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Ward: Addison

Site Address:
Rockley Court  Rockley Road  London  W14 0DB

Reg. No: 2009/00314/FUL  Case Officer: Shelley Watson

Date Valid: 18.02.2009  Conservation Area:

Committee Date: 24.11.2009
Applicant:
Anston Investments Ltd
2 Gloucester Gardens London NW11 9AB

Description:
Change of use from nine garages to four (4) studio units and a one (1) bedroom flat at ground floor level; erection of a single storey in-fill extension at ground floor to the northern elevation; erection of 2.05m high gates to the Rockley Road entrance.
Drg Nos: 2115 700, 711A, 712A, 713, 2115 811A 2115 714 Flat 1, 2, 3, 4, 5

Application Type:
Full Detailed Planning Application

Officer Recommendation:

That the Committee resolve that the Director of the Environment Department be authorised to determine the application and grant permission up on the completion of a satisfactory legal agreement

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 building development shall not be implemented otherwise than in accordance with the detailed drawings which have been approved unless any material alteration to these approved details has first been submitted and approved in writing by the Council.

   In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with policy EN8B of the Unitary Development Plan as amended September 2007.

3) Any alterations to the elevations of the existing building(s) shall be carried out in the same materials as the existing elevation to which the alterations relate.

   To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policy EN8B of the Unitary Development Plan as amended 2007.

4) No occupier of the residential units hereby permitted, with the exception of disabled persons who are blue badge holders, shall apply to the council for a parking permit or retain such a permit and if such a permit is issued it shall be surrendered to the Council within seven days of written demand.

   In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with policies HO3
5) The residential units hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the local planning authority to ensure that all occupiers, other than those with disabilities who are blue badge holders, have no entitlement to parking permits from the council and to ensure that occupiers are informed, prior to occupation, of such restriction. The development shall not be used otherwise than in accordance with the approved scheme unless prior written agreement is issued by the council.

In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the new residential units hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with policies HO3 and TN15 and standards S8.2 and S18.1 of the Unitary Development Plan as amended 2007.

6) The residential units hereby permitted shall not be occupied until the council has been notified in writing (and has acknowledged such notification) of the full postal address of the unit. Such notification shall be to the council’s Head of Development Management and shall quote the planning application number specified in this decision letter.

In order that the prospective occupiers of the flat are made aware of the fact that they will not be entitled to an on street car parking permit, in the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with policies HO3 and TN15 and standards S8.2 and S18.1 of the Unitary Development Plan as amended 2007.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no extensions or other form of enlargement to the residential development hereby permitted, nor alterations to fenestration, nor erection of porches, outbuildings, hardstandings, storage tanks, gates, fences, walls or other means of enclosure, shall take place without the prior permission of the Council.

Any alterations could have a significant impact on residential and visual amenity and the Council would wish to exercise future control over development which may impact upon these amenities, in accordance with Standard EN8B of the Unitary Development Plan as amended 2007.

Justification for Approving the Application:

1) It is considered that the proposal would not contribute significantly to on-street parking in surrounding streets and the residential units would be of an acceptable standard. The proposal would not harm neighbouring residential amenity and would be in keeping with the character and appearance of the property and the surrounding area. In this respect the proposal complies with Policies HO3 and
EN8B Standards S8, S12 and S13 of the Unitary Development Plan as amended 2007.

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LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

All Background Papers held by Michael Merrington (Ext: 3453):

Application form received: 18th February 2009
Drawing Nos: see above

Policy documents:
The Revised London Plan 2008

Consultation Comments:

Comments from:                        Dated:
Crime Prevention Design Advisor - Hammersmith 13.08.09
Thames Water - Development Control 22.04.09

Neighbour Comments:

Letters from:                        Dated:
Lane House 24 Parsons Green Lane London SW6 4HS 16.03.09
5 Rockley Court Rockley Road London W14 0DB 18.03.09
41 The Grampians Shepherd's Bush Road London W6 7LY 13.03.09
24 Rockley Court Rockley Road London W14 0DB 09.03.09
40 Rockley Court Rockley Road London W14 0DB 19.03.09
35 The Grampians Shepherd's Bush Road London W6 7LN 27.02.09
Flat Basement 82 Minford Gardens London W14 0AP 11.03.09
4 And 3 Rockley Court Rockley Road London W14 0DB 12.03.09
42 Rockley Court Rockley Road London W14 0DB 13.03.09
133 The Grampians Shepherd's Bush Road London W6 7NB 26.02.09

OFFICER'S REPORT

1.0 SITE DESCRIPTION AND RELEVANT HISTORY

1.1 The application site is located on the western side of Rockley Road and is currently occupied by nine garages and storage sheds which form the ground level of a five storey block of flats. The site is adjoined by the Grampians Building (Grade II listed) to the west, and Roseford Court and Woodford Court to the north, all of which are multi storey blocks of residential flats. To the south, the site backs on to Minford Gardens occupied by terraced residential properties. Pedestrian and vehicle access to the site is provided via a ramp from Rockley Road.

Previous planning history on the site includes:
1998/00233/FUL: Application refused for erection of two additional floors to provide eight, two-bedroom flats, two, one-bedroom flats and fifteen additional car parking spaces.

1989/00310/FUL: Application refused for erection of an additional floor at roof level to provide five, two-bedroom flats and eight car parking spaces, refused.

1990/01548/FUL: Application refused for erection of an additional floor at roof level to provide three, two-bedroom flats, with a roof terrace for each flat, and five car parking spaces.

2001/01531/FUL: Erection of two additional floors to provide four, three-bedroom units and one, two-bedroom unit. The proposal included a roof terrace/balcony for each flat, and no extra off-street car parking, refused. An appeal against the refusal was dismissed on 11 June.2002 (Appeal Ref: APP/H5390/A/02/1082299).

2003/00740/FUL: Erection of a six storey building abutting the western end of Rockley Court, providing three, 1 bedroom flats with 3 car parking spaces, refused. An appeal against the refusal was lodged but withdrawn on 08.09.2003 (Appeal Ref: APP/H5390/A/03/1119596).

2004/03267/FUL: Erection of a four storey building to the western end of Rockley Court, providing 3, 1 bedroom flats, and 3 car parking spaces, refused. An appeal against the refusal was allowed in August 2005.

2005/03092/FUL: Demolition of existing block of four garages, erection of a five storey building to the western end of Rockley Court, providing two, 1 bedroom flats and one, 2 bedroom maisonette; provision of 3 no. car parking spaces, refused. An appeal was lodged and was upheld by the planning inspectorate in November 2006.

2007/03228/FUL: Planning permission granted for demolition of existing block of four garages, erection of a five storey building to the western end of Rockley Court, providing two, 1 bedroom flats and one, 2 bedroom maisonette; provision of 3 no. car parking spaces.

2008/01790/FUL: Planning permission granted for conversion of two garages to use as two self-contained units at ground floor level.

2008/01804/FUL: Planning permission granted for conversion of two garages to use as 2 studio units at ground floor level; single storey in-fill extension at ground floor to the northern elevation.

2009/00595/DET - Details approved for conditions related to cycle store condition 7; submission of details of refuse store pursuant to condition 10; submission of details of external lighting pursuant to condition 11 of planning permission ref. 2005/03092/FUL granted on 11 October 2006.

1.2 The current application seeks planning permission to change the use of nine garages to four (4) studio units and a one (1) bedroom flat at ground floor level; including the erection of a single storey in-fill extension at ground floor to the northern elevation and erection of pedestrian and vehicle gates (2.05m high) to the Rockley Road entrance.
1.3 The proposed studios (four) and one bedroom flat (one) would have floor spaces of 35m² and 62m² respectively, each with access from paved communal area between the existing ramp and building.

1.4 Six (6) bicycle parking spaces are provided adjacent to the proposed studios and flat, through a secured access way. Refuse storage would be provided directly adjacent to the proposed units.

1.5 The proposed entry gates would be automatic, setback 5m from the entrance and measure 2.05m in height, providing separate pedestrian and vehicle entry to the site. The existing crossover would be retained.

1.6 The applicant has provided supporting information stating the existing garages and storage sheds are currently underused, most of which are vacant or leased for use by non-residents.

2.0 PUBLICITY AND CONSULTATION

2.1 The application was advertised by way of site and press notices. Individual notification letters have also been sent to adjoining and surrounding occupiers/residents.

Eleven letters of objection have been received which raise concern in relation to:
- Noise and disturbance
- Structural integrity and safety of the building
- Increased demand for off-street parking
- Excessive density, overdevelopment of site
- Loss of visual amenity to residents within The Grampians
- Pressure on existing infrastructure
- Ensuring security gates are installed for the safety of residents

2.2 Notification letters were also sent to the following parties:

MET Police - Crime Prevention and Design: No objection.
Thames Water - No objection.

3.0 PLANNING CONSIDERATIONS

3.1 CHANGE OF USE

3.4 The development site is currently arranged as nine (9) garages and twenty four (24) storage units, which would be replaced by the proposed studios and flat.

3.5 Standard S8.1B states that converted studio flats should measure at least 25 square metres with a minimum of 14 square metres for living/sleeping area. Standard S8.1A requires a minimum of 14m² for living areas, 12m² for main bedrooms and 7.5m². The proposed studios and flats would have floor areas of 35 sqm and 62m² respectively, and room sizes in accordance with the standard. The proposal would therefore accord with S8.1B.

3.6 Car parking is discussed later in this report under Car Parking (paragraphs 3.9-3.12).
DESIGN

3.7 Policy EN8B of the UDP states that development should be compatible with the scale and character of existing development, neighbours and setting. To the north elevation, it is proposed to enclose the areas under the first floor balconies for additional floor space and to replace the existing garage doors with a brick façade and twelve sets of windows. To the south elevation, the existing storage sheds would also be replaced with a brick façade and insertion of windows and timber entrance doors. No objection is raised to the use of matching brick and window design (to match the existing building) which is considered to integrate the new frontages with the existing buildings. Visibility of the proposed works is limited given the ground level of the application site is set beneath Rockley Road. Officers therefore consider that these works would not detract from the appearance of the block of flats or the wider area and are considered acceptable.

3.8 The proposed automatic gates would be 2.05 metres in height, setback 5m from the entrance way and comprise brick piers with railings (painted black) and separate entrances for pedestrians and vehicles. Officers consider these to be in keeping with the existing development and surrounding area. In design terms the development is therefore considered to accord with Policy EN8B of the Unitary Development Plan, as amended 2007.

3.9 CAR PARKING

3.10 The Council would normally require the provision of one additional parking space for the net increase of one residential unit. The proposal would result in the loss of 9 existing garages however it is accepted these are underutilised and that some are also leased to residents outside of the Rockley Court development, the latter of which creates security and safety issues for some existing residents. The proposal also includes the formation of 5 new surface level parking spaces on the northern part of the estate (for all occupants of Rockley Court) which is considered satisfactory given this would provide more opportunity for parking on site, given the underutilised garages are for private use only.

3.11 The proposed gates are set back sufficiently from the Rockley Road entry ensuring that any waiting vehicles would not obstruct the footway for pedestrians or the road way for any passing vehicles. The gates would open inwardly which further prevents any obstruction beyond the site boundaries.

3.12 To further ensure that parking congestion or demand is minimised, conditions would be attached to any permission which would restrict the occupiers of the proposed residential units from obtaining on-street parking permits. This is considered to be an appropriate approach in this case in view of the proximity of the application site to public transport (PTAL 6 - High) and to nearby shops and services. The applicant has confirmed their willingness to enter into this agreement. Subject to conditions, it is considered that the proposal would comply with Policies H03, TN15 and Standards 8.2 of the UDP, as amended 2007.

3.13 STANDARD OF ACCOMMODATION

3.15 The proposed development would provide four studio units with a floor area of 35m² and a one bedroom flat with a floor area of 62m², all of which meet the minimum
standard of 32m² for self contained accommodation in accordance with Standard S8... of the Unitary Development Plan, as amended 2007.

3.16 RESIDENTIAL AMENITY

3.17 Noise and Disturbance

3.18 Rockley Court is a residential development occupied by fifty five residential units. It is not considered the addition of five residential units in the context of the wider development would result in a significant increase in noise and disturbance.

3.19 CYCLE PARKING

3.20 Standard S20.1 requires developments to provide a secure cycle parking. In accordance with Table 12.2 of the UDP 5 cycle parking spaces would be required. In this case, 6 spaces are proposed adjacent to the proposed units, which would be secure and covered, further details of which would be secured by condition (No. ).

3.21 REFUSE:

3.22 Policy EN17 of the UDP (amended 2007) relates to refuse and recycling, storage and collection. The policy requires suitable on site facilities to be provided in each development for storage of refuse. The development provides for fully enclosed areas at ground floor level with 2 x 240 litre wheeled bins and 2 x 240 wheeled bins for recycling, which is considered satisfactory to officers. Waste Management

3.23 SECURE BY DESIGN

3.24 Proposed gates

OTHER MATERIAL CONSIDERATIONS

4.0 RECOMMENDATION

4.1 Grant planning permission, subject to the completion of a legal agreement as outlined above.
Ward: Shepherd's Bush Green

Site Address: Shepherd's Bush Common  Shepherd's Bush Green  London

Reg. No: 2009/00758/FR3  Case Officer: Laurence O'Keeffe

Date Valid: 08.04.2009  Conservation Area: Shepherds Bush Conservation Area - Number 21

Committee Date: 24.11.2009

Page 18
**Applicant:**
London Borough Of Hammersmith And Fulham
Town Hall King Street Hammersmith London
W6 9JU

**Description:**
Erection of a single storey building comprising a cafe, public lavatories and electricity sub-station; formation of 4 No. mounded grass areas; provision of two children's play areas with associated equipment, new lighting, fencing and surfacing in connection with the overall landscaping works and tree planting to Shepherd's Bush Common (Revised Scheme)


**Application Type:**
Full Regulation 3 - LBHF is Developer

**Officer Recommendation:**
That the application be approved subject to the condition(s) set out below:

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

   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 hereby approved shall not be erected otherwise than in accordance with the detailed drawings which have been approved unless any material alteration to these approved details has first been submitted and approved in writing by the Council.

   In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with policies EN2, EN3 and EN8 of the Unitary Development Plan, as amended 2007.

3) Prior to commencement of the development hereby approved, a method statement for the demolition and construction works shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise and vibration, including working hours. Approved details shall be implemented throughout the project period.
To ensure that the amenity of occupiers of surrounding premises is not adversely affected by dust from the building site, in accordance with Policies EN20A, EN20B, EN20C and EN21 of the Unitary Development Plan, as amended 2007.

4) Prior to commencement of the development hereby approved, a Construction Logistics Plan shall be submitted and approved in writing by the Council in accordance with Transport for London (TfL) requirements.

In order to minimise the impact of construction traffic on nearby roads and restrict construction trips to off peak hours only and ensure that the development does not cause danger and inconvenience to users of the adjoining highway in accordance with Policies G4 and EN21 of the Unitary Development Plan, as amended 2007.

5) The development hereby approved shall not commence until a construction management plan has been submitted and approved in writing by the Council. The management plan shall include, amongst other matters, details of the height and positioning of the construction site fencing and proposed phasing of works.

To ensure a satisfactory external appearance, prevent harm to the street scene and minimise the period of reduction in use of the common by the residents, in accordance with policies EN2, EN8 and G0(f) of the Unitary Development Plan, as amended 2007.

6) Prior to the commencement of any works on site, a chestnut paling fence or similar barrier of a height no less than 1.5 metres shall be erected and maintained around the trees to be retained on site or at a radius of no less than 3 metres (whatever is the greater) from the trunk of each tree to be retained for the duration of the works; the area thus enclosed shall be kept clear of all excavated materials, building materials, plant and rubbish. Further, the burning of materials shall not take place on site.

In order to adequately safeguard the trees in the vicinity of the building works and in the interests of visual amenity, in accordance with policy EN25 of the Unitary Development Plan, as amended 2007.

7) Any tree or shrub planted being removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree of a similar size and species to that originally required to be planted.

To ensure a satisfactory provision for planting in accordance with Policies EN8 and EN26 of the Unitary Development Plan, as amended 2007.

8) The development hereby approved shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the council. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

To prevent the increased risk of flooding and ensure future maintenance of these structures and to reduce the amount of surface water run off from the site, in
accordance with Planning Policy Statement 25, as required by the Environment Agency.

9) No construction works on the cafe building hereby approved shall commence until particulars and samples of materials to be used in all external faces of the building have been submitted to and approved in writing by the Council. The development shall be carried out in accordance with such details as have been approved.

To ensure a satisfactory external appearance, in accordance with policies EN2 and EN8 of the Unitary Development Plan, as amended 2007.

10) The cafe building hereby approved shall not be occupied until a management plan for the use, including hours of operation, details of servicing and details of the external seating area including means of enclosure have been submitted to and approved in writing by the Council. The cafe shall thereafter be operated in accordance with the management plan.

In order that the use does not give rise to conditions detrimental to the amenities of surrounding occupiers and users of the common, in accordance with policies EN21 and GO and standard S23.1 of the Unitary Development Plan, as amended 2007.

