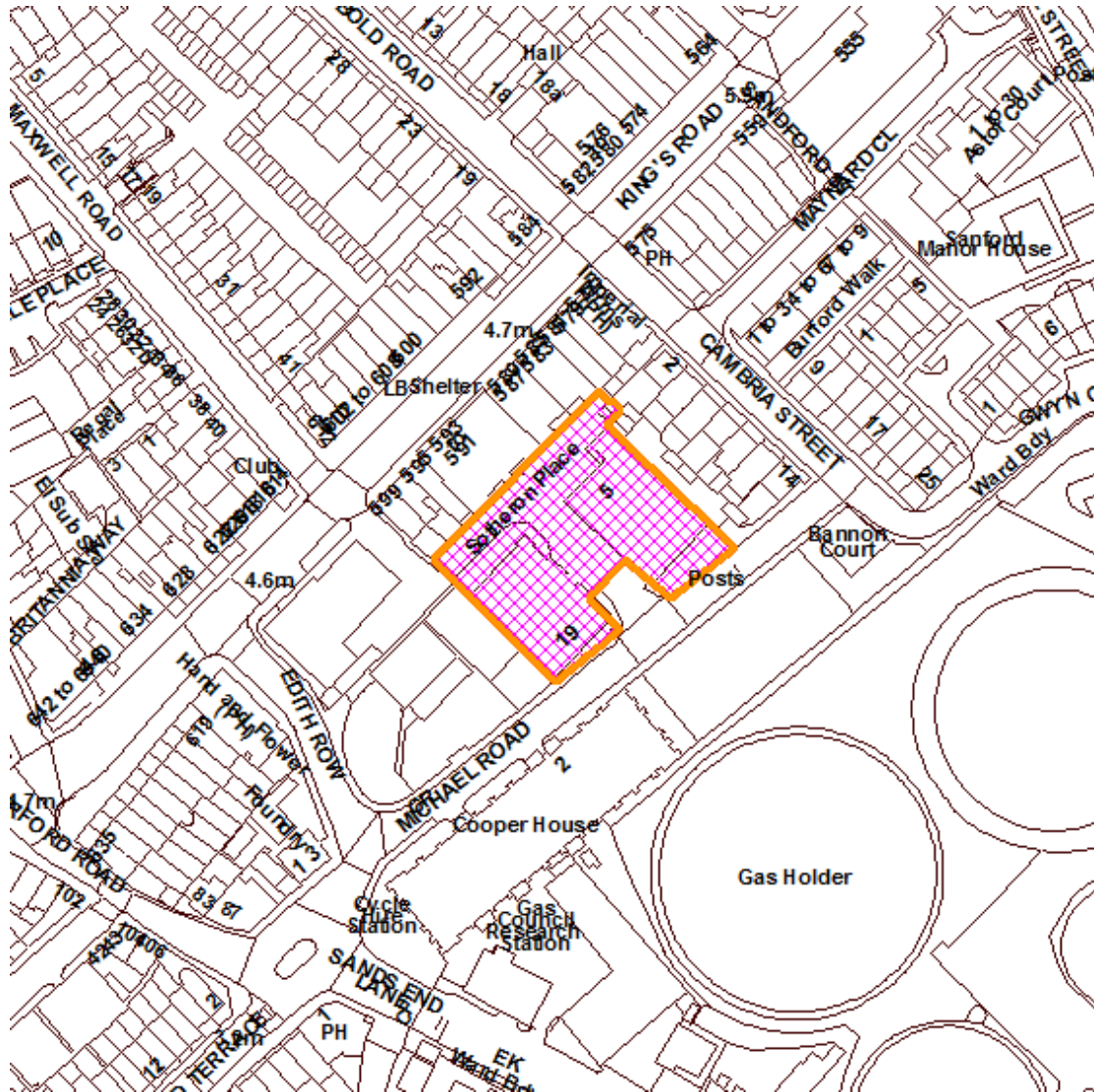


**Ward:** Parsons Green And Walham

**Site Address:**

4 - 5 Sotheron Place London SW6 2EJ



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

**Reg. No:**  
2020/01499/FUL

**Case Officer:**  
Sinéad Winship-David

**Date Valid:**  
16.06.2020

**Conservation Area:**  
Constraint Name: Moore Park Conservation Area -  
Number 30

**Committee Date:**  
03.11.2020

**Applicant:**

Caerus (Sotheron Place) Limited  
C/O Agent

**Description:**

Demolition of existing buildings and redevelopment including the erection of a part one, part 3 storey building and a 6 storey building plus basement to provide 31 flats (Use Class C3) and commercial floorspace (Use Class B1a and D2) with associated parking, landscaping and amenity space.

Drg Nos: D6500 Rev P1; D6501 Rev P1; D6101 Rev P1; D6102 Rev P1; D6103 Rev P1; D6105 Rev P1; D6150 Rev P1; D6700 Rev P1; D6701 Rev P1; D6702 Rev P1; D6198 Rev P1; D6199 Rev P1.

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

- 1) That the Committee resolve that the Chief Planning Officer be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below;
- 2) To authorise that the Chief Planning Officer after consultation with the Head of Law and the Chair of the Planning and Development Control Committee be authorised 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 conditions, any such changes shall be within their discretion

**CONDITIONS**

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 approved drawings: D6500 Rev P1; D6501 Rev P1; D6101 Rev P1; D6102 Rev P1; D6103 Rev P1; D6105 Rev P1; D6150 Rev P1; D6700 Rev P1; D6701 Rev P1; D6702 Rev P1; D6198 Rev P1; D6199 Rev P1.

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 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9 and 7.21 of the London Plan

2016 and Policies DC1, DC2, DC3 and DC8 of the Hammersmith and Fulham Local Plan 2018.

3. Prior to commencement of the development hereby approved, a Demolition Management Plan and Construction Management Plan shall be submitted to and approved in writing by the Council. Details shall include, but not be limited to:
  - i. length of time for the obstruction of the footway and control measures for pedestrian safety;
  - ii. control measures for dust, noise, vibration, lighting;
  - iii. delivery locations;
  - iv. restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 - 1300 hrs on Saturdays and not at all on Sundays or public holidays;
  - v. advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works; and
  - vi. details of temporary site fencing/means of enclosure to be erected prior to any demolition works take place.

The approved details shall be implemented throughout the project period.

To ensure that occupiers of surrounding premises are not adversely affected by noise, vibration, dust, lighting or other emissions from the building site in accordance with policies 5.18, 5.19, 5.20, 5.21, 5.22 and 7.14 of the London Plan, Policies DC1, DC2, CC6, CC7, CC10, CC11, and CC12 of the Hammersmith and Fulham Local Plan 2018.

4. Prior to commencement of the development hereby approved, a Demolition Logistics Plan and Construction Logistics Plan shall be submitted to and approved in writing by the Council. The details shall include:
  - i. the numbers, size and routes of demolition and construction vehicles;
  - ii. 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
  - iii. other matters relating to traffic management to be agreed

The approved details shall be implemented throughout the project period.

To ensure that construction works do not adversely impact on the operation of the public highway, and that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies T7, T6, CC7, CC8, CC11, CC12 and CC13 of the Hammersmith and Fulham Local Plan 2018.

5. The development hereby permitted shall not commence above grade works until detailed drawings in plan, section and elevation at a scale of no less than 1:20 of a typical bay of each elevation are 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 thereafter permanently retained in this form.

To ensure a satisfactory external appearance, in accordance with Policies DC1, DC4 and DC8 of the Hammersmith and Fulham Local Plan 2018.

6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or the Town and Country Planning (General Permitted Development) Order 2015 (or any orders revoking and re-enacting those orders with or without modification) the lower basement, basement and ground floor of Block A shall be used as a climbing centre or other such sport and recreation use and for no other purposes whatsoever.

To ensure the retention of sports and recreation community uses in accordance with Policy CF1 of the Hammersmith and Fulham Local Plan 2018.

7. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or the Town and Country Planning (General Permitted Development) Order 2015 (or any orders revoking and re-enacting those orders with or without modification) the commercial floorspace within the first floor of Block A and ground floor of Block B shall not be used for as a cafe, restaurant or other such use that would require the installation of commercial plant and flue equipment or any other use that would fall outside of Class E.

To ensure that no nuisance or disturbance is caused to the detriment of the amenities of adjoining occupiers or users of the area generally by reason of noise or odour in accordance with Policy C10 and C11 of the Hammersmith and Fulham Local Plan 2018.

8. Prior to the occupation of any office units hereby approved, detailed drawings in plan, section and elevation at a scale of no less than 1:20 of that frontage and associated glazing shall be submitted in writing for the Council's approval. The glazing installed for any commercial frontages on Michael Road elevations shall be clear and shall be permanently retained and not obscured in any way unless agreed in writing by the Council.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, to preserve the character and appearance of the neighbouring conservation area; in accordance with Policies 7.1, 7.6 and 7.9 of the London Plan (2016) and Policies DC1, DC4 and DC8 of the Hammersmith and Fulham Local Plan 2018.

9. Prior to above grade works of the development hereby permitted, details of all new external materials to be used in the development including curtain walling, cladding and roofing materials shall be submitted to, and approved in writing by, the Council.

The development shall be carried out in accordance with the approved details; and permanently retained as such.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, to preserve the character and appearance of the neighbouring conservation area; in accordance with Policies 7.1, 7.6 and 7.9 of the London Plan (2016) and Policies DC1, DC4 and DC8 of the Hammersmith and Fulham Local Plan 2018.

10. No plumbing, extract flues or pipes other than rainwater pipes shall be fixed on the Michael Road elevations of the building(s) hereby approved.

To ensure a satisfactory external appearance and to prevent harm to the streetscene, in accordance with Policies DC1 and DC4 of the Hammersmith and Fulham Local Plan 2018.

11. Unless otherwise agreed in writing with the Council, no plant, water tanks, water tank enclosures or other structures, that are not shown on the approved plans, shall be erected upon the roofs of the building(s) hereby permitted.

To ensure a satisfactory external appearance, in accordance with Policies DC1 and DC4 of the Hammersmith and Fulham Local Plan 2018.

12. No alterations shall be carried out to the external appearance of the building, including the installation of air-conditioning units, ventilation fans or extraction equipment not shown on the approved drawings, without planning permission first being obtained. Any such changes shall be carried out in accordance with the approved details.

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 Hammersmith and Fulham Local Plan 2018.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any external part of the approved buildings, without planning permission first being obtained.

In order to ensure that the Council can fully consider the effect of telecommunications equipment upon the appearance of the buildings in accordance with Policies DC1 and DC4 of the Hammersmith and Fulham Local Plan 2018.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order amending, revoking and re-enacting that Order) no extensions or other form of enlargement to the residential development hereby permitted, nor erection of porches, outbuildings,

hardstandings, storage tanks, gates, fences, walls or other means of enclosure, shall take place without the prior written permission of the Council.

Due to the limited size of the site, proximity to neighbouring properties and proposed design of the proposed dwellings on the site, the Council would wish to exercise future control over development which may affect residential amenity or appearance of the area, in accordance with Policies DC1 and DC4 of the Hammersmith and Fulham Local Plan 2018.

15. Unless agreed in writing by the Council, no external roller shutters shall be attached to the commercial frontages to Michael Road elevations.

To ensure a satisfactory external appearance and to prevent harm to the streetscene, in accordance with Policies DC1 and DC4 of the Hammersmith and Fulham Local Plan 2018.

16. No advertisements shall be displayed on the development hereby approved without details of the advertisements having first been submitted to and approved in writing by the Council.

In order that any advertisements displayed on the building are assessed in the context of an overall strategy, so as to ensure a satisfactory external appearance and to preserve the integrity of the design of the building, in accordance with Policies DC1 and DC9 of the Hammersmith and Fulham Local Plan 2018.

17. Prior to the commencement of above ground works of the development hereby permitted, a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall be thereafter carried out in accordance with the approved details within 6 months of the date of occupation. All tree, shrub and hedge planting included within the above specification shall accord with BS3936:1992, BS4043:1989 and BS4428:1989 (or subsequent superseding equivalent) and current Arboricultural best practice. The submitted details are expected to demonstrate the following:

- a) The quantity, size, species, position and the proposed time of planting of all trees and shrubs to be planted.
- b) An indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance and protection.
- c) Specification of which shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape.

In order to ensure high quality soft landscaping in and around the site in the interests of the ecological value of the site and in the interests of visual amenity in accordance with Policy OS5 of the Hammersmith and Fulham Local Plan 2018.

18. A minimum of 10% of all dwellings hereby approved shall be capable of meeting the needs of wheelchair users and shall be designed and capable of adaptation, in accordance with the Council's Local Plan Policy HO6 and Supplementary Planning Guidance Key Principles Accessible and Inclusive Design.

To ensure a satisfactory provision for dwellings, meeting the needs of people with disabilities, in accordance with the Policy 3.8 and 4.5 of The London Plan (2016) and Policy HO6 of the Hammersmith and Fulham Local Plan 2018.

19. Prior to above grade works, 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 commencement of the commercial use of the respective block of 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 [industrial/ commercial noise sources], in accordance with Policies CC11 and CC13 of the Hammersmith and Fulham Local Plan 2018

20. Prior to above grade works of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value  $D_{nT,w}$  and  $L'_{nT,w}$  of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings. Approved details shall be implemented prior to occupation of the respective block 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 Hammersmith and Fulham Local Plan 2018

21. Prior to above ground works 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 commercial part(s) of the premises from dwellings. Details shall demonstrate that the sound insulation value  $D_{nT,w}$  is enhanced 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 respective commercial part 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 Hammersmith and Fulham Local Plan 2018.

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

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment, in accordance with Policies CC11 and CC13 of the Hammersmith and Fulham Local Plan 2018.

23. Prior to occupation, details of anti-vibration measures shall be submitted to and approved in writing by the Council. The measures shall ensure that machinery, plant/ equipment, extract/ ventilation system and ducting are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced. Approved details shall be implemented prior to occupation of the respective block of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by vibration, in accordance with Policies CC11 and CC13 of the Hammersmith and Fulham Local Plan 2018.

