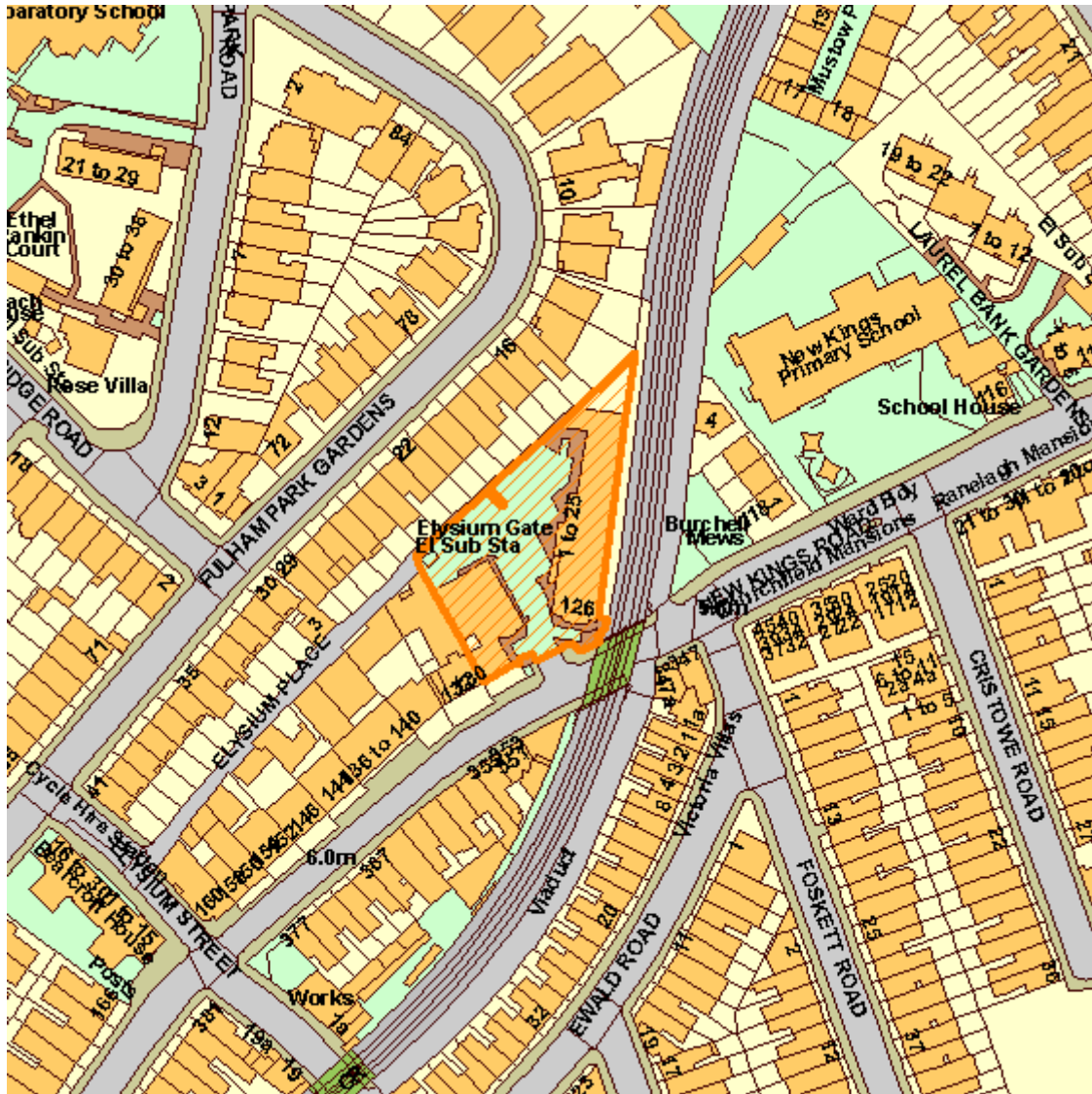


Ward: Town

Site Address:

Elysium Gate 126 - 128 New King's Road London SW6 4LZ



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For identification purposes only - do not scale.

Reg. No:
2019/02239/FUL

Case Officer:
Marina Lai

Date Valid:
26.07.2019

Conservation Area:
Constraint Name: Fulham Park Gardens
Conservation Area - Number 16

Committee Date:
04.02.2020

Applicant:

CER Kings Road SARL
C/O Agent

Description:

Erection of two single storey buildings to use as office (Class B1) on the north-western boundary of the site, installation of cycle parking stands and blue badge car parking space, and associated landscaping including the replacement of one existing tree.