11) Prior to commencement of the use hereby approved, details shall be submitted to and approved in writing by the Council, of the installation, operation, and maintenance of the odour abatement equipment and extract system used in the proposed cafe including the height of the extract duct, in accordance with the ‘Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' January 2005 by DEFRA. Approved details shall be implemented prior to the commencement of the use and thereafter be permanently retained.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by cooking odour, in accordance with Policy EN20A and EN21 of the Unitary Development Plan, as amended 2007.

12) The café building hereby approved shall not commence until details of cycle parking to be provided in connection with the building have been submitted and approved in writing by the Council, and such details as are approved shall be implemented prior to the occupation or use of the building and permanently retained thereafter.

In order to promote alternative, sustainable forms of transport, in accordance with standard S20.1 of the Unitary Development Plan, as amended 2007.

13) Prior to commencement of the development hereby approved, details shall be submitted to and approved in writing by the Council, of artificial lighting. Details shall demonstrate that the recommendations of the Institution of Lighting Engineers in the ‘Guidance Notes For The Reduction Of Light Pollution 2005' will be met. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.
To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting, in accordance with Policy EN20A, EN20C and EN21 of the Unitary Development Plan, as amended 2007.

14) No development shall commence until a statement of how Secured by Design requirements are to be achieved has been submitted to and approved in writing by the council. The approved details shall be carried out before any use of that part of the development to which the approved details relate.

To ensure a safe and secure environment in accordance with Policy EN10 of the Unitary Development Plan, as amended 2007.

15) No development shall commence until a desktop study, site investigation scheme, intrusive investigation and risk assessment have been submitted to and approved in writing by the Council. The desk study will identify all previous site uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site. The site investigation scheme will provide information for an assessment of the risk to all receptors that may be affected, including those off site. The risk assessment will assess the degree and nature of any contamination on site and to assess the risks posed by any contamination to human health, controlled waters and the wider environment. A detailed method statement for any required remediation works will need to be submitted to, and approved in writing, by the Council. All works must be carried out by a competent person conforming to CLR 11: Model Procedures for the Management of Land Contamination (DEFRA 2004).

To ensure that any contaminated land on the application site is identified and remediated in accordance with Policies G0, G3, EN20A and EN21 of the Unitary Development Plan, as amended 2007.

16) No development shall commence until any required remediation works have been completed and a validation report to verify these works has been submitted to, and approved in writing, by the Council unless otherwise authorised. 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 should be detailed and verified in an amendment to the remediation statement. All works must be carried out by a competent person conforming to CLR 11: Model Procedures for the Management of Land Contamination (DEFRA 2004).

To ensure that any contaminated land on the application site is identified and remediated in accordance with Policies G0, G3, EN20A and EN21 of the Unitary Development Plan, as amended 2007.

Justification for Approving the Application:

1) The development hereby approved, as part of the whole scheme for the Common, would enhance the open character of the common and improve its function as a recreational and leisure resource for local residents and business operators. The
introduction of a cafe building would enhance the common and provide facilities for the benefit of its users as well as enhancing surveillance on the Common and works to the war memorial would safeguard the architectural and historic interest of the memorial. As such, the proposals are considered to comply with policies EN2, EN8, EN8, EN20C, EN22, EN21 and EN27 of the Unitary Development Plan, as amended 2007 and policy 3D.8 of the London Plan.

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LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

All Background Papers held by Michael Merrington (Ext: 3453):

Application form received: 7th April 2009
Drawing Nos: see above

Policy documents: The Revised London Plan 2008

Consultation Comments:

Comments from: Dated:
Cathnor Park Area Action Group 17.07.09
Commission For Architecture And The Built Environment 13.05.09
Natural England 28.08.09
Environment Agency - Planning Liaison 05.06.09
Garden History Society - Conservation Department 02.08.09
Highways Agency 20.05.09
Thames Water - Development Control 30.04.09
Sport England London Region 22.05.09
Hammersmith & Fulham Historic Buildings Group 03.06.09
The Hammersmith Society 28.09.09
Granville Mansions Association 27.05.09
Charecroft Estate Tenants' And Residents' Association 25.05.09
Brackenbury Residents' Association 13.10.09
Natural England 01.09.09
Garden History Society - Conservation Department 22.09.09
Thames Water - Development Control 24.08.09
Romney Court Residents' And Tenants' Association 09.09.09
Charecroft Estate Tenants' And Residents' Association 09.09.09

Neighbour Comments:

Letters from: Dated:
20 Woodstock Grove London W12 8LE 27.04.09
32 Sinclair Mansions Richmond Way Shepherds Bush 06.05.09
44 Romney Court Shepherd's Bush Green London W12 8PY 29.04.09
116 Uxbridge Road London W12 8AA 01.06.09
5 Normandy Place 27.04.09
19 Roseford Court 34 Shepherd's Bush Green W12 8RA 18.05.09
25 Normandy Place Bourbon Lane 02.05.09
57 Pennard Road London W12 8DW 28.04.09
20 Woodstock Grove 27.04.09
57 Pennard Road London W12 8DW 28.04.09
51 Loftus Road London W12 7EH 25.05.09
Flat A Basement 61 St Stephen's Avenue London W12 8JA 26.05.09
55 Romney Court Shepherd's Bush Road London 23.05.09
NAG 07.05.09
NAG 06.05.09
NAG 13.05.09
22 Romney Court Shepherds Bush Green London 23.05.09
275 Goldhawk Road London W12 8EU 27.05.09
Nag 27.05.09
Bernard Selwyn 3 Hogarth Road London SW5 0QH 24.06.09
82a Devonport Road London 16.09.09
NAG 10.09.09
51 Loftus Road London W12 7EH 10.09.09
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45 Loftus Road London W12 7EH 10.09.09
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36 Macfarlane Road London W12 7JZ 14.09.09
30 Stronsa Road London W12 9LB 14.09.09
20 Ellerslie Rd 15.09.09
61a St Stephen's Avenue Shepherd's Bush London 14.09.09
36 Macfarlane Road London W12 7JZ 14.09.09
49a Loftus Road London 15.09.09
73c Godolphin Road 16.09.09
41 Bloemfontein Avenue 15.09.09
29 Loftus Road 14.09.09
29 Ethelden Road, London 15.09.09
4 Coverdale rd London 15.09.09
36 Ellerslie Road London W12 7BW 14.09.09
30 Stanlake Road Shepherd's Bush London 15.09.09
61a St Stephen's Avenue Shepherd's Bush London 15.09.09
19 Roseford Court 34 Shepherd's Bush Green W12 8RA 14.09.09
30 Stronsa Rd 14.09.09
12 Granville Mansions Shepherd's Bush Green W12 8QA 08.09.09
51 Loftus Road London W12 7EH 09.09.09
36 Ingersoll Road Shepherds Bush London 15.09.09
133 Portland Road London W11 4LW 16.09.09
133 Portland Road, London, 16.09.09
14 Pennard Mansions Goldhawk Road 10.05.09
89 Roseford Court 34 Shepherds Bush Green London 10.05.09
116 Uxbridge Road London W12 8AA 28.05.09
21 Woodstock Grove London W12 8LE 29.04.09
Union and Threshold House, 67 Shepherds Bush Green, W12 06.05.09
68 Hudson Close 27.05.09
Flat 1 82 Uxbridge Road London W12 8LR 08.05.09
23 Pennard Road W12 8DW 06.05.09
23 Pennard Road W12 8DW 05.10.09
The Residents Amenities Protection Association for Loftus Raod 14.05.09
NAG 15.05.09
17 Findon Road London W12 9PZ 27.05.09
OFFICER REPORT

1.0 BACKGROUND

1.1 This application relates to Shepherd's Bush Common, a 3.35 hectare triangular area of grass owned and managed by the London Borough of Hammersmith and Fulham. The Common is surrounded by roads on all sides. The Common has been protected since the 1871 Metropolitan Commons Act. Works and alterations to the Common need to take account of the provisions of the act. The property is located in the Shepherd's Bush Green Conservation Area and is a nature conservation area.

1.2 There are a number of modern amenities on the Common, including a War Memorial and a nightclub located in the former subterranean public toilets to the eastern side, an electricity sub station in the North West corner as well as tennis courts and a children's playground. A dog walker's area is also defined. These facilities have happened incrementally and as such there is no uniformity of appearance, with different fencing styles, lighting columns and hard surface treatments used across the Common.

1.3 The proposed works to the Common cover an area of 32,801m2 and include the following elements:

- Soft landscaping including the removal of some existing trees, new tree and shrub planting and re-turfing of all grassed areas
- Introduction of four grass mounds to the Common
- Erection of a single storey building housing a café, public toilets and an electricity sub station (to replace the existing sub station)
- Two new play areas for children aged 0-5 and 5-16
- Introduction of new lighting
1.4 The installation of CCTV, seating, litter bins, cycle stands and signage including the bronze plaque for the war memorial and the reorganisation of the existing footpath and cycle path network including removal and/or realignment of existing footpaths and new routes can be undertaken within the Council's permitted development rights to maintain and improve council owned property (Part 12, Class A of the Town and Country Planning General Permitted Development Order 1995). However, as the works and alterations to the Common had previously been the subject of a lengthy consultation process with local residents and interested parties, it was considered appropriate to consult residents on all aspects of the improvements and alterations to the park, as part of this planning application, for clarity.

1.5 Separate applications have been submitted for Listed Building Consent for works to repair and reset the Grade II Listed War Memorial including the installation of a copy of bronze war memorial plaque mounted on a natural stone base (2009/00768/LBC) and Conservation Area Consent for the demolition of the existing electricity sub station as well as fencing surrounding the existing tennis court, children's playground; picnic area, dog walkers area and war memorial (2009/00769/CAC). This report would cover all three applications.

1.6 The Council established a Stakeholder Advisory Group in May 2007 which was comprised of the representatives of local resident's organisations, amenity groups, businesses and the police. The group met on four occasions during the design development process so that their views could influence the final design outcome. During its first meeting the group commented on a draft design brief prepared by officers and their comments lead to a number of changes to the brief. This document formed the basis upon which the Council tendered for a landscape consultant to prepare a detailed scheme.

1.7 In January and June 2008 the appointed landscape designers and the Council organised two major exhibitions of the evolving design and these events were widely advertised and open to all members of the public. Both exhibitions were in the W12 Shopping Centre and staffed part time by officers and the consultant. Questionnaires were available at the exhibition and on line.

1.8 The planning application was submitted in April 09. An additional meeting was organised on 2nd June 2009 for local people that had expressed objections to the planning application. The meeting was lead by the Cabinet Members for Environment and Residents Services Departments. As a result of residents comments made during the meeting several amendments were made to the design to respond to some of those issues.

1.9 The application has been amended from the earlier submission following public responses to the consultation exercise in the following ways:-
- Removal of the granite retaining wall/benches to the rear of the proposed mounds and reduction in the overall size of the mounds
- Reconfiguration of the proposed mounds to reduce the number of mature trees to be lost
- Alteration of the proposed café building by removal of the gabion walling
- Removal of the proposed multi use games court (MUGA) and associated flood lights
- Introduction of a bronze plaque on natural stone base to the east of the memorial replicating the wording on the memorial
1.10 The Council is also required to submit for Commons Consent to the planning Inspectorate (formerly Defra) to carry out the works. The Inspectorate has undertaken its own consultation exercise and advertisement in relation to the original submission. A further submission would be made to the Inspectorate on the revised scheme if approval is forthcoming from PAC.

1.11 In support of the application the applicants have stated that

"We expect Shepherd's Bush Common to be redesigned to create a high quality green space of national distinction that builds on its existing landscape heritage in a way that is appropriate for the 21st Century".

"The design aims to reinvigorate the Common through the development of a clear spatial landscape narrative reflecting the demands of both passive and active recreation. The active recreation facilities (Playgrounds and Cafe) are concentrated on the western rim of the Common to animate the most under used part of the open space as well as encouraging a safe environment through cross generational proximity, supervision and natural surveillance".

2.0 PUBLICITY AND CONSULTATIONS

2.1 The application has been subject of extensive publicity and consultation. A number of specific stakeholder and public consultation events have taken place over the last couple of years. A Stakeholder Advisory Group comprising representatives from local residents' organisations and amenity groups have been engaged at key stages in the projects development with a stakeholder workshop in October 2007 and presentations of the proposals in January and June 2008.

2.2 The application has been advertised by way of site notice and press advert and neighbour consultation letters have been sent to 3795 local residents, businesses and amenity groups.

2.3 As a result of the initial consultation, 30 responses were received from the public, 24 objecting to the proposals and 6 in support.

2.4 A summary of the objections is given as follows:

- Preserving open space is far more important than cafes, public lavatories, equipping play areas etc
- There used to be public toilets on the common that the Council closed
- Structured play areas do not benefit children
- Provision of a games area with floodlighting would create noise and light pollution and waste energy
- Preserving the space to pass onto future generations is much more important than wasting money on this design
- The cafe would set a precedent for other buildings on the Common
- Outward facing seating would attract undesirables who would intimidate people wanting to use the green
- Seating should be placed around the trees in the shade not on edge of ill conceived mounds
- Provision should be made for people to exercise their dogs without them running off
2.5 In addition, a sixty nine signature petition has been received from Pennard Neighbourhood Watch objecting to the proposals on the following grounds:

- The development would alter the character of the open green space using public money for something that has not been properly consulted on
- The proposal is over-structuralisation of a natural site; there are abundant cafes in the area. Open spaces are lacking
- Empty site at 15 Pennard Road could include a café, market, play area
- Present facilities on the green should be upgraded
- Public lavatories should be upgraded

2.6 Of the letters of support, the following comments were made:

- The green would be better for it
- A very good application that I fully support
- A sensible, well thought through idea
- Excellent idea, exactly what the area needs. The common sets the tone for the whole area and this would be a significant benefit
- New lighting is welcome and makes the common safer, attractive and benefits the local community

2.7 In addition, comments were received from a number of national bodies and local groups.

2.8 CABE: Unable to review the scheme as they are consulted on more cases than they have resources to deal with.

2.9 Sport England: Policy is framed by Statutory Instrument 1817. The proposed development does not impact upon existing playing pitches within the definition of 1817, therefore response is non statutory. Sport England support the proposal as the existing MUGA is to be replaced with a new facility. The applicant is strongly advised to consider Sport England's design guidance for MUGA's.

2.10 Royal British Society of Sculptors: Provide comment in relation to the sculpture 'The man who blows the clouds'. It is regrettable that a work commissioned as part of the Borough's Public Arts Programme should not be properly maintained and should not be removed in such a cavalier manner. The sculpture should be restored and an alternative location found.

2.11 Open Spaces Society: Our views must take account of the views of local residents and users, which the society fully supports. MUGA fencing is far more substantial than the existing tennis courts but it is not suitable for a common. There is enough space on the common for young people to kick or throw a ball for informal games without special provision. Adequate, reachable space exists elsewhere for more organised games. The mounds do not add anything to the recreational value or amenity of the Common. Their granite bench edges facing the surrounding paths would be less comfortable than the existing wooden benches that face the active areas of the common. Trees should not be removed just because they are not in first class condition.
as is suspected in this case. The siting of the cafe appears to be chosen to avoid affecting more trees. The general public reaction is that the new cycle paths are better than the existing. Cycling should be kept on certain paths at the Council's discretion and at speed limits properly controlled under the Open Spaces Byelaws. Cycle Lanes are effectively widening the highway and land would cease to be part of the common and would need to be replaced elsewhere.

2.12 War Memorials Trust: No objection to the proposals for the memorial provided research into the history of the railings and flower beds as part of the design of the memorial has been considered and that these features are not an integral part of the design. Paving should be sympathetic and the memorial should be suitably protected during the works.

2.13 Garden History Society: Did not wish to comment

2.14 Granville Mansions Association: We have in the past been involved in supporting and improving the local environment and I feel that the opportunity to further improve and conserve the Common, part of which the current plans attempt to do are welcome. Do not support the Common being built on, loss of mature trees and installation of benches that face outwards from the Common.

2.15 Hammersmith and Fulham Historic Buildings Group: Improvements should keep the character and local distinctiveness of Shepherd's Bush Common and Shepherd's Bush conservation area. Planting to the west and south has been successful but the eastern side needs attention. Shepherd's Bush Common should continue as open flat land, not be turned in on itself and not urbanised. When the Ginglik Club roof problems are resolved it should be landscaped as it is an integral part of the common. The group welcomes the grouping of play equipment to the western end to avoid fragmentation, cycle routes round the outside of the Common, tree survey and intention to plant more trees, the public lavatories and resiting of electricity sub station and cafe. The cafe provides surveillance. It must ensure that there is no net loss of green, open space. The cafe could be both unobtrusive and of considerable interest and charm as a green eco building depending on how it is detailed. More green open space could be achieved through the reduction of hard surfaced areas particularly at western entrances and hard landscaping should be kept to a minimum around the war memorial. Reservation expressed regarding mounding.

2.16 Cathnor Park Area Action Group: Welcome the footpath realignment, new trees and shrub planting, café, playgrounds, lighting, CCTV and repair to the memorial. However, they raised concerns regarding the removal of the dog area, mounds and removal of skateboard ramp.

2.17 Charcroft Tenants Residents Association: Support the footpath realignment and separate cycle lanes, lights, variety of long and short grass and new trees, use of natural stone, children's play areas. Object to outward facing seating, lack of lighting on west side, poorly designed café, removal of trees.