24. Prior to occupation of each phase of the development a report with details of the Ultra-Low NOx Gas fired boilers, and Emergency Diesel Generator units shall be submitted to and approved in writing by the Local Planning Authority. The report shall include the following:

- a. Details to demonstrate that the termination height above roof level of the shared Flue stack for the Ultra Low NOx Gas fired Boiler plant, and Emergency Diesel Generator Plant has been installed a minimum of 2 metres above any openable window and/or roof level amenity area
- b. Details to demonstrate that all the Ultra Low NOx Gas fired boilers, Emergency diesel Generator Plant and associated abatement technologies shall meet a minimum dry NOx emissions standard of 30 mg/kWh (at 0% O<sub>2</sub>) and 100mg/Nm<sup>3</sup> (at 5% O<sub>2</sub>) respectively.
- c. Details of emissions certificates, and the results of NOx emissions testing of each Ultra Low NOx gas boiler and Emergency Diesel Generator Plant by an accredited laboratory shall be provided to verify the relevant emissions standards in part b) have been met following installation of



combustion based energy plants certificates, and the results of NOx emissions testing of each Ultra Low NOx gas boiler and Emergency Diesel Generator Plant by an accredited laboratory shall be provided to verify the relevant emissions standards in part b) have been met. Where any combustion based energy plant does not meet the relevant emissions Standards in part b) above, it should not be operated without the fitting of suitable secondary NOx abatement Equipment or technology as determined by a specialist to ensure comparable emissions.

- d. Details to demonstrate where secondary abatement is used for the Emergency Diesel Generator the relevant emissions standard in part b) is met within 5 minutes of the generator commencing operation.
- e. During the operation of the emergency Diesel generators there must be no persistent visible emission. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications. The diesel fuelled generators shall only be used for a maximum of 48 hours when there is a sustained interruption in the mains power supply to the site, and the testing of these diesel generators shall not exceed a maximum of 12 hours per calendar year.

Approved details shall be fully implemented prior to the occupation/use of each phase of the development and thereafter permanently retained and maintained.

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

25. Prior to occupation of the respective block of the development hereby permitted, an Ultra Low Emission Strategy (ULES) for the operational in order to mitigate the impact of air pollution shall be submitted to and approved in writing by the Local Planning Authority. The ULES 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 NOx and Particulates (PM2.5, PM10) from on-road vehicle transport by the use of Zero Exhaust Emission Vehicles in accordance with the emissions hierarchy:

(1) Cargo bike (2) Electric Vehicle, (3) Alternative Fuel e.g. CNG, Hydrogen, LPG (4) Hybrid (Electric-Petrol) (5) Diesel/ Petrol Euro 6 (AIR Index Urban NOx rating A) and Euro VI .

Approved details shall be fully implemented prior to the occupation/use of the respective block of the development and thereafter permanently retained and maintained in accordance with approved details.

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

26. Prior to occupation of the requisite part of the building containing B1, C3 and D2 use, a report shall be submitted to and approved in writing by the Council demonstrating that the use avoids areas of exceedance above the annual mean objective APEC-B (38ug/m<sup>3</sup>) criteria for NO<sub>2</sub> and include the following information:

- a. Details of the air intake locations at roof level on the rear elevations
- b. Design details and locations of windows of all habitable rooms (Bedrooms and Living Rooms) for C3 use
- c. One month after installation, details of the independently tested mechanical ventilation system with NO<sub>x</sub>, PM<sub>2.5</sub>, PM<sub>10</sub> filtration for B1 and C3 use. The NO<sub>2</sub> filtration system shall have a minimum efficiency of 90% in the removal of Nitrogen Oxides/Dioxides, PM<sub>2.5</sub> and PM<sub>10</sub> in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.

The whole system shall be designed to prevent summer overheating and minimise energy usage. Chimney/boiler flues and ventilation extracts shall be positioned a suitable distance away from ventilation intakes, openable windows, balconies, terraces, and receptors. 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.

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

27. Prior to the commencement of each of the Demolition and Construction phases of the development, an Air Quality Dust Management Plan (AQDMP) shall be submitted to and approved in writing by the Local Planning Authority. The AQDMP must include an Air Quality Dust Risk Assessment (AQDRA) that considers sensitive receptors on-site and off-site of the development and is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and the identified measures recommended for inclusion into the AQDMP. The AQDMP submitted must reflect with the Mayor's SPG and should include:

- i. Inventory and Timetable of dust generating activities during demolition and construction;
- ii. Site Specific Dust mitigation and Emission control measures in the table format as contained within Appendix 7 of Mayor's SPG including for on-road and off-road construction traffic. The Non-Road Mobile Machinery (NRMM) used on the site shall include CESAR Emissions Compliance Verification (ECV) identification and shall comply with the minimum Stage IV NO<sub>x</sub> and PM<sub>10</sub> emission criteria of The Non-Road Mobile Machinery (Type-Approval

and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM for the first phase of construction shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of demolition works and thereafter retained and maintained until occupation of the development; Detailed list of Non-Road Mobile Machinery (NRMM) used on the site. The NRMM should meet as minimum the Stage IIIB emission criteria of Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM must be registered on the NRMM register <https://nrmm.london/user-nrmm/register>;

- iii. use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g. Diesel/ Petrol Euro 6 (AIR Index Urban NOx rating A, B) and Euro VI;
- iv. Details including calibration certificates of MCERTS compliant monitoring of Particulates (PM10) used to prevent levels exceeding predetermined PM10 threshold trigger levels.

Developers must ensure that on-site contractors follow best practicable means to minimise dust and emissions at all times. Approved details shall be fully implemented and permanently retained and maintained during the demolition and construction phases of the development.

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

28. Prior to the occupation of requisite part of the development, details of the construction of green infrastructure (including details of planting species and maintenance) shall be submitted to and approved by the local planning authority. The green infrastructure shall be constructed and planted in order to mitigate air pollution and shall be in full accordance with the Phytosensor Toolkit, Citizen Science, May 2018 and the 'First Steps in Urban Air Quality', TDAG, 2017 guidance documents within the first available planting season following completion of the development. Any plants which die, are removed, become seriously damaged and diseased within a period of five years from completion of the requisite part of the development shall be replaced in the next planting season with others of similar size and species. Approved details shall be fully implemented prior to the occupation/use of that part of the development and thereafter permanently retained and maintained.

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

29. Prior to above grade works, a strategy detailing the measures to best achieve "secured by design" status shall be submitted to and approved in writing by the Council. No part of the development thereby affected shall be used or occupied prior to the implementation of the approved details.

To ensure that the development incorporates suitable design measures to minimise opportunities for, and the perception of, crime, in accordance with Policies 7.3 and 7.13 of the London Plan (2016) and Policies DC1 and DC2 of the Hammersmith and Fulham Local Plan 2018.

30. With exception of the private roof terrace areas shown on approved drawings D6101 Rev P1, D6102 Rev P1, D6103 Rev P1 and D6105 Rev P1, no part of the remainder of the flat roof areas provided by the development hereby approved shall be used as a terrace or other accessible amenity space. No walls, fences, railings or other means of enclosure other than those shown on the approved drawings shall be erected around the roofs, and no alterations shall be carried out to the approved building to form access onto these roofs.

To ensure a satisfactory external appearance and so that the use of the buildings does not harm the amenities of the existing neighbouring residential properties and future residential occupiers of the development as a result of overlooking, loss of privacy and noise and disturbance, in accordance with Policies H011, CC11 and DC4 of the Hammersmith and Fulham Local Plan 2018 and SPD Policy HS8 of the Planning Guidance Supplementary Planning Document 2018.

31. Prior to above grade works, details and samples of the 1.8m high obscure glazing and privacy screen (as measured from the floor level) relating to the north-west elevations of Blocks A and B, and the northeast elevation of Block B (facing Cambria Street), as shown on approved drawings D6700 Rev P1 and D6701 Rev P1 shall be submitted to and approved in writing by the Council. The use of deck/terraces shall not commence until the screens, as approved have been installed and it shall be permanently retained as such thereafter.

In order to ensure that the glazing would not result in overlooking and any subsequent loss of privacy, in accordance with Policies HO11 and DC4 of the Local Plan 2018 and SPD Key Principle HS7 of the Planning Guidance Supplementary Planning 2018.

32. Prior to the occupation of a non-residential unit, details of that unit's operational hours shall be submitted to and approved in writing by the Council. Use of that unit shall accord with the hours as approved.

In order that noise disturbance which may be caused by customers leaving 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 CC11 and CC13 of the Hammersmith and Fulham Local Plan 2018.

33. No part of the requisite block of the development hereby approved shall be occupied prior to the installation of the cycle storage for the residential and commercial development hereby approved for that block, as indicated on approved drawing D6100 Rev P1 and such storage facilities shall be permanently retained thereafter in accordance with the approved details.

In order to promote alternative, sustainable forms of transport, in accordance with Policy 6.9 and Table 6.3 of the London Plan (2016) and Policy T3 of the Hammersmith and Fulham Local Plan 2018 and SPD Transport Key Principle TR3 Planning Guidance Supplementary Planning Document 2018.

34. No part of the development hereby approved, shall be occupied prior to the provision of the refuse storage enclosures, as indicated on the approved drawing D6100 Rev P1.

To ensure that the use does not give rise to smell nuisance and to prevent harm to the street scene arising from the appearance of accumulated rubbish, in accordance with Policy CC7 of the Hammersmith and Fulham Local Plan 2018 and relevant Waste Key Principles of the Planning Guidance Supplementary Planning Document 2018.

35. Prior to occupation of the respective block of the development, a Car Park Management Plan shall be submitted to and approved in writing by the local planning authority.

To ensure that all spaces can be readily accessed by vehicles, in accordance with Local policies T4, T5 and T6 of the Hammersmith and Fulham Local Plan 2018 and Key Principles TR3, TR4, TR5, TR6, TR7 and TR8 of the Planning Guidance Supplementary Planning Document 2018.

36. The development shall be implemented in accordance with the recommended flood mitigation measures as proposed in Flood Risk Assessment & Drainage Strategy (June 2020). In line with advice from Thames Water, a non-return valve or other suitable pumped device shall be installed to avoid the risk of the sewerage network surcharging wastewater to basement/ground level during storm conditions. The recommended mitigation measures shall be permanently retained thereafter.

To reduce the impact of flooding to the proposed development and future occupants, in accordance with Policies 5.11, 5.13, 5.14 and 5.15 London Plan (2016), Policies CC3 and CC4 of the Hammersmith and Fulham Local Plan 2018.

37. Development shall not commence until a final Surface Water Management Strategy has been submitted to, and approved by, the local Planning Authority in consultation with the sewerage undertaker. The Strategy shall show how sustainable drainage measures, selected in compliance with the preferred above-ground measures in the London Plan Drainage Hierarchy, will be implemented to allow final discharge of surface water from the development to be reduced to no

more than 5l/s. Sustainable drainage measures that should form part of the Strategy include living roofs (Preferably a green roof if this is feasible), permeable surfaces and soft landscaping, including SuDS tree pits. The levels of attenuation achieved by these measures must be maximised before finalising the details of the underground attenuation tank. Full design details and plans of all measures must be provided along with maintenance information. Confirmation of the discharge point connection into the sewer network should be provided. The proposed final discharge rate and proportion of attenuation expected to be achieved by the Strategy shall also be confirmed.

To prevent any increased risk of flooding and to ensure the satisfactory storage of/disposal of surface water from the site in accordance with Policy 5.13 of The London Plan (2016) and Policy CC4 of the Hammersmith and Fulham Local Plan (2018)

38. Prior to the occupation of the respective block, a supporting statement confirming the residential sustainability measures as outlined in the Energy Assessment (June 2020) and supplementary note prepared by AES Consultants (dated 14 August 2020) have been implemented, shall be submitted to and approved in writing by the Council and thereafter be permanently retained.

To ensure a satisfactory external appearance and the integration of energy generation from renewable sources, consistent with the Mayor's sustainable design objectives in accordance with Policies 5.1, 5.2, 5.3 and 5.7 of The London Plan (2016) and Policies DC1 and CC1 of the Hammersmith and Fulham Local Plan 2018.

39. The development hereby permitted shall not be occupied before implementation of the sustainable design and construction measures detailed in the submitted Sustainability Statement and BREEAM Assessment. Prior to occupation, a post construction BREEAM assessment shall be submitted to and approved in writing by the Council which confirms that the "Very Good" Rating has been achieved and a supporting statement on the residential measures to confirm that the measures have been implemented. All details thereafter shall be implemented prior to occupation/use of the development hereby permitted, and thereafter be permanently retained.

To ensure a satisfactory external appearance and the integration of energy generation from renewable sources, consistent with the Mayor's sustainable design objectives in accordance with Policies 5.1, 5.2, 5.3 and 5.7 of The London Plan 2016 and Policies DC1 and CC2 of the Hammersmith and Fulham Local Plan 2018.

40. Prior to the installation of the solar panels hereby approved, details of the solar panels including details of the angle of the PV panels relative to the surface of the roof, shall be submitted to and approved in writing by the council. The PV panel installation must be implemented and carried out in accordance with the approved details, and it shall be thereafter be permanently retained as such.

To ensure a satisfactory external appearance, and to prevent harm to the Moore Park Conservation Area, in accordance with policies 5.3, 7.6 and 7.7 of The London Plan (2016), Policies DC1, DC4 and DC8 of the Hammersmith and Fulham Local Plan 2018.

41. No development (other than demolition) shall commence until a preliminary risk assessment report, in connection 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), Policy CC9 of the Local Plan 2018 and Key Principle LC4 of the Planning Guidance Supplementary Planning Document 2018.

42. No development (other than demolition) 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 make provision 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), Policy CC9 of the Local Plan 2018 and Key Principle LC4 of the Planning Guidance Supplementary Planning Document 2018

43. Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development (other than demolition) 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, Policy CC9 of the Local Plan 2018 and Key Principle LC4 of the Planning Guidance Supplementary Planning Document 2018.

44. Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development (other than demolition) 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), Policy CC9 of the Local Plan 2018 and Key Principle LC4 of the Planning Guidance Supplementary Planning Document 2018.



45. Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, occupation of the requisite part of the ground floor units shall not take place until the approved remediation method statement has been carried out in full if required by the approved quantitative risk assessment, and have been carried out 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), Policy CC9 of the Local Plan 2018 and Key Principle LC4 of the Planning Guidance Supplementary Planning Document 2018.

46. Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, occupation of requisite block of the development shall not take place 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), Policy CC9 of the Local Plan 2018 and Key Principle LC4 of the Planning Guidance Supplementary Planning Document 2018.

47. Prior to commencement of the development, a full and detailed Travel Plan for each of the uses hereby approved shall be submitted to and approved in writing by the Council and thereafter the development shall be carried out and operated in accordance with the agreed details contained within the plan.

To ensure and promote sustainable and active travel to and from the site and thereby reduce negative impact on traffic, congestion and parking stress in the local area, in accordance with London Plan policies and policy T2 and T3 of the Local Plan (2018).

