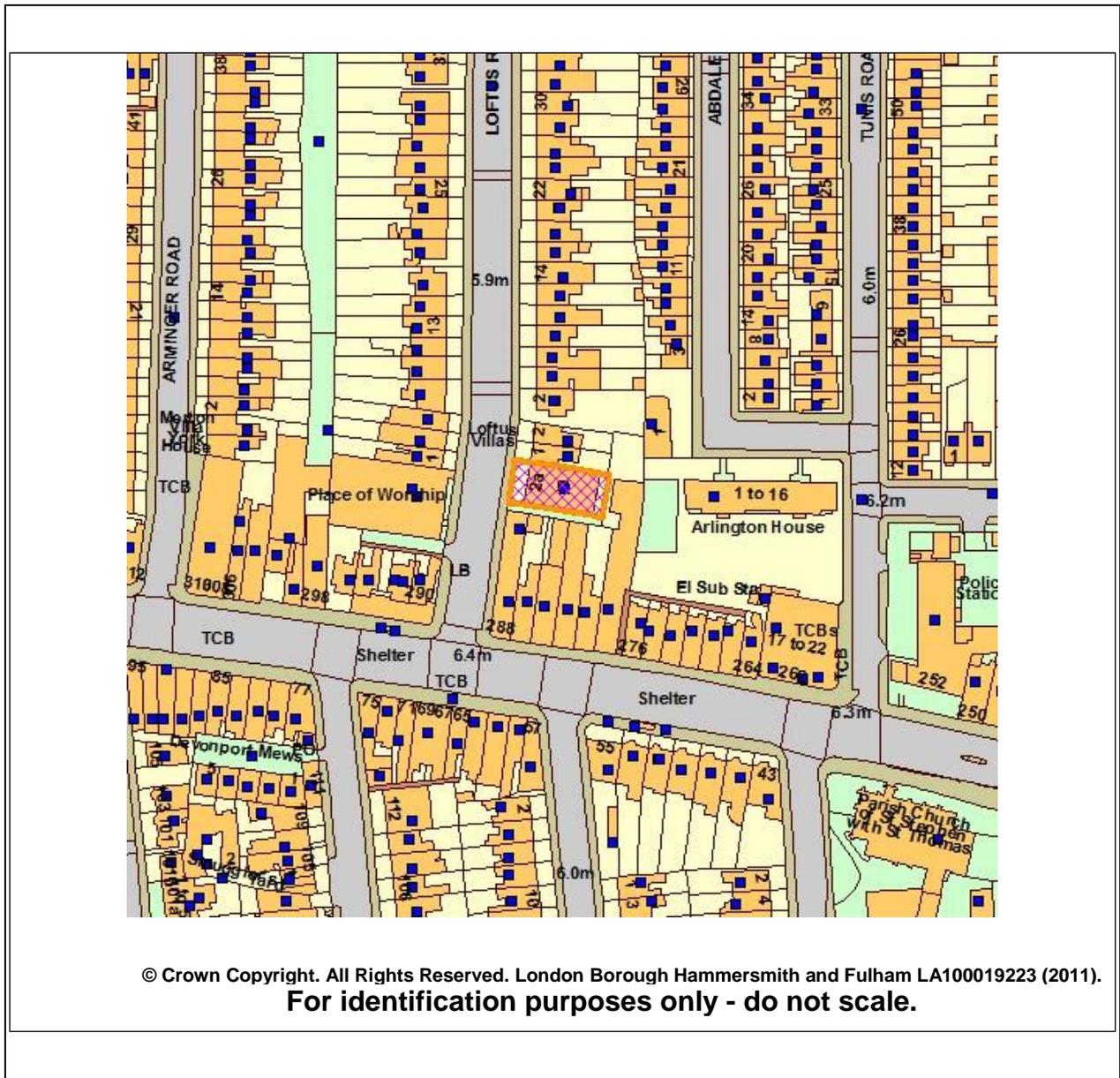


Ward: Shepherd's Bush Green

Site Address:

2A Loftus Road London W12 7EW



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For identification purposes only - do not scale.

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For identification purposes only - do not scale.