2.18 Senior officers and councillors met with residents who raised concerns about the development proposals in Shepherd's Bush Library on 2nd June. In response to many of the issues raised, the planning application has been amended. A further round of consultation was undertaken in August which involved all of the amenity groups once
again as well as an individual letter to all those who had responded to the earlier consultation.

2.19 26 further letters have been received in response, 25 raising objection and one in support. Objections raised include:-

- Mounds - There is no need to import tons of soil and fell trees to introduce mounds to the common which is historically flat
- Cafe - Footprint of building too big, impact on conservation area, moving sub station into green and loss of open space
- Poorly designed new building
- Loss of trees, many of which could be retained if the mounds were abandoned
- Lack of compliance with UDP Policies
- Lack of maintenance plan for the common
- Relocation of sub station is a waste of tax payers' money
- Mounds provide gaps in surveillance
- Numerous cafes/eateries already exist around the site
- Grassy space is of value in built up area
- Council toilets existed on three corners of the site but were closed. The new toilets would also be closed
- Building on common would set a precedent for more buildings
- Children’s play areas are over prescribed and un-used once novelty wares off
- Loss of dog area
- Loss of tennis courts

2.20 In addition, a petition with 82 signatures has been received from Pennard Neighbourhood Watch which make the following observations and objections on the proposals:-

- Favourable response to the removal of the stone benches from around the mounds, the greater width of the shared surface to the East (Rockley Road) end, the removal of the Multi Use Games Area 'MUGA' and the reduction in the number of trees to be felled
- Strong objection to the inclusion of a cafe in the proposals as common should remain an open area. Cafes are more suitable to major parks; many cafes already exist in surrounding streets and abutting the cafe; the cafe would be leased out and would become run down; the cafe would become a refuge and place of concealment for undesirables

2.21 The letter in favour wholeheartedly supported the proposals.

2.22 Responses were also received from national organisations and local groups as follows.

2.23 Thames Water: No objection subject to storm water being stored and attenuated prior to entering the public sewer.

2.24 The Garden History Society: Do not wish to comment.

2.25 Natural England: The proposal does not significantly affect any priority areas for Natural England and therefore no objection to the proposal.

2.26 Open Spaces Society - Welcome the removal of the MUGA and the stone retaining walls of the mounds. Eight additional trees retained. The appearance of the cafe element of the building is the least objectionable. The toilets are inadequate for the
intensive use of the common and the staff accommodation is inadequate. The moving of
the electricity sub station is very expensive and should be kept in its current location in a
more attractive building. The existing underground toilets on the eastern side of the
common should be recovered and reused. Application to the Planning Inspectorate is
necessary for new paths and existing paths.

2.27 The Metropolitan Police Secured by Design Officer made the following comments:
He has been part of the Stakeholder Group since inception and committed to creating a
place of safety and Secured by Design accreditation. However, objection is raised to the
use of Gabion walling in the cafe building. (Officer Comment: The use of gabion walls
has been removed from the cafe building and details of materials to be used in the
elevation would be conditioned as part of the approval).

2.28 Environment Agency - no objections subject to condition.

2.29 English Heritage - Verbal response - no objections.

2.30 The Hammersmith Society: Broadly welcomes the proposals taking view that the
common looks tired and shabby. However, there should be no net loss of green space
for the public to walk, sit or play on. There is a case for the Mounds as they would
restrict the scope for holding large events such as funfairs on the common but should
not result in the loss of mature trees. A tree conflicts with the new north south
pedestrian route and is to be removed. This should become a feature with the path
going around it. 19 trees are to be removed and 13 planted. We support the planting of
Plane trees on north and south to form a double avenue along the north and south of
the Common. Fewer trees should be removed and paths be flexible to accommodate
them. Cafe and toilets would result in surveillance but would result in loss of green
space and should be rejected as a result. Opening up of the war memorial would
enhance its setting and make it seem larger from within. Cycle paths around outside is
welcome as is the bonded resin gravel path. The Ginglik club roof should be
strengthened to allow for more green space. Support the improved play areas and
removal of 'the man who blows the clouds' sculpture which is past its best. Support
removal of dog area fencing.

2.31 Charcroft Tenants and Residents Association: Objection raised to the café,
mounds, lack of lighting on west side of common.

2.32 Residents Amenities Protection Association for Loftus Road - RAPA
Mounds are a waste of tax payers' money. Cafe has poor aesthetics and would
increase undesirable activities to focus around buildings. Mounds result in the loss of
mature trees which are of amenity value.

2.33 Granville Mansions Residents Association: Mounds - Used to prevent scuffing of
grass from people not walking on the paths but result in loss of mature trees. The
mounds are not gateways but interrupt sight lines. They can provide areas to lie on but
would result in grass being scuffed contrary to above. Cafe - Too big, brutal design,
relocation of electricity sub station into the common and attractive area for undesirables
at night. Tree Felling - Abandoning the mounds would allow saving of all the trees that
are not diseased or dangerous.

2.34 Brackenbury Residents Association: Concur with Granville Mansions Residents
Association with the exception of improved lighting as it is not clear what is meant by
improved. A floodlit common would be detrimental to the area. Comments made by residents groups should reduce the scale of the development and monies saved should be used to improve the streets around the common.

2.35 Cathnor Park Area Action Group: Asked that the `Muga' be reinstated.

2.36 A number of issues are raised regarding parts of development that do not require planning permission. These would be considered separately as the detailed scheme design proceeds. Byelaws govern cycling on the Common and would be used to ensure cyclists use the segregated cycle lanes and dismount in areas which are used by pedestrians. Such controls would help to resolve any potential conflict if shared surfaces are introduced. The parks constabulary and Metropolitan police would police the Common to ensure compliance. The crime prevention officer has been involved in the preparation of the proposals and considered that the increased use of the park would increase natural surveillance within it. Improved lighting and CCTV would also assist in this.

3.0 PLANNING CONSIDERATIONS

3.1 The main planning considerations in this case are the acceptability of the removal of the fences, tennis courts and substation building, the acceptability of the new cafe building, playgrounds and mounds on the common and associated landscaping and impact on the nature conservation area and conservation area and the impact of the works on the listed monument and its setting and impact on its architectural and historic interest, having regard to Unitary Development Plan policies and standards and relevant requirements of The London Plan.

3.2 London Plan policy 3D.8 supports proposals that realise the current and potential value of open spaces to communities, and that protect the many benefits of open space including those associated with health, sport and recreation, children's play, regeneration, the economy, culture, biodiversity and the environment. Relevant policies in the Council's Unitary Development Plan include the following; CS2, EN2, EN2B, EN3, EN8, EN10, EN20C, EN21, EN22, EN25, EN26 and EN27.

3.3 Policy CS2 states that the Council would seek to retain the recreational use of buildings or land and would not normally allow change of use for other purposes. Policies EN2, EN2B and EN3 seek to preserve or enhance the character and appearance of conservation areas, including views into and out of them whilst maintaining the architectural and historic interest of listed buildings or structures. Policy EN8 of the UDP states that development would not be permitted unless it is of a high standard of design, and compatible with the scale and character of existing development and its setting. Policy EN10 states that development would not be permitted unless it provides users with a safe and secure environment.

3.4 Policy EN20C relates to light pollution and states that where planning applications include external lighting, this should be designed in order to provide the minimum amount of lighting necessary to achieve its purpose.

3.5 Policy EN21 states that all developments shall ensure that there is no undue detriment (e.g. due to additional noise or fumes) to the general amenities at present enjoyed by the existing surrounding occupiers of their properties.
3.6 Policy EN22 states that Development on public open space and other green open space of borough-wide importance identified on the Proposals Map would not be permitted unless it can be shown that such development would preserve or enhance its open character its function as a sport, leisure or recreational resource; and its contribution to biodiversity and visual amenity.

3.7 Policy EN25 states that the Council would endeavour to prevent removal or mutilation of protected trees and would require suitable replacements for trees that are removed. Trees on development sites should be retained and care taken to avoid damage to these trees during building works. Policy EN26 state that the Council would expect developers to plant trees where appropriate and would itself continue to plant appropriate trees in suitable locations. If felling is necessary, trees must be replaced with other suitable species. Policy EN27 states that nature conservation areas would be protected from development likely to cause demonstrable harm to their wildlife value.

Trees
3.8 The applications seek to rationalise the disjointed arrangement of facilities currently provided on the Common and congregate them in key areas. Footpaths and cycle paths would be re-routed around the edges of the Common and improved. Two key pedestrian routes would cross the Common. New landscaping, including the provision of gentle mounds at the main access points onto the Common would lead people towards the centre of the site. Twelve trees from a total of 102 are to be removed from the Common. Following revisions to the scheme, seven trees which were to be removed have been retained. Of the trees to be lost, five would be removed as a result of the introduction of the mounds on the Common. These trees have been surveyed and found to be either diseased or of limited amenity value. In lieu of their removal, an additional 31 new trees are proposed for the Common. Seventeen London Plane trees would be planted to the north and south of the Common to provide boulevards when viewed with the existing Plane trees. In addition, a number of Wild Cherry, English Oak and Weeping Birch trees would be planted to the western side of the Common, largely concentrated around the proposed café and children's play areas. Lighting is to be improved and CCTV cameras installed. Much of these works can be undertaken as permitted development and as such planning consent is not required.

Conservation Area Consent (CAC)
3.9 As part of the development proposals, the existing electricity substation in the North West corner of the site would be demolished. In addition, a number of enclosed areas which have developed incrementally over time on the Common such as the dog walking enclosure area, the picnic area, the children's playground and the tennis courts would be removed. Officers consider that these proposals would de-clutter the appearance of the area and assist in opening up the grassed area, characteristic of common land. The removal of many enclosed areas would result in a slight net gain in open grass area on the Common. It is considered that the removal of these structures would assist in enhancing the appearance of the Common and the conservation area generally. As the applicant for the application is the Local Planning Authority, permission must be sought from the Government Office for London (GOL) for the CAC application.

Planning Application
3.10 The elements of the scheme requiring planning permission are dealt with separately in the paragraphs below.
Mounds
3.11 Four grassed mound areas are proposed, one at the North West corner, one at the south west corner and two to the eastern side of the Common, separating the main north-south pedestrian route, adjacent to the listed war memorial. The mounds would range in height from 700 to 900mm and gently undulate towards the centre of the site. Officers consider that the mounds would add visual interest whilst being of limited height such as to not interfere with the open nature associated with common land. The elliptical mounds would guide pedestrian movement to the main pedestrian routes around the site whilst providing areas for users of the Common to relax in. The mounds have been reduced in size from the earlier submission and the granite seating retaining walls which previously defined there outer edge have been removed. In doing so, the mounds would take on a more natural appearance of gently undulating land. The reduction in size of the mounds would allow for a number of existing trees to be retained and provides for additional width to the north- south route at the eastern end of the Common. Officers consider the mounds would assist in defining the edges of the open grassed centre of the Common, enhancing visual amenity whilst helping to direct pedestrian movement to the main pedestrian routes around the site.

Children's Play Areas
3.12 Two areas of children's playground are proposed for the western side of the Common to replace the existing playground to the east and tennis court to the west. The position of the toddlers' playground has been chosen as it would provide for better air quality compared to the existing position whilst that for older children would be no worse than existing. With reference to Nitrogen Dioxide annual mean levels for 2005 and those predicted for 2010 and particulates, levels were found to be higher at the eastern side of the common because of the positioning of Holland Park Roundabout. Particulates levels fall away as you move from kerb side. These facilities would be arranged as one area of play for toddlers aged 0 - 5 and one for children aged 5 -16. The toddlers' playground would comprise 419 sq.m and has been positioned adjacent to the proposed café (see below) to provide for surveillance and away from the main road surrounding the Common. It would be surrounded by a fence of 1.2 metres in height and have two lockable entrance points. The fence would be disguised by planting. The children's playground would comprise 668sq.m and be surrounded by a fence of the same height. The western edge of this playground would have a curved concrete play wall providing a visual and audio screen to the road. Play equipment has been designed to provide for access for all people.

3.13 A previously proposed flood lit Multi Use Games Area (MUGA) has been removed from the proposals and would be replaced elsewhere in the north of the Borough where it could be better managed. Its inclusion would have resulted in the loss of 4 mature trees on the site which can now be retained. The Council has invested in upgrading nearby tennis courts in Hammersmith Park and Brook Green. The removal of the tennis court (and previously proposed MUGA) allows for an increase in the amount of grass space on the Common which could be used by everyone without impediment. Officers consider the proposed children's play facilities to be an enhancement to those facilities currently provided on site. The proposals are considered to enhance the open character of the site, and its function as a leisure and recreational resource. Officers consider the proposals to be consistent with the objectives of policies EN22, EN27 and CS2 of the Unitary Development Plan.
A single storey level access café building is proposed to the north west of the Common adjacent to the children's play area. As well as incorporating a café and associated refuse store the building would also comprise DDA compliant toilet and baby change facilities as well as a new electricity sub station to replace the existing substation and toilet building in the north west corner of the common which is to be demolished. The building has been designed to integrate into the landscape, backing onto one of the proposed mounded areas and providing living walls to the north east and west sides and would be of modest scale. A brown roof is proposed to the building, helping to minimise run off from storm water and insulating the building to reduce overall energy costs. Objection was raised by the Crime Design Officer to the use of gabions to form the external walls of the building owing to issues of vandalism, hygiene and maintenance. Officers have asked that further consideration be given to the external appearance of the building and should permission be granted, a condition is proposed that further details be submitted and approved in writing by the Council prior to construction. Details of extraction and ventilation systems associated with the café would also be conditioned to ensure that no amenity issues arise. Adequate provision has been made within the building for the storage of refuse and recyclables associated with the café facility in line with UDP policy.

Officers consider the building to be of acceptable appearance and that it has been designed to minimise impact on the open character of the Common. Although it introduces a new building on the common, an existing building containing a substation and toilets would be demolished. The proposed café and play spaces are considered to offer a significant qualitative gain to the community in pursuance of other regeneration objectives of the Unitary Development Plan, as are the proposed qualitative improvements to the green spaces of the common. The proposed improvements to the common would provide a common of equal nature conservation interest as currently exists. The use of living walls and brown roof are considered to make a positive contribution to biodiversity whilst lessening the impact of the proposal. In this respect the proposal is considered to be consistent with the objectives of policies EN2, EN8, EN22 and EN27 of the Unitary Development Plan.

Servicing for the electricity substation and café would be via a dropped kerb on the western side of the Common just south of the children's playground. Paths from this entrance point would be strengthened to accommodate the additional weight of servicing vehicles and sufficient turning is provided to allow vehicles to enter and leave the site in a forward gear. Vehicle movement would be limited to specific areas with removable steel bollards across the access paths to prevent access to other parts of the Common. Officers consider that adequate provision has been made for servicing of the building. Details of a service management plan would be conditioned as part of the permission to ensure that there is no conflict with pedestrians and cyclists using the Common (number 10).

Lighting

A whole scale upgrade of lighting across the Common is proposed with new ducting, lighting columns and luminaries. The luminaries would be mounted on five metre high columns. The lights would be uniform across the Common and would assist in providing a visually legible, safe environment. Ambient lighting would be used to illuminate the War Memorial. This aspect of the proposal is in accordance with policy EN20C.
Works to the War Memorial - Planning and Listed Building Consent

3.18 Although the war memorial is proposed to be retained in its current position and at its current height, it would be reset within an enlarged area of hard landscaping. The existing chain link fence and planting area to the base of the memorial would be removed and new stone steps are proposed around the existing base. In addition, a natural stone plaza would be created to the east of the monument to allow for greater space for the public to congregate on remembrance days. A new lens shaped grass mound is proposed to the west of the monument to enhance its setting in the Common. Officers consider the proposals would provide for a grander setting for the listed memorial and enhance its appearance generally within the Common context with much of the existing clutter surrounding it removed. It is considered that the works would enhance the appearance of this part of the conservation area and would not be harmful to the architectural or historic interest of the listed structure, complaint with policy EN3. Four steel and timber benches with arm and back rests are proposed adjacent to the Ginglik Club and lighting would be used to illuminate the memorial at night. In addition a new bronze plaque on stone base would be provided to the east of the memorial, replicating the wording on the monument to allow people to read it without climbing the steps. These elements do not constitute development for which planning permission is required. The plaque is not considered to harm the setting of the listed memorial.

3.19 As the applicant for the application is the Local Planning Authority, permission must be sought from the Government Office for London (GOL) to undertake works to the Listed Memorial.

Other Material Considerations

3.20 A full flood risk assessment has been submitted to the Environment Agency for consideration. The proposed development is located in Flood Risk Zone 1 which has a low risk of flooding from the river Thames. Modelling has been undertaken to assess the impact of overland flow of water from surrounding areas and the risk was deemed to be negligible. The café has been positioned at the highest point on the Common to lessen potential flood risk. To minimise flood risk elsewhere as a result of the development, surface water discharge from the site would be restricted to the existing rate, including an additional allowance for predicted climate change. Run-off rates have been calculated and attenuation is suggested using Sustainable Urban Drainage methods where possible. Although the flood risk assessment submitted with the application suggests that there is no evidence to suggest that the proposed development of the site should be restricted due to flood risk, to which the Environment Agency concur, the EA have suggested a condition be added to any permission requiring further details of the surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Council and thereafter implemented and maintained (number 8).