48. Prior to occupation of the Development hereby permitted, a Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the management and times of deliveries, emergency access, collection of waste and recyclables, times and frequencies of deliveries and collections, silent reversing methods, quiet loading/unloading measures, location of loading bays and vehicle movements. The approved details shall be implemented prior to occupation and the DSP hereby permitted shall thereafter operate in accordance with the approved details. The DSP shall be regularly monitored and reviewed and any subsequent modifications or alterations to the DSP should be submitted to and approved in writing by the LPA.

To ensure that satisfactory provision is made for refuse storage and collection and to ensure that the amenity of occupiers of the surrounding premises and the development are not adversely affected by noise and that servicing activities do not adversely impact on the highway, in accordance with Policy 6.11 of the London Plan and Policies T2, T4, T5, CC11 and CC13 of the Local Plan 2018.

49. Prior to the first occupation of the development hereby approved, the 3no. electric vehicle charging points as detailed within the approved Transport Statement (dated June 2020) shall be installed and made available for the use of residents. Provision shall be made for the future delivery of a further 3no. electric vehicle charging points should demand arise.

The electric charging points shall thereafter be retained for the life of the development unless the otherwise approved in writing by the Local Planning Authority.

To ensure the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles (Policy 6.13 of the London Plan (2015)).

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

1. Land Use: The principle of the proposed mixed use commercial and residential development is acceptable. The proposals would achieve a sustainable development by providing much-needed housing that would contribute to the Borough housing targets and would provide on-site affordable housing on rented tenures. The replacement of the climbing centre would ensure that a community sports use is retained within the borough and the provision of office floorspace would ensure that employment generating uses are further retained. The proposal is considered to be in accordance with Policies CF1, HO1, HO4, HO11, E2 and E4 of the Local Plan (2018).
2. Housing: The quality of accommodation, including internal design and layout of the new residential units, is considered to be of high quality having regard to the Mayor's Design Guidelines and London Plan (2016) Policies 3.5 and Table 3.3, together with Policies HO3, HO6, and HO11 of the Local Plan (2018).
3. Design: The development is considered to comply with Local Plan (2018) Policies DC1 and DC4 which require a high standard of design in all new build developments, compatible with the scale and character of existing development and its setting, and London Plan policies 7.1, 7.4, 7.6 which seek a high quality in design and architecture, requiring new developments to have regard to the pattern and grain of existing development. The proposal would not result in any harm to the Moore Park Conservation Area in accordance with Policy DC8.
4. Residential Amenity: The impact of the proposed development upon adjoining occupiers is considered to be acceptable. The proposal would not have an unacceptably harmful impact on neighbouring residential amenity in terms of light, outlook or privacy and noise and disturbance. The commercial use would not result in unacceptable noise and disturbance to nearby residents, subject to conditions. In this regard, the development would respect the principles of good neighbourliness, and would therefore be acceptable in accordance with Policies HO11 and DC4 of the Local Plan (2018).
5. Accessibility and Safety: Subject to appropriate conditions, the development would provide a safe and secure environment for all users, and would provide ease of access for all people, including disabled people, in accordance with in accordance with Policies DC1, DC2, HO6 and HO11 of the Local Plan (2018) and Policies 3.8 and 7.2 of the London Plan (2016).
6. Highways matters: It is considered that the scheme would not cause harm to the safe operation of 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 new units would be prevented from obtaining on-street parking permits, to help prevent overspill of parking onto the local highways. There are available public transport and other services nearby and adequate provision for storage and collection of refuse and recyclables would be provided. The development thereby accords with Local Plan (2018) Policies T1, T3, T4, T5 and T7 as well as CC7 and London Plan (2016) Policies 6.1, 6.3, 6.10, 6.11 and 6.13.

7. Environment: The impact of the development with regards to land contamination, flood risk and air quality are considered to be acceptable subject to the recommended conditions, in accordance with Local Plan (2018) Policies CC9, CC10, CC3 and CC4.

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

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

Application form received: 15th June 2020  
Drawing Nos: see above

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

**Consultation Comments:**

<b>Comments from:</b>	<b>Dated:</b>
Historic England London Region	02.07.20
Thames Water - Development Control	17.07.20

**Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
582A Kings Road London SW6 2DY	27.07.20
597, Kings Road Kings Road South West London SW6 2EL	28.07.20
599 Kings Road Chelsea London sw6 2el	13.08.20
12 Ash Road Shepperton TW170DN	25.07.20
16 Britannia Road LONDON SW6 2HL	20.07.20
Quadrant Town Planning Ltd	27.07.20

## 1.0 SITE AND SURROUNDINGS

- 1.1 The application site (0.24 ha) is roughly rectangular and comprises two industrial style buildings. The existing premises are occupied by a mix of commercial uses including storage (Class B8), as well as a separate climbing centre and ski centre, (both Class E).
- 1.2 The application site is located on the north side of Michael Road and is bounded by Cambria Street to the east, King's Road to the north, Michael Road to the south and Edith Row to the west. The surrounding area is very mixed in character.
- 1.3 Michael Road is a predominantly commercial street with industrial properties including the former National Grid site and the Harley Davidson showroom and workshop which are situated to the south of the application site. In October 2018, subject to a Mayoral referral and a s106 legal agreement, a part-detailed and part outline planning permission (ref 2018/02100/COMB) was granted for a redevelopment of the National Grid site to provide a residential-led mixed use development comprising new buildings ranging from 1 to 37 storeys to provide up to 1,843 residential units. In 2018, planning permission (ref 2013/00474/FUL) was granted for the erection of a 6- storey building plus basement comprising a mix of motorcycle showroom, workshop, offices and 18 flats on the Harley Davidson site. This permission remains extant, however, a further application (ref 2019/02662/FUL) was reported to committee in September 2020 and Members resolved to grant permission subject to a legal agreement. The application proposed the erection of a two-storey rear extension to provide an additional accommodation (333sqm) ancillary to the existing motorcycle retail showroom on the ground floor and mezzanine floor levels and B1 office space (184sqm) at first floor level; change of the use of existing ancillary office on the first floor level to provide 2 x 2-bedroom self-contained flats (Class C3); erection of a two-storey extension above the first floor level to provide 1 x 1 bedroom and 6 x 2 bedroom self-contained flats; formation of balconies at first, second and third floor levels and roof terrace at fourth floor level.
- 1.4 Cambria Street is a residential street and the southern side of that road includes a modern three-storey terrace of 7 houses, Nos 2-14, with rear gardens that back onto the application site. Immediately to the north, Nos 577 to 599 King's Road, is a predominantly 3 storey terrace with retail at ground floor and ancillary uses above which include some residential units. The rear of the petrol forecourt at the junction of King's Road and Edith Row includes single storey buildings adjoins the western boundary of the application site.
- 1.5 The site does not have any buildings that are subject to locally or statutory listing or any other local heritage designations. The northern part of the site beyond the buildings is within the Moore Park Conservation Area which lies to the north.
- 1.6 The application site benefits from excellent public transport accessibility (PTAL 6a according to the Transport for London methodology) and is within the Environment Agency's Flood Zone 3.

## 2.0 RELEVANT PLANNING HISTORY

- 2.1 In 2013, planning permission (ref: 2013/03954/FUL) was granted for the conversion of part of existing warehouse into an indoor climbing centre, installation of 12 bicycle racks and removal of existing fence to the side/ south-east elevation; removal of part of brick wall and installation of new glazed doors to the front/ south west elevation; erection of safety railing to the front south-west elevation. This permission has been implemented.
- 2.2 In 2014, planning application (ref: 2014/00923/FUL) was refused for the change of use of part of the ground floor of Unit 4, and the mezzanine level, from storage and distribution (class B8) into retail (Class A1) on the following grounds: insufficient evidence or justification to demonstrate that the site is "surplus" to industrial or commercial land for employment.
- 2.3 In 2015, planning permission (ref: 2015/02538/FUL) was granted for a change of use of Unit 4 from storage and distribution (Class B8) to a ski centre (Class D2), and replacement of existing roller shutter with a glazed emergency exit door to the northeast elevation. This permission has been implemented.
- 2.4 In February 2017, the applicant submitted a pre-application proposal for a redevelopment up to 8 storeys to provide 54 residential units and 1,700 sqm of commercial floorspace. In response, officers raised the following main concerns: design, scale and massing; visual harm to the existing surrounding area; loss of privacy; increased sense of enclosure and loss of daylight and sunlight; parking arrangements; quality of proposed accommodation; cycle parking and waste storage for both residential and commercial areas.
- 2.5 In August 2017, the applicants submitted a further pre-app for 2 alternative reduced schemes that ranged between 41 to 42 residential units and 2,204 to 2,259 sqm of commercial floorspace plus associated parking. Officers raised the following concerns: insufficient justification for loss of B8 and D2 use; design; lack of affordable housing; scale and massing; unneighbourly impact on Cambria Street and King's Road; housing mix; quality of proposed accommodation; insufficient information regarding parking, cycle storage and servicing/delivery.
- 2.6 In November 2018, an application (ref. 2018/01598/FUL), was refused planning permission by the Planning Committee. The development proposed was a redevelopment the Planning Committee refused planning permission for a redevelopment including the erection of a 5 storey and 6 storey building plus-basement to provide 36 flats (Class C3), 2,340 sqm commercial floorspace (Use Class A1-A3, B1 and D2) with parking, landscaping and amenity space. The application was refused on the following grounds:- the shared ownership affordable housing was not genuinely affordable; unneighbourly (overbearing, daylight, and sunlight and noise from the proposed walkways).

2.7 In October 2019, the subsequent appeal was dismissed on the grounds of outlook. The Inspector concluded that the five storey height and siting of Block B would have unacceptable impact on the outlook from facing rooms and gardens to the rear of Cambria Street properties.

2.8 During February and April 2020, officers had pre-application discussions with the applicants in relation to a revised scheme that took into account the Inspectors comments. Officers welcomed the proposed reduced scale and mass of Block B and acknowledged that this would overcome the loss of outlook from properties in Cambria Street. In addition, the revised affordable housing offer included affordable rented units (5 x London Affordable Rent and 5 x London Living Rent) rather than shared ownership. Officers acknowledged that this offer would mean the provision of affordable housing that was genuinely more affordable.

### **3.0 CURRENT APPLICATION**

3.1 The current application represents a reduced version of the 2018 refusal. The proposals involve the demolition of existing buildings and redevelopment including the erection of a part one, part 3 storey building and a 6 storey building plus basement to provide 31 flats (Use Class C3) and commercial floorspace (Use Class B1a and D2) with associated parking, landscaping and amenity space.

3.2 The main differences between the 2018 refusal and the current application are summarised as follows:-

- Reduction in the height of Block B which abuts Cambria Street, from 5 storeys to 3 storeys
- Reduction in number of proposed residential units from 36 to 31
- Affordable housing offer now only includes genuinely affordable rented tenures rather than shared ownership

### **4.0 PUBLICITY AND CONSULTATION**

#### Pre-application Consultation

4.1 Prior to the submission of the application the applicants carried out a consultation exercise with neighbouring residents, notably those in Cambria Street. Overall the response was overwhelmingly positive in response to the reduced height.

#### Formal Consultation

4.2 In addition to site and press notices, 504 individual notification letters were sent to neighbouring properties. In response, 6 representations were received which comprised 3 objections (including a letter from Quadrant Planning on behalf of Cambria Street residents) and 3 letters of support. The objections are summarised as follows:-

- Increase in traffic
- Overdevelopment
- Loss of light
- No affordable housing
- Noise and disturbance (including construction noise)

4.3 Historic England London Region – no objections

4.4 Thames Water – no objections

## **5.0 POLICY FRAMEWORK**

5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.

5.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).

5.3 In this instance the statutory development plan comprises the London Plan (2016), the Local Plan (2018) and the Planning Guidance Supplementary Planning Document - 2018 (hereafter referred to as Planning Guidance SPD). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

### **The London Plan**

5.4 The London Plan was published in July 2016. It sets out the overall strategic plan for London and a fully integrated economic, environmental, transport and social framework for the development of the Capital over the next 20

### **The Draft London Plan**

5.5 The draft 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. The Secretary of State responded to the Mayor on 13 March 2020 setting out a schedule of further amendments he is minded to direct upon that he considers are necessary to bring the new London Plan into conformity with National Policy. These proposed changes are being considered by the Mayor with a view to further discussions with the Secretary of State on finalising the wording to go into the final document. 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 'Intend to Publish' draft policies that the Secretary of State has not sought directions upon in determining this application.

## **The Local Plan**

5.6 The Council adopted the new Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles.

## **6.0 PLANNING CONSIDERATIONS**

6.1 The main planning considerations are summarised as follows: -

- a) Principle of Development (land use and acceptability of proposed uses)
- b) Heritage and Design
- c) Neighbour Amenity
- d) Highways and Transportation
- e) Sustainability and Energy;
- f) Environmental quality
- g) Planning obligations

## **7.0 PRINCIPLE OF DEVELOPMENT**

### **Loss of storage use and principle of office use**

7.1 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. London Plan Policy 4.3 (Mixed use and office development) supports consolidation and enhancements of the quality of the remaining office stock. London Plan Policy 4.12 encourages proposals to support local employment, skills development, and training opportunities.

7.2 The Local Plan 2018 Policy E1 and E2 which encourage the retention, enhancement and intensification of existing employment uses and the retention of land and premises capable of providing continued accommodation for employment. Local Plan Policy E4 requires the provision of appropriate employment and training initiatives for local people of all abilities in construction of major developments.

7.3 The existing building currently comprises 473 sqm of B8 floorspace and this would be replaced by some 858 sqm of B1a office floorspace. The B1a floorspace is proposed to the first floor of Block A and the ground floor of Block B. The office employment floorspace would be a modern, high-quality facility.

7.4 The provision of additional employment generating floorspace accords with the aims of Policy E1 which supports the intensification of existing employment uses.

### **Loss of retail use**

7.5 The existing Unit 4 comprises of a mixed use storage (B8) and retail (A1) unit. The application site is not within a designated town or local centre or neighbourhood parade. Policy TLC4 seeks to protect shops in non-designated clusters or parades that meet local needs. The retail use is ancillary to the storage use. The application site is less than 50m from the Kings Road neighbourhood parade. In this case, the loss of retail is considered acceptable. Furthermore, following the introduction of Class E in September 2020, that a change of use from retail to an office or climbing centre would not constitute development.