Reg. No:
2019/03015/FUL

Case Officer:
Matthew Lawton

Date Valid:
15.10.2019

Conservation Area:

Committee Date:
07.01.2020

Applicant:

Bazaar Investments Limited
30 Bristol Gardens London W9 2JQ

Description:

Change of use of building from offices (Class B1) and ancillary residential flat (Class C3) into 16 serviced apartments with reception and manager's flat and office (Class C1)
Drg Nos: 01/10 Rev. B; 01/11 Rev. A; 01/12 Rev. A.

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:

01/10 Rev. B; 01/11 Rev. A; 01/12 Rev. A.

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 E2, E3, CC11 and CC13 of the Local Plan (2018).

- 3) The new wheelchair-accessible bedroom to be provided at ground floor level (apartment No. 7) shall be designed and constructed to comply with the full requirements of Approved Document M - Access to and use of buildings; Volume 2 - Buildings other than dwellings of the Building Regulations 2010. Thereafter the unit shall be permanently retained in this form thereafter.

To ensure that the development is accessible to all users and to ensure satisfactory provision of one wheelchair-friendly in accordance with Policy E3 of the Local Plan (2018).

- 4) In respect of foul and wastewater drainage, no part of the building shall be occupied until confirmation has been provided that either:-

1. Capacity exists off site to serve the development; or
2. A housing and infrastructure phasing plan has been agreed with Thames Water. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan; or
3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning.

- 5) The development hereby approved shall not be occupied until the cycle storage shown on approved drawing no. 01/10 Rev. B has been implemented in full. Thereafter, the cycle storage shall be permanently retained and maintained for the life of the development.

To ensure provision of adequate cycle parking, in accordance with Policy T3 of the Local Plan (2018).

- 6) The development hereby approved shall not be occupied until the refuse and recycling storage area shown on approved drawing no. 01/10 Rev. B has been implemented in full. Thereafter, the refuse and recycling storage shall be permanently retained and maintained for the life of the development.

To ensure provision of adequate storage of refuse and recycling, in accordance with Policy CC7 of the Local Plan (2018).

- 7) The development hereby approved shall be operated in full accordance with the Management and Operation Statement submitted with the application for the life of the development.

To ensure efficient operation of the serviced apartments hereby approved and to ensure that the amenities of neighbouring properties are not adversely affected, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 8) Prior to occupation of the development hereby approved, a Ventilation Strategy Report for C1 use class 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 clean air ventilation intake locations at rear roof level
- b) Details of non-openable windows for habitable rooms (bedrooms, living rooms) with front elevations on Loftus Road
- c) Details and locations of ventilation extracts, chimney/boiler flues, to demonstrate that they are located a minimum of 2 metres away from the fresh air ventilation intakes, openable windows, balconies, roof gardens, terraces

d) If part (a) is not implemented details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{2.5}, PM₁₀) 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_{2.5}, PM₁₀) 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 Policy CC10 of the Local Plan (2018).

- 9) 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 Policy CC10 of the Local Plan (2018).

- 10) The serviced apartments hereby approved at basement, ground and first floor level shall only be used as short-stay visitor accommodation falling within Class C1 of the Town & Country Planning (Use Classes) Order 1987 (as amended). The units shall not be used for any other purpose falling within Class C of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (as amended).

The use of the property as permanent residential accommodation 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).

- 11) 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).

- 12) 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).

- 13) 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)

- 14) 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).

- 15) 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).

- 16) 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).

- 17) 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).

- 18) Prior to occupation of the development hereby approved, all external bathroom windows shall be adequately obscured to ensure privacy.

In order to prevent harm to the existing residential amenities of the occupiers of the subject properties, and neighbouring properties as a result of overlooking and loss of privacy, contrary to Policy HO11 of the Local Plan (2018) and Key Principle HS7 of the Planning Guidance Supplementary Planning Document (2018).

- 19) The development hereby permitted shall not be used or occupied prior to works to reinstate the kerb line in place of the existing crossover immediately in front of the site. 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).

- 20) The development hereby approved shall not be occupied until a Delivery and Servicing Management Plan 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).

- 21) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the serviced apartments from the residential dwelling. Details shall demonstrate that the sound insulation value $D_{nT,w} + C_{tr}$ 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/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 22) Prior to commencement of the development, a noise assessment shall be submitted to the Council for approval of external noise levels including reflected and re-radiated noise and details of the sound insulation of the building envelope, orientation of habitable rooms away from major noise sources and of acoustically attenuated mechanical ventilation as necessary to achieve internal room and external amenity noise standards in accordance with the criteria of BS8233:2014. 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 from transport/ commercial noise sources, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 23) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value $D_{nT,w} + C_{tr}$ 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 serviced apartments. 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, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

Justification for Approving the Application:

- 1) 1. Land Use: The existing office floor space is not considered to be suitable for continued employment use, and no objections are raised to the proposed change of use in terms of Policy E2 of the Local Plan (2018).