Drg Nos: Site Location Plan; 19001_90_100 Rev.B; 19001_20_104 Rev.B; 100 Rev.B; 200 Rev.A; 300 Rev.A; 010_Rev.B; Arboricultural Survey & Impact Assessment; Flood Risk Assessment;

Application Type:

Full Detailed Planning Application

Officer Recommendation:

That the Strategic Director, The Economy Department, be authorised to grant permission and subject to the condition(s) listed below.

That the Strategic Director, The Economy Department, after consultation with the Director of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed 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 not be erected otherwise than in accordance with the following detailed drawings which are hereby approved:-

100 Rev.B; 104 Rev.B; 100 Rev.B; 200 Rev.A; 300 Rev.A; 010_Rev.B

In order to ensure full compliance with the planning permission hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies DC1, DC4 and DC8 of the Local Plan 2018.

- 3) The B1 office use hereby permitted shall only be used as an office and for no other purpose (including any other separate purpose in B1 of the Schedule under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

In granting this permission, the Council has had regard to the particular circumstances of the case. The use of the site for any other purpose, including

other purposes within Class B1, could raise materially different planning considerations and the Council wishes to have an opportunity to consider such circumstances at that time, in accordance with Policy CC11 and Policy CC13 of the Local Plan 2018.

- 4) The development hereby permitted shall not commence until particulars and samples of materials, including samples of glass, to be used in all external faces of the extension have been submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with such details as have been approved and shall thereafter be permanently retained in this form.

To ensure a satisfactory appearance and prevent harm to the street scene, in accordance with Policies DC1, DC2 and DC8 of the Local Plan 2018.

- 5) No water tanks, water tank enclosures, plant, mechanical ventilation or extract equipment or other structures shall be erected upon the flat roofs of the extensions hereby permitted.

It is considered that such structures would seriously detract from the appearance of the building, in accordance with Policies DC1, DC2 and DC8 of the Local Plan 2018.

- 6) No antennas, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being obtained.

To ensure that the visual impact of such equipment can be considered, in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

- 7) The single storey office building hereby permitted shall be only open between 9:00 hours and 19:00 hours Monday to Sunday (including Bank Holidays).

In order that noise disturbance which may be caused by occupants of the premises is confined to those hours when ambient noise levels and general activity are similar to that in the surrounding area, thereby ensuring that the use does not cause demonstrable harm to surrounding residents in compliance with policies HO11, CC11 and CC13 of the Local Plan (2018).

- 8) Within six months of 90% occupation of the development, a revised Travel Plan (which should update the Travel Plan required under Condition 10 of the planning permission 2017/04309/FUL) and travel survey shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan should ensure that occupants of the development will be made aware of the public transport and local facilities in the area.

In the interests of the proper management of traffic and parking in the area, in accordance with policy T1 of the Local Plan 2018.

- 9) Prior to commencement of the development hereby approved, a Construction Logistics Plan (in compliance with TfL Construction Logistics Plan Guidance) shall be submitted to and approved in writing by the Council. Details shall include the

numbers, size and routes of demolition and construction vehicles, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. Approved details shall be implemented throughout the project period.

To ensure that appropriate steps are taken to limit the impact of the proposed demolition and construction works on the operation of the public highway, the amenities of local residents and the area generally in accordance with The Local Plan 2018 Policy T7 and SPD Key Principle TR21.

- 10) Prior to occupation of the single storey ground floor extension hereby permitted, details of secure cycle parking spaces to be provided in connection with the proposed and existing office development shall have been submitted to and approved in writing by the Council, and such details as are approved shall be implemented prior to the occupation of the development and permanently retained thereafter for such use.

To ensure satisfactory provision for cycle parking and to thereby encourage sustainable and active modes of travel, in accordance with Local Plan (2018) T3 and Planning Guidance Supplementary Planning Document (2018).

- 11) 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.

To comply with the requirements of the NPPF (2018), Policies 7.14a-c of the London Plan (2016), Policy CC10 of the Local Plan 2018.

- 12) Prior to occupation of the development hereby permitted a Ultra Low Emission Strategy for the operational phase of the 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_x 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, (6) Diesel (Euro 6 and Euro VI). Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To comply with the requirements of the NPPF (2018), Policies 7.14a-c of the London Plan (2016), Policy CC10 of the Local Plan 2018.

- 13) No development shall commence until a preliminary risk assessment report, regarding with land contamination, 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; and a statement of whether a site investigation is necessary to address these potentially unacceptable risks. All works must be carried out in compliance with the approved details 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. The 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, and in accordance with policy 5.21 of the London Plan (2016), and Policy CC9 of the Local Plan 2018.

