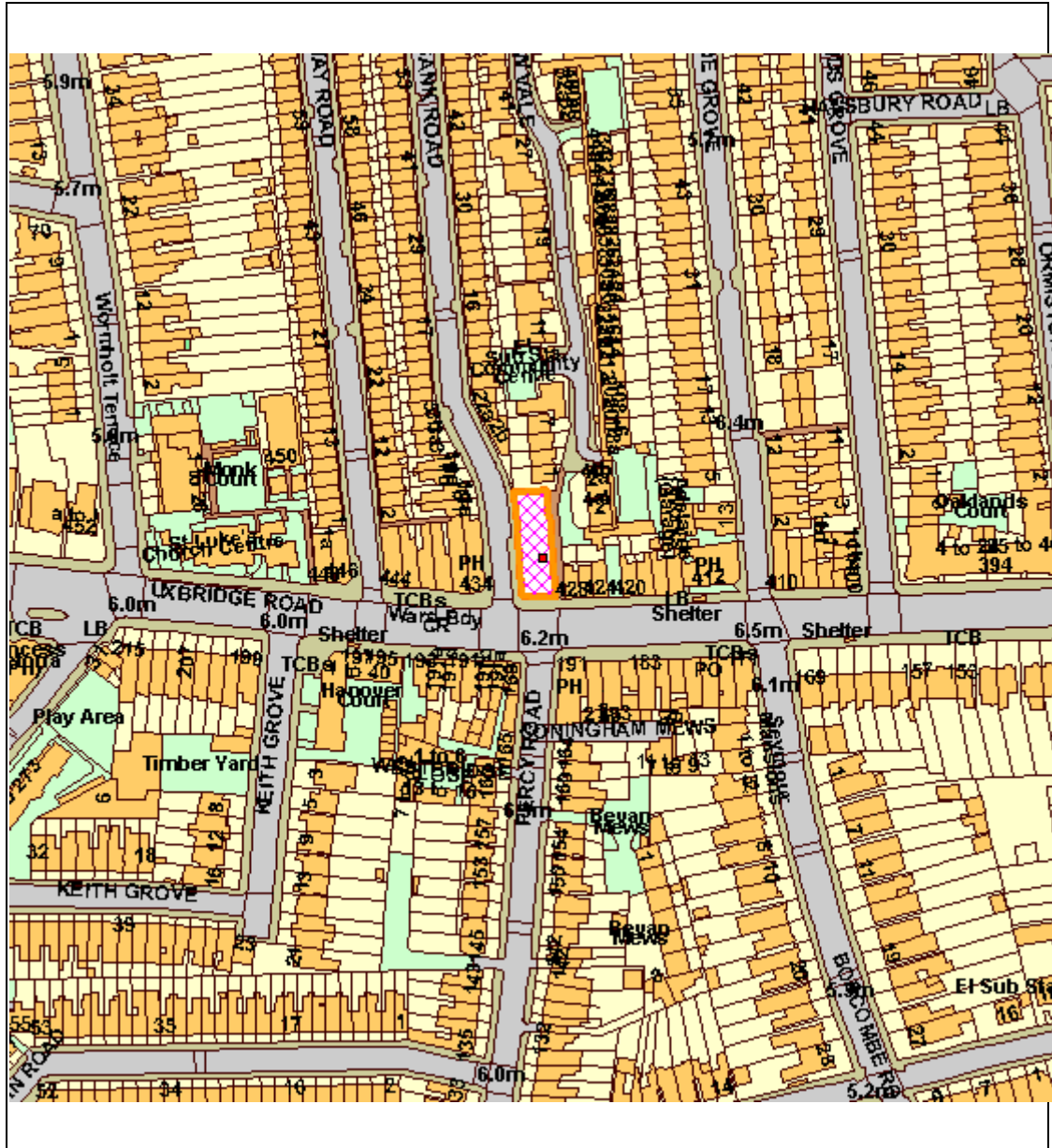


**Ward:** Wormholt And White City

**Site Address:**

430 - 432 Uxbridge Road London W12 0NR



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**For identification purposes only - do not scale.**

**Reg. No:**  
2019/01908/FUL

**Case Officer:**  
Grace Harrison

**Date Valid:**  
09.08.2019

**Conservation Area:**

**Committee Date:**  
07.01.2020

**Applicant:**

Mr Wahid Mekhaiel  
C/O Agent

**Description:**

Erection of a four-storey building with basement to provide a Class A1/A2 commercial unit at ground floor and basement levels and nine flats at ground, first, second and third floor level with associated private and communal amenity space; erection of cycle and refuse stores.

Drg Nos: PL-099 Rev. D06; PL-100 Rev. D13; PL-101 Rev. D11; PL-102 Rev. D11; PL-103 Rev. D12; PL-104 Rev. D04; PL-202 Rev. D00; PL-300 Rev. D13; PL-301 Rev. D13.

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

That the Committee resolve that the Strategic Director, The Economy Department be authorised to grant permission up on the completion of a satisfactory legal agreement and subject to the condition(s) listed below.

The Strategic Director, The Economy Department, after consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make any minor changes to the proposed heads of terms of the legal agreement or conditions which may include the variation, addition or deletion of the conditions, any such changes shall be within their discretion.

- 1) The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of this planning permission.

Condition required to be imposed by section 91(1)(a) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

- 2) The development shall be carried out and completed in accordance with the following approved drawings:

PL-099 Rev. D06; PL-100 Rev. D13; PL-101 Rev. D11; PL-102 Rev. D11; PL-103 Rev. D12; PL-104 Rev. D04; PL-202 Rev. D00; PL-300 Rev. D13; PL-301 Rev. D13.

In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies DC1 and DC2 of the Local Plan (2018).

- 3) The development hereby permitted shall not commence until details and samples of all materials to be used on the external faces of the building, including walls, roof coverings, windows and doors, have been submitted to and approved in

writing by the council. No part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details.

To ensure a satisfactory external appearance in accordance with Policies DC1 and DC2 of the Local Plan (2018).

- 4) No works above ground level shall commence until a sample panel of the proposed facing brickwork and hit-and-miss brickwork has been erected on site, inspected by Officers and approved in writing by the council. No part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details.

To ensure a satisfactory external appearance and prevent harm to the street scene, in accordance with Policies DC1 and DC2 of the Local Plan (2018).

- 5) No works above ground level shall commence until detailed drawings, at a scale of no less than 1:20, of each window bay type and all entrances in plan, section and elevation have been submitted to and approved in writing by the Council. No part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details.

To ensure a satisfactory external appearance and prevent harm to the street scene, in accordance with Policies DC1 and DC2 of the Local Plan (2018).

- 6) No works above ground level shall commence until detailed drawings, at a scale of no less than 1:20, of the new shopfront in plan, section and elevation; and details of the proposed signage strategy, have been submitted to and approved in writing by the Council. No part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details.

To ensure a satisfactory external appearance and prevent harm to the street scene, in accordance with Policies DC1 and DC2 of the Local Plan (2018).

- 7) The noise level in rooms at the development hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms and external amenity areas.

To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise, in accordance with Policy CC11 of the Local Plan (2018).

- 8) Prior to commencement of the development, details shall be submitted to and approved in writing by the council, of the external sound level emitted from plant, machinery and/or equipment and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted from plant, machinery and/or equipment will be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise-sensitive premises, with all machinery operating together at maximum capacity. A post-installation noise assessment shall be carried out where required to confirm compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations and equipment, in accordance with Policy CC11 of the Local Plan (2018).