2. Visitor Accommodation: The quality of the visitor accommodation, including the internal design, layout and accessibility, is considered to make a positive contribution to the variety of visitor accommodation locally, and would be highly accessible to public transport, in accordance with Policy E3 of the Local Plan (2018).

3. Residential Amenity: The impact of the proposed development upon neighbouring occupiers is considered to be acceptable. The proposal would not have an unacceptably harmful impact on neighbouring residential amenity in terms of noise and disturbance. In this regard, the development would respect the principles of good neighbourliness, and would therefore be acceptable in accordance with Policies E3, CC11 and CC13 of the Local Plan (2018).

4. 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 of the London Plan (2018).

5. 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.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 14th October 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:

Comments from:

Thames Water - Development Control

Dated:

31.10.19

Neighbour Comments:

Letters from:

Dated:

46a Loftus Road Shepherds Bush London W12 7EN	23.10.19
29 Loftus Road Shepherd's Bush London W12 7EH	12.11.19
3 Loftus Road London W12 7EH	21.10.19
48a Loftus Road London W12 7EN	12.11.19
53 Loftus Road Shepherds Bush London W12 7EH	11.11.19
51 Loftus Road London W127EH	21.10.19
36A Ellerslie Road London W12 7BW	22.10.19
4 Loftus Road London w12 7EN	22.10.19
5 Loftus Road London W127EH	22.10.19
5 Loftus Road London W127EH	22.10.19
45 Loftus Road LONDON W12 7EH	23.10.19

OFFICER'S REPORT

1.0 BACKGROUND

1.1 The application site is located on the Eastern side of Loftus Road, close to the junction with Uxbridge Road. It comprises a three-storey building with a basement, known as Bakery House. The lawful use of the building is an office (Class B1a) at basement, ground and first floor levels with an ancillary residential flat (Class C3) at second floor level.

1.2 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.

1.3 The area is well served by public transport, and the site has a Public Transport Accessibility Level (PTAL) of 6a, according to Transport for London's methodology. Shepherd's Bush Market Underground station is a 5-minute walk from the site, and buses to and from Central London run frequently along Uxbridge Road.

1.4 The application is to convert the basement, ground and first floors of the building into 16 serviced apartments (Class C1), utilising the existing layout (5 in the basement, 5 on the ground floor and 6 on the first floor). The existing flat at second floor level would be retained as the residential accommodation and an office for the Building Manager. A reception area would be created at ground floor level.

RELEVANT PLANNING HISTORY

1.5 There are a number of relevant planning records relating to the site. The two recent planning applications from 2018, which were refused by the council and subsequently dismissed at appeal, are of particular relevance.

2018 appeal schemes:

2018/03098/FUL - Change of use of building from office (Class B1(a) and an ancillary residential flat (Class C3) to 16 serviced apartments (Class C1). Refused for the following reasons: loss of employment floorspace, loss of permanent residential accommodation. Subsequent appeal also dismissed (discussed in Paragraph 1.6 of the report below).

2018/03099/FUL - Change of use from an office (Class B1a) with ancillary flat (Class C3) to shared facilities residential accommodation consisting of 16 rooms with en-suite facilities and communal kitchens and other accommodation (Sui Generis). Refused for the following reasons: loss of employment, loss of permanent residential accommodation; substandard unit quality; non-provision of affordable housing; excessive residential density. Subsequent appeal also dismissed.

Previous applications:

2017/04630/FUL Change of use of the basement, ground and first floor level from offices (Class B1) into 15 serviced apartments (Class C1). Refused for the following reasons: Loss of employment floor space; noise disturbance to second floor flat; unacceptable unit quality; lack of affordable housing; excessive residential density.

2017/02299/FUL Alterations to fenestration at basement, ground and first second floor level; excavation of an additional front lightwell; replacement of six rooflights in main roof with one rooflight; reduction in height of rear boundary wall. Approved.