- 14) No development shall commence until a site investigation scheme, if a site investigation is to be required under the approved preliminary risk assessment, 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. The site investigation should then progress in accordance with the agreed site investigation scheme. All works must be carried out in compliance with the approved details 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.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The 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, and in accordance with policy 5.21 of the London Plan (2016), and 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, following the site investigation undertaken in compliance with the approved site investigation scheme if required by the approved preliminary risk assessment 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 approved preliminary risk assessment based on the information gathered through the approved site investigation to confirm the existence of any remaining pollutant linkages which would require the submission of a remediation method statement and determine the remaining risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with the approved details 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. The 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, and in accordance with policy 5.21 of the London Plan 2016, and 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, a remediation method statement, if deemed to be required in the approved quantitative risk assessment, 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. This statement will also include a plan to verify that the required remediation works are undertaken in line with the remediation method statement which will be compiled into a verification report. The remediation should then progress in accordance with the agreed remediation method statement. All works must be carried out in compliance with the approved details 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. The 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, and in accordance with policy 5.21 of the London Plan (2016), and Policy CC9 of the Local Plan 2018.

- 17) 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 if required by the approved quantitative risk assessment, 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 appropriate waste Duty of Care documentation 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 method statement to be submitted and approved by the Council and verification of these works included in the verification report. All works must be carried out in compliance with the approved details 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. The 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, and in accordance with policy 5.21 of the London Plan (2016), and Policy CC9 of the Local Plan 2018.

- 18) 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 setting out where further monitoring is required past the completion of development works (as identified in the approved site investigation scheme or the approved remediation statement or the approved verification report) to verify the success of the remediation undertaken. If required, 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 the approved details 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. The 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, and in accordance with policy 5.21 of the London Plan (2016), and Policy CC9 of the Local Plan 2018.

- 19) No music nor amplified sound emitted from the development hereby permitted shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/habitable rooms and private external amenity spaces.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, in accordance with Policy 7.15 of the London Plan (2016), Policy CC4 of the Core Strategy (2011) and Policy DM H9 of the Development Management Local Plan (2013).

- 20) The development shall be implemented in accordance with the recommended flood mitigation measures as proposed in the submitted Flood Risk Assessment. The recommended mitigation measures shall be permanently retained thereafter.

To ensure that the flows of foul and surface water run-off is managed in a sustainable manner, in accordance with Policy CC3 and CC4 of the Local Plan 2018.

- 21) Prior to any works at ground floor and above, full details of the proposed soft landscaping of the site, including planting schedules and details of the species, height and maturity of new trees and shrubs, shall be submitted to and approved in writing by the Council. The approved landscaping scheme shall be implemented in the next winter planting season following completion of the building works, or before the occupation and use of any part of the building, whichever is the earlier.

To ensure a satisfactory external appearance and to prevent harm to the character of the surrounding and streetscene, in accordance with Policies OS5, DC1 and DC2 of the Local Plan (2018).

- 22) Any tree or shrub planted pursuant to condition 21 being 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 provision for planting in accordance with Policies OS5, DC1 and DC2 of the Local Plan (2018).

- 23) No alterations or additions shall be made to the external appearance of the building (including the installation of air-conditioning units, ventilation fans, extraction equipment) without full 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 and DC4 of the Local Plan (2018).

- 24) No external artificial lighting shall be installed or used unless details have been submitted to, and approved in writing by, the council.

To ensure a satisfactory external appearance, particularly at night, and to ensure that the amenities of neighbouring properties are not adversely affected through light pollution, in accordance with Policies DC1, DC4 and CC13 of the Local Plan (2018).

- 25) Prior to first occupation of the development hereby permitted, an Inclusive Access Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Access Plan shall include details of access to toilet facilities and the dimensions of the accessible parking bay should conform to BS 8300. The development shall not be operated otherwise than in accordance with the Inclusive Access Management Plan as approved and thereafter be permanently retained in this form for the life of the development.

To ensure that the proposal provides an inclusive and accessible environment in accordance with the Policy 7.2 of the London Plan and Policy E3 of the Local Plan 2018, and draft London Plan Policies 6.1 and 6.5.

- 26) Prior to occupation, a Delivery and Servicing Plan shall be submitted in writing to the Council for approval. The Plan should include servicing and delivery arrangements including the prevention of vehicles from reversing onto the public highway and once approved the provisions of the Plan shall remain in place 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).

Justification for Approving the Application:

- 1) The proposed development is acceptable in land use terms, would not have a significant effect on the visual amenities of the host building would preserve the character and appearance of the Fulham Park Gardens Conservation Area and special architectural and historic interest of the nearby Grade II listed buildings. Furthermore the proposals would not harm the residential amenities of adjoining occupiers, or contribute significantly to on-street parking in surrounding streets. In these respects the proposal complies with Policies DC1, DC4, DC8, T1, CC3, CC4, CC9, CC11 and CC13 of the Local Plan 2018 and associated Key Principles of the Planning Guidance SPD 2018.