- 9) Prior to commencement of the development, details shall be submitted to and approved in writing by the council, of an enhanced sound insulation value  $DnT,w + Ctr$  [and  $L'nT,w$ ] of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/uses in adjoining dwellings. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site is not adversely affected by noise and vibration, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 10) Prior to commencement of the development, details shall be submitted to and approved in writing by the council, of an enhanced sound insulation of the floor/ceiling/wall structures separating the commercial parts of the premises from dwellings. Details shall demonstrate that the sound insulation value  $DnT,w$  [and  $L'nT,w$ ] is enhanced by at least 10dB above the Building Regulations value, and where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the dwellings/noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site is not adversely affected by noise and vibration, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 11) The development shall be carried out and completed in full accordance with the details contained within the Flood Risk Assessment submitted with this application (Edge Structures Ltd, February 2019); the SuDS Calculations (Edge Structures Ltd, received 21.11.19); and Site Operation and Maintenance Statement (Edge Structures Ltd, received 21.11.19). No part of the development shall be used or occupied until all flood prevention and mitigation measures have been installed in accordance with the submitted details and the development shall be permanently retained in this form thereafter.

To reduce the impact of flooding to the proposed development and future occupants, in accordance with Policies CC2 and CC3 of the Local Plan (2018).

- 12) The development hereby permitted shall not be occupied or used until the carbon reduction measures identified in the submitted Sustainability Statement (Carbon Plan Engineering, dated August 2019) have been fully implemented. The measures shall thereafter be permanently retained.

To reduce the development's carbon emissions and resource use, in accordance with Policy CC1 of the Local Plan (2018).

- 13) The development hereby permitted shall not be occupied or used until the carbon reduction measures identified in the submitted Energy and CO2 Reduction Strategy (Carbon Plan Engineering, dated July 2019) have been fully implemented. The measures shall thereafter be permanently retained.

To reduce the development's carbon emissions and resource use, in accordance with Policies 5.1 and 5.2 of the London Plan (2016) and Policy CC1 of the Local Plan (2018).

- 14) Prior to commencement of the development hereby approved, a Construction Logistics Plan shall be submitted to, and approved in writing by, the Council. This must be in accordance with Transport for London (TfL) requirements and should seek to minimise the impact of construction traffic on nearby roads and restrict construction trips to off-peak hours only. Thereafter the approved details shall be implemented throughout the project period.

To ensure that construction works do not adversely impact on the operation of the public highway, in accordance with Policies T1 and T7 of the Local Plan (2018).

- 15) Prior to commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the council. Details shall include control measures for noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The approved details shall be implemented throughout the project period.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, lighting or other emissions from the building site, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 16) Prior to commencement of any above ground works, details of the hard and soft landscaping of all areas external to the building, including tree planting, paving, and detailed drawings at a scale of not less than 1:20 shall be submitted to and approved in writing by the Council. The development shall not be occupied or used until such landscaping as is approved has been carried out. This shall include planting schedules and details of the species, height and maturity of any trees and shrubs and proposed landscape maintenance and management. Any landscaping removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

To ensure a satisfactory external appearance and promote biodiversity in accordance with Policies OS4, DC2 and DC8 of the Local Plan (2018) and in the interest of air quality in accordance with Policy CC10 of the Local Plan (2018).

- 17) No works above ground level shall commence until a statement of how Secured by Design requirements are to be adequately achieved has been submitted to and approved in writing by the council. The development shall be carried out and

completed in full accordance with the approved details and permanently retained as such.

To ensure a safe and secure environment for users of the development, in accordance with Policies DC1 and DC2 of the Local Plan (2018).

- 18) No part of the development hereby approved shall be occupied until provision has been made for the storage of domestic refuse and recycling, in the form of the dedicated storage area at ground floor level as indicated on the approved drawing no. PL-100 Rev. D13. Thereafter the provision for refuse and recycling storage shall be so maintained for the life of the development.

To ensure satisfactory provision for the storage of refuse and recycling on site, and thereby prevent it being stored on the highway, in accordance with Policy CC7 of the Local Plan (2018).

- 19) The development hereby approved shall not be occupied until details of the proposed storage for 21 cycles (four short-stay in connection with the commercial unit, and 17 long-stay in connection with the residential units) have been submitted to, and approved in writing by, the council. The development shall not be occupied until the cycle storage provision has been made in accordance with the agreed details, and it shall be permanently retained and maintained for the life of the development.

To ensure satisfactory provision for the cycles and thereby promote sustainable and active modes of transport, in accordance with Policy T3 of the Local Plan (2018).

- 20) No development shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Council. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 21) No development shall commence until a site investigation scheme is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground

gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 22) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018)

- 23) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a remediation method statement is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 24) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved remediation method statement has been carried out in full and a verification report confirming these works has been submitted to, and

approved in writing, by the Council. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 25) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Council where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the Council when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policy CC9 of the Local Plan (2018).

- 26) The residential units at this address shall only be used as residential units falling within Class C3 of the Town & Country Planning (Use Classes) Order 1987 (as amended). The residential units shall not be used as housing in multiple occupation falling within Class C4 of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (as amended).

The use of the property as a house in multiple occupation rather than as single residential units would raise materially different planning considerations that the council would wish to consider under a full planning application, in accordance with Policies DC1, HO1, HO2, HO4, HO5, HO8 and HO11 of the Local Plan (2018).



- 27) The basement shall not be occupied or used until a non-return valve has been installed to all new plumbing to prevent sewage back-surfing into the basement in times of heavy rain and to allow the property's sewage to continue to flow properly into the sewer network.

To protect the new basement accommodation from flooding, as recommended by Thames Water, and in accordance with Policy CC3 of the Local Plan (2018).

- 28) The new basement floor space shall only be used in connection with, and ancillary to, the use of the remainder of the premises at ground floor level as a single commercial unit. The basement shall not be occupied as a self-contained commercial unit, or for any other purpose that is separate and distinct from the use of the remainder of premises as a single commercial unit.

The use of the basement as a self-contained unit for any purpose other than the one approved would raise materially different planning considerations that the council would wish to consider under a full planning application, in accordance with Policies DC1, HO1, HO2, HO4, HO5, HO8 and HO11 of the Local Plan (2018).

- 29) Other than the areas explicitly identified on the approved drawings as a roof terrace, the roof of the extension hereby approved shall not be used as a roof terrace or other form of open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roof. No railings or other means of enclosure shall be erected on the roof, and no alterations shall be carried out to any elevation of the application property to form access onto the roof.

The use of the roof as a terrace would increase the likelihood of harm to the existing residential amenities of the occupiers of neighbouring properties as a result of noise and disturbance and loss of privacy contrary to Policies HO11 and CC11 of the Local Plan (2018).

- 30) The development hereby permitted shall not commence until details of green roofs to the cycle and bin storage areas have been submitted to, and approved in writing by, the Council. The approved scheme shall be implemented in accordance with the approved details prior to first use of the development hereby permitted, and thereafter permanently retained.

To ensure a satisfactory external appearance and ensure that surface water run-off is managed in a sustainable manner, in accordance with Policies CC2, CC3, DC1 and DC2 of the Local Plan (2018) and Policy 5.13 of the London Plan (2016).