2014/01331/FUL Redevelopment of the site comprising the erection of a three-storey building for use as office at ground and first floor levels and ancillary residential flat at second floor level, involving a roof terrace along the front, south side and rear of the

building and external spiral staircase to the rear of the building; excavation to form a basement under footprint of proposal. Approved.

2013/04352/FUL Redevelopment of the site comprising the erection of a three-storey building for use as office at ground and first floor levels and ancillary residential flat at second floor level, involving a roof terrace along the front, south side and rear of the building and external spiral staircase to the rear of the building. Approved (this was a resubmission of application Ref. 2007/03961/FUL).

2013/03447/CLE - Certificate to demonstrate the implementation of the 2007 permission. Refused, due to insufficient evidence.

2008/03001/FUL - Redevelopment of the site comprising the erection of a two-storey building for use as five residential units. Approved

2007/03961/FUL - Redevelopment of the site comprising the erection of a two-storey building for use as an architect's offices (405sq.m.) and ancillary residential flat, involving a roof terrace along the front, south side and rear of the building and external spiral staircase to the rear of the building. Approved.

2007/01898/FUL - Redevelopment of the site comprising the erection of a two-storey building for use as an architect's offices (405sq.m.) and ancillary residential flat. Approved.

2004/02054/FUL- Demolition of existing bakery and the erection of a two-storey residential building comprising five two-bed units. Refused for the following reasons: loss of employment space; non-provision of affordable housing; over-development due to excessive scale and bulk and design out of character with the area; no car parking provided; overlooking of neighbours; inadequate amenity space proposed.

1.6 Planning application Ref. 2018/03098/FUL is particularly relevant to the current application. It was for a very similar development and was refused by the council under Delegated Powers on 16 November 2018 for the following reasons:

1) The development is considered to be unacceptable with regard to loss of employment space. More particularly, the marketing exercise undertaken and outlined in the submitted report is considered to be inadequate to demonstrate that there is a lack of demand for office use of the existing premises. Therefore, the loss of the employment space on site is regarded as unacceptable and the proposal is contrary to Policy E2 of the Local Plan (2018).

2) The proposal would see the existing residential flat at second floor level (Class C3) converted to a serviced apartment (Class C1). The proposed change of use would be directly contrary to Local Plan (2018) Policy HO2 which states that the Council will "resist proposals which would result in a net loss of permanent residential accommodation as a result of redevelopment or change of use without replacement, including to short stay accommodation". In order to achieve the borough's housing target of 1,031 new dwellings per annum, it is important that there is no net loss of housing stock through change of use or redevelopment to other uses.

1.7 There was an appeal (Local Hearing) following the refusal and the Planning Inspectorate did not support the council's reason in respect of the loss of employment

space on the site, however he did agree that the scheme would have resulted in the unacceptable loss of permanent residential accommodation (the ancillary flat). The appeal decision carries significant weight in the determination of the current application, which is for change of use of building from offices (Class B1) and ancillary residential flat (Class C3) into 16 serviced apartments with reception and building manager's flat and office (Class C1).

1.8 A subsequent appeal was dismissed on 19 August 2019. The current application proposes retaining the ancillary flat at second floor level, as accommodation for the building manager. Whereas under the previous scheme, the existing flat would have been converted to a serviced apartment.

1.9 The Inspector did not support the council's reason in respect of loss of the existing employment space. He did agree that the scheme would have resulted in the unacceptable loss of permanent residential accommodation. The appeal decision carries significant weight in the determination of the current application.

RELEVANT PLANNING ENFORCEMENT HISTORY

1.10 The site also has an extensive history of planning enforcement investigations. The building was constructed with a subdivided layout (the originally approved plans showed an open plan layout) and beds were also installed in some of the units, leading to concerns that the building had been unlawfully converted into either live/work units, bedsits or self-contained flats. Recent Enforcement investigations include:

2015/00651/COMPWK - Being used as live/work units. Case closed, no breach was found to have occurred.

2016/00248/CONDS - Being used as self-contained flats. Case closed, no breach was found to have occurred.

2016/01457/COUOTH - Being used as bedsits. Case closed, no breach was found to have occurred.

2018/00095/COUOTH - Being used as self-contained flats. Following an investigation by the council, all of the units were found to be fitted out with kitchens, bathrooms, and beds. They were not in use at the time of the inspection. An Enforcement notice served against the unauthorised conversion of the property into 16 self-contained residential units. This Enforcement Notice was subject to an appeal (Local Hearing) which was allowed by the Inspector.