3.21 Currently two pole mounted pan, tilt, zoom CCTV cameras are located towards the centre of the site and much of the security relies on existing cameras outside the Common for surveillance. The proposal would introduce five CCTV cameras into the Common, reusing the existing two in different locations. Although these do not in themselves comprise development for which planning is required, the improvements should increase the safety and perception of safety when using the Common at differing times of the day.
3.22 The common has been identified as being an area that could have potential levels of contamination and as such officers have added conditions requiring a site investigation scheme to be carried out; and if contaminants are found, remediation works and a validation report would be required detailing how they are to be dealt with (condition 15 and 16).

4.0 CONCLUSION and RECOMMENDATION

4.1 The proposed scheme would enhance the open character of the common and improve its function as a recreational and leisure resource for local residents and business operators. The introduction of a cafe building would enhance the common and provide facilities for the benefit of its users as well as enhancing surveillance on the Common and works to the war memorial would safeguard the architectural and historic interest of the memorial. As such, the proposals are considered to comply with policies EN2, EN8, EN8, EN20C, EN22, EN21 and EN27 of the Unitary Development Plan, as amended 2007 and policy 3D.8 of the London Plan.

4.2 Accordingly in the light of the above information it is recommended that planning permission be granted and that listed building and conservation area consent be granted subject to there being no contrary direction from GOL.
Ward: Shepherd's Bush Green

Site Address:
Shepherd's Bush Common  Shepherd's Bush Green  London

For identification purposes only - do not scale.

Reg. No: 2009/00768/LBC  Case Officer: Laurence O'Keeffe
Date Valid: 08.04.2009  Conservation Area: Shepherds Bush Conservation Area - Number 21
Committee Date: 24.11.2009

Page 38
Applicant:
London Borough Of Hammersmith And Fulham
Town Hall King Street Hammersmith London
W6 9JU

Description:
Alterations to existing Grade II Listed war memorial located at the eastern end of Shepherd's Bush Common comprising the removal of existing railings and flower bed and their replacement with the erection of a stone stepped plinth and surrounding hardstanding; erection of a bronze plaque on natural stone base to the east of the memorial

Application Type:
Listed Building Consent

Officer Recommendation:
Subject to there being no contrary direction from the Secretary of State; that the application be approved subject to the condition(s) set out below:

1) The works hereby granted consent shall not commence later than the expiration of 3 years beginning with the date upon which this consent is granted.

Condition required to be imposed by Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by section 91 of the Planning and Compensation Act 2004).

2) The works hereby approved are only those specifically stated in the written description and indicated on the approved drawing numbers outlined above.

In order to safeguard the special architectural or historic interest of the memorial, in accordance with Policy EN3 of the Unitary Development Plan, as amended 2007.

Justification for Approving the Application:

1) It is considered that the works are of acceptable visual appearance and would preserve the architectural appearance and historic interest of the Grade II Listed Monument. In this respect the proposal is in accordance with Policy EN3 of the Unitary Development Plan, as amended 2007.

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LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

All Background Papers held by Michael Merrington (Ext: 3453):

Application form received: 7th April 2009
Drawing Nos: see above
Policy documents: The Revised London Plan 2008

Consultation Comments:
Comments from:                          Dated:

Neighbour Comments:

Letters from:                          Dated:
4 Lower Belgrave Street London        22.05.09

For report see 2009/00758/FR3.
Ward: Shepherd's Bush Green

Site Address:
Shepherd's Bush Common  Shepherd's Bush Green  London

Reg. No: 2009/00769/CAC  Case Officer: Laurence O'Keeffe
Date Valid: 08.04.2009  Conservation Area: Shepherds Bush Conservation Area - Number 21
Committee Date: 24.11.2009

Page 41
**Applicant:**
London Borough Of Hammersmith And Fulham
Town Hall  King Street  Hammersmith  London
W6 9JU

**Description:**
Demolition of existing electricity sub-station; removal of existing railings and fences surrounding tennis courts; playground; picnic area; dog exercise area and war memorial.
Drg Nos: WT1225L28

**Application Type:**
Conservation Area Consent

**Officer Recommendation:**
Subject to there being no contrary direction from the Secretary of State; that the application be approved

1) The works hereby granted consent shall not commence later than the expiration of 3 years beginning with the date upon which this consent is granted.

Condition required to be imposed by Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by section 91 of the Planning and Compensation Act 2004).

**Justification for Approving the Application:**

1) It is considered that the removal of the fencing and demolition of the existing electricity sub station will assist in enhancing the open nature of the Common and enhance the character and appearance of the conservation area. In this respect the proposal is compliant with policies EN2 and EN8 of the Unitary Development Plan, as amended 2007.

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

**All Background Papers held by Michael Merrington (Ext: 3453):**

Application form received: 7th April 2009
Drawing Nos: see above

**Policy documents:** The Revised London Plan 2008

**Consultation Comments:**

Comments from: 
Dated: 

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Neighbour Comments:

Letters from: War Memorials Trust 4 Lower Belgrave Street London 26.05.09
Letters from: 4 Lower Belgrave Street London 22.05.09

For report see 2009/00758/FR3.
Ward: Hammersmith Broadway

Site Address:
Kelvin House 63 - 75 Glenthorne Road London W6 0LJ

Reg. No: 2009/01480/FUL
Case Officer: Shelley Watson
Date Valid: 23.06.2009
Conservation Area: Bradmore Conservation Area - Number 25
Committee Date: 24.11.2009
Applicant:
Lindon London Developments
C/o Agent

Description:
Demolition of an existing four storey building and the erection of a seven storey building providing 81 (one, two and three bedroom) flats with 19 car parking spaces, 81 cycle parking spaces, new vehicular access and associated landscaping.


Application Type:
Full Detailed Planning Application

Officer Recommendation:
That the Committee resolve that the Director of the Environment Department be authorised to determine the application and grant permission up on the completion of a satisfactory legal agreement

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

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

2) The development shall be carried out and completed only in accordance with the detailed drawings that have been approved, unless any material alteration to these approved details has first been submitted and approved in writing by the Council.

   In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with policies EN2 and EN8 of the Unitary Development Plan, as amended 2007.

3) The development shall not commence prior to the submission and approval in writing by the Council of details and samples, where appropriate, of all materials to be used on the external faces of the building and surface treatments (which shall include details of the bonding and pointing of any external facing brickwork), and no part of the development shall be used or occupied prior to the implementation of the approved details.

   To ensure a satisfactory external appearance, in accordance with Policies EN2 and EN8 of the Unitary Development Plan, as amended 2007.

4) The development shall not commence prior to the submission and approval in writing by the Council of details and samples, where appropriate, of all paving and external hard surfaces, boundary walls, fences and other means of enclosure. No part of the development shall be used or occupied prior to the implementation of the approved details.
To ensure a satisfactory external appearance, in accordance with Policies EN2 and EN8 of the Unitary Development Plan, as amended 2007.

5) The development hereby approved shall not commence until detailed drawings in plan, section and elevation, at a scale not less than 1:20 showing typical bays of the elevations of the building, including details at 1:20 of the cladding, entrances, and fenestration have been submitted to and approved in writing by the Council. The relevant work shall be carried out in accordance with the approved details.

To ensure a satisfactory external appearance and prevent harm to the street scene, in accordance with Policies EN2 and EN8 of the Unitary Development Plan, as amended 2007.

6) Prior to commencement of the construction of the building, detailed drawings at a scale of 1:20 of junctions with adjoining buildings to the Glenthorne Road elevation, shall be submitted to and approved in writing by the Council. The development shall be carried out in accordance with such details as approved.

In order to ensure a satisfactory external appearance and prevent harm to the street scene, in accordance with Policy EN2 and EN8 of the unitary Development Plan as amended 2007.

7) No demolition shall take place prior to the submission and approval in writing by the Council of details of the methods proposed for the demolition of the existing buildings on the site, details of the steps to be taken to re-use and recycle demolition waste and details of the measures proposed to minimise the impact of the demolition process on the existing amenities of the occupiers of neighbouring properties. The demolition process shall be carried out in accordance with the approved details.

To ensure that provision is made as appropriate for any recycling of demolition waste and to ensure that the occupiers of neighbouring residential properties are not unduly affected by the demolition process, in accordance with Policies EN19A and EN21 and of the Unitary Development Plan, as amended 2007.

8) None of the demolition works shall be undertaken before a scheme for temporary fencing and/or enclosure of the site has been submitted to and approved in writing by the Council, and such enclosure has been erected in accordance with the approved details.

To ensure that the site remains in a tidy condition during and after demolition works and during the construction phase and to prevent harms to the street scene and character and appearance of the adjoining conservation area, in accordance with policies EN8 and EN2B of the Unitary Development Plan, as amended 2007.

9) The development shall not commence until a Servicing Management Plan has been submitted and approved in writing by the Council, and the servicing of the development shall be carried out in accordance with the approved details.

To ensure satisfactory servicing arrangements and to minimise the risk of harm to the existing amenities of the occupiers of neighbouring properties, in accordance with Policy EN21 of the Unitary Development Plan, as amended 2007.
10) The development shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Council. The details shall include contractors' method statements, waste classification and disposal procedures and locations, dust and noise monitoring and control, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. All works shall be carried out in accordance with the approved plan.

To ensure that no unacceptable adverse effect on the amenity of surrounding occupiers in accordance with policies EN21 and TN15 of the Unitary Development Plan, as amended 2007.

11) The development hereby approved shall not commence prior to the submission and approval in writing by the councils of full details of all proposed external lighting, and the use shall not commence until the lighting has been installed in full accordance with the approved details. Such details shall include the number, exact location, height and design and appearance of the lights and any lighting columns, together with data concerning the levels of illumination and light spillage and the specific measures proposed to ensure that the lighting does not harm the existing amenities of the occupiers of neighbouring properties.

To ensure a satisfactory external appearance and to prevent harm to the occupiers of neighbouring properties, in accordance with Policies EN2, EN8, EN20C and EN21 of the Unitary Development Plan, as amended 2007.

12) The development shall not commence prior to details of the proposed refuse and recyclables storage and collection arrangements on the site are submitted to and approved in writing by the Council of, and no part of the development shall be used or occupied prior to the implementation of the approved details. The approved refuse and recyclables storage arrangements shall thereafter be retained.

In order to ensure that satisfactory provision is made for refuse storage and collection, in accordance with policy EN17 of the Unitary Development Plan, as amended 2007, and the supplementary planning document `Storage of Refuse and Recyclables'.

13) The development hereby permitted shall not commence prior to the submission and approval in writing by the Council of details of the provision of secure and weather proof cycle storage facilities within the site for 81 bicycles. No part of the development shall be used or occupied prior to the installation of the secure cycle storage in accordance with the approved details.

To ensure that satisfactory provision is made for cycle parking and to promote alternative, sustainable forms of transport, in accordance with Policy TN6 and Standard S20.1 of the Unitary Development Plan, as amended 2007.

14) No development shall commence until a contaminated land desktop study, site investigation scheme, intrusive investigation and risk assessment have been submitted to and approved in writing by the Council. The desk study will identify all previous site uses, potential contaminants associated with those uses, a
conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site. The site investigation scheme will provide information for an assessment of the risk to all receptors that may be affected, including those off site. The risk assessment will assess the degree and nature of any contamination on site and to assess the risks posed by any contamination to human health, controlled waters and the wider environment. A detailed method statement for any required remediation works will need to be submitted to, and approved in writing, by the Council. All works must be carried out by a competent person conforming to CLR 11: Model Procedures for the Management of Land Contamination (DEFRA 2004).

To ensure that any contaminated land on the application site is identified and remediated in accordance with Policy G0, G3, EN20A and EN21 of the Unitary Development Plan, as amended 2007.

15) No development shall commence until any required remediation works have been completed and a validation report to verify these works has been submitted to, and approved in writing, by the Council unless otherwise authorised. 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 should be detailed and verified in an amendment to the remediation statement. All works must be carried out by a competent person conforming to CLR 11: Model Procedures for the Management of Land Contamination (DEFRA 2004).

To ensure that any contaminated land on the application site is identified and remediated in accordance with Policy G0, G3, EN20A and EN21 of the Unitary Development Plan, as amended 2007.

16) Prior to commencement of the development hereby approved, details and drawings at a scale of 1:100 demonstrating the buildings compliance with the Lifetimes Home Standards shall be submitted to and approved in writing by the Council. The development shall be carried out in accordance with such details as approved.

In order to ensure the development provides ease of access for all users, in accordance with Policy 3A.5 of the London Plan as amended 2008 and the Council's adopted supplementary planning document "Access for all".

17) The development hereby approved shall not commence until a statement of how 'Secure by Design' requirements are to be adequately achieved has been submitted to and approved in writing by the Council. The approved details shall be carried out prior to occupation of the development hereby approved and permanently maintained thereafter.

To ensure a safe and secure environment for users of the development, in accordance with Policy EN10 of the Unitary Development Plan as amended 2007.
18) The development shall not commence prior to the submission and approval in writing by the Council of details of a children’s play area, including location, layout and equipment. The play area shall be set out in accordance with the details approved, prior to the occupation of any part of the building.

To ensure a satisfactory provision of play space in accordance with policies EN23B and standard S7.1of the Unitary Development Plan, as amended 2007.

19) The development shall not be occupied prior to a refuse servicing strategy being submitted to and approved in writing by the Council that demonstrates the public highway will not be adversely affected and no part of the development shall be used or occupied prior to the implementation of the approved details. The approved strategy shall include provisions for regular review and revision to the strategy, as appropriate.

In order to ensure that satisfactory provision is made for refuse storage and collection, in accordance with policy EN17 of the Unitary Development Plan, as amended 2007, and the supplementary planning document 'Storage of Refuse and Recyclables'.

20) The development hereby approved shall not commence until an assessment of emissions from the proposed biomass boiler has been submitted for approval by the Council. The assessment should include a comparison of the emissions performance of the biomass boiler against an equivalent gas boiler. Details of the proposed biomass system, including details of boiler location, associated flue and storage areas and method of fuel delivery should also be submitted to and approved in writing by the Council. Such details shall be implemented prior to occupation or use of the building.

To ensure that the development is consistent with the Mayor's sustainable design objectives in accordance with Policies 4A.3 of the London Plan as amended 2008.

21) In the event that the biomass emissions assessment shows an adverse effect on local air quality that cannot be mitigated, a revised energy strategy shall be submitted to and approved in writing by the Council prior to commencement of the development, assessing alternative renewable energy technology/technologies and showing how their integration into the development can reduce carbon dioxide emissions by 20%, if feasible. Any such measures approved shall be implemented prior to occupation of the development.

To ensure the integration of energy generation from renewable sources if feasible, in accordance with Policy 4A.7 of the London Plan as amended 2008.

22) No plumbing, extract flues or pipes, other than rainwater pipes shall be fixed on the Glenthorne Road elevation of the building unless details have first been submitted to and approved in writing by the Council.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policies EN2 and EN8 of the Unitary Development Plan, as amended 2007.
23) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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 part of the development hereby permitted, without planning permission first being obtained.

To ensure that the visual impact of telecommunication equipment can be considered in accordance with Policies EN2 and EN8 of the Unitary Development Plan, as amended 2007.

24) 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, unless details have been submitted to and approved in writing by the Council. Any such changes shall be carried out in accordance with the approved details.

To ensure a satisfactory external appearance and to ensure that neighbouring occupiers are not unduly affected by smell, noise and disturbance, in accordance with Policies EN2, EN8 and EN21 of the Unitary Development Plan, as amended 2007.

25) The external noise level emitted from plant, machinery or equipment at the development shall be lower than the existing background noise level by at least 10 dBA, as assessed according to BS4142: 1997 at noise sensitive premises, with all machinery operating together.

In order that the machinery and equipment used in connection with the permitted use does not give rise to conditions detrimental to the amenities of surrounding occupiers by reason of noise disturbance, in accordance with Policies EN20B and EN21 of the Unitary Development Plan, amended 2007.

26) The development shall not commence prior to the submission and approval in writing by the Council of full details of the proposed landscaping of the site, including planting schedules and details of the species, height and maturity of any trees and shrubs. The approved scheme shall be implemented in the next winter planting season following completion of the building works, or before the occupation and use of any part of the buildings, whichever is the earlier.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with policies EN2, EN8 and EN26 of the Unitary Development Plan, as amended 2007.

27) Any landscaping planted hereby approved in accordance with submitted drawings required by condition 26 being removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

To ensure a satisfactory provision for planting in accordance with Policies EN2, EN8 and EN26 of the Unitary Development Plan, as amended 2007.
28) All off-street car parking spaces and parking bays for disabled people hereby approved shall be provided prior to first occupation of the building and thereafter maintained for the life of the development.

In order to ensure the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the level of on-street car parking stress in the area, in accordance with Policy TN15 and standard 18.1 of the Unitary Development Plan, as amended September 2007.

29) The development hereby permitted shall not commence until details of sustainable design and construction measures have been submitted to and approved in writing by the Council. The development shall be implemented in accordance with the approved details.

To ensure that the development is consistent with sustainability objectives, in accordance with Policy 4A.3 of the London Plan, amended February 2008.