- 31) Prior to commencement of above ground works in the development a Ventilation Strategy Report to mitigate the impact of air pollution shall be submitted to and approved in writing by the Local Planning Authority. The report shall include the following information:

- a) Details and locations of the air ventilation intake locations for C3 use class at rear roof level
- b) Details of non-openable windows for Habitable rooms (Bedrooms, Living Rooms) and winter gardens for C3 use class on front elevations with Uxbridge Road (A4020) and Thorpebank Road

- c) Details and locations of air ventilation intake location for A1/A2 use at the rear elevations
- d) Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes, openable windows, terraces
- e) Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>2.5</sub>, PM<sub>10</sub>) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 75% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM<sub>2.5</sub>, PM<sub>10</sub>) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.

The whole system shall be designed to prevent summer overheating and minimise energy usage. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications and shall be the responsibility of the primary owner of the property. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Local Plan (2018) Policy CC10.

- 32) Prior to occupation of the development, details of a post installation report of the approved ventilation strategy to mitigate the impact of air pollution shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Local Plan (2018) Policy CC10.

- 33) Prior to occupation of the development, details of the installation of the Air Source Heat Pumps or Electric Boilers to be provided for space heating and hot water shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Policy CC10 of the Local Plan (2018).

- 34) Prior to occupation of the development hereby permitted a Ultra Low Emission Strategy (ULES) for the operational phase of the A1/A2 use class of development in order to mitigate the impact of air pollution shall be submitted to and approved in writing by the Local Planning Authority. The Ultra Low Emission Strategy must detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. design solutions). This Strategy must make a commitment to implement the mitigation measures that are required to reduce the exposure of poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NO<sub>x</sub> and particulates from on-road vehicle transport by the use of Ultra Low Emission Zone (ULEZ) compliant Vehicles in accordance with the emissions hierarchy (1) Cargo bike (2) Electric Vehicle, (3) Hybrid (non-plug in) Electric Vehicle (HEV), (4) Plug-in Hybrid Electric Vehicle (PHEV), (5) Alternative Fuel e.g. CNG, LPG. A monitoring report of the implementation of the ULES shall be submitted on annual basis to the LPA. Approved details shall be fully

implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Local Plan (2018) Policy CC10.

- 35) Prior to the commencement of the construction phase of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) in order to mitigate air pollution shall be submitted to and approved in writing by the Local Planning Authority. The AQDMP must include an Air Quality Dust Risk Assessment (AQDRA) that considers sensitive receptors off-site of the development and is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and the identified measures recommended for inclusion into the AQDMP. The AQDMP submitted must comply with the Mayor's SPG and should include: Inventory and Timetable of dust generating activities during construction; Site Specific Dust mitigation and Emission control measures in the table format as contained within Appendix 7 of Mayor's SPG including for on-road and off-road construction traffic; Detailed list of Non-Road Mobile Machinery (NRMM) used on the site. The NRMM should meet as minimum the Stage IV emission criteria of Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM for the first phase of construction shall be registered on the NRMM register <https://nrmm.london/user-nrmm/register> prior to commencement of construction works and thereafter retained and maintained until occupation of the development; use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles in accordance with the emission hierarchy (1) Electric (2) Hybrid (Electric-Petrol) (3) Petrol, (4) Hybrid (Electric-Diesel) (5) Diesel (Euro 6 and Euro VI); Details of MCERTS compliant monitoring of Particulates (PM10) used to prevent levels exceeding predetermined PM10 threshold trigger levels. Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM10, PM2.5) and NOx emissions at all times. Approved details shall be fully implemented and permanently retained and maintained during the construction phases of the development.

In the interests of air quality, in accordance with Policy CC10 of the Local Plan (2018).

- 36) No alterations shall be carried out to the external appearance of the development, including the installation of external, pipe work, air-conditioning units, ventilation fans or extraction equipment not shown on the approved drawings, without planning permission first being obtained.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC2 and HO11 of the Local Plan (2018).

- 37) The development hereby permitted shall not be used or occupied prior to works to reduce the existing crossover on Thorpebank Road to a width suitable for the collection of refuse bins being completed. The alterations shall be paid for by the developer, who will be required to enter into an agreement with the local highways authority under Section 278 of the Highways Act 1980.

To ensure that the width of the crossover is no greater than is required for the development, and to allow on-street parking to be maximised to better accommodate any vehicles generated by Blue Badge holders occupying the development, in accordance with Policies T1 and T4 of the Local Plan (2018).

- 38) The development hereby approved shall not be occupied until a Delivery and Servicing Plan for the commercial unit at ground and basement levels has been submitted to, and approved in writing by, the council. Thereafter, all deliveries and servicing shall be carried out in full accordance with the agreed details, for the life of the development.

To ensure satisfactory arrangements for deliveries to and servicing of the development to ensure these vehicle movements do not cause congestion or other unnecessary disruption to the local highways network, in accordance with Local Plan (2018) Policy T1 and Key Principle TR27 of the Planning Guidance Supplementary Planning Document (2018).

- 39) The development hereby approved shall not commence until details of the proposed soakaway system, including information to confirm that a site investigation has been carried out prior to designing the soakaway to demonstrate that the required level of infiltration can be provided by the soils on site. Confirmation of the design and location of the soakaway should be provided as well as details of the proposed maintenance measures.

To reduce the impact of flooding to the proposed development and future occupants, in accordance with Policies CC2 and CC3 of the Local Plan (2018).

- 40) The development hereby approved shall not be used or occupied until obscure glazing, to be installed up to a level at least 1.7 metres above finished floor level has been installed to the East-facing window to Bedroom 1 in Flat No. 4. The window in question shall also be fixed shut below a height of 1.7 metres above finished floor level. Thereafter, the development shall be permanently retained in this form thereafter.

To prevent harm to the existing residential amenities of the occupiers of neighbouring properties as a result of loss of privacy, contrary to Policies HO11 and CC11 of the Local Plan (2018).

- 41) The development hereby permitted shall be carried out in full accordance with the details contained within the Arboricultural Report submitted with this application (AP Arboriculture, APA/AP/2019/078/A), and British Standard BS5837:2012 and with a suitably qualified Arboriculturalist present at all times to supervise the works.

In order to ensure that no damage occurs to the protected trees close to the boundary of the site, to ensure that their positive contribution to the character and appearance of the area is preserved, in accordance with Policy OS5 of the Local Plan (2018).

## **Justification for Approving the Application:**

- 1) 1. Land Use: The proposal would achieve a sustainable development by providing much-needed housing on previously developed land. The proposal would provide nine additional units of housing. The proposal is considered to be in accordance with Policies HO1, HO4, and HO11 of the Local Plan (2018).  
  
2. Housing: The quality of accommodation, including internal design and layout of the new residential units, is considered to be of high quality having regard to the Mayor's Design Guidelines and London Plan (2016) Policies 3.5 and Table 3.3, together with Policies HO3, HO6, and HO11 of the Local Plan (2018).  
  
3. Design: The development is considered to comply with Local Plan (2018) Policies DC1 and DC2 which require a high standard of design in all new build developments, compatible with the scale and character of existing development and its setting, and London Plan policies 7.1, 7.4, 7.6 which seek a high quality in design and architecture, requiring new developments to have regard to the pattern and grain of existing development.  
  
4. Residential Amenity: The impact of the proposed development upon adjoining occupiers is considered to be acceptable. The proposal would not have an unacceptably harmful impact on neighbouring residential amenity in terms of light, outlook or privacy and noise and disturbance. The commercial use would not result in unacceptable noise and disturbance to nearby residents, subject to conditions. In this regard, the development would respect the principles of good neighbourliness, and would therefore be acceptable in accordance with Policies HO11 and DC4 of the Local Plan (2018).  
  