1.11 There are no outstanding enforcement investigations in respect of the building.

2.0 PUBLICITY AND CONSULTATION RESPONSES

2.1 A site notice was posted, and an advert was placed in the local press to advertise the application. Notification letters were also sent to 75 surrounding properties. 10 objection comments have been received from Nos. 3, 4, 5, 29, 45, 46a, 48a, 51, 53 Loftus Road and 36a Ellerslie Road.

2.2 The grounds for objection can be summarised as follows:

- The applicant should not be allowed to make repetitive planning applications that keep being turned down.
- There will be noise and disturbance from comings and goings, vehicular and pedestrian, at all hours of the day and night. There is already lots of traffic going up and down Loftus Road because it is a cut through to the White City estate and home to QPR football stadium.
- The development will lead to increased rubbish on the street. There is already a problem with fly tipping and rubbish being left on the street at this end of Loftus Road.
- Light pollution from the development.
- There will be increased congestion and parking stress. There is nowhere for vehicles to pull up outside the site without causing an obstruction. Pedestrians would block the pavement whilst waiting to gain entrance to the apartments.
- A hotel would be out of keeping with the residential character of the area.
- The existing residential flat would be lost, contrary to the council's planning policies.
- The proposal for serviced apartments is trying to circumvent the rules for permanent residential accommodation.
- Short term lets would create a transient population that have no interest building a relationship with the local community. Many of the flats on Loftus Road are already rented out.
- LBHF has declared a climate emergency, there is nothing 'green' about this development. Every apartment has electricity, heating, expects hot running water and needs sewerage. The provision of these facilities cannot meet the climate emergency the borough has declared.
- Patients at the Bush Dental clinic will be able right into the bathrooms and bedrooms of the new units.

2.3 Case Officer response: The matters raised within the objection comments will be addressed in the report below.

2.4 Thames Water responded with no objection, subject to a condition regarding water infrastructure capacity.

2.5 The Hammersmith and Fulham Disability Forum also provided comments, which have been addressed and are discussed in the report below.

2.6 The Metropolitan Police's Crime Prevention Design Advisor was also consulted but did not respond.

3.0 PLANNING CONSIDERATIONS

3.1 The application will be assessed in accordance with the policies and standards in the London Plan (2016) and the Hammersmith and Fulham Local Plan (2018) and the council's Planning Guidance Supplementary Planning Document (2018). The main issues to be considered are:

- Loss of employment floor space at basement, ground and first floor levels through conversion to visitor accommodation;
- Whether this location is suitable for visitor accommodation;
- Whether the development would make a positive contribution to the quality of visitor accommodation available locally;
- Impact on local residential amenity;
- Impact on traffic generation and parking stress, including servicing arrangements;
- Refuse storage and collection arrangements; and
- Flood risk.

3.2 These matters will be assessed below.

LOSS OF EMPLOYMENT FLOOR SPACE

3.3 In refusing the previous application (Ref. 2018/03098/FUL), the council had sought to argue that the loss of existing office floorspace had not been properly justified in accordance with the requirements of Local Plan (2018) Policy E2. The application was considered to be insufficient in three main ways:

- The amount of time the premises had been marketed for continued employment use, and the evidence submitted to demonstrate the marketing, was insufficient.
- The premises had not been marketed by at least two commercially recognised property agents.
- The possibility for adaptation of the building's internal layout to make it more suitable for an office occupier had not been properly explored.

3.4 The Inspector did not agree with the council's position on these issues. He concluded that Bakery House has been marketed for a considerable length of time by commercial agents without any success in terms of letting any of the office space, and that there was no evidence to suggest that the office floorspace within Bakery House could be adapted so as to be open-plan. As such, the Inspector concluded that "Bakery House was not a suitable site for continued employment use." (Para 30 of the Appeal Decision).

3.5 The Inspector's conclusions on this matter carry significant weight in the determination of the current application. In light of this, Officers recommend that it would not be reasonable for the council to continue to object to the proposals on the grounds of loss of employment floor space.

LOSS OF ANCILLARY RESIDENTIAL FLAT

3.6 The previous proposal would have seen the existing residential flat at second floor level (Class C3) converted to a serviced apartment (Class C1). This was objected to on the basis that the loss of the flat would be contrary to Local Plan (2018) Policy HO2.