### **Re-provision of climbing centre**

7.6 London Plan Policy 4.6 and Local Plan Policy CF2 seek proposals for new or expanded community uses to meet the local need, be compatible with and minimise impact on the local environment and be accessible affordable, adaptable, and inclusive to all in the community they serve.

7.7 The existing Climbing Centre would be retained on the site as part of the new development. The new facility will be located at the lower basement, basement, and ground floor levels of the proposed western block (Block A) and would provide an enhanced climbing centre with an improved layout and a slight increase in the quantum of leisure floorspace.

7.8 The retention and enlargement of the existing climbing centre is appropriate in this location. The proposal complies with London Plan Policy 4.6 and Local Plan Policy CF2. The retention of the use will be secured by way of condition to ensure compliance with Policy CF2.

### **Housing Supply**

7.9 London Plan Policy 3.3 (Increasing Housing Supply) sets housing targets for each Borough to ensure the provision of new homes in London and Policy 3.4 promotes development which optimises the use of land for housing. Local Plan Policy H01 (Housing Supply) aims to exceed London Plan housing supply targets and includes a revised target of 1,031 additional dwellings a year up to 2035.

7.10 The proposals will result in 31 net additional self-contained dwellings that would contribute to the Council's borough housing target. The proposals would accord with London Plan Policy 3.3 and 3.4 and Local Plan Policy HO1.

## Housing Density

- 7.11 London Plan Policy 3.4 (Optimising housing potential) requires development to optimise housing output for different locations taking into account local context and character, the design principles in Chapter 7 and public transport capacity.
- 7.12 Local Plan Policy HO4 (Housing quality and density) expects housing in existing residential areas to be predominantly low to medium density and to consist of low to medium rise developments, it recognises that high density development may be appropriate in highly accessible areas, subject to design, compatibility with local contexts and transport impacts and highway capacity. It adds that high density housing with limited car parking can help ensure housing output is optimised and may be appropriate in locations with high levels of PTAL, provided it is compatible with the local context and principles of good design and is satisfactory in other respects.
- 7.13 Draft London Plan Policy D6 (Optimising Housing Density) does not seek to rigidly apply a density matrix but rather states that development proposals 'must make the most efficient use of land and be developed at the optimum density' (with consideration being given to site context, connectivity and accessibility, and the capacity of surrounding infrastructure). Proposals that do not demonstrably optimise the housing density of a site should be refused and greater scrutiny of design is required the greater the level on density.
- 7.14 Site dimensions and surrounding context are determining factors to establish the most suitable building layout, internal arrangement, and density configuration for the proposed development. The design has been developed by assessing the site opportunities and constraints and has been amended further to discussions with officers, local residents and key stakeholders. The scheme has further been amended to reduce the density in light of the appeal decision.
- 7.15 The site has a PTAL rating of 6a and therefore benefits from excellent accessibility to public transport services. For the purposes of considered density pursuant to the London Plan density matrix, the scheme falls within the 'urban' area with a guideline density range of 200-700 habitable rooms per hectare (hr/ha) or 55-225 units per hectare (u/ha).
- 7.16 Based on a net residential site area of 0.15ha and 92 habitable rooms, the scheme has a density of 613 hr/ha or 206 u/ha. The development is within the acceptable density range stipulated in the London Plan and would not result in an excessive built environment on site. The development complies with London Plan Policy 3.4 and Local Plan Policy HO4.

## Housing mix

7.17 London Plan Policy 3.8, together with the Mayor's Housing SPG seek to promote housing choice and a balanced mix of unit sizes within new developments. Local Plan Policy HO5 requires a mix of housing types and sizes in development schemes, especially increasing the proportion of family accommodation. The justification to Policy HO5 makes clear that 'there is a particular need in this borough for more family sized housing (3 or more bedrooms)'. A prescriptive mix is set out for social and intermediate rented units within the policy.

7.18 The proposed development would comprise of 31 residential units. The proposed housing mix is as follows:

<b>Market</b>			
1B	2B	3B	Total
28% (6)	57% (12)	14%	21

<b>Affordable Rented (London Affordable Rent)</b>			
1B	2B	3B	Total
	80% (4)	20% (1)	5

<b>Intermediate (London Living Rent)</b>			
1B	2B	3B	Total
	80% (4)	20% (1)	5

7.19 The market units would provide a balanced mix in accordance with Policy HO5. The affordable and intermediate units would not strictly accord with the prescribed targets set out in Policy HO5. However, the policy is clear that schemes will be considered on a site by site basis, subject to viability, locational characteristics and site constraints. As discussed in subsequent paragraphs below, the viability of the development has been subject to an analysis both by the Council's and the applicant's advisors. Officers are satisfied that the quantum and mix of units proposed represent the maximum viable offer. The development would provide family sized units on affordable rented tenures thereby meeting the overarching aim of Policy HO5.

### **Affordable Housing – Policy context**

7.20 London Plan Policy 3.10 defines affordable housing as: "social rented, affordable rented and intermediate housing (para 3.61), provided to eligible households whose needs are not met by the market. ...". Policy 3.11 of the London Plan states that affordable housing provision should be maximised and that an annual average of at least 17,000 more affordable homes should be sought. It requires that 60% of affordable housing should be for social or affordable rent and 40% should be for intermediate rent or sale. Priority should be given to provision of affordable family housing.

- 7.21 Policy 3.12 of the London Plan, states that the ‘maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed-use schemes’ having regard to:
- 7.22 Policy 3.12 further sets out a preference for the on-site delivery of affordable housing noting that off-site provision of a cash payment in lieu will only be acceptable in exceptional circumstances.
- 7.23 The Affordable Housing and Viability Supplementary Planning Guidance (SPG) (2017) introduced the ‘threshold approach’ to assessing viability, which does not require supporting viability evidence to be submitted where proposals meet the threshold level of provision. The SPG identifies a 35% threshold for all sites above ten units except (only) for land in public ownership or public use, to which a 50% threshold applies. Paragraph 2.33 justifies this differentiation on the basis that land in public land that is surplus to requirement ‘typically has a low value in its current use, allowing higher levels of affordable housing to be delivered’.
- 7.24 Draft London Plan Policy H6 and the Mayor’s Affordable Housing and Viability SPG set out a ‘threshold approach’ whereby schemes meeting or exceeding a specific threshold of affordable housing (in this case 50% on industrial land) by habitable room without public subsidy and which meets other criteria are not required to submit viability information to the GLA, nor would the application be subject to a late stage review mechanism. Draft London Plan Policy H7 and the Mayor’s SPG sets out a preferred tenure split of at least 30% low cost rent (social or affordable rent, significantly less than 80% of market rent), at least 30% intermediate (with London Living Rent and shared ownership being the default tenures), and the remaining 40% to be determined by the local planning authority.
- 7.25 Draft London Plan Policy H7 expects 30% of affordable homes to be low cost rented homes and 30% intermediate products that meet the definition of affordable housing. The remaining 40% is at the discretion of the LPA. Other affordable products may be acceptable if they meet the broad definition of affordable housing, meet the draft London Housing Strategy definition of genuinely affordable housing (‘Homes for households whose needs are not met by the market’) and are considered by the borough to be genuinely affordable.
- 7.26 Policy HO3 of the Local Plan states that the Council will seek the maximum reasonable amount of affordable housing, taking in to account site size and constraints and financial viability. It identifies a target for 50% of dwellings in schemes across the borough to be affordable, of which 60% are to be for social or affordable rent, and 40% are to be intermediate housing. The policy requires viability information to be supplied where less than 50% of dwellings are affordable in developments proposing more than 11 residential dwellings.

7.27 In accordance with national and regional policy, the policy recognises site-specific factors and CIL when negotiating affordable housing including the following: - site size and site constraints; financial viability, applying the principles set out in the [Council’s] Viability Protocol; individual circumstances and characteristics of the site; site-specific infrastructure; availability of public subsidy; and CIL charge.

**Proposed Affordable Housing**

7.28 The application proposes 31 residential units which includes 10 affordable housing units. The proposals comprise 10 affordable units made up of 5 London Affordable Rent (LAR) units and 5 London Living Rent (LLR) – the remaining 21 units are for the open market. Based on units, this represents an affordable housing offer of 32% (and 35% based on habitable rooms). The offer is set out in the table below.

<b>UNIT SIZE</b>	<b>LAR (16%)</b>	<b>LLR (16%)</b>	<b>Market</b>
1 Bed	-	-	6
2 Bed	4	4	12
3 Bed	1	1	3

*\* Note 35% affordable based on floorspace.*

7.29 The affordable tenure 50:50 split between affordable rented (LAR) and intermediate (LLR) is slightly below the target of 60:40 set out under Local Plan Policy HO3. However, the proposed offer represents a significant improvement when compared with the 2018 refusal which only included shared ownership units that that were less affordable. Furthermore, the units across both affordable tenures would be rented thereby reducing barriers to access for residents when compared to shared ownership units. Officers consider the tenure split to be acceptable in this instance.

7.30 According to Planning Practice Guidance (‘PPG’) on viability which accompanies the NPPF, an assumption of 15-20% of gross development value on residential units is considered a suitable return to developers in order to establish a viable scheme in line with local plans. A lower figure may be more acceptable where a housing association delivers the affordable housing because in such circumstances, this guarantees an end sale at a known value and helps to reduce the developer’s risk.

7.31 The applicant’s FVA demonstrates that the affordable offer would result in a deficit and that the target developer return (15-20%) based on the PPG would not be achieved. The submitted FVA has been subject to a comprehensive review by the Council’s appointed viability consultant, Gerald Eve – notably no decrease in build costs and a downward trend in sales values based on an overall 15.5% return in line with the PPG.

7.32 Gerald Eve have undertaken sensitivity testing which demonstrates that there would have to be dramatic shift in the market for the schemes viability to improve to a point at which an additional affordable unit could be achieved. The consultants considered that a post-permission review mechanism would fail to demonstrate an improvement

in viability capable of yielding additional affordable housing. The appeal process affected the developers build programme, but they remain keen to commence a development as soon as possible and the applicant has therefore made a commercial decision to reduce their overall return to enable development to progress. Furthermore, the proposals would be built as a single phased development. In this case, it is not considered that an early stage or a late stage review mechanism is appropriate.

7.33 Based on the consultant’s conclusions officers are satisfied that the 35% offer represents the maximum quantum and an acceptable mix of affordable housing that could be delivered on this site. Any additional units would further erode the viability of this scheme which is already at the margins by further reducing the developer return below that set out in the PPG.

### **Affordability**

7.34 The 5 London Affordable Rent (LAR) units are subject to rent levels that are set annually by the GLA in line with the benchmarks set out in the Mayor’s Homes for Londoners Funding Guidance. The current weekly rent benchmark for 2-bed and 3-bed units is respectively £168.67 and £178.05. This is equivalent to approximately 30% of market rents locally. These LAR units would be offered to low-income residents in accordance with the Council’s standard nominations agreement.

7.35 The 5 London Living Rent (LLR) units are also subject to rent levels set annually by the GLA in line with the Mayor’s Homes for Londoners Funding Guidance. In this case, the rents are set at approximately a third of the median household income within the relevant ward. For this scheme, the benchmark monthly rent figures are currently for a 2-bed and 3-bed unit are respectively £1,303 and £1,433. LLR homes are available only to households with an annual income not exceeding £60,000.

<b>AFFORDABLE UNITS</b>	<b>2018 REFUSAL Shared Ownership (£90k London Plan)</b>	<b>CURRENT 5 Affordable Rent (£60k London Plan)</b>	<b>CURRENT 5 Intermediate Rent (£60k London Plan)</b>
1 Bedroom	£49,000	None	None
2 Bedroom	£65,000	£21, 927 (-66%)	£39,090 (-40%)
3 Bedroom	None	£23,146	£42,990

7.36 Unlike the 2018 refusal which only included shared ownership, the current scheme would provide a genuinely more affordable offer, with all affordable homes being available to rent. The proposed development is considered to be in accordance with London Plan Policy 3.11, Local Plan Policy HO3, The Affordable Housing and Viability Supplementary Planning Guidance (SPG) (2017) and Draft London Plan Policy H6. The affordable housing would be secured by a legal agreement.

## **8.0 STANDARD OF ACCOMMODATION**

8.1 London Plan Policy 3.5 requires new residential development to provide a high quality and design of internal living environment, as well as externally and in relation to the wider context. Policy 3.8 further requires that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible for residents who are wheelchair users. In addition to the minimum standards, private amenity space should be provided for each residential unit. Standard 4.10.1 of the Housing SPG requires that a minimum of 5 sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. Policy 7.2 seeks to ensure all new development achieves the highest standards of accessibility and inclusive design. Policy 3.8 requires all new housing to be built to the lifetime homes standards, with 10% of all the units designed to be wheelchair accessible or easily adaptable to this standard.

8.2 The Mayor's Supplementary Planning Guidance on 'Housing' makes clear that a key priority is to 'improve standards for the quality and design of housing, making sure that homes meet the needs of a changing population throughout their lives and are built to the highest environmental standards'.

8.3 Local Plan Policy HO11 (Housing Supply) states several criteria which should be taken into account when ensuring that the design and quality of all new housing is of a high standard, meets the needs of future occupants and respects the principles of good neighbourliness.

8.4 The one bedroom units are between 53-54sqm; the two bedroom units are between 70- 76sqm and the three bedroom units measure 86-102sqm. All the proposed dwellings meet the minimum unit sizes as set out in the Supplementary Planning Guidance, Key Principle HS2.

### **Floor to Ceiling Heights**

8.5 The Mayor's Housing SPG Table 3.3 and SPD Key Housing Principle HS2 requires that residential units should have a minimum ceiling height of 2.5 metres for at least 75% of the GIA of a dwelling, to ensure quality in terms of light, ventilation, and sense of space. All units meet the minimum standards.

### **Private and Communal Amenity Space**

8.6 Key principle HS1 (Amenity Space) states the Council will expect to see a more generous provision of outdoor amenity space than the minimum provision standards in the London Plan Housing SPG and the Play and Informal Recreation SPG. Key Principle HS1 states that:



- Every new family (3 or more bedrooms) dwelling should have access to amenity or garden space of no less than 36 sqm;
- Family dwellings with accommodation at garden level should have at least one area of private open space with direct access to it from the dwelling;
- For family dwellings on upper floors this space may be provided either as a balcony or terrace and/or communally within the building's curtilage.

8.7 The guidance also adds that where balconies and or terraces are provided, they must be designed to respect the amenity of neighbours and be designed so as not to detract from the character of the surroundings. Balconies for amenity space should have a minimum depth and width of 1500mm.