5. Accessibility and Safety: Subject to appropriate conditions, the development would provide a safe and secure environment for all users, and would provide ease of access for all people, including disabled people, in accordance with in accordance with Policies DC1, DC2, HO6 and HO11 of the Local Plan (2018) and Policies 3.8 and 7.2 of the London Plan (2016).  
  
6. Highways matters: It is considered that the scheme would not have a significant further impact on the highway network or local parking conditions, and is thus considered to be acceptable. Satisfactory provision would be made for cycle parking and future occupiers of the net new units would be prevented from obtaining on-street parking permits, to help prevent overspill of parking onto the local highways. There are available public transport and other services nearby and adequate provision for storage and collection of refuse and recyclables would be provided. The development thereby accords with Local Plan (2018) Policies T1, T3, T4, T5 and T7 as well as CC7 and London Plan (2016) Policies 6.1, 6.3, 6.10, 6.11 and 6.13.  
  
7. Environment: The impact of the development with regards to land contamination, flood risk and air quality are considered to be acceptable subject to the recommended conditions, in accordance with Local Plan (2018) Policies CC9, CC10, CC3 and CC4.

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**LOCAL GOVERNMENT ACT 2000  
LIST OF BACKGROUND PAPERS**

**All Background Papers held by Andrew Marshall (Ext: 4841):**

Application form received: 21st June 2019  
Drawing Nos: see above

**Policy documents:** National Planning Policy Framework (NPPF) 2019  
The London Plan 2016  
LBHF - Local Plan 2018  
LBHF – Planning Guidance Supplementary Planning Document  
2018

**Consultation Comments:**

<b>Comments from:</b>	<b>Dated:</b>
Thames Water - Development Control	27.08.19

**Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
27 Hanover Court Uxbridge Road London W12 9EP	02.09.19
20 Ingersoll Road London W12 7BD	14.08.19
358 western avenue London W120PL	16.09.19
20 Willow Vale London W12 0pb	21.08.19

**OFFICER'S REPORT**

**1.0 BACKGROUND**

1.1 The application site is located on the northern side of Uxbridge Road, between Thorpebank Road to the West and No. 428 Uxbridge Road to the East, from which it is separated by a pedestrian alleyway that runs between Uxbridge Road and Willow Vale.

1.2 The site is vacant and enclosed by a temporary timber hoarding. The buildings that were formerly on the site were demolished in 2012-13, implementing a previous planning permission (Ref. 2012/00441/EFUL) that is still extant (see paragraph 1.6 of this report).

1.3 The site is not located within a conservation area. However, the buildings that were formerly on the site and have since been demolished were included on the council's Local Register of Buildings of Merit.

1.4 According to Transport for London's methodology, the site has a Public Transport Accessibility Level (PTAL) of 4, which is considered to be good. The nearest Underground station is Shepherd's Bush Market, which is about 10 minutes' walk from the site.

1.5 The site falls within the Environment Agency's Flood Zone 1 and is at low risk of flooding from the River Thames. However, flooding from surface water and sewer flooding are known issues in this area.

1.6 Relevant planning history for the site is as follows:

2012/00441/EFUL - Renewal of Planning Permission 2008/03743/FUL granted 15 April 2009 for the erection of a part three, part four storey building to provide 169sq.m of A1 retail floorspace at ground level and nine flats (6 x 1 bed, 2 x 2 bed, 1 x 3 bed) with associated cycle parking and refuse storage, following demolition of all existing buildings on site. Approved.

2008/03743/FUL - Erection of a part three, part four storey building to provide 169sq.m of A1 retail floorspace at ground level and nine flats (6 x 1bed, 2 x 2bed, 1 x 3bed) with associated cycle parking and refuse storage, following demolition of all existing buildings on site. Approved.

1993/01101/FUL - Erection of a single storey extension to the front of No. 430; change of use of the whole of the ground floor of No. 430 from residential to retail together with the conversion of the first floors of Nos. 430 and 432 each into one self-contained two bedroom flat the formation of a new window opening in the back addition of No. 432 and the creation of two vehicular accesses onto Thorpebank Road. Approved.

1961/00564/HIST - The erection on the forecourt to No. 430 Uxbridge Road of a single storey extension to the existing shop premises at No. 432 Uxbridge Road.

1960/00629/HIST - The establishment of a petrol filling station and the erection of a single-storey lubrication bay, sales and store building.

1.7 The current application is for the erection of a four-storey building with basement to provide a Class A1/A2 commercial unit at ground floor and basement levels and nine flats at ground, first, second and third floor level with associated private and communal amenity space; and the erection of cycle and refuse stores.

## 2.0 PUBLICITY AND CONSULTATION RESPONSES

2.1 The application was advertised by way of a site notice and an advert in the local press. Notification letters were also sent to 258 neighbouring properties.

2.2 Four representations have been received, including 2 objection comments, 1 in support, and 1 neutral comment, from the following addresses: 358 Western Avenue; 20 Willow Vale; 20 Ingersoll Road; and 27 Hanover Court, Uxbridge Road.

2.3 The concerns raised may be summarised as follows:

- The garden area for the Wild Thyme Café at 2B Thorpebank Road will be consumed by loud noise for as long as the development is happening. This will create an unwelcome environment for customers and will likely deter some from coming to the café altogether. Should the road be closed at any time, or parking spaces suspended for the construction, café customers arriving by car will have nowhere to park.

[Officer comment: The impact of the construction on neighbouring properties, including the Wild Thyme Café, will be assessed in the report below.]

- The proposal for a significant number of new dwellings will disproportionately and adversely impact the amenity of local residents through extra traffic, extra burden on local services, and extra rubbish.

[Officer comment: The impact of the development on the local area will be assessed in the report below].

- Fully support this application as the land has been derelict for too long and the alleyway [between Uxbridge Road and Willow Vale] has become dangerous for a number of people using it. The alleyway should not be cordoned off during the works as it is the only route to the main road.

[Officer comment: The impact of the construction phase on the alleyway is subject to a detailed Construction Logistics Plan, to be agreed with the council prior to commencement of the works. It may be necessary for the applicant to apply for a stopping-up order for the alleyway, to facilitate the safe construction of the building works, however this information is not known at this stage and would be subject to a separate approval through the highways licensing process].

2.4 Comments were received from the following external consultees:

o Thames Water: No objection in terms of foul water or surface water sewerage network infrastructure capacity. Recommend informatives are placed on the decision.

o Hammersmith and Fulham Disability Forum Planning Group: The space looks well thought-out but access could be improved. [Full comments, and how they have been addressed in the report below].

2.5 The London Fire Brigade, the Metropolitan Police Crime Prevention Design Advisor and the Environment Agency were also consulted but did not respond.

### 3.0 PLANNING CONSIDERATIONS

3.1 The relevant planning considerations in this case, to be assessed against the policies in the National Planning Policy Framework (NPPF, 2019), The London Plan (2016) and the Council's Local Development Framework, comprising the Local Plan (2018) and Planning Guidance Supplementary Planning Document (2018).

- o The principle of the development, in land use terms;
- o The design and appearance of the development, including its impact on the street scene;
- o The contribution that the new units would make to the borough's housing stock, including the quality of the new accommodation to be provided;
- o The impact of development on neighbours' living conditions;
- o The impact of the development on parking demand and on the highway;
- o Sustainable design and construction, and energy use;
- o Environmental matters including air quality, flood risk, and land contamination.