Under the original planning permission for the building (Ref. 2014/01331/FUL), the flat was intended to be ancillary to the office accommodation, for occupation by an employee or a person directly connected with the office.

3.7 The Inspector agreed with the council that the proposed conversion of the flat to a serviced apartment would have resulted in the loss of permanent residential accommodation and would have been contrary to Local Plan (2018) Policy HO2. Even though the flat was intended to be ancillary to the office space, the Inspector agreed it was still afforded protection. The Inspector recognised that there would likely be a need for a link between the occupiers of the flat and the rest of the building, given it is only accessible through the common parts of the building. This was the Inspector's reason for dismissing the appeal.

3.8 Officers consider the revised proposal, which retains the ancillary flat, successfully overcomes the original reason for refusal and also addresses the Inspector's comments on the matter. The flat would now be occupied by the serviced apartments' building manager, who would be responsible for cleaning, building maintenance and security. The building manager would occupy the flat on a permanent basis and no loss of permanent residential accommodation would result, in accordance with Policy HO2 of the Local Plan (2018).

ACCEPTABILITY OF SERVICED APARTMENTS IN THIS LOCATION

3.9 A serviced apartment is a form of visitor accommodation that offers a fully furnished studio apartment, providing some hotel-like amenities but more in-room facilities than a typical hotel, such as kitchenettes. The rooms are usually bigger than a hotel bedroom and provide more living and sitting space. Generally, serviced apartments cater for medium-term stays, for example, for people on business trips.

3.10 The London Plan (2016) seeks 40,000 additional hotel bedrooms by 2031, located primarily in London's town centres and opportunity areas. The council considers the borough has sufficient existing and committed stock of visitor accommodation to meet our share of anticipated growth within the next few years. Therefore, the proposed 16 serviced apartments are not required to meet any identified need. The site is also outside of a town centre or opportunity area. However, Policy E3 of the Local Plan (2018) is also relevant and states that permission will be considered for small scale visitor accommodation outside of the borough's three town centres and opportunity areas subject to a proposal meeting the following criteria.

A. The development being well located in relation to public transport - The development is considered to comply with this criterion. The area is well-served by public transport, and benefits from a PTAL rating of 6a according to TfL's methodology. Shepherd's Bush Market Underground station is 5 minutes' walk and buses to Central London run frequently along Uxbridge Road.

B. The development and any associated uses not having a detrimental impact on the local area - The development is considered to be acceptable in this respect. Further comments are provided in the report below.

C. No loss of priority uses such as permanent housing - The existing flat would be retained as the building manager's accommodation and the proposal complies.

D. Provision of adequate off-street servicing - The development is considered to be acceptable in this respect. Further comments are provided the report below.

E. At least 10% of hotel bedrooms designed as wheelchair accessible - The proposal would provide one wheelchair-accessible serviced apartment that would be compliant with the relevant standards, which is considered to be acceptable for a development of this scale. Further comments are provided in the report below.

F. The facility being of a high standard of design - The development is considered to be accessible in this respect. Apartment sizes, outlook and light levels are considered to be acceptable for short-stay accommodation where the maximum length of stay would be three months.

G. The scheme adding to the variety and quality of visitor accommodation available locally - For the reasons above, the development is considered to be acceptable in this respect.

ACCESSIBLE AND INCLUSIVE DESIGN

3.11 The development would provide one wheelchair-accessible apartment at ground floor level. London Plan (2016) Policy 4.5 and Local Plan (2018) Policy E3 require 10% of hotel bedrooms to be wheelchair-accessible and in view of the small scale of the development, one apartment is considered to be acceptable in this case.

3.12 All of the ground floor apartments benefit from level access from the street. The accessibility requirements for wheelchair-accessible rooms are set out in the Building Regulations Approved Document M Volume 2 - 'Buildings other than dwellings'. The drawings demonstrate that the proposed wheelchair-accessible apartment (No. 7) would comply with Part M requirements. A condition is proposed to ensure compliance with this. Officers consider the comments of the Hammersmith and Fulham Disability Forum have been satisfactorily addressed.

IMPACT ON LOCAL AMENITY

3.13 Local residents have raised concern about the potential negative impact of the development on the local area, including noise, traffic congestion, parking stress, and the potential for fly tipping. Officers assessment of these impacts on the local area is below.