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

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

Application form received: 25th July 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:

Dated:

Neighbour Comments:

Letters from:

Dated:

N/A	02.12.19
17 Fulham Park Gardens London SW6 4JX	06.09.19
25 Fulham Park Gardens FULHAM London SW6 4JX	26.11.19
18 Fulham Park Gardens London SW6 4JX	06.09.19
21 Fulham Park Gardens London SW6 4JX	05.09.19
21 Fulham Park Gardens London SW6 4JX	05.09.19
21 Fulham Park Gardens London SW6 4JX	28.11.19

21 Fulham Park Gardens London SW6 4JX	05.09.19
18 Fulham Park Gardens London SW6 4JX	28.11.19
22 Fulham Park Gardens London SW64JX	06.09.19
19 Fulham Park Gardens London SW6 4JX	29.11.19
17 Fulham Park Gardens SW6 4JX London SW6 4JX	24.11.19
22 Fulham Park Gardens London SW64JX	29.11.19
16 Fulham Park Gardens London SW6 4JX	29.11.19
20 Fulham Park Gardens London SW6 4JX	04.09.19
20 Fulham park gardens London SW6 4JX	26.11.19
SDMS Security Products UK Ltd Elysium House, 126-128 New Kings Road London SW6 4LZ	06.08.19
16 Fulham Park Gardens London SW6 4JX	09.09.19
25 Fulham Park Gardens London SW6 4JX	09.09.19
28 Fulham Park Gardens London SW6 4JX	09.09.19
19 Fulham Park Gardens London SW6 4JX	09.09.19
18 Fulham Park Gardens London SW6 4JX	09.09.19

1.0. SITE DESCRIPTION

1.1. The application site relates to a gated office development on the north side of New King's Road. The site includes a central courtyard and car parking area that is surrounded by three office blocks, comprising B1 officer accommodation. The 'South Block' is a four-storey office building. The 'North Block' and its 'North Annex' are adjacent to each other and are three and four storeys high. The 'pavilion' extension was added to the modern North block in 2018, and includes the main entrance, communal café and meeting space.

1.2. The surrounding area is predominately residential in character. To the north, are the rear gardens of a two-storey terrace of houses (Nos 14 - 25 Fulham Park Gardens). A cul-de-sac, Elysium Place, terminates adjacent to the north-west corner of the site. To the west, Nos 130-132 New Kings Road, is a four-storey building plus (a basement level) that has been extended and converted to 9 flats. To the east is the District Line railway viaduct. To the south, No.128 New King's Road also known as Elysium House is a three storey (plus basement) Grade 2 Listed Building.

1.3. The site is within the Fulham Park Gardens Conservation Area. In addition, the site has a PTAL public transport rating of 5 meaning it has very good access to public transport and falls in the Environmental Agency's Flood Zone 3.

2.0. PLANNING HISTORY

2.1. In 1986 planning permission was granted (1986/01761/FUL) for the erection of one, two, three and four storey development and refurbishment of No.128 New Kings Road to provide light industrial studio and office floorspace with associated car parking and landscaping.

2.2. In 1987 listed building consent was granted (1987/00688/LBC) for the demolition of 126 New Kings Road and refurbishment of 128 New Kings Road. (Not implemented).

2.3. In 1988 planning permission was granted (1988/01520/FUL) for the installation of four windows in the North elevation of block `A`.

2.4. In 1989 planning permission was granted (1989/02223/FUL) for the retention of one, two, three and four storey buildings at 126 New Kings Road and refurbishment of 128 New Kings Road without compliance with conditions 12 and 16 attached to the original planning permission dated 22nd February 1988 (1986/01761/FUL).

2.5. In 2013 Prior Approval was required and refused (2013/04191/PD56) for the conversion of first, second and third floors of the East block from Office Use (Class B1) to 6 no. one bedroom and 6 no. two bedroom self-contained residential flats (Class C3).

2.6. In 2014 Prior Approval was required and refused (2014/00171/PD56) for the conversion of first, second and third floors of the East block from Office Use (Class B1) to 6 no. one bedroom and 6 no. two bedroom self-contained residential flats (Class C3).

2.7. In 2014 Prior Approval was required and granted (2014/04104/PD56) for the conversion of first, second and third floors of the East block from Office Use (Class B1) to 6 no. one bedroom and 6 no. two bedroom self-contained residential flats (Class C3). (Not implemented)

2.8. In 2015 Prior Approval was required and refused (2015/04150/PD56) for the change of use from offices (Class B1) into 33 (14 x 1 bed, 17 x 2 bed, 1 x 3 bed and 1 x 4 bed) self-contained flats (Class C3).

2.9. In 2017 planning permission was granted (2017/04309/FUL) for the erection of a single storey extension to the side of the main building to provide 109 sqm of additional office floorspace (Class B1); associated external alterations to building facades and courtyard area.