## LAND USE

3.2 The site is currently vacant following demolition of the previous buildings on the site in 2012-2013. The previous buildings comprised a ground floor retail unit with residential to the rear and above (three units in total).

3.3 As with the extant planning permission (Ref. 2012/00441/EFUL) the proposal would provide a replacement ground floor retail unit, and Officers consider that this would maintain the vitality of the Neighbourhood Parade in which the application site sits, in accordance with Local Plan (2018) Policy TLC3.

3.4 In respect of the residential element of the scheme, Policy 3.3 of the London Plan (2016) states that 42,000 net additional units should be delivered per annum in London. Of this, LBHF has a target to deliver 1,031 net additional dwellings per annum, which is reflected in Local Plan (2018) Policy HO1. The proposal would result in a net increase of 6 residential units (9 in total) which would contribute to the Borough's targets in accordance with the abovementioned policies. Officers therefore consider the proposed development to be acceptable in principle in land use terms. The proposed density of the residential development is approximately 211 units per hectare, which also sits comfortably within the London Plan's suggested density ranges for an Urban site with a PTAL of 4, as set out in Policy 3.4.

3.5 A key consideration in the assessment of the extant planning permission was whether there was a robust justification for the loss of the Buildings of Merit formerly on the site, in terms of whether the design quality of the replacement building justifies their loss. Although the buildings have now been demolished, the same needs to be considered as part of the current application. These issues are discussed within the report below.

## DESIGN CONSIDERATIONS

3.6 Local Plan (2018) Policy DC8 and Key Principle BM2 of the Planning Guidance SPD (2018) states that development will not be permitted if it would result in the demolition, loss or harmful alteration to buildings, structures and artefacts that are of local townscape, architectural or historic interest, including all buildings identified on the council's Register of Buildings of Merit, unless:

- (a) The building or structure is no longer capable of beneficial use, and its fabric is beyond repair; or
- (b) The proposed development would outweigh the loss or harm to the significance of the non-designated heritage asset; and
- (c) The proposed development cannot practicably be adapted to retain any historic interest that the building or structure possesses; and
- (d) The existing building or structure has been fully recorded.

3.7 At the time the extant planning permission was granted, Officers considered that very little of the original fabric or form of the Buildings of Merit remained, and that they had lost much of their architectural integrity and quality through various extensions which had been added to the property over time. Officers were of the view that an opportunity existed for redevelopment to take place on the site, provided that the proposal, and in particular its design quality, satisfactorily justified the demolition of the existing Buildings of Merit on site. Although the buildings have now been demolished, it

is important that the design quality of the proposed building is sufficiently high to justify the loss of the Buildings of Merit.

3.8 Relevant Local Plan (2018) policies concerning the proposed design of the development include Policies DC1 and DC2, which state that all proposals must be designed to respect:

- a) the historical context and townscape setting of the site, and its sense of place;
- b) the scale, mass, form and grain of surrounding development and connections to it;
- c) the relationship of the proposed development to the existing townscape, including the local street pattern, local landmarks and the skyline;
- d) the local design context, including the prevailing rhythm and articulation of frontages, local building materials and colour, and locally distinctive architectural detailing, and thereby promote and reinforce local distinctiveness;
- e) good neighbourliness and the principles of residential amenity;
- f) the local landscape context and where appropriate should provide high quality landscaping and public realm with good permeability;
- g) sustainability objectives; including adaptation to, and mitigation of, the effects of climate change;
- h) the principles of accessible and inclusive design; and
- i) principles of Secured by Design.

3.9 The opportunity exists to repair the street frontage on Uxbridge Road with a replacement building which is of an appropriate scale, sympathetic to the relatively consistent height along this part of the street which continues the building alignment established by the adjoining Victorian terraces, and which recognises the townscape role of the site by completing the street scene on Uxbridge Road and as an individual building terminating the vista from Percy Road to the site.

3.10 The proposed red brick building would be four storeys in height on its elevation fronting Uxbridge Road and its return frontage onto Thorpebank Road. The fourth storey would take the form of a recessive attic floor set back from the strong parapet line at second floor level. The parapet and shoulder height align well with the existing eaves of the neighbouring properties on Uxbridge Road which are 3 storeys plus roof. Furthermore, the roof of the attic storey pitches back from its eaves on all sides, to reduce its visual prominence in longer range views from Percy Road, such that it will appear to meet the same ridge height as the neighbouring terrace. At 4 storeys, the building requires a lift core, and as such the lift overrun would be the only element to rise higher than the established roof heights. However, this is significantly pushed back into the floor plate, such that will not be visible in short and medium length views. Officers consider that the proposed scale and height of the building would sit comfortably within the established height context along Uxbridge Road and would provide an appropriate response to the neighbouring buildings as well as the general surrounding street scene.

3.11 The front facade of the proposed building is a modern interpretation of the Victorian design established on the street. The facade is ordered, with good proportions, symmetry and detailing to the bays. The south western corner is chamfered to mirror the Pocket Watch PH on the adjacent corner. The location, scale and materiality of the proposed shopfront is considered to be acceptable; a condition is proposed requiring detailed plans of the shopfront at a scale of 1:20 to ensure a high quality of construction. The side elevation to Thorpebank Road is long, and follows the same design language

established on the front elevation. However, the bays, with matching window proportions, are grouped and detailed with panels of hit-and-miss brickwork, which is an attractive feature and would ensure the side elevation is still well articulated but more subdued than the front elevation. Importantly, this elevation is a significant improvement on the approved scheme, which does not follow the same design language as the front façade and is predominantly render with extruded bays and small window openings. The rear of the proposed building uses the same set up of the bays and the side, but where the massing is reduced, a standing seam zinc cladding system is used, which also connects with and covers the attic storey. While closed from views, the western elevation onto the alleyway to Willow Vale is also constructed in brick and a standing seam system to the lift and stair. Lights have been added to this elevation to improve the safety of the alleyway.

3.12 As such, Officers consider that the design of the proposed building would be appropriate in the context of its setting and surroundings and would make an efficient use of the land. Its scale and bulk would be in-keeping with the traditional manner of corner buildings along Uxbridge Road and would have an acceptable relationship with the two adjacent PH building, as well as with the form and grain of the surrounding townscape. Officers therefore consider that the proposal be a successful replacement for the Buildings of Merit formerly on the site, and would accord with Criteria (a)-(f) of Local Plan Policy DC2. In respect of Criterion (i) which requires development to provide users with a safe and secure environment, a condition is proposed which requires further details to be submitted in relation to how the design of the building will achieve Secured by Design Standards. Sustainability (Criterion g) and accessible and inclusive design (i) are considered separately in the report below.

## AFFORDABLE HOUSING

3.13 Affordable housing has an important part to play in ensuring that the whole of London's housing need is met. Paragraph 3.64 of the London Plan (2016) states that "the joint evidence of the London Plan and the London Housing Strategy demonstrates that the high cost of housing in London makes affordable housing particularly important in meeting housing needs".

3.14 The benefits of securing social housing and creating mixed and balanced communities are well documented; and ensures that development is both economically and sociably sustainable in keeping with the aims of the National Planning Policy Framework. To secure these benefits, Local Plan (2018) Policy HO3 seeks affordable housing on sites with the capacity for providing 11 or more self-contained units.