Justification for Approving the Application:

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LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

All Background Papers held by Michael Merrington (Ext: 3453):

Application form received: 22nd June 2009
Drawing Nos: see above

Policy documents: The Revised London Plan 2008

Consultation Comments:

Comments from: Dated:
Environment Agency - Planning Liaison 02.09.09
Environment Agency - Planning Liaison 10.07.09
Thames Water - Development Control 01.07.09
The Hammersmith Society 23.07.09
Transport For London - Street Management Administration 09.07.09
Team
English Heritage London Region 06.08.09

Neighbour Comments:

Letters from: Dated:
NAG 14.07.09
3 Cambridge Grove London W6 0LA 17.07.09
32 Argyle Place London W6 0RQ 29.06.09
159 Becklow Road London W12 9HH 15.07.09
OFFICER’S REPORT

1.0  BACKGROUND

1.1 The application site comprises a rectangular area of approximately 0.2ha, located on the southern side of Glenthorne Road (a one-way street forming part of the Hammersmith one way system), within the Bradmore Conservation area, and approximately 400m west of the Hammersmith Town Centre. A railway line lies to the south of the site. The property is located within Flood Risk Zones 2 and 3, with the exception of the northwest corner of the site which is only in Flood Risk Zone 2.

1.2 The site is currently occupied by a vacant 1960's four storey building formerly in use as offices (approximately 2,800m² of floor space), with vehicular access from Glenthorne Road.

1.3 The site is surrounded by a mixture of land uses, including a five storey office building to the immediate west (77 Glenthorne Road), and two storey building comprising commercial uses at ground floor and residential above to the east (61 Glenthorne Road).

1.4 A London Underground line operates to the south of the site, and is separated by a footway providing pedestrian access to commercial units located within the railway arches. Opposite the site, to the north are the flank elevations of three storey flats on St John’s Court and a three storey building on the corner of Banim Street with a night club at ground floor (60-62 Glenthorne Road).

1.5 Refs: 2008/02569/FUL & 2008/02812/CAC - The planning committee resolved to grant planning permission and conservation area consent at this location on 25th November 2008 for demolition of an existing four storey building and the erection of a seven storey building providing 67 (one, two and three bedroom) flats with 15 car parking spaces, new vehicular access and associated landscaping; following demolition of an existing four storey building. A Section 106 agreement is pending.

1.6 The current proposal is for demolition of an existing four storey building and the erection of a seven storey building providing 81 (one, two and three bedroom) flats with 19 car parking spaces, 81 cycle parking spaces, new vehicular access and associated landscaping.

1.7 This is a joint report covering matters raised by both the planning application and the conservation area consent application (2009/01483/CAC), which is also on this committee agenda.

1.8 The proposal is a revision of the previous scheme which, the applicants state, is no longer viable due to the recent economic downturn. The key differences between the previous and proposed scheme comprise fourteen (14) additional units, revision of the unit mix, four (4) additional parking spaces; and a reduction in the proposed provision of affordable housing (21% to 6%). The proposed building would maintain the same building footprint (except for a reduced entrance area and relocated store and
plant room which reduces marginally the buildings size at ground floor level), massing and design as previously with the exception of minor alterations to some windows and balconies. All other aspects of the previous scheme remain unchanged.

1.9 The eighty one flats would comprise sixty six (66) x one bedroom flats, fourteen (14) x two bedroom flats and one x three bedroom flat (located at ground floor level).

1.10 Five of the proposed flats would be provided for affordable housing in shared ownership and the remainder (76) would be for private sale. Eight (10%) of the proposed flats have been designed for wheelchair use.


2.0 PUBLICITY AND CONSULTATIONS

2.1 The application has been publicised by way of statutory site and press notice. Individual notification letters were also sent to neighbours in the vicinity of the site. Seven letters of representation were received objecting to the proposal, including one from The Cambridge Grove and Leamore Street Residents Association, on the following grounds:

- Pressure on parking within the area
- Building design and impact on the skyline
- Density of the development
- Impacts on existing traffic problems and accident rates
- Quality of the proposed accommodation
- Impacts on privacy, daylight and quality of life of nearby residents (including light spillage), TV signals
- The proposed level of affordable housing
- Quality of landscaping
- Negative impact on volume of pedestrian traffic
- Negative impact on property values in the local area (Officer comment; this is not a material planning matter)

2.2 The planning issues raised in the representations received will be discussed in the report below.

2.3 A number of statutory bodies and local organisations were consulted on the applications.

2.4 The Environment Agency report no objection to the proposal.

2.5 Thames Water report no objection to the proposal.

2.6 EDF Energy report no objection to the proposal.
Transport for London (TFL) report that they have no objection to the proposal, and consider the provision of one cycle parking space per unit to be acceptable.

English Heritage have responded to confirm a consultation was not necessary.

The Hammersmith Society comment that external elevations are an improvement on earlier submissions however have concerns with the scheme related to the density of the development, unit mix and overall quality of the proposed accommodation and impacts to the highway.

The Hammersmith and Fulham Historic Buildings Group have not responded to date. Brackenbury Residents Association have not responded to date.

**3.0 PLANNING CONSIDERATIONS**

The proposed scheme is a revision to the 2008 scheme under which matters pertaining to land use, impact on neighbours daylight, sunlight and outlook, flood risk, energy efficiency and contamination were considered and found to be acceptable. Therefore the relevant planning considerations in this case relate to design, impact on neighbours privacy, affordable housing, density and housing mix, standard of accommodation (including amenity space, refuse, cycle parking) and impacts on the highway.

**DESIGN**

The current proposal would result in minor changes to the external elevations of the approved scheme. These are a result of revisions to the internal layout necessitated by the need to accommodate the additional flats, and comprise minor changes to windows and balconies along the flank and rear elevations of the building. In particular, there would be a reduction in balconies to the rear (from sixteen to eight), and an increase in balconies to the west elevation (from fifteen to twenty). Along the eastern elevation the proposal would retain fifteen balconies however; these would be grouped differently. Some of the windows have been altered where they no longer serve balconies; however the overall number of windows on each elevation would remain the same as would proportions, detailing and alignment. These changes are considered minor and would retain the overall architectural concept and detailing of the approved scheme to which officers raise no objection. The Glenthorne Road elevation would remain identical to the previous scheme.

No objection is raised to demolition of the existing building, given that the recent approval for a replacement building which was considered to enhance the character and appearance of the conservation area is largely identical to the proposed scheme, and is considered to be acceptable on design grounds.

The proposed building is again considered to be a well designed contemporary building which would be compatible with the scale and character of surrounding development at this edge of town centre location, and would satisfactorily preserve the character and enhance the appearance of this part of the conservation area, in accordance with UDP Policies EN2 and EN8. A landscaping plan has been submitted. However, a more worked up plan would be necessary to ensure a quality proposal, and this would be secured by condition 26.
IMPACT ON NEIGHBOURS
3.5 There are no new windows over and above those allowed in the previously permitted scheme which could affect the privacy and amenities of surrounding residential neighbours. This proposal would present no further light spillage to neighbours than the previously permitted scheme. Officers acknowledge that the building would emit light through window openings, but it would not be to such an extent that it would, in itself, change the lighting environment in the locality such that it would be a nuisance to residents or that permission should be withheld. In addition, condition no.11 requires prior submission and council approval of any external lighting. There is no evidence that this proposal would have a negative impact on TV signals for residents.

AFFORDABLE HOUSING
3.6 London Plan policies 3A.9 (Affordable Housing Targets) and 3A.10 (Negotiating affordable housing in individual private, residential and mixed-use schemes) are relevant. Policy 3A.9 requires that Council's targets are based on an assessment of housing needs and supply, taking account of the Mayor's strategic targets for 50% affordable and the London wide objective of 70% social housing and 30% intermediate provision. Policy 3A.10 advises that Councils seek the maximum reasonable amount of affordable housing, having regard to their targets adopted in line with policy 3A.9, and taking into account the need to encourage, rather than restrain residential development and the individual circumstances of the site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.

3.7 In this case, the development would provide 76 private flats and 5 (6%) affordable housing flats in shared ownership. Whilst this falls short of the London Plan targets, these are strategic targets for boroughs and may not be found appropriate or necessary for each and every redevelopment scheme. The developer's offer has been supported by a financial assessment to demonstrate the scheme's viability in relation to the proposed level of affordable housing which concluded that changes in the property market have had a major impact on the viability of the scheme. Officers have considered the viability assessment, and in addition sought independent advice on the content and findings. The external advice was that the development could provide 5 as against the 4 affordable units first offered; which the applicants have agreed to and which is now proposed herein. Officers concur with the conclusions of the financial assessment and consider that the tenures would be acceptable in the circumstances; further that the development would still make a valuable contribution to meeting the continuing demand for housing in the Borough. Any affordable housing would need to be secured by appropriate Section 106 obligations (see below).

DENSITY AND HOUSING MIX
3.8 Policy 3A.3 of The London Plan seeks to ensure that proposals achieve the maximum intensity of use compatible with local context, and Boroughs' adoption of the residential density ranges set out in Table 3A.2 based on site accessibility and proximity to town centres and the local building setting. For a site with public transport accessibility of 5 as in this case, the matrix specifies between 650-1100 habitable rooms per hectare as an appropriate density range.

3.9 The density of the proposed scheme would equate to 890 habitable rooms per hectare (405 units per acre), therefore accords with the matrix (This represents an overall increase of 15 habitable rooms per hectare in comparison to the 67 unit
scheme). Whilst this is indeed an increase in intensity of development, it is considered to be sustainable at this location.

3.10 Policy H06 of the Unitary Development Plan requires developments of twenty or more dwellings to provide a mixture of units of different sizes to meet the needs of family and non-family households. The scheme would provide a high proportion of one bed flats. However the site is located in close proximity to the busy town centre where a high proportion of non-family units would not be unreasonable. In any event family accommodation (two bed and one three bed flats) would account for close to 20% of the development, so there would be some provision for families who chose to live in the locality.

STANDARD OF ACCOMMODATION
3.11 Standard S7A relates to internal space provisions and requires a minimum of 44.5 square metres for any new residential dwelling of two habitable rooms, 57 square metres for dwellings with three habitable rooms and 70 square metres for dwellings with four habitable rooms. In this case, the proposed flats would range between 44.5m² - 50m² (one bed units), 61m²-65m² (two bed flats) and 90m² for the three bed flat at ground floor level, in accordance with the minimum floor area requirements of this standard.

3.12 Eleven (11) of the eighty one (81) flats would have a northerly facing aspect, representing 13.5% of the scheme, however each of these flats would be one bedroom, and some of which would have direct access to a private balcony or amenity area. Given the shallow depth of these units and open plan living areas these flats would still maintain an acceptable level of internal amenity. It is not considered that this matter warrants refusal of the application.

AMENITY SPACE and REFUSE
3.13 Standards S5A.1 and S5A.2 of the Unitary Development Plan require a directly accessible, private amenity area or garden area of no less than 36m² for new family dwellings and no less than 14m² for new non family dwellings at ground level. The UDP does not require provision of private amenity space for dwellings above ground level.

3.14 The provision for amenity space at ground floor level (including the communal courtyard (245m² in area) remain effectively the same as the 67-flat scheme which was considered to be satisfactory. Whilst there are no requirements for provision of amenity space above ground level it is noted that all but sixteen (16) one bed flats would have a private balcony provided. Officers therefore raise no objection to the amenity space provisions.

3.15 The development shall not be allowed to commence prior to the submission and approval in writing of details of a children's play area, including location, layout and equipment. The play area shall be set out in accordance with the details approved, prior to the occupation of any part of the building. Condition 18 refers.

3.16 The refuse/recycling facilities to serve the scheme would be in the same position as previously approved and is considered satisfactory. A further submission would be required by condition to ensure that detailed matters are acceptable (Condition no.12).
TRAFFIC GENERATION, PARKING AND PEDESTRIAN SAFETY

3.17 Policy TN13 requires that all development proposals be assessed against their contribution to traffic generation and other impacts on congestion, particularly on bus routes and the primary road network, and against the present and potential availability of public transport and its capacity to meet increased demand. Policy TN15 is also relevant and requires any proposed development to conform to the approved parking standards set out in Standard S18 and in particular Table 12.1 (Assessment of on-street parking availability/stress). Standard S19 (parking layout) also applies.

3.18 The applicants have submitted a Transport Statement which addresses the impact the proposal would have on the local road network and access/parking arrangements. The transport statement concludes that the proposed scheme would not result in a material increase in traffic when compared to existing traffic levels. The application site has a very good PTAL level of 5, is in close proximity to Ravenscourt Park and Hammersmith underground stations, approximately 430 metres and 500 metres respectively and is served by several bus routes. Glenthorne Road is a local distributor road and operates in a one way street system with traffic travelling west to east past the site. To the west of the site Glenthorne Road has two wide lanes which narrow to one lane and bus lane outside the site.

3.19 There are 81 new residential units proposed and 19 off-street parking spaces at ground level, 3 of which would be parking spaces which are suitable for use by disabled people. The parking space to unit ratio, which is higher than that provided for in the previously approved scheme, is considered acceptable to officers given the accessibility of the site to public transport, services, shops and amenities within the nearby Hammersmith Town Centre. Officers consider a car permit free development is appropriate for all units to prevent future owners or occupiers from obtaining an on-street car parking permits. On this basis officers do not consider the proposed level of parking would result in a detrimental impact to traffic flow within Glenthorne Road or local parking conditions. The car permit free agreement would be secured by a legal agreement.

3.20 The proposed parking would also be in accordance with (UDP) dimensions for satisfactory circulation and manoeuvring purposes. The proposed vehicle access (new vehicle cross over) was considered acceptable by the 67 unit scheme and would allow satisfactory passing of vehicles and adequate servicing (to car parking and refuse areas respectively) of the site without impacting on the traffic flow along Glenthorne Road in terms of safety or congestion.

3.21 It is not considered that the development would result in a negative impact on pedestrian levels in the local area. This is a medium sized housing proposal which would not result in a significant increase in pedestrian footfall.

CYCLE PARKING

3.22 The development makes provision for 81 cycle parking spaces located at ground floor level adjacent to the car parking area. The proposed cycle parking is considered acceptable in principle and consistent with Standard S20 (cycle parking) and Table 12.2 (that requires one space pre unit) and Policy TN6 of the Unitary Development Plan as amended September 2007. A condition would ensure these spaces are weather proof and secure (Condition No.13).
ACCESS
3.23 The Council's adopted Supplementary Planning Document (SPD) 'Access for All' is relevant in consideration of the acceptability of the scheme in such matters. London Plan Policy 4B.5 - 'Creating an inclusive environment' and the Council's 'Access for All' SPD are also both relevant and require developments to be fully inclusive.

3.24 The development would provide eight (8) accessible units, representing 10% of development, which exceeds the 5% British Standard ('Access for All' SPD) requirement and meets The London Plan which requires 10% of all new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.

LEGAL AGREEMENT
3.25 In order to ensure that the proposal would not result in increased on-street car parking demand, to ensure that all 5 flats would be affordable, to allow opportunities for access to the wheelchair units, and to support employment and training initiatives for local people through the construction period, it is necessary for the scheme to be subject to a legal agreement. The draft heads of terms of the proposed legal agreement are summarised below:

(1) Approximately £100k for highway/environmental improvement works (subject to detailed surveys and estimates for the various works) to improve the sites vehicular and pedestrian accessibility, including crossovers and re-instatement of the footway in the vicinity of the site in accordance with the Council's Street Smart guidance and a contribution to the repair/renewal of the railings in Cambridge Grove

(2) Development to be car permit free, to exclude the occupiers of the residential flats from obtaining residents parking permits on-street

(3) Exclusive marketing strategy of the wheelchair units for a period of 12 months following commencement of the development

(4) Participation in employment and training scheme, during the construction period

(5) Provisions to ensure that the 5 affordable flats are provided and managed by an appropriate RSL or other body to ensure they remain affordable in accordance with the Council's policies

4.0 CONCLUSION and RECOMMENDATION

4.1 The proposal is considered to be acceptable in land use terms, design and appearance, impact on traffic generation and parking, with a satisfactory relationship to surrounding buildings and residential properties that would, if permitted, contribute to affordable housing within the Borough in accordance with policies and standards EN8, TN6, TN13, TN15, S5A.1, 5A.2, S7A and S12.2, of the Unitary Development Plan as amended 2007 and London Plan policies 3A.3, 3A.9 and 3A.10.

4.2 As such it is recommended that planning permission for the proposed development be granted, subject to conditions and a legal agreement.

4.3 It is not considered that the demolition of the existing building would have a harmful effect on the character or appearance of the conservation area, on the basis
that planning permission can be granted for the erection of a satisfactory replacement building. In this respect the demolition is considered to comply with Policy EN2 of the Unitary Development Plan as amended 2007.
Ward: Hammersmith Broadway

Site Address:
Kelvin House 63 - 75 Glenthouse Road London W6 0LJ

For identification purposes only - do not scale.

Reg. No: 2009/01483/CAC
Case Officer: Shelley Watson

Date Valid: 23.06.2009
Conservation Area: Bradmore Conservation Area - Number 25

Committee Date: 24.11.2009
Applicant:
Lindon London Developments
C/o Agent

Description:
Demolition of an existing four storey building.
Drg Nos:

Application Type:
Conservation Area Consent

Officer Recommendation:
That the application be approved subject to the condition(s) set out below:

1) The works hereby granted consent shall not commence later than the expiration of
3 years beginning with the date upon which this consent is granted.