3.0. PROPOSAL

3.1. The original submissions included the erection of one single storey office building. The proposals have been amended to enable the retention of a tree which results in a reduced footprint and a single storey building either side of the retained tree on the rear boundary of the site, providing some 120sqm of additional office floorspace (Class B1) with associated landscaping and cycle parking provision.

3.2 The development would provide small working spaces to facilitate flexible working arrangements that would allow business occupiers to work nearer their homes. The units form part of a wider office site which contains a combination of co-working spaces, hot desks and private offices along with ancillary facilities such as meeting rooms, a café and various social spaces.

4.0. PUBLICITY AND CONSULTATIONS

4.1. The application has been advertised by means of a site notice and a press advert, and three rounds consultation with individual notification letters to 143 adjoining properties being consulted in each round. The numbers of representations received are set out below:

- First round: None;
- Second round (re-consultation on updated site location plan): 5 x individual objection letters and 1 petition with 10 signatures

- Third round (amended scheme to for the removal of 1 tree rather than 2 as originally proposed): 8 individual objection letters and 1 petition with 10 signatures

4.2. The grounds of the objections can be summarised as follows:

- overdevelopment of the site;
- detrimental impact on the character of the surrounding;
- increased sense of enclosure, overshadowing, loss of light and outlook and overlooking;
- maintenance on the gap between the boundary wall and Fulham Park Gardens properties and the proposed development;
- additional disturbance caused by rubbish collection at anti-social hours;
- loss of existing tree on site;
- additional noise and light pollution associated with the existing buildings being open 24 hours a day;
- reduction in cycle space, despite an increased in staff on site;
- dimensions of the proposed disabled car parking fail to meet standard;
- loss of existing car parking would harm surrounding on-street parking;
- Potential site contamination;
- Noise and light pollution resulting from the proposal and during the construction period

5.0. PLANNING CONSIDERATIONS

5.1. The main planning considerations in light of the London Plan (2016), and the Local Plan 2018 (hereafter referred to as LP2018) and the Planning Guidance Supplementary Planning Document 2018 (hereafter referred to as Planning Guidance SPD), include: the principle of the development in land use terms; design and appearance; existing residential amenities of neighbouring properties; and traffic impact on the highway network.

Draft London Plan

5.2. The draft new London Plan was published for public consultation in 2017. Following an Examination in Public of the draft Plan from January to May 2019, the Panel issued their report and recommendations to the Mayor in October 2019. In December 2019, the Mayor of London submitted his "Intend to Publish" version of the London Plan to the Secretary of State for his consideration. The 'Intend' version includes a schedule of which recommendations the Mayor is intending to accept or not and the Secretary of State has 6-weeks to review this. Once adopted, the new London Plan will supersede the current London Plan. As the document is in its late stages towards adoption, it is considered that relatively significant weight should be applied to the draft policies where the inspector had a more favourable view in determining this application.

5.2a On 24 January 2018, the Council resolved to adopt the Hammersmith & Fulham Local Plan (2018). The adoption of the new Local Plan took effect on 28th of February 2018 and the policies within the new Local Plan together with the London Plan 2016 make up the statutory Local Development Framework (LDF) for the Borough. Also of relevance as material considerations are the Council's Planning Guidance Supplementary Planning Document (SPD) (2018) and the Mayor's Supplementary Planning Guidance.

LAND USE

5.3. London Plan Policy 4.1 (Economy) promotes the development of a strong, sustainable and diverse economy to ensure the availability of suitable workspaces for all sizes of business. Policy 4.3 (Mixed use and office development) supports consolidation and enhancements of the quality of the remaining office stock.

5.4. Policy E1 (Range of employment) of the Local Plan (2018) supports the retention, enhancement, and intensification of existing employment uses. It also requires flexible accommodation that is available for all sizes of business including small and medium size enterprises. Policy E2 seeks to retain land and premises capable of providing continued employment or local services.

5.5. The application site forms part of an existing office development, and the proposed extension to provide small office units is considered acceptable in principle, in accordance with the above policies in terms of land use.

DESIGN AND APPEARANCE

Scale, Massing and Bulk

5.6. London Plan Policies 7.1, 7.2, 7.4, 7.5 and 7.6 require all new development to be of high quality that responds to the surrounding context and improves access to social and community infrastructure, contributes to the provision of high quality living environments and enhances the character, legibility, permeability, and accessibility of the surrounding neighbourhood.

5.7. Local Plan Policy DC1 asserts 'that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that demonstrates how good design, quality public realm, landscaping and land use can be integrated to help regenerate places.'

5.8. Local Plan Policy DC2 states that new build development will be permitted if it is of a high standard of design and compatible with the scale and character of existing development and its setting.