+ Noise

3.14 Local Plan (2018) Policy CC11 states that noise-generating development will not be permitted, if it would be liable to materially increase the noise experienced by the occupants of existing or proposed noise-sensitive uses in the vicinity, including residential dwellings. Policy CC13 states that all proposed developments, including changes of use, will be required to show that there will be no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties, particularly where commercial and service activities will be close to residential properties. The council will, where appropriate, require mitigation measures if a nuisance would otherwise be likely to occur, to ensure that it would not.

3.15 Given its small size, the proposed development is not considered liable to generate a harmful level of noise and disturbance compared to the potential impact of the existing office use. The maximum number of guests is 32, which is considerably fewer than the number of office workers that could potentially be accommodated in a building of this size. The number of servicing trips required per day is also likely to be equivalent to or fewer than the number associated with an office of this size. In terms of comings and goings and vehicle movements, therefore, the impact is not likely to be significant.

3.16 The building is set at the Southern end of Loftus Road and is detached from adjacent properties. Most guests would come and go via Uxbridge Road, which is a short distance to the South, and does not involve passing by any residential properties. Smoking is unlikely to be allowed within the apartments but the rooms at basement level have private terraces, so these guests would not need to use the building's front forecourt for smoking. If any guests did use the forecourt to smoke, they would likely be fewer in number than the current office space could generate, and unlikely to cause significant noise and disturbance.

3.17 Residents have also raised concerns about a high turnover of guests. In contrast to a traditional hotel, where the typical length of stay is a few nights, the serviced apartment concept caters to guests requiring longer-term stays, up to a maximum of three months. This means that comings and goings generated by guests checking in and departing are judged to be considerably fewer than a traditional hotel. In any event, Uxbridge Road is a vibrant commercial street and people would already be drawn up Loftus Road to the application site if it were to be occupied as an office. There is a church on the opposite side of the road and visitor accommodation is not considered to be out of keeping with the mixed character of the immediately surrounding area.

+ Privacy

3.18 With regards to the potential for overlooking and loss of privacy to neighbouring properties, it is recognised that the proposed use may be more sensitive than an office in this regard, as the serviced apartments at ground and first floor level would be occupied continually rather than during normal office hours. The North elevation of the building has no windows at all at ground and first floor levels.

3.19 To the South, the existing windows face the rear elevations of Nos. 280-288 Uxbridge Road, which all contain commercial uses on the ground floor and most are understood to be occupied as flats above. The distance between the subject building and any residential windows would be at least 20 metres, which exceeds the 18-metre minimum separation distance set out in Key Principle HS7 of the Planning Guidance SPD (2018), and therefore it is considered that there would be no adverse impact in this direction.

3.20 There is more than 23 metres between the front windows of the subject building and the front windows of the residential property on the opposite side of the road, No. 1 Loftus Road, and therefore there would be no additional loss of privacy in this direction, in accordance with Key Principle HS7.

3.21 To the rear, the building backs onto a commercial premises (Bush Dental Clinic). It has been raised by an objector that patients in the waiting room of the clinic can see directly into the rooms and bathrooms of the proposed serviced apartments, which have clearly-glazed windows and therefore do not provide any privacy for the occupants. If

the application were to be approved, a condition is proposed requiring external bathroom windows to be obscurely glazed to protect the privacy of the future occupants.

+ Traffic generation and parking stress

3.22 Chapter 6 of the London Plan (2016) is relevant and supports development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services.

3.23 Local Plan (2018) Policy T1 states that all development proposals will be assessed for their contribution to traffic generation and their impact on congestion. Policy T4 requires new development to accord with the car parking standards set out in the London Plan (2016); however the London Plan does not have specific car parking standards for serviced apartments.

3.24 The site has a PTAL rating of 6a according to Transport for London's methodology, which is excellent. Guests in the apartments would not be eligible for residents' parking permits and the high tariffs of the local Controlled Parking Zone would likely prohibit them from parking a private car on the street during their stay. In view of this, Officers consider that the serviced apartments would not be likely to increase parking stress on Loftus Road, which is acknowledged to be high, particularly in the evening and at weekends. Officers consider it reasonable to allow the Building Manager, who would be living on-site, to hold a parking permit, given that it may be necessary for them to have a vehicle in connection with their work. One additional car would not be considered to significantly increase parking stress on Loftus Road.