Condition required to be imposed by Section 18(1)(a) of the Planning (Listed
Buildings and Conservation Areas) Act 1990 (as amended by section 91 of the
Planning and Compensation Act 2004).

2) The demolition of the buildings hereby permitted shall not be undertaken unless:
   (i) planning permission 2009/01480/FUL remains valid for the redevelopment of
   the site, and  (ii) a building contract for the redevelopment of the site has been
   entered into in accordance with that planning permission, and  (iii) notice of
demolition in writing and a copy of the aforementioned building contract has been
submitted to the Council, and  (iv) details of all conditions of the aforementioned
planning permission which require prior approval before commencement of the
development have been submitted to and approved by the Council.

In order to ensure that the buildings on the site are not demolished before a
replacement is scheduled to be built which would otherwise result in a vacant site
which would harm the appearance of the area, in accordance with Policies EN2
and EN8 of the Unitary Development Plan as amended 2007.

3) None of the demolition works hereby granted consent shall be undertaken before
a scheme for temporary fencing and/or enclosure of the site has been submitted to
and approved in writing by the Council, and such enclosure has been erected in
accordance with the approved details. The enclosure of the site shall be remain in
place for the duration of the works.

To ensure that the site remains in a tidy condition during and after demolition
works and during the construction phase and to prevent harm to the street scene
and character and appearance of the conservation area, in accordance with
policies EN2 and EN2B of the Unitary Development Plan as amended 2007.

Justification for Approving the Application:

1) It is not considered that the demolition of the existing building would have a
harmful effect on the character or appearance of the conservation area, on the
basis that planning permission has been granted for the erection of a satisfactory
replacement building. In this respect the demolition is considered to comply with Policy EN2 of the Unitary Development Plan as amended 2007.

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LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

All Background Papers held by Michael Merrington (Ext: 3453):

Application form received: 22nd June 2009
Drawing Nos: see above

Policy documents: The Revised London Plan 2008

Consultation Comments:

Comments from: Dated:

Neighbour Comments:

Letters from: Dated:
159 Becklow Road London W12 9HH 12.07.09
159 Becklow Road 12.07.09

See report for 2009/01480/FUL
Ward: Hammersmith Broadway

Site Address:  
83 Goldhawk Road  London  W12 8EG

Reg. No:  
2009/01668/FUL

Date Valid:  
21.07.2009

Committee Date:  
24.11.2009

Case Officer:  
Dale Jones

Conservation Area:  
Hammersmith Grove Conservation Area - Number 20

Page 63
Applicant:
HP Cleaners Ltd
83 Goldhawk Road London W12 8EG

Description:
Erection of an additional floor at roof level to form a self contained bed-sit.
Drg Nos: 692/HS/01, 692/HS/02 and 697/HS/04.

Application Type:
Full Detailed Planning Application

Officer Recommendation:
That the application be refused for the following reason(s):

1) The development is considered to be unacceptable on visual amenity grounds. More particularly, the additional floor at roof level would introduce a discordant feature which would detract from the character and appearance of this building and the terrace of which the application property forms part, and which remains unimpaired by such extensions. Furthermore, the building up of the flank part walls would comprise an unsympathetic alteration harmful to the appearance of the terrace. The development would harm the character and appearance of the conservation area and views into/out of it which the Council considers it desirable to preserve or enhance, in compliance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is therefore contrary to Policies EN2, EN2B and EN8B of the Unitary Development Plan as amended 2007.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

All Background Papers held by Michael Merrington (Ext: 3453):
Application form received: 9th July 2009
Drawing Nos: see above

Policy documents: The Revised London Plan 2008

Consultation Comments:
Comments from: Dated:

Neighbour Comments:
Letters from: Dated:
The Studio 2A Richford Street London W6 7HH 17.08.09

LETTERS FROM APPLICANT/AGENT
Design & Access Statement, Flood Risk Assessment
1.0 BACKGROUND

1.1 This application relates to a three storey building that is located on the south side of Goldhawk Road, close to the junction with Richford Street. The property is currently in use as a dry cleaners at ground floor with bedsits located on the floors above. The property is located within the Hammersmith Grove Conservation Area and adjacent to the Coningham & Lime Grove Conservation Area. The property is within the Environment Agency Flood Zones 2 and 3.

1.2 There are three recent planning records. Ref: 2007/02594/FUL - Erection of a part one, part two, part three storey rear extension (application withdrawn). Ref: 2007/04305/FUL - Erection of a part one, part two storey rear extension (application approved). Ref: 2008/03424/FUL - Erection of a part one, part two storey rear extension (this part already approved in the 2007 extension), the conversion of the first and second floors to 2 x studio flats and 1 x one bedroom flat and the replacement of the shop front to provide for a separated entrance door to the flats. This application was approved and construction works were in progress at time of the officer's site visit, 30th July 2009.

1.3 The current proposal is for the erection of an additional floor at roof level, to form a self contained bed-sit.

1.4 It should also be noted that there is a separate planning application (Ref. 2009/01669/FUL) that is running concurrently with this application for the erection of a rear extension at second floor level. This case has been reported elsewhere on this agenda.

2.0 PUBLICITY AND CONSULTATIONS

2.1 Adjoining properties were notified and a site and press notice was posted. One representation was received from No 2A Richford Street, objecting to the proposal on the following grounds;

- Proposal would be out of character with the existing Victorian terrace of properties
- Existing construction works have harmed the visual amenity

3.0 PLANNING CONSIDERATIONS

3.1 The main issues arising out of this planning proposal are the visual impact of the development and its impact on the conservation area and the impact of the proposal on the amenities of neighbouring residents. Other issues are standard of accommodation and parking matters.
3.2 Policy EN2 states that development within the conservation area will only be permitted if the character or appearance of the conservation area is preserved or enhanced. Policy EN2B advises that development will only be permitted if the character or appearance of the conservation area in terms of their setting and views into or out of them is preserved or enhanced. Policy EN8B states that all extensions and alterations to existing buildings and should be compatible with the scale and character of existing development, its neighbours and its setting.

3.3 The current proposal would involve the erection of an additional floor at roof level to form a new self-contained bed-sit. The additional floor would be designed of brickwork construction of the front and rear facades and would be positioned behind the existing front parapet wall. The additional floor would include the provision of four PVCu windows that would be positioned within the front and rear elevations (two windows to each elevation). The party walls would be raised up and built in brickwork to match the existing property.

3.4 The short street block comprises five three-storey properties that are set within a predominantly commercial part of the street. However, the roads (Richford Street and Hammersmith Grove) that run off this part of Goldhawk Road are all residential in nature. Whilst it is acknowledged that there are some examples of additional floors at roof level along Goldhawk Road, these tend to be clustered into terraces and street blocks. There are no additional floors, roof extensions or other development at roof level along the terrace of properties that form the street block in this case, and it is not considered that the existence of other such examples along Goldhawk Road is sufficient justification to permit development at roof level in the subject terrace.

3.5 On its own merits, it is considered that the proposed additional storey at roof level would create an incongruous and discordant feature, which would be seen from a wide variety of public vantage points, and would detract from the unity of the terrace of properties, the street scene and from the character and appearance of the conservation areas, contrary to Policies EN2, EN2B and EN8B of the Unitary Development Plan.

3.6 Policy HO3 requires that new units in conversions comply with relevant standards regarding floor area and on-street parking capacity (discussed below) and should provide accommodation that is not limited to self contained bed sits/one bedroom flats. This proposal is for one unit of accommodation only, however.

3.7 Policy TN15 requires any proposed development to conform to its approved car parking standards. The site is located in proximity to Goldhawk Road Tube Station, and is located in PTAL 5 (Public Transport Accessibility Level) which indicates an excellent level of provision. There is no existing or proposed provision of on site parking given the physical constraints of the site. The development would need to be designated as 'Car Permit Free' in this respect in order to ensure that adverse parking conditions do not arise. No agreement is in place in this respect, as the proposal is considered to be unacceptable for other reasons.

3.8 The proposed unit would accord with the minimum requirements as set out in S8.1A (minimum floor area for individual rooms) and S.8.1B (excess of 25 m2). The proposed unit would be located above ground level. The UDP does not therefore require any amenity space to be provided for the unit.
3.9 Standard S13.3 of the UDP states `No dwelling should have all its habitable room windows facing exclusively in any northerly direction (i.e. between north-east and north-west). Only where very special circumstances can be shown to exist that would outweigh the benefits to the amenity of the dwelling, will this requirement be relaxed'. Whilst the proposed unit would have its primary windows to the front of the building facing north, there would also be a secondary window facing south into a kitchen area which opens up into the main living accommodation; such that the aspect for any future occupiers would be satisfactory and standard S13.3 would be satisfied.

3.10 There are numerous existing windows within the property and it is considered that the proposed additional floor would not result in any increased overlooking or loss of privacy to the front or rear of the site, particularly due to the fact that the new windows are not located any closer to neighbours than existing openings. Standard S13.2 is therefore considered to be satisfied.

3.11 The outlook to neighbouring properties on Goldhawk Road would not be materially affected by the extension at roof level. The proposal would not infringe an angle of 45 degrees produced at either a point 2 metres in height or at ground level taken on the rear boundary, such that outlook to neighbours at Richford Street would not be affected. The location of the development would be such that light to neighbours would not be affected.

3.12 The property is within the Environment Agency Flood Zone 2 and 3, which requires a Flood Risk Assessment to be carried out for minor development. The proposed development would be restricted to above ground level (at roof level) and therefore is considered to be acceptable in accordance with PPS25 Development and Flood Risk. In officers' view the proposal would not raise significant flood risk issues, as it would not have an adverse effect on a watercourse, floodplain or its flood defences, would not impede access to flood defence and management facilities or add to the cumulative impact of such developments on local flood storage capacity or flood flows.

4.0 CONCLUSION AND RECOMMENDATION.

4.1 It is considered that the proposed additional floor is unacceptable in the interests of visual amenity. The additional floor would be the first in the terrace of properties, adding a discordant feature to an otherwise unbroken roofline. The balance of the terrace would be lost and the visual harm would be exasperated due to the range of visibility of the development from public vantage points. The proposal is contrary to policies EN2, EN2B and EN8B of the Unitary Development Plan, as amended September 2007.

4.2 It is therefore recommended that planning permission be refused.
**Ward:** Hammersmith Broadway

**Site Address:**
83 Goldhawk Road  London  W12 8EG


*For identification purposes only - do not scale.*

**Reg. No:** 2009/01669/FUL

**Date Valid:** 21.07.2009

**Committee Date:** 24.11.2009

**Case Officer:** Dale Jones

**Conservation Area:** Hammersmith Grove Conservation Area - Number 20

Page 68
**Applicant:**
HP Cleaners Ltd
83 Goldhawk Road London W12 8EG

**Description:**
Erection of a rear extension at second floor level.
Drg Nos: 697/HS/01; 02 and 692/HS/01.

**Application Type:**
Full Detailed Planning Application

**Officer Recommendation:**
That the application be refused for the following reason(s):

1) The proposed development is considered to be unacceptable in the interests of visual amenity. More particularly the extension at second floor level, by virtue of its height, bulk and location at a high level, would constitute a visually dominant and discordant feature out of keeping with the appearance of the application property and the pattern of development in the terrace. In this respect the proposed development would harm the character and appearance of the conservation area and views into/out of it which the Council considers it desirable to preserve or enhance, in compliance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is therefore contrary to Policies EN2, EN2B and EN8B of the Unitary Development Plan as amended 2007.

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

**All Background Papers held by Michael Merrington (Ext: 3453):**

Application form received: 9th July 2009
Drawing Nos: see above

**Policy documents:** The Revised London Plan 2008

**Consultation Comments:**

**Comments from:**

**Neighbour Comments:**

**Letters from:**

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LETTERS FROM APPLICANT/AGENT
Design & Access Statement, Flood Risk Assessment
1.0 BACKGROUND

1.1 This application relates to a three storey building that is located on the south side of Goldhawk Road, close to the junction with Richford Street. The property is currently in use as a dry cleaners at ground floor with bedsits located on the floors above. The property is located within the Hammersmith Grove Conservation Area. The property is within the Environment Agency Flood Zones 2 and 3.

1.2 There are three recent planning records. Ref: 2007/02594/FUL - Erection of a part one, part two, part three storey rear extension (application withdrawn). Ref: 2007/04305/FUL - Erection of a part one, part two storey rear extension (application approved). Ref: 2008/03424/FUL - Erection of a part one, part two storey rear extension (this part already approved in the 2007 extension), the conversion of the first and second floors to 2 x studio flats and 1 x one bedroom flat and the replacement of the shop front to provide for a separated entrance door to the flats. This application was approved and construction works were in progress at time of the officer's site visit, 30th July 2009.

1.3 The current proposal is for the erection of a rear extension at second floor level.

1.4 It should also be noted that there is a separate planning application (Ref. 2009/01668/FUL) that is running concurrently with this application for the erection of an additional floor at roof level, to form a self contained bed-sit. This case has been reported elsewhere on this agenda.

2.0 PUBLICITY AND CONSULTATIONS

2.1 Adjoining properties were notified and a site and press notice were posted. Two representations were received from Nos. 2 and 2A Richford Street, objecting to the proposal on the following grounds;

- Proposal would be out of character with the existing Victorian terrace of properties
- The proposal would spoil the clean-line of the rear elevation being the first at that level
- The proposal would block light and reduce outlook from the rear

3.0 PLANNING CONSIDERATIONS

3.1 The main issues arising out of this planning proposal are the visual impact of the development and its impact on the conservation area and the impact of the proposal on the amenities of neighbouring residents.

3.2 Policy EN2 states that development within the conservation area will only be permitted if the character or appearance of the conservation area is preserved or...
enhanced. Policy EN2B advises that development will only be permitted if the character or appearance of the conservation area in terms of their setting and views into or out of them is preserved or enhanced. Policy EN8B states that all extensions and alterations to existing buildings should be compatible with the scale and character of existing development, its neighbours and its setting.

3.3 The current proposal would involve the erection of a rear extension at second floor level. The development would be constructed in brickwork to match the existing and would incorporate PVCu bay windows within the rear fenestration. The extension would measure 2.3m in height and would cover the footprint of the previously approved first floor rear extension.

3.4 It should be noted that there are no extensions at second floor level along the terrace. Furthermore, it is considered that the proposed extension at second floor level in this case is excessive in height, depth and mass and would not be compatible with the character and appearance of the building, contrary to policy EN8B of the Unitary Development Plan, which states that extensions should not rise higher than one storey beneath the original eaves or parapet line or extend across the full width of a building.

3.5 The proposal would be out of keeping with the pattern of rear extensions in this terrace of properties, which are generally confined to ground level. There are also concerns about the impact of the proposal upon views from Richford Street, from where the rear of the terrace currently appears relatively un-extended. To this effect, the proposal is out of keeping with the property, the pattern of development in the terrace and would have an adverse impact upon the character and appearance of the Hammersmith Grove Conservation Area, contrary to policy EN2 of the Unitary Development Plan.

3.6 The properties on either side on Goldhawk Road would retain an open aspect in a southerly direction and their outlook would not be materially affected by the extension, in officers' view. The proposal would not infringe an angle of 45 degrees produced at either a point 2 metres in height or at ground level taken on the rear boundary. The properties at Richford Street also side onto the application property. It is therefore not considered that outlook to neighbours in Richford Street would be affected, in accordance with standard S13.1. Privacy to neighbours would not be compromised given the location of windows and separation distance between properties and the orientation of neighbouring properties; such that the proposal accords with standard S13.3. A BRE assessment has been carried out in respect of neighbouring habitable windows and the proposal passes, such that light to adjoining residents would not be materially affected by the scheme.

3.7 The applicant has provided a flood risk assessment of the development, stating that flood resistance techniques including use of water resistant construction, finishes and details would be used. It is not considered that the development would have an adverse effect on a watercourse, flood plain or its flood defences; would impede access to flood defence and management facilities; or would have a significant effect on local flood storage capacity; in accordance with PPS25 Development & Flood Risk.

4.0 RECOMMENDATION AND CONCLUSION

4.1 It is considered that the proposed rear extension at second floor level is unacceptable in the interests of visual amenity. The scale, bulk and location of the
proposed rear extension would be out of keeping with the property and the pattern of development in the terrace. The proposal is contrary to policies EN2, EN2B and EN8B of the Unitary Development Plan, as amended September 2007.

4.2 It is therefore recommended that planning permission be refused.
Ward: Hammersmith Broadway

Site Address:
11 And 12 Lower Mall London W6 9DJ

For identification purposes only - do not scale.

Reg. No: 2009/01741/FUL
Case Officer: Raj Satheesan

Date Valid: 21.07.2009
Conservation Area: The Mall Conservation Area - Number 2

Committee Date: 24.11.2009
Applicant:
Ms Mina Martinez & Shona Harvie
11 & 12 Lower Mall London W6 9DJ UK

Description:
Installation of a pontoon and use for moorings on the River Thames; erection of an access ladder over the river wall.
Drg Nos: 144P.02B, 144P.03

Application Type:
Full Detailed Planning Application

Officer Recommendation:
That the application be refused for the following reason(s):

1) The proposed development for private moorings is considered to be unacceptable in principle as it would not be necessary for the construction of new bridges, tunnels, jetties, piers or slipways, it would not be required in connection with the retention or improvement of river based recreational facilities or transport facilities and it would not improve public access to the riverside, including access for disabled people. The proposal would therefore be contrary to Policy EN35 of the Unitary Development Plan, as amended 2007.