5.9. Local Plan Policy DC8 aims to protect, restore or enhance the significance of the borough's conservation areas and its historic environment.

5.10. In this case, the proposed buildings would be single-storey and standalone structures, comprising 9 small huts. Each hut would measure 3.8m in depth, with an eave's height comparable to the 2.7m rear party boundary with the properties at New King's Road and a pitched roof that slopes away from the boundary. Each hut would accommodate between 4-6 occupants.

5.11. The application site contains three office blocks of between three and four storeys, The North, North Annex and South blocks. The buildings are set back from the street line, with a forecourt leading to the gated courtyard behind, which currently includes car and cycle parking spaces, planting, refuse storage and cycle parking in the North-West corner. More recently a single storey pavilion building has been erected within courtyard, (Planning Application reference: 2017/04309/FUL).

5.12. The proposed offices will be positioned on the existing car parking spaces, set back from the street entrance, to the rear of the site. Given its scale, positioning and bulk, the proposed buildings would have limited views from the street, and would sit comfortable between the existing taller office buildings. Considering views into the site, the proposed development would serve to enhance views between the current office blocks, providing a more positive and active view to the surrounding street scene. The pitched, saw-toothed design of the proposal would respond positively to the prevailing roofscape of the existing office buildings. Details of materials and finishes would be secured by Condition 4. Subject to condition, officers consider that the proposed design would accord with the abovementioned policies.

Access

5.13 Policy DC1 of the Local Plan, requires that all development should include an approach to accessible and inclusive urban design.

5.14 The proposed office modules would be raised slightly above the existing courtyard level for installation purposes. However, a raised deck with ramped access would provide level access to all the office spaces. The access deck has been designed to be 1200mm width at its narrowest point with 1500mm turning circle provided at each end, to allow for wheelchair movement. The doorways to each office space are also sized to provide clear openings for wheelchair users.

5.15 The re-surfacing of the external landscape will remove kerb edges and allow for ease-of-access throughout the courtyard, to enable all users of the site to move between spaces more easily. The toilet facilities in the existing main buildings would be enhanced to support the proposed development.

Trees

5.16. Local Plan (2018) Policy OS5 (Greening the Borough) seeks to enhance biodiversity and green infrastructure in the borough by maximising the provision of gardens, garden space and soft landscaping, seeking green or brown roofs and other planting as part of new development, seeking retention of existing trees and provision of new trees on development site and adding to the greening of streets and the public realm.

5.17. The proposals have been amended to ensure the retention of an existing tree. The amended Tree Survey Report has been reviewed by the Council's Tree Officer and he concludes that the proposed removal of the existing Cherry Tree, although regrettable, is acceptable as the tree is not in a good condition, hence its replacement would indeed improve the visual amenity to the surrounding area. Condition 21 would be attached to any planning permission requiring the proposed tree protection plan to be approved prior to the commencement of the proposed development.

Impact on heritage assets

5.18. When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 193 of the NPPF (July 2018) states that "...great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 194 states that "any harm to or loss of, the

significance of a designated heritage assets, (from its alteration or destruction, or from development within its setting), should require clear and convincing justification".

Paragraph 197 states that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

5.19. The proposed office building would be to the rear of Elysium House, a four storey building, which serves to screen the application site when viewed from the immediate context of No.128 New King's Road which is a listed building. As such the development would not have any harmful impact upon the significance of the Listed Building. Considering the wider setting of the heritage asset, the development would be visible within oblique north-west facing views of the listed building. However, given the location and scale of the proposed building; of a single storey and set-back behind the Elysium House development, the proposal scheme would have less than significant harm to the heritage asset overall.

The application site is situated within the Fulham Park Gardens conservation area; given the relatively modest scale of the proposal scheme and its limited visibility from the surrounding street scene, and the presence of similar single storey commercial developments within the surrounding context, the development would not have any detrimental impact upon the character or appearance of the conservation area.

RESIDENTIAL AMENITY

5.20. Policies DC1, DC2, CC11, CC13 and HO11 of the Local Plan (2018) require all proposals to be formulated to respect the principles of good neighbourliness. SPD Housing Key Principles 6, 7 and 8 seeks to protect the existing amenities of neighbouring residential properties in terms of outlook, light, privacy and noise and disturbance.

5.21. The closest residential properties are those to the rear of the application site which share the north-west party boundary, namely Nos.15 - 25 Fulham Park Gardens. It is not considered the proposals would have any adverse residential impact on No.130-132 New King's Road as the north eastern corner of that development includes no windows in its flank elevation which faces the site.