8.8 All units would benefit from private amenity space provided by way of a balcony or terrace. All balconies and terraces would have a depth of no less than 1.5m in accordance with Key Principle HS1. The one and two bedroom units proposed would exceed the London Plan Housing SPG minimum space standard for private amenity spaces. Of the five three bedroom units proposed, only two would provide a minimum of 36sqm of amenity space. However, this is a constrained site and the provision of additional amenity space would result in adverse impacts upon residential amenity to neighbouring residents. All units would benefit from private amenity space and therefore, on balance, the scheme would be considered acceptable in this regard.

### **Aspect and Outlook**

8.9 London Plan Housing SPG recognises that dual aspect dwellings, with opening windows on at least two sides, have many inherent benefits including better daylight, greater chance of direct sunlight for longer periods, natural cross ventilation, and greater capacity to address overheating, mitigating pollution, a choice of views, greater flexibility in use of rooms. On this basis single aspect dwellings which are north facing should be avoided. This approach is also supported by Key Principle HS2 of the Hammersmith and Fulham SPD 2018.

8.10 The development largely comprises of dual aspect dwellings with only 6 one bedroom units being single aspect. The single aspect units are not north facing and would have access to outdoor private amenity space thereby providing good levels of outlook. The two proposed blocks would be sited approximately 19.5m apart. The proposed siting would not result in sufficient levels of outlook.

### **Accessible Homes**

8.11 Local Plan Policy HO6 seeks to secure high quality accessible homes in all developments that included housing. London Plan Policy 3.8 (Housing Choices) seeks to ensure that 90% and 10% respectively of new housing meets the Buildings Regulations requirements for M4(2) accessible and adaptable dwellings, and M4(3) for wheelchair user M4(3).

8.12 All communal areas within the buildings are wheelchair accessible and at ground floor level the buildings have step free access. The upper residential floors are accessible by separate residential lifts within both buildings. In total, 4 wheelchair dwellings have been provided within Block A. The remaining units would comply with Part M4(2). This will be secured by way of condition. The proposals are compliant with Parts M4(2) and M4(3) of the Building Regulation and therefore accord with Policy HO6.

### **Secured by Design**

8.13 London Plan Policy 7.3, Local Plan Policy DC2 and SPD "Sustainable Design and Construction" Key Principles requires new developments to respect the principles of Secured by Design and to ensure that proposals create a safe, secure, and appropriately accessible environment where crime and disorder and the fear of crime do not undermine quality of life or community cohesion. The details of how the proposal will incorporate measures for crime prevention will be secured by condition.

### **Daylight and Sunlight**

8.14 London Plan Housing SPG Standard 32 requires that all new homes should provide for daylight to enter at least one habitable room for part of the day. Where it cannot be met, housing schemes should demonstrate the provision of good amenity for its residents.

8.15 BRE guidance provides a method for assessing daylight by calculating the average daylight factor (ADF), a measure of the amount of daylight in a proposed room. The recommended ADF values for habitable rooms are as follows:

- 1% Bedrooms
- 1.5% Living Rooms
- 2% Family Kitchen

8.16 The applicant has submitted a daylight and sunlight assessment which sets out the ADF values for habitable rooms within the proposed development. In total, 78 (85%) out of 92 habitable room meet the ADF targets. Of the remaining windows, 4 bedrooms (0.6%-0.9%) and 10 Living/Kitchen/Dining rooms (1.7%-1.9%) fall below the target threshold due to their positioning below a deck access or balcony directly above, which prevents the targets from being met. The BRE Guidance acknowledges that there may be circumstances in which the target is not met, and an overhanging balcony is cited as a typical example. Officers have considered the report and on balance given the site constraints are satisfied that overall the units would have reasonable levels of daylight/ sunlight.

## 9.0 DESIGN, TOWNSCAPE AND HERITAGE

### Policy

- 9.1 The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The NPPF also requires that proposals should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 9.2 The NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Part 12 of the NPPF outlines the requirement for good design and Paragraph 127 sets out that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 9.3 Chapter 7 of the London Plan (2016) sets out the Mayor's policies on a range of issues regarding places and space, setting out fundamental principles for design. Policy 7.1 (Lifetime Neighbourhoods) states that the design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood. Policy 7.2 (An Inclusive Environment) requires all new development in London to achieve the highest standards of accessible and inclusive design. Policy 7.3 (Designing out crime) seeks to ensure that developments reduce the opportunities for criminal behaviour and contribute to a sense of security, without being overbearing or intimidating.
- 9.4 Policies 7.4 (Local character), 7.5 (Public realm) and 7.6 (Architecture) of the London Plan are all relevant and promote the high-quality design of buildings and streets. Policy 7.4 states that development should have regard to the form and function, and structure of an area, place or street and the scale, mass, and orientation of surrounding buildings whilst Policy 7.6 states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings.

9.5 Chapter 3 (Design) of the Draft London Plan (2019) seeks to secure the delivery of good design through a variety of ways. Draft Policies D4 (Delivering Good Design) and D8 (Public Realm) are particularly relevant to the consideration of this application. Policy D4 highlights that where appropriate, visual, environmental and movement modelling/assessments should be undertaken to analyse potential design options for an area, site or development proposal. These models, particularly 3D virtual reality and other interactive digital models alongside use of design review should, where possible, be used to inform decision-taking, and to engage Londoners in the planning process. Policy D8, sets a series of criteria to ensure that ensure the public realm is well-designed, safe, accessible, inclusive, attractive and well-connected.

9.6 Local Plan Policies DC1 and DC2 are particularly relevant to the assessment of design. Policy DC1 (Built Environment) states 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 considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places. Policy DC2 (Design of New Build) sets out to ensure that new build development will be of a high standard of design and compatible with the scale and character of existing development and its setting.

### **Demolition**

9.7 The existing buildings on the site are of no architectural merit. The proposed demolition would not result in harm to the character and appearance of the local area.

### **Site Context**

9.8 The existing building on the site are not within a conservation area. However, the strip of land (part of the parking area) within the site, immediately to the rear of 585 to 599 New King's Road forms part of the Moore Park Conservation Area. The surrounding area is mixed in character. Sotheron Place forms part of an 'industrial' area to the rear of New King's Road fronting Michael Road to the south. Cambria Street to the east is a modern 3 -storey residential development.

9.9 The proposed development includes the erection of 2 buildings, Blocks A and B which comprise a mix of uses. Block A includes a Climbing Centre at lower basement, basement, and ground floor levels and office floorspace to the first floor with residential above. Block B includes residential and commercial cycle parking spaces at ground floor level and further office floorspace at ground floor level. Block A would be 6 storeys in height and Block B would be 3 storeys in height.

9.10 The site lays adjacent to an area of high townscape quality being set immediately behind the 3-storey terrace of nos. 577 to 599 King's Road which is within the Moore Park Conservation Area. The context to the west and south of the site is likely to change soon which will create a new character for Michael Road. Consent has been granted for a 6-storey commercial and residential building on the existing 2-storey

Harley Davidson site (2013/00474/FUL). This permission remains extant, however, a further application resulting in a 4 storey building was approved subject to a s106 in September 2020 (ref 2019/02662/FUL). Directly opposite, on the south side of the Michael Road, major mixed use residential redevelopment at the former Fulham Gasworks site were approved in October 2018.

## Height, Scale and Massing

9.11 In response to the 2019 appeal decision, the height of Block B has been reduced by two storeys with the upper floors stepped back further from Cambria Street. Block A would have the same design and appearance as that included in the 2018 application for which there were no objections.

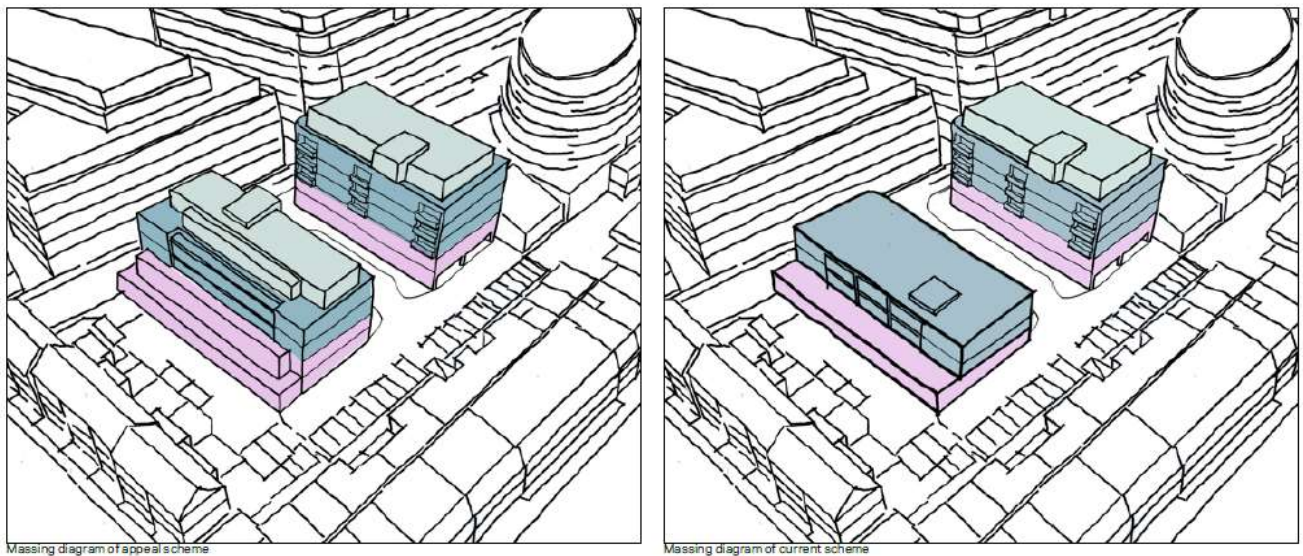


Figure 1: Massing Comparison - 2018 Refusal (Left) and Current Scheme (Right)

9.12 The proposals represent an opportunity to enhance the appearance of Michael Road and Sotheron Place with buildings that contribute to the emerging scale and character of Michael Road and engage more positively with the public realm. The application buildings have been designed to take account of their individual local setting, particularly relating to the low rise residential development of Cambria Street. Block B (on the north of the site) has been reduced to 3-storeys and its rear elevation is set back at the upper floors from the opposing residential properties in Cambria Street and the resulting recessive design mitigates the impact of proposed scale and massing on existing residential amenity for neighbouring occupiers. In this regard, the scheme is considered to have overcome the appeal decision.

9.13 The 6-storey height of Block A is in keeping with the extant permissions granted for development at both the Harley Davidson site and the National Grid site. Block A would exceed the height of the most recent consent at the Harley Davidson site by two storeys, however, the 2018 consent remains extant and either could realistically be implemented. Nonetheless, the height of Block A is considered to be an appropriate response to the emerging context of the site regardless of which consent is implemented at the adjacent site. The top floors of both Blocks have been set back

to reduce their scale and massing. Officers consider that the massing and set-backs of the two Blocks, particularly on the upper floor levels, results in an acceptable visual impact and perceived bulk of the buildings within the local context.

9.14 In views from the King's Road the buildings will be recessive behind the 3-storey terrace along the street. In views from Maxwell Road the buildings will only just be apparent above the roofline of the street and would again be recessive in nature. Along Michael Road, the buildings will be comparable with recent planning approvals and moving east along the street they will reduce in height from, 6 to 3 storeys which will achieve a comfortable relationship with the existing 3 storey properties in Cambria Street which are positioned between 10m-13m from the application site boundary to the north-east. The buildings would also achieve an acceptable degree of enclosure of Michael Road which would be in-keeping within the street scene. As a result, officers consider there would be no adverse impact on the character and appearance of the Moore Park Conservation Area.

### **Elevations and materials**

9.15 The proposed buildings are designed to provide active and engaging street frontages to Michael Road and Sotheron Place. The buildings incorporate large glazed areas on the ground and first floors to allow the commercial and leisure uses to contribute the visual activity of the ground floor street environment. This is enhanced by the provision of entrances on both Michael Road and Sotheron Place.

9.16 The height of the ground and first floor storeys to Block A, and the ground floor of Block B, provide a strong visual base for the buildings, the residential storeys within the middle of the building are shallower in height and the top floors of Block A are differentiated by their set-backs and metal clad facades with raised ribs. The main elevations include brick facades, vertical stacked residential scale windows and semi projecting balconies, recessed between brick piers provide well-articulated elevations. The smaller projecting windows on the north elevations of the blocks add further visual interest to the elevations, when viewed from King's Road.

9.17 The use of light coloured multi-stock bricks is considered appropriate in this location and are the predominant material used in the Moore Park Conservation Area. On the east side of Sotheron Place a row of trees within the development between Blocks A & B, will enhance the character of the street which will also have ground level planting and an attractively designed landscape defining pedestrian and vehicle spaces. A condition will secure the landscaping details.

### **Heritage and Townscape**

9.18 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas.

9.19 It is key to the assessment of these applications that the decision making process is based on the understanding of specific duties in relation to listed buildings and Conservation Areas required by the relevant legislation, particularly the s.72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in the NPPF.

9.20 s72 of the above Act states in relation to Conservation Areas that:

‘In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.’

9.21 Paragraph 184 of the NPPF states:

Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

9.22 Paragraph 190 of the NPPF states:

Local Planning Authorities should identify and assess the significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.

9.23 Paragraph 193 of the NPPF states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

9.24 Paragraph 196 of the NPPF states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

9.25 Paragraph 197 of the NPPF states:

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.

9.26 The NPPF makes a clear distinction between the approach to be taken in decision-making where the proposed development would affect the significance of designated heritage assets (listed buildings, conservation areas, Registered Parks and Gardens) and where it would affect the significance of non-designated heritage assets (buildings of local historic and architectural importance).

9.27 The NPPF also makes a clear distinction between the approach to be taken in decision-making where the proposed development would result in 'substantial' harm and where it would result in 'less than substantial' harm.

9.28 Case law indicates that following the approach set out in the NPPF will normally be enough to satisfy the statutory tests. However, when carrying out the balancing exercise in paragraphs 195 and 196, it is important to recognise that the statutory provisions require the decision maker to give great weight to the desirability of preserving designated heritage assets and/or their setting.

9.29 The Planning Practice Guidance notes which accompany the NPPF remind us that it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed.

9.30 The scheme would impact indirectly on heritage assets. These impacts are considered separately in the following sections.