2) The proposal is considered to be unacceptable on visual amenity grounds. In particular, the proposed moorings would have potential to create additional visual clutter on the river and would block and weaken views of the listed Hammersmith Bridge and other significant landscape features and landmark buildings from this part of the riverside, such as the listed buildings on Lower Mall. The proposal would thereby adversely affect the character of the riverside and the appearance of The Mall Conservation Area, which the Council considers desirable to preserve or enhance in compliance with Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990. The development would therefore be in conflict with the aims and objectives of The Mall Conservation Area Character Profile and contrary to Policies EN2, EN3, EN8, EN31, EN31X of the Unitary Development Plan, as amended 2007 and London Plan Policies 4C.10 and 4C.13.

3) The proposal is considered to be unacceptable on nature conservation grounds. In particular, the proposed development would have a detrimental impact on the foreshore mudflat habitat which is listed as a Biodiversity Action Plan 1994 (BAP) priority species which the Environment Agency seeks to protect. The proposal would therefore be contrary to Policies EN27 and EN28A of the Unitary Development Plan, as amended 2007 and London Plan Policies 4C.3 and 4C.14.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

All Background Papers held by Michael Merrington (Ext: 3453):
Application form received: 17th July 2009
**Policy documents:** The Revised London Plan 2008

**Consultation Comments:**

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**OFFICER’S NOTES**

1.0 BACKGROUND

1.1 Numbers 11 and 12 Lower Mall are Grade II listed buildings which date from the early 17th century. They form part of a group of buildings which includes Kent House (c.1762 Grade II listed), the Blue Anchor Public House (1766), the Aurio and Kensington Rowing Club (a Building of Merit dating from 1890) and the Rutland Public House (a Building of Merit dating from 1890); which are located in The Mall Conservation Area and front the Riverside Walk.

1.2 The River Thames (and riverside) is one of the Borough’s most important natural assets and is a nature conservation area of metropolitan importance. The site is also in the Thames Policy Area and an Archaeological Priority Area. The river forms part of the Mayor of London’s Blue Ribbon Network.

1.3 The proposal is to install a pontoon (measuring 8.7m x 1.8m) and levelled mooring area, walkway and a ladder over the river wall. The plans show that the pontoon, levelled moorings and walkway would occupy, in total, an area of c.90 sq.m. from the river wall. The moorings would be used for private use only for residents of 11 and 12 Lower Mall. No details of the number of vessels or the size of vessels have been provided.

1.4 Additional information was submitted showing the extent of terracing, but it has not been possible for the applicant to indicate the size of the vessels that would be
moored as they currently do not own any. However, the agent has confirmed that this would not exceed the width of the two properties (8.7m) and the beam would be restricted by the mooring terraces (approximately 3.6m). The plans were also revised to reduce the projection of the moorings from the bank to 10.5m and to use a pre-existing (but since defunct off) access point to the river, and not a staircase over the river wall as originally submitted.

1.5 There is no planning history at Nos. 11 and 12 Lower Mall relevant to the current planning application. The design and access statement submitted by the applicants states that the cottages were occupied during the C19th and C20th until the 1980s by the Colley family, who were Thames watermen involved in boat hire and boat building in the locality. The agent has also submitted a number of appeal decisions from other London boroughs relating to moorings on the Thames, which have been considered by officers but are not directly relevant to the specific circumstances of this case.

2.0 PUBLICITY AND CONSULTATIONS

2.1 This application has been advertised by way of letters of notification sent to adjoining occupiers and also by both a site and press notice. In addition a number of public bodies (including the Greater London Authority, the Environment Agency, the Port of London Authority and English Heritage) and interest groups (the Hammersmith and Fulham Historic Buildings Group and the West London River Group and the River Thames Society) have been notified and/or consulted on the proposal by way of letter.

2.2 One letter of support has been received from a neighbouring occupier advising that ‘it is good to see the river being used more for recreational purposes’.

2.3 The Environment Agency (EA) object to the proposed development on biodiversity grounds. They state that this is due to the likely impact on priority mudflat habitats and they recommend refusal. They say that action is now required to halt the acknowledged loss of biodiversity in the UK. The EA do not object to the revised design from a flood risk perspective subject to conditions regarding the river wall.

2.4 The Port of London Authority initially had concerns about the proposed levelling to create terracing since there would not appear to be enough rubble to construct the terraces. They also raised concerns regarding the material which would have to be moved from adjacent foreshore areas, resulting in lowering of the foreshores in these areas which would affect the integrity of the foreshore; but advise that this could be considered at a more detailed design stage. The PLA subsequently withdrew their objection on grounds of navigational safety, following receipt of further information.

2.5 English Heritage (EH) report that they have no objection to the proposal subject to conditions. EH has advised that the site lies in an Archaeological Priority Area because of the possible location of original Saxon settlement and the medieval settlement along the riverfront. They report that this proposal could pose a threat to archaeological remains on the foreshore, either through the installation of the pontoon itself or piles driven in the foreshore. EH recommend a foreshore survey be carried out, and mitigation as necessary. If the proposal were considered acceptable these matters could be secured by conditions.

2.6 The River Thames Society (RTS) support the application. They state that there are a number of long-established moorings along this reach, from Hammersmith Bridge
upstream and they feel their presence greatly adds to the enjoyment of the riverscape, for residents and visitors. In general they state that they prefer the type of pontoon that sits against the river wall, since this does not project out as far as the one under consideration, but they understand that this would not be feasible for this application due to the presence of vegetation and various structures on the wall. The RTS are satisfied that there would be no obstruction to navigation, particularly for nearby river users and welcome the fact that the pontoon could be used in an emergency by boaters.

2.7 British Waterways and the Greater London Authority have been consulted but have not commented.

2.8 Hammersmith and Fulham Historic Buildings Group (HFHBG) recommend refusing this application and recommend an alternative scheme which they consider would allow access for the riparian owner but would not damage the character and appearance of the conservation area. HFHBG were concerned about the original proposal for a staircase rising a metre higher than the river wall and recommended that reopening the existing access opposite the cottages and placing a ladder against the wall would be less intrusive. They are also concerned about the size of the pontoon which they consider would appear to obstruct and privatise the foreshore; impact on the foreshore or the ecology of the riverside; and set an undesirable precedent. They state that if this application were to be allowed then presumably every house along the riverside could expect permission for an individual access and a large pontoon. They state that this would have a very damaging cumulative effect on the riverside walk and the foreshore. They recommend that in future, perhaps, there should be consideration of a policy for shared access and mooring facilities along the riverside and stress that shared access facilities with the nearby rowing club could be investigated.

2.9 The West London River Group (WLRG) question the sustainability of the principle of each riparian owner being allowed to encroach onto the foreshore in order to build their own private pontoon, because it would be an obstruction to navigation. Such obstructions, they say, may be justified in selected places for general use by river traffic but they consider that an individual pontoon for each riparian property does not sound right as a general policy. They state that the traditional solution is two vertical piles against the river wall, and a ladder access to allow the boat to lie alongside the river wall. Alternatively, they suggest a small pontoon against the river wall could be used.

3.0 PLANNING ISSUES

3.1 The main planning considerations are:
- The acceptability of the principle of the pontoon and moorings for private use in this location and its impact on the navigation of the Thames;
- The impact on the visual amenity of the surrounding conservation area, views along the Thames, and impact on the nearby listed buildings and listed Hammersmith Bridge;
- The effect on local wildlife and ecology in the Thames;
- The effect on flood defences;
- Highway safety implications of the works adjacent to the highway;
- Impact on the archaeological remains in the area
- Impact on the amenities of residential neighbours

MOORINGS AND NAVIGATION OF THE THAMES
3.2 In support of the application, the design and access statement states that the proposal for moorings in this location would be reinstating the historic use of the river frontage to moor boats and that this would add meaning and context to and, thereby, enhance the setting of listed buildings in the locality, including Hammersmith Bridge. However, since the mooring of boats in this location has not occurred since the 1980s, the site does benefit from continued use.

3.3 The proposed mooring would need to accord with Policy EN35 of the UDP which states that: 'Development which encroaches into the river and its foreshore will not be permitted unless it is:
(a) Necessary for the construction of new bridges, tunnels, jetties, piers or slipways; or
(b) Represents other minor works required in connection with the retention or improvement of river based recreational facilities or transport facilities, or works necessary to provide or improve public access to the riverside, including access for disabled people.

3.4 Regarding criteria (a) above the development is not necessary for new bridges, tunnel, jetties, piers of a slipway; and does not represent an improvement to a transport facility. Regarding criteria (b) the proposal would not improve public river based recreational facilities or transport facilities, or provide improved public access riverside facilities. It would be a private facility for residents of two properties. In these matters the proposed development would not accord with the requirements of Policy EN35 of the UDP; and is not acceptable in principle.

3.5 Policy EN35 goes on to state that 'all such development will be required to be sited and designed so as to minimise the impact on residential areas and neighbouring riparian uses and on the character of the reach of water concerned. It will also need to take account of biodiversity, important views, navigation of the river, water flow, flood defences and public safety'. These issues are considered under the relevant headings below.

3.6 The London Plan Policy on moorings is also a consideration. Policy 4C.13 (Moorings facilities on the Blue Ribbon Network) is relevant and indicates that such facilities may be appropriate as an aid to regeneration but only where the impact on navigation, biodiversity and character is not harmful. These issues will be discussed in the relevant sections below.

3.7 The Port of London Authority (PLA) originally objected to this scheme on the basis that it would cause a further obstruction on the foreshore that would hinder the navigation safety of the Thames. However, revised plans submitted show that the projection of the moorings would be limited to 10.5m from the river wall and the PLA have since removed their objection on grounds of navigational safety. The PLA further state that a river works licence (RWL) would be required from them for the works and it is also likely that a dredging licence would be required. They advise that it is likely that there would be a condition in any RWL which would prohibit double banking of vessels.

VISUAL AMENITY
3.8 The cottages at 11 & 12 Lower Mall are Grade II listed buildings with group value. They date from the early 17th century and are two of the oldest and most picturesque buildings along the LBHF riverside. They form part of a group of buildings which includes Kent House (c.1762 Grade II listed), the Blue Anchor Public House (1766), the
Auriol and Kensington Rowing Club (a Building of Merit dating from 1890) and the Rutland Public House (a Building of Merit dating from 1890). All these buildings are in the Mall Conservation Area and front the Riverside Walk which is also part of the long distance Thames Path. The site is also within close proximity to the Grade II* listed Hammersmith Bridge. Policy EN3 is therefore relevant, which states that ‘permission will not normally be granted for any development which would not preserve the setting of any listed building’.

3.9 Policy EN31, which relates to important views along, across and from the river is also relevant. It states that: ‘Development within the Thames Policy Area will not be permitted if it would cause demonstrable harm to views from Hammersmith Bridge...along the river, foreshore, and riverside development and landscape between Hammersmith Terrace to the west and Fulham Football Ground to the south. Policy EN31 goes on to say that ‘Development will also not be permitted if it would cause demonstrable harm to the view from within the Thames Policy Area of important local landmarks identified on the Proposals Map, or their settings including `Upper and Lower Mall; The richness, diversity and beauty of the historical waterfront.

3.10 Policy EN31X is also relevant. Under this policy development will not be permitted within the Thames Policy Area unless it respects the riverside context, is of a high standard of urban design and maintains or enhances the quality of the built environment.

3.11 Policy EN8 states that ‘development will not be permitted unless it is of a high standard of design, and compatible with the scale and character of existing development and its setting’. The UDP says that the development should be sensitively designed so as to integrate into the existing built form and landscape and that all proposals must be formulated to respect the local area and be sustainable and neighbourly. The proposal falls within a conservation area where the character and appearance of the area should be preserved and enhanced, in accordance with policy EN2 of the UDP.

3.12 London Plan Policy 4C.10 states that ‘the Mayor will, and boroughs should, give careful consideration to the relationship between new development and the historic environment including listed buildings and archaeological areas. The tidal foreshore is an area of particular importance.’

3.13 Whilst the council recognises the importance of the river as a transport route, as a resource for recreation and sporting activities and also as a location for river-related commercial enterprises it is also a unique open space of London-wide importance, a landscape feature with views of and from the river, and also an important refuge and corridor for wildlife.

3.14 The revised drawings seek to provide a new access ladder attached to the river wall, a pontoon (measuring 8.7m x 1.8m), levelled mooring areas and a walkway. Officers are concerned with the size of the pontoon and moorings which would extend out approximately 10.5 metres into the river. The proposed moorings, adjacent to the riverside path at this point, in a very busy area would be intrusive to the views of this part of the riverside. Whilst officers acknowledge that the revised drawings, showing a ladder attached to the river wall, would help reduce the visual harm, the Council considers that the boat moorings would still create additional visual clutter on this section of the river and would block and weaken views of the river, Hammersmith
Bridge and other significant landscape features and landmark buildings. The proposal would fail to preserve the character and appearance of the riverside, the Lower Mall Conservation Area, views of the river and the Grade II* listed Hammersmith Bridge, and the setting of nearby listed buildings on Lower Mall, inconsistent with policies EN2, EN3, EN8 EN31 and EN31X of the UDP and London Plan Policies 4C.10 and 4C.13.

3.15 Although not a reason in itself to refuse planning permission, officers are also concerned about the precedent the approval of this scheme could result in. If this application were to be allowed this might set an undesirable precedent for other properties along the riverside to seek to erect an individual access and a large pontoon, which would add to further visual clutter in this location and obstruct the waterways. This view is shared by the HFHBG who state that this `would have a very damaging cumulative effect' on the Riverside Walk, the conservation area and the setting of the listed buildings and the foreshore.

3.16 Officers consider that one of the existing access points and moorings further along the Thames, at the nearby Rowing Club, could be assessed for acceptability for the mooring of boats for these properties.

**NATURE CONSERVATION AND WILDLIFE**

3.17 The site is located in a nature conservation area of metropolitan importance and the Environment Agency has identified the site as a BAP priority mudflat habitat. Therefore UDP Policies EN27, EN28A and London Plan Policies 4C.3 and 4C.14 are relevant.

3.18 UDP Policy EN27 states that nature conservation areas should be protected and that development harmful to these sites will not normally be permitted. UDP Policy EN28A states that `permission will not be granted for development that would have a demonstrably harmful effect on a protected species, or the habitat of a protected species, unless planning conditions can be imposed, or a planning obligation is in place, to:
   (a) facilitate the survival of the species on site; or
   (b) cause minimum disturbance of the species and its habitat; or
   (c) sustain current levels of the species' population in an alternative location.

3.19 London Plan Policy 4C.3 `The natural value of the Blue Ribbon Network' states that `the Mayor will, and boroughs should, protect and enhance the biodiversity of the Blue Ribbon Network by:
   - resisting development that results in a net loss of biodiversity
   - designing new waterside developments in ways that increase habitat value
   - allowing development into the water space only where it serves a water-dependent purpose or is a truly exceptional case which adds to Londons world city status
   - taking opportunities to open culverts and naturalise river channels
   - protecting the value of the foreshore of the River Thames.

3.20 London Plan Policy 4C.14 relates to structures over and into the Blue Ribbon Network and requires that any potential navigation, hydrology and biodiversity impacts are mitigated.

3.21 The Environment Agency (EA) have objected to the proposed development due to the likely impact of the proposed development on the mudflat habitat and therefore have
recommend that planning permission be refused on this basis. The EA has advised that
the application could be resubmitted without the inclusion of the terraces.

3.22 The applicant states that this is not a mudflat habitat in terms of either gradient or
particle size. The agent has suggested measures to protect or improve biodiversity
including a strip of emergent vegetation next to the river wall to be retained; a perforated
walkway decking to allow daylight to penetrate below; rubble filled bunds to the
terracing to provide a new habitat; rubble ribs on the terraces prevent mud from being
compacted and pontoon and boars to provide shade and shelter for fish when afloat.

3.23 The EA have considered the above and have confirmed in writing that they sustain
their objection. They consider that the proposed development would have a detrimental
impact on the foreshore and habitat which is listed as a Biodiversity Action Plan (BAP)
priority species that they have a role in protecting. The EA has stated that they cannot
permit the proposal to place a structure approximately 60m2 in area over this habitat,
despite the applicants proposed intention to create alternative habitat. Officers consider
that the proposal would not protect or enhance the biodiversity of the area but would
have a negative impact on nature conservation, including the Blue Ribbon Network, and
is thereby considered to be contrary to UDP policies EN27 and EN28A and London
Plan Policies 4C.3 and 4C.14.

IMPACT ON AMENITIES OF NEIGHBOURS
3.24 Given its location at the river the direct impact on the amenities of residential
neighbours at Lower Mall arising from this proposal would be negligible.

HIGHWAY SAFETY
3.25 The revised drawings show that a ladder would be attached to the existing wall.
The development would not protrude onto the highway and therefore would not result in
any obstruction to pedestrians in this location or require a stopping up order under

ARCHAEOLOGICAL PRIORITY AREA
3.26 Policy EN7 seeks to protect local archaeological heritage. The site lies within an
Archaeological Priority Area and the GLSMR indicates the foreshore here to have
potential for prehistoric and Saxon structures and remains. This includes prehistoric
human remains close to Hammersmith Bridge. Medieval and post-Medieval jetties have
also been recorded in the vicinity.