3.15 National policy guidance, the London Plan (2016) and the council's own policies all recognise that the actual amount of affordable housing that can be delivered at a site depends on, amongst other things, financial viability. An appropriate balance must be struck between securing the benefits of affordable housing, but not at the expense of threatening the viability of the residential scheme put forward. In light of this, London Plan (2016) Policy 3.12 requires that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed-use schemes. The proposed development provides nine residential units and therefore the Council needs to be satisfied as to whether the proposal is optimising the site appropriately and why affordable housing is not being provided.

3.16 No financial viability appraisal has been submitted with the application to demonstrate that it would not be viable to achieve at least two additional units on the site. However, Officers consider that the site dimensions and surrounding context are the determining factors to establish the most suitable building scale and layout, internal arrangement, and density configuration for this development. It is considered that the number of units on the site cannot be physically increased by a further two units to 11 without compromising the visual acceptability of the buildings, and the quality of accommodation for future occupiers. For example, whilst the floor area and layouts of all flats comply with the London Plan (2018) and Technical Housing Standards requirements, none of the flats are so generous that they could be split into smaller flats or reduced and reconfigured to provide an additional flat within the proposed building envelope. Reducing the size of the flats would result in unsatisfactory layouts or non-provision of private amenity space. Officers are satisfied that the units have not been oversized to avoid the requirement for affordable housing, and the number of flats within the envelope of the building could not be increased.

3.17 In terms of scale and massing, the proposed buildings are considered to be at an acceptable maximum. Specifically, the constraints to providing additional units on the site are as follows:

- The height and volume of the proposed building is limited by the need to maintain the outlook, sense of openness, privacy and daylight to nearby neighbours.
- The height of the building is also limited by the need to respect the prevailing townscape and has been designed to match the height of the adjacent building at No. 428 Uxbridge Road. Officers do not consider it would be appropriate for the building to be any higher than this. It would not be permissible, therefore, to add an additional storey to accommodate additional flats.
- It would not be possible to extend the building line any further rearwards due to the need to maintain sufficient external space at the rear to provide the necessary bin and cycle storage;
- Officers consider it desirable to maintain a commercial unit on the ground floor, as the site is within a designated Neighbourhood Parade that is characterised by commercial units on the ground floor with residential units above. It is not considered desirable for the whole of the ground floor to be given over to residential uses in this case.

3.18 In summary, it is considered that the submitted 9-unit mixed-use scheme represents the most effective and efficient use of this site whilst maximising development potential. The proposed scheme has been designed to take account of its local context and character in terms of appropriate scale and massing, the form and character of surrounding development and the historic grain and impact on neighbours, as well as complying with the council's standards on the size of residential units. Officers consider that it would not be appropriate in this case to include further units within the proposed development to meet the affordable housing threshold.

## QUALITY OF ACCOMMODATION

3.19 All of the units would comply with London Plan (2016) and Technical Housing Standards - Nationally Described Space Standards (2015) internal space requirements, as follows:

- Flat 01 - 1B 2P - 69sq.m, external amenity space 7 sq.m.
- Flat 02 - 2B 4P - 71sq.m, winter garden 7 sq.m.
- Flat 03 - 2B 4P - 70 sq.m, winter garden 7 sq.m.
- Flat 04 - 2B 4P - 76 sq.m, winter garden 7 sq.m
- Flat 05 - 2B 4P - 71 sq.m, winter garden 7 sq.m
- Flat 06 - 2B 4P - 70 sq.m, winter garden 7 sq.m
- Flat 07 - 2B 3P - 63 sq.m, winter garden 6 sq.m
- Flat 08 - 2B 3P - 63 sq.m, winter garden 7 sq.m
- Flat 09 - 3B 5P - 93 sq.m, external amenity space 27 sq.m.

3.20 All of the units would benefit from some form of additional amenity space, although in most cases this is provided in the form of an internal 'winter garden' owing to air quality constraints to providing external terraces/ balconies. The exception is Flat 9, which benefits from an external balcony to the rear of the building above parapet level. This flat would be a family-sized (3 bedroom) unit and the terrace would be 27sq.m. Whilst this does not technically comply with the minimum 36sq.m recommended in Key Principle HS1 of the Planning Guidance SPD, it is considered to be acceptable in this instance, considering that 71sq.m. of shared amenity space is also available within the courtyard to the rear.

3.21 With regards to daylight to the new units, none are exclusively North-facing. Calculations provided by the applicant demonstrate that all but one of the proposed rooms meet the BRE guidance for Average Daylight Factor (ADF) test for internal diffuse daylighting (the guidance is 2% for a kitchen, 1.5% for a living room and 1% for bedrooms). The exception is the Living/Kitchen/Diner to Flat No.6 at second floor level, which has an ADF value of 1.47% (the BRE target is 2%). Overall, the proposals are considered to be acceptable, and this one relatively minor infringement is not considered to be a reason for refusal in this instance.

## ACCESSIBLE AND INCLUSIVE DESIGN

3.22 Local Plan (2018) Policy HO6 and Planning Guidance SPD (2018) Key Principles DA1-DA8 are relevant in respect of accessible and inclusive design. The development would provide level access compliant with M4(2) of the Building Regulations to all flats via a lift, and also includes one M4(3)-compliant wheelchair-adaptable unit at ground floor level which has direct step-free access from Thorpebank Road. The development is car-free, with no dedicated on-site parking however, on-street parking is available for Blue Badge holders on Thorpebank Road and the existing dropped kerb area could be used as a drop-off point for wheelchair users. A condition is proposed requiring the existing dropped kerb to be reduced in width, which would allow the existing street parking bay to be extended, helping to mitigate parking stress levels. However, it will be ensured that the dropped kerb could still be used for access by a wheelchair user.

3.23 The Hammersmith and Fulham Disability Forum commented that the development appears to have been well thought through in respect of access but requested clarification of certain aspects. This information has now been provided, and the plans demonstrate that a refuge for wheelchair users in the event of an emergency is located within the stairwell. Within the wheelchair-adaptable unit, sufficient transfer space has also been identified on the plans which also confirm that adequate circulation space is provided in the bedroom.

3.24 In respect of the proposed commercial unit at ground and basement floor level, the Hammersmith and Fulham Disability Forum also commented that the lift could be extended to the basement, however the applicant confirmed that this would not be feasible as the lift overrun not considered to be an adequate reason for refusal in this instance, given the ground floor would be accessible. A wheelchair-accessible WC is also to be provided at ground floor level.

## IMPACT ON NEIGHBOURING PROPERTIES

3.25 The properties that potentially stand to be most impacted by this development include; No. 434 Uxbridge Road (Pocket Watch Public House, and residential units above); Nos 1-1c Thorpebank Road; No. 1 Willow Vale; Nos. 2-4c Willow Vale; and No. 428 Uxbridge Road. In addition, concern has also been raised about the impact of the development on the Wild Thyme Café at No. 2b Uxbridge Road.

### Privacy:

3.26 There would be a series of windows at first, second and third floor levels on the Western elevation of the development which would serve habitable rooms and amenity spaces. A number of these would be positioned approximately 13 metres away from windows on the first and second floors of No. 434 Uxbridge Road, which is less than the minimum 18-metre separation distance suggested by Key Principle HS8 of the Planning Guidance SPD (2018). However, Officers consider that the relationship between these windows, on opposite sides of the street, would not be an unusual one (for example, there is a similar separation distance between the front windows of the terraced houses further along Thorpebank Road) and would not result in an unneighbourly degree of overlooking for the occupants of No. 434. Further towards the rear of the proposed development, the West-facing windows look over the flat roof of the Pocket Watch's rear extension, and there would be no overlooking impacts in this regard.