Outlook

5.22. SPD Key Principle HS6 note that the proximity of a development can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties. Although it is dependent upon the proximity and scale of the proposed development a general standard can be adopted by reference to a line produced at an angle of 45 degrees from a point 2 metres above the adjoining ground level of the boundaries of the site where it adjoins residential properties. If any part of the proposed building extends beyond these lines, then on-site judgement will be a determining factor in assessing the effect which the extension will have on the existing amenities of neighbouring properties.

5.23. The proposed single storey buildings have been designed so that the envelope of the building does not project beyond a 45-degree line taken from the 2.7m height of the existing party boundary shared with Nos 15 - 25 Fulham Park Gardens. The roof of the proposed structures would slope 45 degrees away from that boundary toward the middle of the site. Officers consider that the proposed structures would have a minimal visual impact along that boundary which would not result in any undue loss of outlook or increased sense of enclosure to the existing occupiers of the adjacent Fulham Park Gardens properties. The proposals accord with SPD Key Principle HS6.

Overlooking/Privacy:

5.24. Local Plan Policy DC4 and HO11 seek to ensure that new development will respect the principles of good neighbourliness in particular the amenities of the neighbouring properties, and other properties most directly affected by the proposal.

5.25. The proposed single storey buildings include no windows in their rear elevation facing the Fulham Park Gardens properties. The proposed windows and doors face inwards towards the existing courtyard within the application site. The proposals would not result in any loss of privacy or overlooking and therefore accord with Policy DC2.

Noise and Disturbance:

5.26. Local Plan Policy CC11 considers noise levels both inside the dwelling and in external amenity spaces. The policy deals with environmental nuisance and requires all developments to ensure that there is no undue detriment to the general amenities at present enjoyed by existing surrounding occupiers of their properties.

5.27. The proposals result in the formation of 9 small office spaces for between 4-6 occupants each, to meet the demands of local business users who are typically at a smaller scale. Overall the proposal will provide an additional 120sqm (GIA) of B1 office for up to 46 occupants (resulting in 650 across the site).

5.28 The units would be built off site, as a series of prefabricated modules which would be delivered by road and quickly installed, with only final fittings and services connections to be completed, minimising disruption to neighbours and site users by reducing the extent of construction works on site. The modules will be of lightweight construction, thereby reducing the need for extensive ground works.

5.29 The environmental protection team have considered the proposals and raise no objections. Officers consider that the proposed on-site intensification would not create undue noise generated by the comings and goings of site users and a restricted hour of use between 9am -7pm, together with conditions regarding a construction logistics plan, no additional plant machinery and no additional external lighting would safeguard existing residential occupiers.

5.30 Subject to these conditions the proposals would accord with policies contained in the Local Plan 2018 and SPD 2018.

TRAFFIC GENERATION, CAR PARKING, CYCLE PARKING AND ACCESS:

5.31. The NPPF requires developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes

can be maximised; and development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.

5.32. Policy 6.1, 6.3, 6.10, 6.11 and 6.13 of the London Plan sets out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards. Local Plan Policy T4 will require any proposed development to conform to its car parking standards and will also require car parking permit free measures on all new development unless evidence is provided to show that there is a significant lack of public transport available.

Car Parking:

5.33. The site has a PTAL of 5 meaning it has very good access to public transport. The proposals will reduce the on-site car parking provision associated with Elysium Gate from 11 car parking spaces to one disabled bay located at the front of the site, a reduction of 10 car parking spaces. The proposed reduction in on-site parking is considered appropriate given the highway accessible location of the site and accords with guidance contained within the Draft London Plan, which encourages car free development in inner London locations.

Cycle Parking:

5.34. Cycle parking should be provided in line with London Plan 2011 Policy 6.9 and Table 6.3. Local Plan Policy T3 and SPD Key Principle TR3 encourages increased cycle use by seeking the provision of convenient and safe cycle parking facilities.

5.35. Draft New London Plan minimum cycle parking standards advise the provision of 1 cycle parking space per 75 square metres of B1 (office) floorspace long stay and 1 cycle parking space per 500sqm short stay is appropriate. The proposals are therefore required to provide 1 additional cycle parking space.

5.36 However as part of strategy for the wider application site which would total some 3500 sqm of B1 office space, a cycle strategy has been prepared for the whole site which makes cycle provision including a proportion for the proposed development. In total, 47 long-stay and 7 short-stay cycle parking spaces are proposed as part of this application.

5.37. The proposed cycle provision has been reviewed by the Council's Transport Team and no objections have been raised as they are in line with Draft London Plan Requirements.

Servicing and Delivery:

5.38. London Plan Policy 5.16 outlines the Mayor's approach to waste management. This is supported by Local Plan CC7 which requires suitable storage space the management of waste. It is not acceptable for waste material to be left on the highway for extended periods of time.