9.31 Impacts are mainly focussed upon the setting of several heritage assets, including Conservation Areas and non-designated Locally Listed, (Buildings of Merit). In the first instance, the assessment to be made is whether the development within the setting of a designated heritage asset will cause harm to that designated heritage asset or its setting. If no harm is caused, there is no need to undertake a balancing exercise. If harm would be caused, it is necessary to assess the magnitude of that harm before going to apply the balancing test as set out in paragraphs 195 and 196 of the NPPF as appropriate.

9.32 Local Plan Policy DC8 (Heritage and Conservation) states that the council will conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets. These assets include listed buildings, conservation areas historic parks and gardens, the scheduled monument of Fulham Palace Moated site, unscheduled archaeological remains and buildings and features of local interest. When determining applications affecting heritage assets, the council will apply the following principles:

- a. the presumption will be in favour of the conservation, restoration and enhancement of heritage assets, and proposals should secure the long-term future



of heritage assets. The more significant the designated heritage asset, the greater the presumption should be in favour of its conservation;

b. applications affecting designated heritage assets, including alterations and extensions to buildings will only be permitted if the significance of the heritage asset is conserved or enhanced;

c. applications should conserve the setting of, make a positive contribution to, or reveal the significance of the heritage asset. The presence of heritage assets should inform high quality design within their setting;

d. applications affecting non-designated heritage assets (buildings and artefacts of local importance and interest) will be determined having regard to the scale and impact of any harm or loss and the significance of the heritage asset in accordance with paragraph 135 of the National planning Policy Framework;

e. particular regard will be given to matters of scale, height, massing, alignment, materials and use;

f. where changes of use are proposed for heritage assets, the proposed use, and any alterations that are required resulting from the proposed use should be consistent with the aims of conservation of the asset's significance, including securing its optimum viable use;

g. applications should include a description of the significance of the asset concerned and an assessment of the impact of the proposal upon it or its setting which should be carried out with the assistance of a suitably qualified person. The extent of the requirement should be proportionate to the nature and level of the asset's significance. Where archaeological remains of national significance may be affected applications should also be supported by an archaeological field evaluation;

h. proposals which involve substantial harm, or less than substantial harm to the significance of a heritage asset will be refused unless it can be demonstrated that they meet the criteria specified in paragraph 133 and 134 of the National Planning Policy Framework;

i. where a heritage asset cannot be retained in its entirety or when a change of use is proposed, the developer should ensure that a suitably qualified person carries out an analysis (including photographic surveys) of its design and significance, in order to record and advance the understanding of heritage in the borough. The extent of the requirement should be proportionate to the nature and level of the asset's significance;

j. the proposal respects the principles of accessible and inclusive design;

k. where measures to mitigate the effects of climate change are proposed, the applicants will be required to demonstrate how they have considered the significance of the heritage asset and tailored their proposals accordingly;

l. expert advice will be required to address the need to evaluate and conserve archaeological remains, and to advise on the appropriate mitigation measures in cases where excavation is justified; and m. securing the future of heritage assets at risk identified on Historic England's national register, as part of a positive strategy for the historic environment.

9.33 The Council's Supplementary Planning Guidance SPD is relevant, in particular Key Principles AH1 (Information Requirements for applications for consent affecting heritage assets); AH2 (Protection of Heritage Assets); CAG1 (Land Use in Conservation Areas); CAG2 (Urban Design in Conservation Areas) and CAG3 (New

Development in Conservation Areas). These Key Principles provide guidance which seeks to ensure that heritage assets are conserved in a manner appropriate to their significance in accordance with the NPPF.

### **Application site – Heritage constraints**

9.34 A small element to the northern extent of the application site is situated in the Moore Park Conservation Area, however this area would not be subject of development. Furthermore, the site does not feature any designated/non-designated heritage assets. Consequently, the main considerations of the scheme relate to the impact of the development upon the setting of surrounding heritage assets. In this regard the main assets to consider are the setting of Moore Park Conservation Area and the locally listed, Buildings of Merit 617 King's Road and Imperial Arms Public House, (577 King's Road).

9.35 In views from the King's Road the buildings will be recessive behind the 3-storey terrace along the street. In views from Maxwell Road the buildings will only just be apparent above the roofline of the street and would again be recessive in nature. Along Michael Road, the buildings will be comparable with recent planning approvals and moving east along the street they will reduce in height from, 6 to 3 storeys which will achieve a comfortable relationship with the existing 3 storey properties in Cambria Street which are positioned between 10m-13m from the application site boundary to the north-east. The buildings would also achieve an acceptable degree of enclosure of Michael Road which would be in-keeping within the street scene. As a result, officers consider there would be no adverse impact or harm to on the character, appearance or setting of the Moore Park Conservation Area. Considering the impact upon non-designated heritage assets, whilst the development would have some degree of inter-visibility within views and the setting of both 577 King's Road and 617 King's Road, the impacts upon these views would not be considered harmful to the continued appreciation of the character and significance of these assets overall

### **Conclusion**

9.36 Overall, the proposed design of the development is acceptable within the local context and would not cause harm to the existing character and appearance of the surrounding area. The proposal would make a positive contribution to the urban environment and would not detract from the character and appearance of the conservation area or adjacent non-designated heritage assets.

9.37 Officers have assessed the impact of the proposal on the heritage assets and consider that it is compliant with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also in line with national guidance in the NPPF and strategic local policies on the historic environment and urban design.

It is considered that this is compliant with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.38 The proposed development is also considered acceptable in accordance with the NPPF, Policies 7.1, 7.2, 7.3, 7.4, 7.5 and 7.6 of the London Plan and Policies DC1, DC2, and DC8 of the Local Plan (2018).

## **10.0 RESIDENTIAL AMENITY**

### **Policy**

10.1 Local Plan Policies HO11 and DC2 requires the Council to ensure that the design and quality of all new housing is of a high standard and that developments provide housing that will meet the needs of future occupants and respect the principles of good neighbourliness and principles of residential amenity.

10.2 Key Principle HS6 "Housing Standards" seeks to protect the existing amenities of neighbouring residential properties in terms of outlook, privacy, light and noise and disturbance. Key Principle HS7 (iii) requires new windows to be positioned at least 18 metres away from existing windows or if the standard cannot be met, then they must be designed to ensure no loss of privacy. Key Principle HS8 requires that balconies and terraces do not cause harm to the existing amenities of neighbouring occupiers by reasons of noise and disturbance or opportunities for overlooking.

### **Outlook and Overbearing Impacts**

10.3 SPD Key Principle HS6 recognises that new development adjoining residential properties can influence the amenity of those properties by way of scale and massing which can have an overbearing impact. To assess such an impact, the general rule is that new development should not result in an infringing an angle of more than 45 degrees. The notional 45-degree line should be measured from either the ground level of the rear boundary of residential properties with gardens less than 9 metres or from 2m height above ground for gardens greater than 9 metres in length. If any part of the proposed building extends beyond these lines, then on-site judgement will be a determining factor in assessing the impact on the existing amenities of neighbouring properties.

10.4 The impact on the residential amenity formed was a reason for refusing the 2018 application (2018/01598/FUL). The Committee considered that the proposal would result in an overbearing and unneighbourly development to the detriment of residential occupiers of Cambria Street and Kings Road. In dismissing the subsequent appeal, the Inspector concluded in respect of Block B that it -

*"...would loom large and have a very significant enclosing effect for the occupiers of Nos 4 to 12 [Cambria Street]. That effect, for all intents and purposes, would deprive the occupiers of Nos 4 to 12 of any meaningful outlook laterally and vertically from the rear facing rooms and gardens of those dwellings".*

10.5 . In response, the height of Block B has been reduced from 5 storeys to 3 storeys and further stepped back first floor level. This is shown in Figure 2 below.

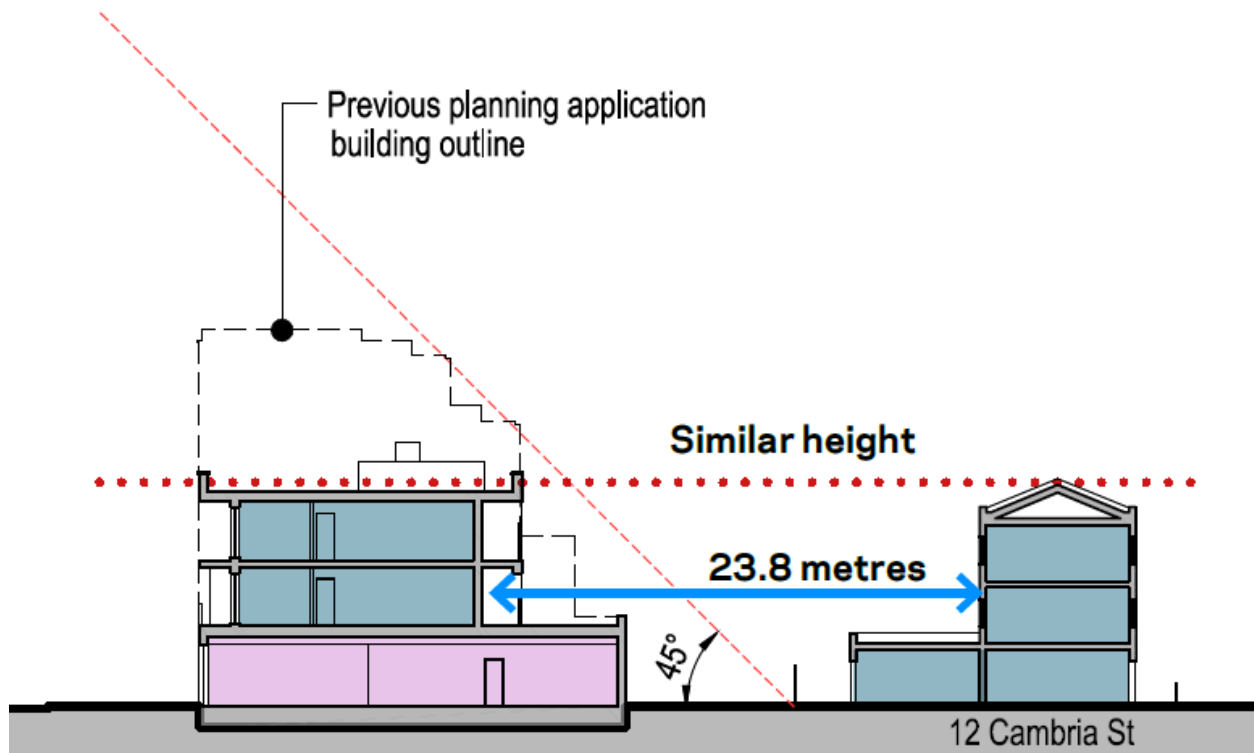


Figure 2: Cross Section - Proposed Block B and Cambria Street (outline refused scheme).

10.6 As now proposed, the 3-storey height of Block B would be comparable with the existing 3-storey height of the Cambria Street properties. The massing has been significantly reduced when compared to the 2018 refusal and pulled back from the rear elevation of the facing properties. Block B would not infringe the notional 45 degree line which used as a 'rule of thumb' under Key Principle HS6. Whilst the development would remain visible from the rear gardens and rear facing windows of the relevant properties, the reduction in massing would allow for it to not appear overbearing nor would it result in an undue sense of enclosure. The bulk, scale and massing to the east elevation would now be largely in keeping with the surrounding scale of development.

10.7 Officers consider that the reduction in height and massing to Block B allows satisfactory outlook from the rear of properties along Cambria Street. Furthermore, this reduction would negate the harm identified by the Inspector in at the appeal in 2019.

10.8 In respect of Nos. 579 to 599 King's Road, Inspector concluded the following:

*"I consider this would not be adversely affected. That is because Blocks A and B would present their shortest elevations to Nos 579 to 599 and there would be a*

*relieving space between the blocks themselves and spaces between the new buildings and the neighbouring built development in Cambria Street, Michael Road (inclusive of the extant permission for the redevelopment of 5 to 17 Michael Road [the Harley Davidson site]) and Edith Row.”*

- 10.9 Given that the height and siting of Block A remains the same as 2018 refusal officers consider that the current proposals would have an acceptable impact on Nos. 579 to 599 in terms of outlook and overbearing.
- 10.10 In respect of the approved buildings on the Harley Davidson site (14m to the west) and the National Grid site (between 13m and 18m the south), on site judgement is the determining factor. Officers consider that the proposed development would be maintain a satisfactory sense of openness and no closer than other similar schemes within an urban context. The proposed siting and reduced massing of the top floors would not have an overbearing effect.
- 10.11 Overall, the development would not give rise to unacceptable levels of loss of outlook and sense of enclosure and therefore complies with SPD Key Principle HS6. The reason cited in dismissing the appeal is therefore considered to have been overcome.

### **Daylight, Sunlight and Overshadowing**

- 10.12 The British Research Establishment (BRE) guide on 'Site layout planning for daylight and sunlight', set out good practice for assessing daylight and sunlight impacts for new development. In urban and city centre areas, BRE Guidelines advise that the guidance be applied flexibly. The applicant's Daylight and Sunlight report which has been carried out in line with BRE and considers the potential impacts of the proposed development on daylight, sunlight and overshadowing on existing neighbouring residential buildings. Officers have considered applicants report in terms of impact on habitable rooms.

#### **Daylight**

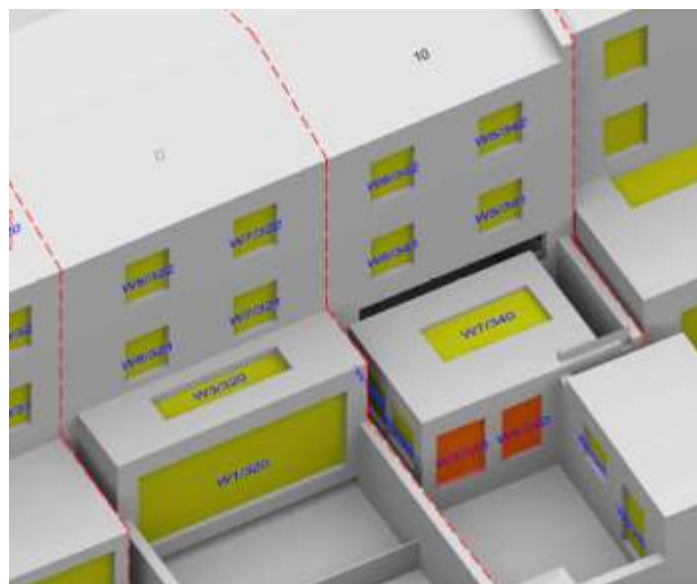
- 10.13 The BRE Guidance sets out three different methods of assessing daylight to or within a room, the Vertical Sky Component (VSC) method, the plotting of the no-sky-line (NSL) method and the Average Daylight Factor (ADF) method.
- 10.14 The VSC method measures the amount of sky that can be seen from the centre of an existing window and compares it to the amount of sky that would still be capable of being seen from that same position following the erection of a new building. The measurements assess the amount of sky that can be seen by converting it into a percentage. An unobstructed window will achieve a maximum level of 40% VSC. The BRE guide advises that if the VSC is greater than 27% then enough skylight should still be reaching the window of the existing window. If the VSC is both less than 27% and less than 80% of its former value, occupants of the existing building will notice the reduction in the amount of skylight. However, the Guidance makes clear that these values are advisory and para 2.2.1 states that 'Different criteria may be used based

on the requirements for daylighting in an area viewed against other site layout constraints. Another important issue is whether the existing building is itself a good neighbour, standing a reasonable distance from the boundary and taking no more than its fair share of light.'