3.27 The windows and amenity spaces on the rear elevation of the proposed building would look North towards the terrace of houses at Nos 1.7 Willow Vale, which are immediately to the North of the proposed site. The flank (South) elevation of No. 1 does not have any windows, but the development will result in overlooking of the rear gardens of these properties. These gardens are already overlooked by neighbouring properties and given the set-back of the rear building line from the site's Northern boundary, Officers are satisfied that any overlooking would not be unduly intrusive. The use of the remainder of the flat roof of the building as amenity areas would be restricted by condition in order to protect the amenities of surrounding occupiers.

3.28 In respect of Nos 2-4c Willow Vale, these residential properties have rear windows in the West elevation that appear to be habitable rooms and are therefore sensitive to overlooking from the proposed development, given the separation distance would be less than 14 metres. Only one window in the East elevation of the proposed development, at first floor level, would be problematic in this regard (Bedroom 1, Flat 04). This bedroom benefits from two windows, and therefore it is considered appropriate to attach a condition requiring the East-facing window to be obscurely glazed and fixed shut up to a height of 1.7 metres, as outlook for the bedroom would still be available from the other window. The loss of privacy to Nos. 2-4c Willow Vale would therefore be resolved.

3.29 There is also one window in the flank elevation of No. 428 Uxbridge Road at first floor level, and a bedroom window in the East elevation of the proposed development that faces it directly less than 4 metres away. However, a site visit highlighted that this window is obscurely glazed and appears to serve a bathroom, and therefore it is not considered necessary for the relevant window on the proposed development to also be obscured.

#### Daylight:

3.30 A key consideration in relation to neighbourliness is also whether the development would result in the reduction of daylight or sunlight to any surrounding properties to an unacceptable extent. The Building Research Establishment (BRE)'s guidance 'Site Layout for Daylight and Sunlight - A Guide to Good Practice 2011' ('the BRE guidance') advises that, in general, a building will retain the potential good interior diffuse daylight provided that on all its main faces no obstruction, measured in a vertical section perpendicular to the main face, from a point 2m above ground level, infringes an angle of more than 25 degrees to the horizontal.

3.31 The proposal would infringe the above test in relation to the ground floor of the adjacent Pocket Watch Public House, however the PH has an open plan layout with a number of windows located along its South and East elevations. As such, it is considered that a sufficient amount of daylight would still be achieved to the ground floor of the pub.

3.32 For the upper floors of the PH building, which are residential, the initial BRE 25-degree test would be infringed. As required, the applicant has submitted a Daylight and Sunlight Report carrying out the additional tests of Vertical Sky Component (VSC) and Daylight Distribution (DD), to assess the impact on daylight to these windows. In the interests of completeness, the following properties have also been tested, even where they do not infringe the BRE's initial 25-degree test:

- 2-4 Willow Vale
- 428 Uxbridge Road
- 434 Uxbridge Road
- 1-1a Thorpebank Road

3.33 The BRE guidance states that an adverse effect is likely to occur if the proposed VSC value is less than 27% and also less than 0.8 of the former (existing) value. The submitted report confirms that this would not occur, with all proposed results maintaining in excess of 0.8 times their former value. Furthermore, the proposed VSC values are above 27% in all but two cases. With regards to the Daylight Distribution (DD) test, the results confirm that in all locations, the proposed condition would remain above the recommended factor of 0.8 times its former value. Therefore the proposed development complies with the BRE guidance.

#### Sunlight:

3.34 The BRE guidance also provides a test to determine whether a proposed development would adversely affect levels of sunlight received to a property. However, this test is only applicable where the potentially affected window is positioned within 90 degrees of due south or where any South-facing window is the main window to a room. The only properties which are relevant for testing are 2-4 Willow Vale. The report states

that, with regards to these properties, "in all but three locations, the windows face within 90 degrees of South would retain both annual and winter sunlight availability with values similar to the existing." The three exceptions include;

- W3 at ground floor with a winter sunlight value of 4% reduced to 2%,
- W4 at ground floor level with an annual sunlight value of 18% reduced to 12%; and
- W4 at first floor level with a winter sunlight value of 1% reduced to 0%.

3.35 In all three locations, the reduction is considered to be minor and would not amount to a significant difference in sunlight received. Officers are satisfied that the report is robust in terms of its methodology and conclusions and consider that there would be no significant impact on daylight and sunlight to neighbouring properties.

## HIGHWAYS IMPACTS, CYCLE PARKING AND REFUSE STORAGE

Deliveries and servicing arrangements:

3.36 Deliveries and servicing for the proposed commercial unit would take place from Uxbridge Road, in common with other commercial units nearby. A condition is proposed requiring a Deliveries and Servicing Management Plan in respect of the commercial unit, to be agreed with the council prior to occupation of the development, in accordance with Key Principles NN4 and NN5 (in respect of noise) and Key Principle TR24 (in respect of highways impacts).

Car free development:

3.37 Policy T4 of the Local Plan (2018) requires all new development to conform to the car parking standards of the London Plan (2016). The site has a good PTAL rating of 4 and in this case, it means that the development is expected to be car-free in accordance with Policy T4. No off-street parking would be provided for either the commercial or residential parts of the development. Prohibition of future residents to obtain parking permits is to be secured through section 16 of the Greater London (General Powers) Act 1974. This is to ensure the development would not result in harm to existing on-street parking stress levels and the amenities of local residents.

Bicycle parking:

3.38 The proposals provide space for 21 cycle parking spaces within the rear courtyard (four short-stay, associated with the commercial unit, and 17 long-stay, for the occupants of the new residential units) which would be accessed from Thorpebank Road. The number of spaces provided is in accordance with Policy T3 of the Local Plan (2018). A condition is proposed requiring details of the storage to be supplied agreed prior to occupation of the development, to ensure the spaces are secure and convenient. The cycle storage is to be retained for the life of the development.

Refuse and recycling:

3.39 The proposal provides communal refuse and recycling storage within the rear courtyard area which is accessed from Thorpebank Road. Commercial and residential waste would be separated. It is also proposed for space to be provided for communal food waste collection, should this service be offered by the council in future. Whilst there is step-free access to the communal bin store for the wheelchair-adaptable unit at



ground floor level, it may be more appropriate for the occupant of this unit to place their bags on the highway immediately outside the unit on collection day.

3.40 Key Principle WM7 of the Planning Guidance SPD (2018) contains the formula for calculating the required capacity per household for communal storage. For this development, the capacity requirement is 2,070L (to be split equally between refuse and recycling). There should also be space for the introduction of a 240L food bin. The requirements are amply met by the proposed bin store for the residential development, which would house 6 1100L Eurobins.

3.41 With respect to the commercial waste, Key Principle WM9 states that "sufficient space should be designed in to accommodate the appropriate number of bins or bags, for both recyclables and non-recyclable waste and to meet the specific needs of the potential user." The proposed commercial waste store, which is separate from the residential store, provides for two 1100L Eurobins to serve the commercial unit. Given there is a substantial over-provision of capacity for the residential element of the development, it may be possible to adjust the stores in future if more space is required for the commercial unit.