5.39. Servicing and deliveries associated with the development will be undertaken on-site. Prior to occupation, a Delivery and Servicing Plan will be submitted which prevents vehicles reversing onto the public highway and this would be secured via a planning condition.

Refuse

5.40. The proposal will be served by a communal refuse/recycling store located at the courtyard. Officers are satisfied that there is enough space within the designated area for the satisfactory storage of refuse. These details will be secured by conditions.

Travel Plan

5.41. Prior to commencement, officers recommend a Travel Plan be submitted which should be bespoke to the development, its locality and access facilities but only targets key initial measures, such as the provision of information on sustainable modes of travel in marketing literature and Home Owners packs and the possible provision of subsidised Metro Cards.

CLP

5.42. Prior to commencement, officers recommend a CLP be submitted which should include pedestrian diversions/signs, footway closure information, skips and other plants to be placed in the public highway. These details could be secured by condition. Applicant must provide a Travel Plan Statement.

ENVIRONMENTAL QUALITY:

Flood Risk Assessment:

5.43. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

5.44. London Plan Policy 5.11, 5.12, 5.13, 5.14 and 5.15 requires new development to comply with the flood risk assessment and management requirements of National Policy, including the incorporation of sustainable urban drainage systems, and specifies a drainage hierarchy for new development.

5.45. Local Plan Policy CC3 will require developments to reduce the use of water and minimise current and future flood risk.

5.46. The site is in the Environment Agency's Flood Zone 3. As required, a Flood Risk Assessment has been submitted in support of the application. It states that the flood risk management measures can be implemented as part of the development which includes raising the office modules above the existing ground level which has been factored into the design of the scheme.

5.47. In terms of including sustainable drainage systems (SuDS) as required by Local Plan Policy CC4, there is reference in the FRA to resurfacing the car park, which would provide betterment if this is done with a pervious/permeable surface.

5.48. The site is well protected from flood risk from the River Thames by flood defences such as the Thames Barrier and local river walls. If these were breached or over-topped, the site would not be impacted by flood water. In terms of surface water, the site is not in flooding hotspot although there could be ponding of water in the event of a major storm. Sewer and groundwater flood risk are not of concern given the nature of the proposals.

5.49. The submitted FRA has been reviewed by the council's Environmental Policy Team and is acceptable and the implementation of the proposed flood resilience measures will be secured by condition 20.

Contamination:

5.50. Local Plan Policy CC9 and Policy CC13 state that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place.

5.51. Potentially contaminative land uses, past or present, are understood to occur at, or near to, this site. The site was used by a Brake Lining Manufacturer from 1927, a Railway Engineering Works prior to the 1950s, a Colour Printer and Repair Garage from 1956 and later a Warehouse. Conditions 13 - 18 are attached to planning consent ensuring the scheme is in accordance with Policies CC9 and CC13 of the Local Plan 2018.

Air Quality:

5.52. London Plan Policy 7.14 and Local Plan Policy CC10 seek to reduce the potential adverse air quality impacts of new developments by requiring all developments to provide an air quality assessment that considers the potential impacts of pollution from the development on the site and on neighbouring areas and requiring mitigation measures to be implemented to reduce emissions where assessments show that developments could cause a significant worsening of local air quality or contribute to exceedances of the Government's air quality objectives.

5.53. The Council's Environmental Quality team have considered the proposals. The development site is within the borough wide Air Quality Management Area (AQMA) and an area of very poor air quality due to the road traffic emissions from New Kings Road (A308). The development proposal will introduce new receptors into an area of poor air quality. Mitigation measures are required to make the development acceptable in accordance with Local Plan Policy CC10 and subject to conditions securing further details of gas fired boilers and a low emissions strategy for the operational phase of the development there are no objections. (See Conditions 11 and 12).

COMMUNITY INFRASTRUCTURE LEVY:

Mayoral CIL

5.54. Mayoral 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. Under the London wide Mayoral CIL the scheme would be liable for a CIL payment. This would contribute towards the funding of Crossrail. The GLA expect the

Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy 8.3.

Local CIL

5.55. The Council has also set a CIL charge. The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area. The Council's CIL runs alongside Section 106 Agreements (S106s) which will be scaled back but will continue to operate. The CIL Charging Schedule was presented to Council and approved 20 May and has formally taken effect since the 1st September 2015.

6.0. CONCLUSION

6.1. Officers consider that the proposal is acceptable in principle. The design and appearance of the proposed office buildings would appear visually subservient to the existing office development that the proposal forms part with. The proposals would neither cause harm to residential amenity, and nor have a detrimental impact on the highway network or local parking conditions. Other matters including flood risk and contaminated land matters are also considered to be acceptable.

7.0. RECOMMENDATION

7.1. That the Strategic Director, The Economy Department, be authorised to grant permission and subject to the condition(s) listed below.

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