10.15 The Applicants daylight and sunlight report includes an assessment of the impacts upon the residential properties in the immediate vicinity of the site. The relevant properties are the same as those considered for the 2018 refusal and subsequent appeal and include the following:-

- 579 – 589 King's Road
- 597 – 599 King's Road
- 2 – 14 Cambria Street
- 9 – 25 Cambria Street
- Bannon Court, 54-48 Michael Road

10.16 A total of 108 windows across 24 properties were assessed in the applicant's daylight/sunlight report. Overall, there are two windows out of 108 that would fail to meet the VSC criteria. This is a notable improvement upon the appeal scheme where nine windows failed to meet VSC criteria. The two affected windows are located on the ground floor of 10 Cambria Street (see Figure 3 below) and serve a living room that benefits from a large rooflight. The proposed development would reduce the VSC to the affected windows by 21.5% and 21.7% respectively, against a target criterion of 20%. The reduction in daylight to the affected room would be minimal and, in accordance with BRE guidance, would not be noticeable to residents. Notably, the VSC failings arising from 2018 refusal the were more significant and despite this the Inspector considered that no undue harm would arise. Significant weight should be given to the Inspector's decision in this regard.



*Figure 3: VSC – 2 windows below target at 10 Cambria Street*

10.17 No Sky-Line (NSL) measures the distribution of daylight within a room. It indicates the point in a room from where the sky cannot be seen through the window due to the presence of an obstructing building. The NSL method is a measure of the distribution

of daylight at the 'working plane' within a room. In houses, the 'working plane' means a horizontal 'desktop' plane 0.85 metres above floor level. This is approximately the height of a kitchen work surface. The NSL divides those areas of the working plane in a room which receive direct sky light through the windows from those areas of the working plane which do not. For houses, the rooms to be assessed should include living rooms, dining rooms and kitchens. Bedrooms should also be analysed, although in terms of NSL they are considered less significant in terms of receiving direct sky light. Development will affect daylight if the area within a room receiving direct daylight is less than 80% of its former value.

10.18 The submitted daylight/sunlight report includes an NSL test to all relevant rooms within the neighbouring residential properties. The results demonstrate no failings against BRE criteria and therefore no resulting adverse impact upon residential amenity in this regard.

### **Sunlight**

10.19 To assess loss of sunlight to an existing building, the BRE guidance suggests that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. The guidance states that kitchens and bedrooms are less important, although care should be taken not to block too much sun. The Annual Probable Sunlight Hours (APSH) predicts the sunlight availability during the summer and winter for the main windows of each habitable room that faces 90 degrees of due south. The summer analysis covers the period 21 March to 21 September, the winter analysis 21 September to 21 March. The BRE Guidance states a window may be adversely affected if the APSH received at a point on the window is less than 25% of the annual probable sunlight hours including at least a 5% of the annual probable sunlight hours during the winter months and the percentage reduction of APSH is 20% or more.

10.20 The daylight/sunlight report includes a sunlight analysis of all relevant habitable rooms within neighbouring properties. There would be no failings against the APSH test and therefore officers conclude that there would be no unacceptable loss of sunlight to neighbouring properties.

### **Overshadowing**

10.21 The BRE Guidelines recommend that for it to appear adequately sun lit throughout the year at least half of a garden or amenity space should receive a least 2 hours of sunlight on 21 March. If, because of new development, an existing garden or amenity area does not meet the above, and the area which can receive 2 hours of sunlight on the 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.

10.22 The 2018 refusal for the larger scheme would have resulted in an increase in overshadowing to no. 10 – 14 Cambria Street. Although this would not have complied with BRE criteria, the Inspector took the view that there would be no undue harm to

the residential occupants. as it would be unlikely that they would notice the change in overshadowing. The Inspector concluded that:

*“Applying the BRE guidance the increases in the overshadowing of the gardens of Nos 10 to 14 would appear to be significant. However, those increases would mainly concern the winter months when the extent of overshadowing is already very high. I therefore consider it is doubtful whether the occupiers of Nos 10 to 14 would notice much change in overshadowing. That is because that change would primarily be at times of the year when the use of the affected gardens could reasonably be expected to be at reduced levels compared with the height of summer. For the period following 21 March the submitted evidence, including the appellant’s sun on the ground plots for 21 April and 21 May, recalibrated to take account of the longer day lengths<sup>15</sup>, suggests that the gardens of Nos 10 to 14 would generally not experience unreasonable levels of overshadowing. I say generally because for 21 April, with the target minimum for sun on the ground recalibrated to two hours and forty minutes, there would, as Mr Wong highlighted, be an instance at No 10 where a significant increase in the level of overshadowing would arise. That said I consider it likely that for the times of the year when the garden of No 10 could be expected to be put to its greatest use there would be no unacceptable degree of overshadowing.”*

10.23 The current scheme has been reduced in height and massing to the east elevation which does reduce the extent of overshadowing that would occur to the gardens of no. 10 – 14 Cambria Street. The reduction in height and massing allows for all outdoor amenity spaces, with the exception of no. 10 Cambria Street, to meet BRE overshadowing criteria. At no. 10, there would be a 55% reduction in the area of the rear garden that would achieve 2 hours of sunlight on the 21<sup>st</sup> March. However, this is an improvement upon the 2018 refusal (where the reduction was 84%) which was considered acceptable by the Inspector scheme.

10.24 Overall, officers conclude that all properties would not suffer a noticeable or detrimental loss of sunlight to their external amenity spaces.

### **Privacy**

10.25 SPD Key Principle HS7 (iii) states that new windows should be positioned at least 18 metres from existing habitable room windows to ensure no loss of privacy. If the standard cannot be met, then windows should be designed to ensure that no loss of privacy will occur.

10.26 The north elevations of Blocks A and B are set back approx. 20m from the rear facing elevations on King’s Road. The windows to this elevation are proposed to be obscure glazed which would prevent any views from being achieved that would be detrimental to the privacy afforded to the King’s Road occupants. The east elevation of Block B, at first floor and above, is set back approx. 22m from the rear facing elevations on Cambria Street. The east elevation would accommodate the shared deck access to the proposed residential units and would be enclosed by a 1.8m high channel glass balustrade. This would successfully prevent views towards Cambria Street from being achieved and prevent any loss of privacy for occupants. The



proposals would be set back an appropriate distance from any windows within both approved schemes at the Harley Davidson site and would mirror the approved building line to the National Grid/Gasworks site to the opposite side of Michael Road. The proposed development would therefore accord with Key Principle HS7.

## **Noise and Disturbance**

### **Terraces and Balconies**

- 10.27 SPD Key Principle HS8 states that planning permission will not be granted for roof terraces or balconies if the use of the terrace or balcony is likely to cause harm to the existing amenities of neighbouring occupiers by reasons of noise and nuisance.
- 10.28 The proposal incorporates a total of 31 balconies and terraces set across the two blocks and two external deck accesses to the first and second floor of Block B.
- 10.29 As part of the 2019 Appeal, the applicants submitted an updated supplementary noise report that included a more robust assessment of the likely noise arising from the use of the deck access walkways for the larger 5 storey Block B. The report took account of the expected frequency and duration of use of the walkways and the typical sound levels for footsteps, casual conversation and unlocking/locking/closing of doors. The report went on to calculate the average daytime and night-time noise levels from the nearest receptors on Cambria Street. The report showed that noise levels generated from the walkways would be substantially lower than the existing ambient levels. The Council's Environmental Noise Protection officers considered the report and agreed with its results - that there would not be any discernible change in noise levels for residents of Cambria Street and the proposals would therefore have no adverse noise impacts upon Cambria Street residents. The Inspector also considered that the "walkways" use would generate acceptable noise levels within what is an inner urban area".
- 10.30 The current application has been supported by a noise assessment which draws upon the report submitted during the 2019 Appeal. The proposed deck access/walkways are now positioned some 21m away from the rear of Cambria Street which is even further away than the 18m considered acceptable by the Inspector. Furthermore, unlike that 5 storey 2018 refusal, the current 3-storey scheme would include a reduced number of walkways at the first and second storey only. It follows therefore that because the current scheme has less walkways that are set further away, the proposed development would have a more acceptable impact in respect of the proposed walkways.
- 10.31 The Council's Environmental Noise Protection Team raise no objections to the proposed terraces and balconies. A condition would be attached to ensure that no area of the proposed flat roofs be used as an amenity space other than where shown on the approved plans. Overall the terraces and balconies are acceptable in line with SPD HS8.

## **Commercial Uses**

10.32 The development includes a replacement climbing centre that is only slightly larger than the existing facility. Officers consider that the replacement centre is unlikely to result in any additional noise and disturbance beyond the current situation. The proposed office floorspace is an appropriate neighbourly use that does not generally give rise to excessive noise or disturbance. The provisions of Class E of the Use Class Order would allow for the office floorspace to change to a number of other uses at a future date without the need for planning permission. Some uses within Class E, such as cafes and restaurants, could lead to an increase in noise and disturbance arising from both customers and plant equipment. A condition would be attached to restrict the permitted uses to ensure that the residential amenity of neighbouring occupiers is protected.

## **11.0 TRANSPORT AND HIGHWAYS**

### **Policy Context**

11.1 The NPPF requires that developments which generate significant movement are located where the need to travel would be minimised, and the use of sustainable transport modes can be maximised; and that development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

11.2 London Plan Policies 6.1, 6.3, 6.10, 6.11 and 6.13 set 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.

11.3 Local Plan Policy T1 sets out the Council's intention to 'work with strategic partners to improve transport provision, accessibility and air quality in the borough, by improving and increasing the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail'. Local Plan Policy T2 relates to transport assessments and travel plans and states "All development proposals would be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and on the primary route network". Policies T3, T4, T5 and T7 relate to opportunities for cycling and walking, vehicle parking standards, blue badge holders parking and construction and demolition logistics. Policies 5.16 and 5.17 are relevant to waste and recycling. Local Plan Policy CC7 sets out the requirements for all new developments to provide suitable facilities for the management of waste.

11.4 Planning SPD (2018) Key Principles WM1, WM2, WM7 and WM11 are also applicable which seek off-street servicing for all new developments.

### **Car Parking**

11.5 Local Plan policy T4 states that: “The council will only consider the issuing of permits for on street parking in locations where the PTAL level is considered 2 or lower (TfL’s public transport accessibility level).”

11.6 Local Plan Policy T5 (Blue Badge Parking Provision) sets out that off-street car parking for Blue Badge Holders is a requirement in residential development in LBHF if vehicular access is available. In accordance with planning policy requirements, there are four units are proposed as wheelchair user dwellings. The draft London Plan proposes to introduce minimum requirements for residential development under Policy T6.1. Residential development proposals delivering ten or more units must, as a minimum, ensure that at least one designated disabled persons parking bay per dwellings for three per cent of dwellings is available from the outset.

11.7 The proposal includes 24 car parking spaces and 13 of these will be for the occupiers of the properties that back onto to site from King's Road that would continue to use the existing shared access from Michael Road to main their servicing arrangements. The other 11 spaces will be for the proposed development, of which 4 are disabled spaces, 5 would be for the family units and the remaining 2 would be allocated to other residents within the development.

11.8 The site benefits from excellent access to public transport (PTAL 6a) and car free developments are strongly encouraged in these locations. Whilst the quantum of car parking spaces is relatively high, it remains the same as that proposed in the appeal scheme where the quantum was considered acceptable. The Council raised no transport objections to the 2018 refusal and there have been no material changes in policy since the determination of the subsequent appeal in 2019. No car parking is proposed for the commercial units within the development and a travel plan has been secured to promote sustainable modes of travel to the site.

11.9 Electric vehicle charging points (EVCPs) are to be provided. In total, 3 EVCPs would be provided which is equivalent to 20% provision, with a further 3 spaces designed to accommodate a future charging point should demand arise. The proposals accord with the Local Plan.

11.10 The development would be car-parking permit free, so that occupiers of the development will not be issued with parking permits to park on the neighbouring streets. The proposal will therefore have little impact on existing parking stress within the local area and the proposal will be in general accordance with Local Plan Policy T4 and London Plan Policy 6.13. A car park management plan will be secured by condition.

## **Cycle Parking**

- 11.11 London Plan Policy 6.9 (cycling) states that developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3 of the London Cycle Design Standards.
- 11.12 Local Plan Policy T2 states borough wide targets are to develop and promote a safe environment for cyclists to encourage residents and businesses to consider these modes. Policy T3 seeks to increase and promote opportunities for cycling through the provision of convenient, accessible, and safe secure cycle parking within the boundary of the site.
- 11.13 The proposals include 85 cycle parking spaces for the application. A total of 59 spaces would be provided for residential use and 12 would be provided for the commercial units. Cycle storage would be provided to the ground floor of Block B and would be safe, covered and accessible in accordance with London Plan requirements. A further 14 visitor cycle parking spaces would be provided in the form of Sheffield stands. Showers and changing room facilities would be provided to the ground floor of Block B for employees of the commercial units. The cycle parking provision is secured by a condition. The proposals are compliant with the London Plan and Local Plan policies and the guidance set within the West London Cycle Parking Guidance.

## **Construction Logistics**

- 11.14 In accordance with policy T2 and T7 of LBHF's Local Plan a Transport Assessment is submitted with the Application, alongside a draft Construction Management Plan that sets out how the impact of the demolition and construction phases of the proposed development will have on the local highway network.
- 11.15 An outline demolition and construction logistics plan (CLP) has been submitted as part of this application. The plan sets out site specific constraints and how traffic and deliveries will be managed to minimise disruption to local residents and businesses. The developer will engage with residents and business within a determined catchment and notify them prior to the commencement of works. Updates will be provided to local residents and businesses throughout the demolition and construction programme as appropriate. The CLP also take consideration of the cumulative impacts that could arise as a result of nearby consented developments. The contractor will liaise with other developers to consider ways to minimise construction traffic impacts.
- 11.16 A final Construction Management Plan will be agreed with the Council via a pre-commencement condition, in line with Local Plan 2018 Policy T7 and Planning Guidance SPD Key Principle TR21. Details shall include control measures for delivery locations, numbers, size and routing of construction vehicles and other matters relating to traffic management to be agreed.