## CONSTRUCTION IMPACTS

3.42 Concern has been raised by local residents with regards to the impact of the construction phase on nearby properties, including the Wild Thyme Cafe at No. 2 Thorpebank Road, which has a small external seating area adjacent to the development site. In order to mitigate any adverse impacts as far as possible, a condition is proposed requiring a Construction Management Plan to be agreed with the council prior to works commencing on site, including controls on matters including noise, vibration, lighting, delivery locations, and restriction of hours of work. Whilst it may not be possible to completely avoid any impact on the external seating area of the Wild Thyme cafe, the impacts will be short-term, mitigated as far as possible, and would not be a reason for refusal of the application.

3.43 A condition is also proposed requiring a Construction Logistics Plan (CLP) to be submitted and agreed with the council prior to works commencing on site, to ensure that the construction phase does not adversely impact on local highways, in accordance with Policy T7 of the Local Plan (2018).

## FLOOD RISK AND SUSTAINABLE DRAINAGE

3.44 The site is within the Environment Agency's Flood Zone 1 indicating low risk of flooding from the Thames. However, a basement is proposed, and surface water and sewer flood risk are known issues in the borough. A Flood Risk Assessment (FRA) has been provided with the application to assess these risks. The proposed basement does not include any residential use and will be used for retail purposes. The FRA confirms that appropriate structural waterproofing measures will be integrated to protect against groundwater flood risks. A pumped drainage system is also referenced in the FRA, which will further help to protect the development against sewer surcharge and groundwater flood risks.

3.45 With regards to surface water flood risk, the site is not within a surface water flooding hotspot, although there are some in neighbouring streets. The redevelopment of the site provides an opportunity to improve the management of surface water. The

FRA considers the use of sustainable drainage systems, and identifies that rainwater harvesting would be suitable. The sizing and design of the proposed soakaway system will be undertaken during the detailed design phase, and a condition is proposed requiring further details of the proposed system, including information to confirm that a site investigation has been carried out prior to designing the soakaway to demonstrate that the required level of infiltration can be provided by the soils on the site. Details of the proposed maintenance measures for the soakaway system are also required by the condition.

## SUSTAINABILITY

3.46 A Sustainability Strategy has been provided with the application. This assess the proposed development's performance against the London Plan (2016) and the Local Plan (2018) sustainability policies, including Policies CC1 and CC2. A range of sustainable design and construction measures are proposed in relation to reducing energy use, water conservation, waste reduction and recycling, use of sustainable building materials, promotion of biodiversity, inclusion of sustainable transport measures and pollution reduction measures. The Sustainability Strategy is considered to be acceptable and a condition is proposed requiring compliance with the measures outlined in accordance with Policies CC1 and CC2 of the Local Plan (2018).

3.47 An Energy and CO2 Reduction Strategy has also been submitted in support of the application. This report demonstrates compliance with Local Plan (2018) Policy CC1 and London Plan (2016) Policy 5.2 in relation to integration of energy efficiency measures and low carbon technologies. Improved insulation levels will be integrated as with 100% LED lighting and heat recovery on the ventilation system. Air permeability will be improved to reduce heat loss. Air Source Heat Pumps (ASHPs) will be used to provide space heating and hot water. Overall, a 52% reduction in annual CO2 emissions can be achieved on the site, which meets the minimum requirement of 35%. The strategy also offers to offset the remaining CO2 emissions associated with the residential element of the development which would require a payment of £9,036 which could be secured via Section 106 agreement. A condition is also proposed requiring implementation of the measures as outlined in the report.

## AIR QUALITY

3.48 The whole borough is designated as an Air Quality Management Area (AQMA) and the development site is in an area of very poor air quality that exceeds the annual mean AQO for NO2 due to the road traffic emissions from Uxbridge Road. The development , and will introduce new residential receptors into an area of very poor air quality . The construction and operation of the development also has the potential to contribute to a worsening of local air quality, unless appropriate steps are taken to prevent it. As such, further mitigation measures will be required to make sure the development is acceptable in accordance with Policy CC10 of the Local Plan (2018) and London Plan Policy 7.14. Conditions are proposed regarding a Ventilation Strategy; a Ultra Low Emission Strategy; Low Zero emission gas Air Source Heat Pumps/Electric boilers; and an Air Quality Dust Management Plan.

## LAND CONTAMINATION

3.49 Planning records indicate that this site was formerly associated with a motor works and petrol filling station and accordingly Officers recommend that conditions be imposed

requiring appropriate contamination studies and any subsequent remediation works to be carried out in order to ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan (2018).

## TREES

3.50 There are three trees within the vicinity of the site that stand to be affected by the development (two street trees on Thorpebank Road, and one tree within the rear garden of No. 1 Willow Vale). None of the trees are protected by a Tree Preservation Order (TPO). All are proposed to be retained. A condition is proposed recommending compliance with the submitted Arboricultural Report, to ensure that no harmful impacts occur to the trees, in accordance with Policy OS5 of the Local Plan (2018).

## PLANNING OBLIGATIONS/ LEGAL AGREEMENT

3.51 In dealing with planning proposals, local planning authorities consider each on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused. However, in some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable, through the use of planning conditions or, where this is not possible, through planning obligations. London Plan (2016) Policy 8.2 recognises the role of planning obligations in mitigating the effects of development and provides guidance on the priorities for obligations in the context of overall scheme viability.

3.52 In this instance, site-specific contributions/planning obligations would be included in the S106 agreement and would include the following:

- A financial contribution of £9,036 to offset CO2 emissions associated with the residential part of the development;
- A financial contribution of £13,875 towards employment, skills and local procurement in the borough, to include the following:

- 1 apprentice, £3,500
- 1 work placement, paid, £3,500
- 1 work placement, unpaid, £3,500
- Local procurement. £3,375

- Prohibition of future residents to obtain parking permits as secured through section 16 of the Greater London (General Powers) Act 1974.

## COMMUNITY INFRASTRUCTURE LEVY

3.53 This development would be subject to a London wide community infrastructure levy. The Mayor's CIL (Community Infrastructure Levy) came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. This contributes towards the funding of Crossrail. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan (2016) Policy 8.3 and is chargeable in this case at £80 per sqm uplift in floorspace (GIA) regardless of the use.

3.54 It is estimated that the proposed development would generate a Mayoral CIL contribution of approximately £94,800 (plus indexation).

3.55 Additionally, the Council collects its own CIL and this development would be liable. It is estimated that the proposed development would generate a Borough CIL contribution of £86,700 (plus indexation) for the residential use and £25,440 (plus indexation) for the retail use.

#### 4.0 CONCLUSIONS AND RECOMMENDATION

4.1 For the reasons given above, it is considered that the proposal would be of an acceptable appearance that would justify the loss of the previously existing Buildings of Merit which were accepted to have lost much of their architectural integrity and quality before they were demolished. The design of the building would be appropriate in the context of its surroundings and would not have a detrimental impact upon the existing residential amenities of surrounding occupiers or on traffic generation in the area. The proposal would result in a net increase in the provision of residential accommodation and would provide an acceptable standard of accommodation for its occupiers. In these respects, and subject to conditions and a legal agreement, the proposal is considered acceptable in accordance with Policies 3.3, 3.4, 3.5, 3.12 and 8.2 of the London Plan (2016) and Policies HO1, HO3, HO6, DC1, DC2, DC8, T3, T4, T7, CC1, CC2, CC3, CC4, CC7, CC9, CC10, CC11, CC12 and CC13 of the Local Plan (2018).

4.2 Officers recommend that the application be approved subject to conditions and a suitably worded legal agreement.