3.25 Residents have raised concerns about increased vehicle movements, in terms of drop-offs and pick-ups by taxis. Given the small scale of the development, with only 16 apartments, vehicle movements of this kind are not likely to be frequent. The serviced apartment business model, which generally caters to longer-term stays, means that the daily turnover of guests would be lower than a traditional hotel.

3.26 Key Principle TR27 states that adequate space for loading, unloading and waiting of goods vehicles must be provided, normally within the development site. The proposal does not propose any dedicated parking bay for servicing. The existing dropped kerb in front of the site is already required to be reinstated by condition of the previous planning consent. This has not yet been done but will provide an additional two street parking bays directly outside the site once implemented. Delivery vehicles for laundry or cleaning services could stop temporarily in one of these street parking bays outside the site, or on a nearby single yellow line. Given the size of the development, a dedicated servicing bay on the street would not be necessary or desirable in this location. If the application were to be approved, a condition is proposed requiring a Delivery and Servicing Management Plan to be agreed with the council prior to the new use commencing.

3.27 The existing cycle parking provision for the site comprises 17 spaces within the front forecourt. This is more than adequate for 16 serviced apartments in accordance with Policy T3 and Appendix 8 of the Local Plan (2018), which requires only 1 space per 20 bedrooms for Class C1 uses. A condition is proposed requiring provision of the required cycle parking to be made.

+ Refuse storage and collection

3.28 With respect to commercial waste, Policy CC7 of the Local Plan (2018) is relevant and Key Principle WM9 of the Planning Guidance SPD (2018) states that "sufficient space should be designed in to accommodate the appropriate number of bins or bags, for both recyclable and non-recyclable waste and to meet the specific needs of the potential user." The existing refuse storage area in the front forecourt comprises a store in the front forecourt of the property, with space to accommodate 2 x 1100L and 2 x 1280L Eurobins. A condition is proposed requiring provision of the required refuse storage to be made and permanently retained for the life of the development. Officers are satisfied that the provision would be adequate for the proposed use and that there would not be a requirement to place additional rubbish bags on the street prior to collection day.

3.29 Although residential and commercial waste is usually required to be separated within mixed use developments, in this instance there would be no objection raised to the Building Manager (occupying the second floor flat) using the communal storage bins for their domestic waste; as in this case, the uses are connected and there is plenty of capacity for both uses available.

FLOOD RISK AND SUSTAINABLE DRAINAGE

3.30 The existing building has a basement which was originally intended to be office space but would now be converted to serviced apartments, which are a more sensitive use. The applicant has submitted details which confirm that the existing basement has been fitted with a cavity drain membrane tanking system and a positively pumped device, to mitigate against the effects of sewer or groundwater flooding. No objections are raised on these grounds and it is considered that flood risk to the basement is satisfactorily addressed, in accordance with Policy CC3 of the Local Plan (2018) and Key Principle FR3 of the Planning Guidance Supplementary Planning Document (2018).

LAND CONTAMINATION

3.31 This site was formerly associated with a commercial bakery 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).

AIR QUALITY

3.32 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, and will introduce new residential receptors. 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). Conditions are proposed regarding a ventilation strategy.

LEGAL AGREEMENT

3.33 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.

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

- No guest of the serviced apartments is permitted to stay at the premises longer than 3 months;
 - A four week no-return clause (to prevent individuals taking continuous tenancies to circumvent the 3 month requirement);
 - Development to be coach-free;
 - The flat at second floor level is only to be used as a permanent residential flat in perpetuity and not as a serviced apartment;
- Prohibition of any guests of the serviced apartments to obtain parking permits as secured through section 16 of the Greater London (General Powers) Act 1974.

5.0 CONCLUSIONS AND RECOMMENDATION

5.1 The existing building is not capable of providing continued employment use and the proposed development would contribute to the quality and choice of visitor accommodation available locally. The proposal would not result in the loss of any permanent residential accommodation. The impact on neighbouring residents and the local highway would not be so significant as to justify refusal of the application. Flood risk to the existing basement, land contamination, and air quality have all be satisfactorily addressed. In these respects, and subject to conditions and a legal agreement, the proposal is considered acceptable in accordance with Policies E2, E3, HO2, CC3, CC7, CC9, CC10, CC11, T1, T3 and T4 of the Local Plan (2018).

5.2 Officers recommend that the application is approved subject to conditions and a suitably worded Legal Agreement.