## **Delivery and Servicing**

- 11.17 London Plan Policy 5.16 seeks to minimise waste and exceed recycling levels. Local Plan Policy CC7 seeks for all developments to have suitable facilities for the management of waste generated by the development.
- 11.18 Adequate commercial and residential refuse storage have been provided within the proposal with clearly defined areas. A condition would be attached to ensure that the refuse is stored in accordance with approved details.
- 11.19 The proposals include a loading bay located between the residential and commercial entrances to the building. The loading bay will be used to service the commercial elevations of the scheme and can be used for deliveries to the residential units. These details would be secured by condition.

## **Travel Plan**

- 11.19.1 Outline travel plans have been submitted for the residential and commercial units. Full travel plans for both the residential and commercial units will be secured by a condition and must be provided before the first occupation of the relevant units. Furthermore, a travel plan monitoring fee will be secured by way of a s106 obligation.

## **12.0 ENERGY AND SUSTAINABILITY**

### **Policy Context**

- 12.1 London Plan Policies 5.1, 5.2 and 5.3 require developments to make the fullest contribution to the mitigation of and adaptation to climate change, ensure sustainable design and construction and minimise carbon dioxide emissions. Policies 5.5, 5.6, 5.7 and 5.8 require developments to provide decentralised energy, renewable energy and innovative energy technologies where appropriate.
- 12.2 The Mayor's Sustainable Design and Construction SPG provides guidance on the implementation of London Plan Policy 5.3 and provides a range of additional guidance on matters relating to environmental sustainability.
- 12.3 Local Plan Policy CC1 requires major developments to implement energy conservation measures by implementing the London Plan sustainable energy policies and meeting associated CO<sub>2</sub> reduction target and demonstrating that a series of measures have been taken to reduce the expected energy demand and CO<sub>2</sub> emissions. It requires the use of on-site energy generation to further reduce CO<sub>2</sub> emissions where feasible. Policy CC2 seeks to ensure the implementation of sustainable design and construction measures by implementing the London Plan sustainable design and construction policies.
- 12.4 Draft London Plan Policy SI2 seeks to extend the extant requirement on residential development to non-residential development to meet zero carbon targets. It maintains the expectation that a minimum reduction of 35% beyond Building Regulations to be

met on site (10% or 15% of which should be achieved through energy efficiency for residential development, and non-residential development). Where it is clearly demonstrated that the zero-carbon target cannot be met on site, the shortfall should be provided through a cash in lieu contribution to the borough's carbon offset fund, or off-site provided an alternative proposal has been identified and delivery is certain.

12.5 Draft London Plan Policy SI3 identifies Heat Network Priority Areas, which include the Fulham Gasworks site. Here, major proposals should have a communal heat system in accordance with a hierarchy that prioritises connection to local existing or planned heat networks, followed by: use of available local secondary heat sources; generation of clean heat/power from zero-emission sources; and use of fuel cells. CHPs are ranked fifth of the six options, followed by ultra-low NOx gas boilers. Supporting text explains that further information about the relevance of CHP in developments of various scales will also be provided in an Energy Planning Guidance document, which will be kept updated as technology changes, however this guidance has not yet been published. The draft Plan states that it is not expected that gas engine CHP will be able to meet the standards required within areas exceeding air quality limits with the technology that is currently available.

12.6 Draft London Plan Policy SI4 seeks to minimise internal heat gain and the impacts of urban heat island effect through design, layout, orientation and materials. An energy strategy should demonstrate how development proposals will reduce potential for overheating and reliance on air conditioning systems in accordance with a hierarchy that prioritises the minimisation of internal heat generation through energy efficient design and reductions to the amount of heat entering a building.

### **Sustainability**

12.7 The Sustainability Statement shows that the sustainable design and construction measures planned for the new buildings will meet the "Very Good" BREEAM rating. This is adequate to meet the requirements of Local Plan policy CC2 on sustainable design and construction in terms of the non-residential elements of the proposal. Measures planned for the site include measures to reduce energy use and CO2 emissions, reduce use of other resources such as water, make use of building materials with low environmental impacts, minimise waste and promote recycling. A condition will secure the implementation of the measures outlined in the sustainability statement and a second condition will secure a post construction BREEAM certificate to demonstrate that the 'very good' rating has been achieved.

### **Energy**

12.8 As required, an Energy Assessment has been provided with the application. As the scheme is a major residential development, the residential aspects are required to comply with the London Plan's zero carbon requirement. The Energy Assessment sets out how efficiency and low/zero emission technologies are proposed be integrated to reduce the new development's CO2 emissions. The statement sets out

that the proposals would integrate the following sustainability measures within the scheme:

12.9 The Proposed Development has been designed in accordance with the Mayor's "Be Lean", "Be Clean" and "Be Green" energy hierarchy.

12.10 The design of the new building includes energy efficiency and low/zero carbon measures in the form of high performance building fabric which reduces the energy required to heat the new dwellings, use of energy efficient lighting in all areas; a centralised boiler system to provide heating and hot water (which could be connected in the future to a wider heat network if one is developed in this location), heat recovery on ventilation systems and a roof mounted solar PV system. Overall, these measures are calculated to reduce CO<sub>2</sub> emissions by 35% compared to the minimum requirements of the Building Regulations 2013. This is in line with the London Plan carbon emissions targets. As this is a major mixed-use scheme, it is necessary for the remaining CO<sub>2</sub> emissions to be offset with a payment in lieu of £192.215 which can be secured via the s106 Agreement.

12.11 In terms of energy use and carbon reduction, the proposals are considered to be acceptable and the implementation of the measures outlined in the Energy Assessment can be conditioned.

12.12 Subject to the inclusion of conditions requiring the implementation of the submitted documents as set out above; details of proposed PV panels be conditioned; and the inclusion of the carbon offset payment in the s106 agreement, officers consider that the proposed development accords with Policies 5.1, 5.2, 5.3, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15 and 7.19 of the London Plan and Policies CC1, CC2 and CC7 of the Local Plan.

## **13.0 FLOOD RISK DRAINAGE AND WATER RESOURCES**

### **Policy Context**

13.1 London Plan Policies 5.11, 5.12, 5.13, 5.14 and 5.15 require 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. Policy 5.3 identifies the efficient use of natural resources (including water) as a principle for informing the achievement of other policies in the London Plan. Policy 5.11 Part A subsection b recognises the role of green roofs and walls in delivering sustainable urban drainage objectives. Policy 5.13 further states that development should utilise SuDS unless there are practical reasons for not doing so and should aim to achieve greenfield run-off rates and manage surface water run-off close to source. Policy 5.14 states that planning decisions must ensure that adequate waste water infrastructure capacity is available in tandem with development.

13.2 Local Plan Policy CC2 requires major developments to implement sustainable design and construction measures, including making the most efficient use of water. Policy CC3 requires a site-specific Flood Risk Assessment (FRA) for developments in Flood Zones 2 and 3 that: a. addresses the NPPF requirements; b. takes account of the risk of flooding from all relevant sources; c. integrates appropriate flood proofing measures where there is a risk of flooding; and d. provides structural waterproofing measures in subterranean elements and using non-return valves or equivalent to protect against sewer flooding.

13.3 Local Plan Policy CC4 ('Minimising surface water run-off with sustainable drainage systems') requires all proposals for new development to 'manage surface water run-off as close to its source as possible and on the surface where practicable, in line with the London Plan drainage hierarchy'. It also requires all major developments to implement SuDS 'to enable reduction in peak run-off to greenfield run off rates for storms up to the 1 in 100-year event (plus climate change allowance)' and to provide a sustainable drainage strategy to demonstrate how the strategy will enable these requirements. These are to be retained and maintained for the lifetime of the development, with details of their planned maintenance to be provided.

13.4 Draft London Plan Policy SI13 sets out the same requirement and additionally states that proposals for impermeable paving should be refused and that drainage should be design and implemented to address water efficiency, river quality, biodiversity and recreation.

### **Assessment**

13.5 The site is located within the Environment Agency's Flood Zone 3 which indicates that the site would be at risk if there was a breach in the Thames Tidal defences. However, the existing Thames Tidal flood defences provide a high standard of protection up to a 1 in 1000 (0.1%) chance in any year.

13.6 A Flood Risk Assessment (FRA) has been submitted with the application. The FRA states that the new development will incorporate basement waterproofing and sewer flood protection measures. The Council's Environmental Policy Team are satisfied with the details which would be secured by condition.

13.7 In terms of managing surface water run-off from the site, the proposed development would increase the amount of permeable surface within the site through the introduction of soft landscaped areas and permeable hard surfaces. Further details regarding the full range of SUDS measures, including a green roof, if shown to be feasible, confirmation of final discharge of surface water from the site and attenuation levels and maintenance arrangements will need to be secured by a condition.



## **14.0 CONTAMINATION**

- 14.1 London Plan Policy 5.21 explains that ‘the Mayor supports the remediation of contaminated sites and will work with strategic partners to ensure that the development of brownfield land does not result in significant harm to human health or the environment, and to bring contaminated land to beneficial use’. Local Plan Policy CC9 requires a site assessment and a report on its findings for developments on or near sites known to be (or where there is reason to believe they may be) contaminated. Development will be refused ‘unless practicable and effective measures are to be taken to treat, contain or control any contamination’.
- 14.2 Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site; or a sensitive use is proposed. The conditions are 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 policies CC9 and CC13 of the Local Plan.
- 14.3 Subject to the inclusion of conditions requiring the implementation of the submitted documents and submission of further information, officers consider that the proposed development accords with NPPF Paragraphs 118 and 178 and Policy 5.21 of the London Plan and Policy CC9 of the Local Plan given that all identified potentially significant effects during the demolition and construction and the operational stages can be suitably adequately mitigated, such that the significance of the residual effects of the Proposed Development will be negligible and that the land will be suitable for the proposed uses.

## **15.0 AIR QUALITY**

### **Policy Context**

- 15.1 LBHF was designated as an Air Quality Management Area (AQMA) in 2000 for two pollutants - Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>10</sub>). The main local sources of these pollutants are road traffic and buildings (gas boiler emissions). Paragraph 124 relates to air quality and it states planning decisions should ensure that any new development in air Quality Management Areas is consistent with the local air quality action plan.
- 15.2 London Plan Policy 7.14 seeks that development proposals minimise pollutant emissions and promote sustainable design and construction to reduce emissions from the demolition and construction of the buildings; not worsen existing poor quality air quality. Where additional negative air quality impacts from a new development are identified, mitigation measures will be required to ameliorate these impacts. This approach is consistent with paragraphs 120 and 124 of the NPPF. Further the Mayor of London’s Air Quality Strategy provides a framework of policy which aims to improve air quality in London.

15.3 The Mayor's Air Quality Strategy (2010) seek to minimise the emissions of key pollutants and to reduce concentrations to levels at which no, or minimal, effects on human health are likely to occur.

15.4 Local Plan Policy CC10 seeks to reduce potential adverse air quality impacts arising from new developments and sets out several requirements.

### **Assessment**

15.5 The development site is within the borough wide Air Quality Management Area (AQMA). The site is in an area of very poor air quality due to the road traffic emissions from Kings Road (A308), Edith Road and Michael Road. The development proposal will introduce new residential receptors into an area of poor air quality. In respect to this development site the air quality, specifically the NO<sub>2</sub> concentrations at the proposed property, even in the background currently fails the 40ugm-3 air quality objective for NO<sub>2</sub>. Further Mitigation measures, beyond those set out in the submitted air quality assessment, will be required to make the development acceptable in accordance with Local Plan Policy CC10. The Council's Environmental Quality team have considered the proposal and have recommended conditions relating to Air Quality Dust Management Plan, ventilation Strategy, Zero Emission heating and Energy Plant, Ultra Low Emission Strategy for the reduction of operational phase vehicle emissions associated with the development. This will be secured via condition.

## **16.0 PLANNING OBLIGATIONS AND CIL**

### **Mayoral CIL**

16.1 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. An estimate of £ 167,680 based on the additional floorspace has been calculated. 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**

16.2 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. An estimate of £ 759,200 based on the additional floorspace has been calculated.

## **Planning Obligations**

16.3 The London Plan Policy 8.2 recognises the role of planning obligations in mitigating the effects of development and provides guidance of the priorities for obligations in the context of overall scheme viability.

16.4 In the event that planning permission were to be acceptable, the applicant would be required to enter into a legal agreement. The Legal Agreement will include the following obligations:

(1) Affordable Housing - 10 (35% habitable rooms or 32% units) affordable units, of which 5 are London Affordable Rent and 5 are London Living Rent.

(2) £192,215 payment in lieu contribution towards the zero-carbon emission target for the residential and commercial uses.

(3) Contribution to economic development (£20,875) including the following:  
Construction phase (£17,500)

- £17,500 contribution for employment and skills of - 2 paid and 2 unpaid construction placements

- 1 apprenticeship

- 10% local labour

Financial Operational phase (£3,375)

- 10% local procurement

(4) On-street car parking permit-free development

(5) Travel plan monitoring fee of £3,000 per submission (submissions on years 1, 3 and 5)

(6) Developer to pay for Highway Works comprising:

(i) Footway Paving

## **17.0 CONCLUSION**

17.1 The proposed development would create a well-designed mixed-use residential scheme that has been designed to complement the character and appearance of the locality and adjacent conservation area. The proposal would improve the existing site and the surrounding area and would result in an acceptable impact on the living conditions of neighbouring residential properties. The cumulative impact of the development, subject to conditions would not have a significant impact on the highway, parking, or environment. The proposal has overcome the reasons cited in dismissing the appeal scheme. The proposal is in accordance with relevant national guidance, London Plan (2016) policies and associated SPGs, the Hammersmith and Fulham Local Plan (2018) and Supplementary Planning Document (2018).

## **18.0 RECOMMENDATION**

- 1) That the Committee resolve that the Chief Planning Officer be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below;
- 2) To authorise that the Chief Planning Officer after consultation with the Head of Law and the Chair of the Planning and Development Control Committee be authorised 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 conditions, any such changes shall be within their discretion