3.27 As the proposal would involve driven timber piles excavated 3m-4m into the river
bed, terracing and a pontoon and associated works, these could all impact upon any
localised remains present.

3.28 English Heritage advises of the requirement for a foreshore survey comprising
initially of a walkover survey by a suitably qualified archaeologist within the applicant
area. A written archaeological impact assessment report, including the results of the
walkover survey, should then be provided to EH. Depending on the results, EH advise
that the mitigation may comprise of requesting preservation in situ of any structural
remains by avoiding these areas together with a programme of archaeological work to
ensure this and recording of any archaeological remains present on the remainder. EH
agree that this could be agreed as part of a Written Scheme of Investigation to be
submitted prior to the archaeological work. EH has also stated, and officers are
agreeable, that if this application were considered acceptable in all other respects this information could be secured by condition.

IMPACT ON FLOOD DEFENCE
3.29 The property is located in flood risk zones 2 and 3. A flood risk assessment has been provided with the application. It is considered that the details set out in the flood risk assessment have demonstrated that the proposal would not create an additional risk with respect to flooding as set out in the Planning Policy Statement 25. The Environment Agency has stated that they do not object to the proposal on flood defence grounds.

4.0 CONCLUSION and RECOMMENDATION

4.1 The proposal is considered to be unacceptable in terms of use, its visual impacts and on nature conservation grounds.

4.2 It is recommended that planning permission be refused for the reason identified above.
Ward: College Park And Old Oak

Site Address:
Depot North Entrance Old Oak Common Lane London NW10 6DQ

For identification purposes only - do not scale.

Reg. No:
2009/02013/FUL

Case Officer:
Laurence O'Keeffe

Date Valid:
17.08.2009

Conservation Area:

Committee Date:
24.11.2009
Applicant:
Crossrail Ltd
25 Canada Square London E14 5LQ

Description:
Use of part of Old Oak Common Depot for temporary period of 2 years as a bus storage depot for 155 buses with associated fuel, wash and maintenance facilities; staff administration and accommodation facilities; formation of 44 staff and visitor car parking spaces.

Application Type:
Full Detailed Planning Application

Officer Recommendation:
That the application be approved

Justification for Approving the Application:

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LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

All Background Papers held by Michael Merrington (Ext: 3453):

Application form received: 14th August 2009
Drawing Nos: see above

Policy documents: The Revised London Plan 2008

Consultation Comments:

Comments from: Dated:
Greater London Authority - Planning Decisions Unit 29.09.09
Greater London Authority - Planning Decisions Unit 28.10.09
Greater London Authority - Planning Decisions Unit 14.09.09
Network Rail 14.09.09
Thames Water - Development Control 27.08.09

Neighbour Comments:

Letters from: Dated:
Ward: Palace Riverside

Site Address:
Hurlingham Club  Ranelagh Gardens  London  SW6 3PR

For identification purposes only - do not scale.

Reg. No: 2009/02131/FUL

Case Officer: John Sanchez

Date Valid: 04.09.2009

Conservation Area: Hurlingham Conservation Area - Number 4

Committee Date: 24.11.2009
**Applicant:**
The Hurlingham Club
The Hurlingham Club Ranelagh Gardens London SW6 3PR

**Description:**
Construction of replacement outdoor swimming pool, children's pool, and associated changing rooms and cafe within existing club settings, and the provision of a water treatment store, lake works including pavilion and sunbathing facilities.
Drg Nos: 9614/87; 0-001;1-001/B; 005; 006; 100; 101; 200

**Application Type:**
Full Detailed Planning Application

**Officer Recommendation:**
That the application be approved subject to the condition(s) set out below:

1) The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of this planning permission.
   
   Condition required to be imposed by section 91 (1) (a) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2) The development shall be erected only in accordance with the detailed drawings that have been approved, unless any material alteration to these approved details has first been submitted and approved in writing by the Council.

   In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with policy EN2 and EN8 of the Unitary Development Plan, as amended 2007.

3) No demolition shall take place prior to the submission and approval in writing by the Council of details of the methods proposed for this demolition, details of the steps to be taken to re-use and recycle demolition waste and details of the measures proposed to minimise the impact of the demolition process on the existing amenities of the occupiers of neighbouring properties. The demolition process shall be carried out only in accordance with the approved details.

   To ensure that provision is made as appropriate for any recycling of demolition waste and to ensure that the occupiers of neighbouring residential properties are not unduly affected by the demolition process, in accordance with Policies EN19A, EN20A, EN20B, EN20C and EN21 and of the Unitary Development Plan, as amended 2007.

4) The development shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Council. The details shall include contractors' method statements, waste classification and disposal procedures and locations, dust and noise monitoring and control, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway,
and other matters relating to traffic management to be agreed. All works to be carried out in accordance with approved plan.

To ensure that no unacceptable adverse effect on the amenity of surrounding occupiers in accordance with policies EN20A, EN20B, EN20C, EN21 and TN15 of the Unitary Development Plan, as amended 2007.

5) The development shall not commence prior to the submission and approval in writing by the Council of details and samples, where appropriate, of all materials used on the external faces of the buildings, other building works and surface treatments (which include details of the bonding and pointing of external facing brickwork), and no part of the development shall be used or occupied prior to the implementation of the approved details.

To ensure a satisfactory external appearance in accordance with Policy EN2 and EN8 of the Unitary Development Plan, as amended 2007.

6) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by Scott White and Hookins (Ref: IL/lh/L836, Version 1, 01 September 2009).

To reduce the impact of flooding on the proposed development and future occupants, as requested by the Environment Agency.

7) The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the existing background noise level by at least 10 dBA, as assessed according to BS4142: 1997 at noise sensitive premises, with all machinery operating together and thereafter.

To ensure that the amenity of occupiers of [the development site and] [surrounding premises] is not adversely affected by noise from mechanical installations/equipment and their uses, in accordance with Policy EN20A, EN20B and EN21 of the Unitary Development Plan, as amended 2007.

8) 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 safeguard the amenities of neighbouring residential occupiers, in accordance with Policies EN2, EN8, EN20B and EN21 of the Unitary Development Plan, as amended 2007.


In order to adequately safeguard the trees in the vicinity of the building works and in the interests of visual amenity, in accordance with Policy EN25 of the Unitary Development Plan, as amended 2007.
10) Work to trees within and adjacent to the application site shall be carried out in accordance with BS5837:2005.

In order to adequately safeguard the trees in the vicinity of the building works and in the interests of visual amenity, in accordance with Policy EN25 of the Unitary Development Plan, as amended 2007.

11) The development shall not commence until the submission and approval in writing by the Council of details and methods proposed for the foundations of the buildings hereby approved, including details of steps to be taken to protect the existing root systems of retained trees on the site. The development shall be carried out in accordance with the approved details.

In order to adequately safeguard the trees in the vicinity of the building works and in the interests of visual amenity, in accordance with Policy EN25 of the Unitary Development Plan, as amended 2007.

12) The development shall not be occupied until the submission and approval in writing by the Council of full details of the proposed soft landscaping of the site, including planting schedules and details of the species, height and maturity of any trees and shrubs. The approved scheme shall be implemented in the next winter planting season following completion of the building works, or before the occupation and use of any part of the buildings, whichever is the earlier.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with policies EN2, EN8 and EN26 of the Unitary Development Plan, as amended 2007.

13) The development hereby permitted shall not commence until details of the hard landscaping of all areas external to the buildings, including planting, paving, boundary walls, fences, gates and other means of enclosure, have been submitted to and approved in writing by the Council.

To ensure a satisfactory external appearance, in accordance with Policy EN2 and EN8 of the Unitary Development Plan as amended 2007.

14) The occupation of the buildings hereby approved shall not commence prior to the submission and approval in writing by the Council of full details of all proposed external lighting, and the use shall not commence until the lighting has been installed in full accordance with the approved details. Such details shall include the number, exact location, height and design and appearance of the lights and any data concerning the levels of illumination and light spillage and the specific measures proposed to ensure that the lighting does not harm the existing surrounding area.

To ensure a satisfactory external appearance and to prevent harm to the occupiers of neighbouring properties, in accordance with Policies EN2, EN8, EN20C and EN21 of the Unitary Development Plan, as amended 2007.

15) The development shall not commence until the submission and approval in writing by the Council of the Energy Strategy details for the site considering the energy demand, baseline CO2 emissions and energy efficiency measures to be
implemented. Such technologies and details as agreed are to be implemented as part of the development.

To ensure the reduction of carbon dioxide emissions and the integration of on-site renewable energy generation if this is feasible, in accordance with London Plan Policies 4A.4, 4A.6 and 4A.7 on sustainable energy.

**Justification for Approving the Application:**

1) It is not considered that the proposal would be unacceptable in land use terms, or would have an unacceptable impact on the existing residential amenities of the occupiers of adjoining properties. The proposal would be acceptable in visual amenity terms, would not harm the character and appearance of the conservation area or the setting of the listed building and would not result in a loss of existing open space or metropolitan open land. In this respect the proposal is judged to be acceptable in the context of Policies CS2, EN2, EN3, EN7, EN8, EN20A, EN20B, EN20C, EN21, EN22, EN24, EN25, EN26, EN31 and EN31X of the Unitary Development Plan, as amended 2007, London Plan and PPG 2.

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**LOCAL GOVERNMENT ACT 2000**

**LIST OF BACKGROUND PAPERS**

All Background Papers held by Michael Merrington (Ext: 3453):

Application form received: 1st September 2009
Drawing Nos: see above

**Policy documents:** The Revised London Plan 2008

**Consultation Comments:**

**Comments from:**
Environment Agency - Planning Liaison
Dated: 06.10.09

**Neighbour Comments:**

**Letters from:**
33 Rivermead Court Ranelagh Gardens London SW6 3RU
Dated: 25.09.09
32 Rivermead Court Ranelagh Gardens London SW6 3RU
Dated: 14.09.09

1.0 BACKGROUND

1.1 The application relates to the Hurlingham Club, a private sports and leisure club. The site of the club occupies an extensive area (some 15 hectares) between the River Thames to the south, Hurlingham Park to the north and Broomhouse Lane and Napier Avenue/Ranelagh Gardens, to the west. Hurlingham House, located in the centre of the club grounds, is a Grade II (*) listed building and originally built in 1760. The club’s grounds, together with Hurlingham Park to the north, are designated as Metropolitan Open Land (MOL) and contain many large trees. The site is located within the
Hurlingham conservation area, a designated nature conservation area and the Thames Policy Area. The main entrance to the club is via Ranelagh Gardens with a secondary vehicular access point off Broomhouse Lane.

1.2 The Hurlingham Club (founded in 1867) is a large, long established private leisure club with full membership. The club grounds has a long background history, relating to several buildings/extensions and alterations to existing buildings on the site.

1.3 The outdoor swimming pool and associated timber clad changing room facilities were built in 1933. The pool is located within the club's southernmost grounds, approximately 100 metres (south west) of the listed clubhouse, close to the river Thames and to an artificial lake to the north. A separate children's pool was added in the 1980's. There is a newer indoor swimming pool located adjacent to Hurlingham House. The outdoor swimming pools provide outdoor sport and recreational facilities during the months (May-September). Both the existing main and children's pools equate to 461 sqm. and associated paved area equals some 938 sqm.

1.4 The existing main changing room building is single storey height with a floor space/area of 299 sqm. There is also a smaller single storey secondary changing block and a café. These buildings are timber framed construction. The main changing room is clad in clap board timber and painted in blue and white.

PROPOSAL

1.5 The proposal relates to the demolition of the existing outdoor main swimming pool, children's pool, associated changing rooms blocks and café and replacement with a new main pool, children's pool, café, a remote water treatment store and a pavilion and sunbathing facilities, together with works to both hard and soft landscaping. A separate conservation area consent application has been submitted for the demolition works (ref: 2009/02494/CAC). The report covers both applications.

1.6 In support it is stated that;
- Recent review of existing facilities establish that major renovation works are required for the outdoor pools, in order to be used safety and hygienically. Various short terms refurbishment measures have been carried out to the pools and associated buildings in the last 20 years.
- Existing main pool unstable (cracks). Pool requires further renovation works (last carried out in 1999).
- Current changing room facilities poorly and inefficiently laid out. Fall short of current legislation and poorly design standards in terms of accessibility and insulation. Existing building unsuitable for modification.
- Existing water plant treatment facility is outdated, in poor condition and undersized. Heating does not work adequately to meet current standards. Plant currently treats both pools. Much larger plant area combining water treatment and Mechanical, Electrical and Public Health (MEP) Service is required to bring facilities to modern day standards.
- Existing café facilities are dated. Lack storage and refuse space with limited power supply.
- Proposals seek to improve pool maintenance, hygiene, access and facilities for persons with impair mobility, be sustainable in terms of materials and operations.
- Landscaping scheme and boundary treatment aim to improve relationship of outdoor pool with the grounds of the club.
- Analysis also carried out identifying shortcoming with existing layout of buildings and sunbathing areas, in terms of maximising both sun and shade areas.

Page 90
1.7 The proposed replacement changing room block would be a modern interpretation of the existing lido facilities, comprising a single storey (plus basement) building on the site of the existing facilities. The proposed main building would have an enlarged footprint (496 sqm.), incorporating the changing space from both the existing main and secondary changing room blocks, with the majority of extra floorspace comprising the ancillary water plant and heating facilities (approximately 340 sqm.), contained in a new basement plant room. A small reception and office area would also be provided in the new build by an integrated lobby entrance, situated at the shallow end of the pool. Inside the building the proposal would consist of separate male, female and family changing room facilities and both wet and dry areas. A small component of plant is also required for the proposed facilities at ground level for a Water Treatment Store, in a separate building (24 sqm.) located by the southernmost car park. This is proposed in a remote location approximately 100 metres to the west of the existing outdoor pools, beyond existing tennis courts, and is proposed in order to address existing chemical delivery problems to the existing facilities.

1.8 The existing pool would be demolished and replaced with a similar sized pool in the same position, built to modern standards and with improved mobility access, together with a new (and relocated) children's pool, with a new toddler foreshore area. A new improved and larger café is proposed in the existing location. A new pavilion is proposed at the southern end of the lake and would act as an extension to the adult sunbathing areas and form part of an extensive landscaping strategy proposed for this part of the club grounds. The proposal involves the removal of some trees, mainly bays adjacent to the changing room block and limes however, as part of the proposals, new soft landscaping is proposed. The outdoor pool and its associated facilities would continue to be open for part of the year only (May - September) remaining unused for the rest of the year. Opening times would be limited as existing to daytime hours and use depends heavily on weather conditions. Within the proposed scheme, a combination of underwater and low level pool side lighting would however, enable some use to extend into the evenings.

2.0 PUBLICITY AND CONSULTATION

2.1 The application has been advertised by way of site and press notice and individual notification letters sent to residents in Rivermead Court (the residential block closest the development). Notification letters have also been sent to The Fulham Society, The Hammersmith and Fulham Historic Buildings Group.

2.2 In response, 2 letters of support have been received. No objections received.

2.3 A ward councillor has sought clarification that the development is in the same location as the existing outdoor pool. Requested that the river be used for the transport of any rubble/heavy plant equipment required or that the gate on Broomhouse Lane is used instead of the entrance off Ranelagh Gardens.

2.3 Environment Agency raises no objection to the Flood Risk Assessment report.
3.0 PLANNING CONSIDERATIONS

Land Use

3.1 The main policy issue with this proposal is that the club is located within a designated area of Metropolitan Open Land. There is no national legislation with regard to MOL, as this is a designation specific to London boroughs. However, development on or within MOL has the same status and limitations as those associated with Green Belts. Planning Policy Guidance 2 (PPG2) makes it clear that there is a general presumption against inappropriate development within Green Belts and that such development should not be approved except in very special circumstances. However, development for outdoor sport and recreation facilities are permitted, as are 'essential' ancillary facilities which are required for the use of land and which preserve the openness of the MOL and do not conflict with the purposes of the MOL designation. Examples of such facilities include small changing rooms and unobtrusive spectator accommodation for outdoor sports (PPG 2, Para. 3.5). In this case although new buildings are proposed they are replacing existing structures on the site.

3.2 Policy 3D.10 of the London Plan (Metropolitan Open Land) states that the Mayor will and boroughs should maintain the protection of MOL from inappropriate development. The London Plan emphasises that Council policies should include a presumption against inappropriate development of MOL and give the same level of protection as Green Belt.

3.3 Policy EN22 of the Council's Unitary Development Plan (UDP) states that development on public open space and other green open space of borough wide importance will not be permitted unless it can be shown that such development would preserve or enhance its open character, its function as a sport, leisure or recreational resource and its contribution to biodiversity and visual amenity. Policy EN24 states that development on MOL would be considered to be inappropriate unless it is required to provide essential facilities for outdoor sport and or recreation, or for other uses of land which preserve the open character of the open land and do not conflict with the purpose of including land within this designation...

3.4 The riverside location occupied by the Hurlingham Club land is an important aspect of both the Hurlingham Park and club's MOL status, and has an important 'character and function' in this borough, providing an attractive break in the more densely built up Fulham area.

3.5 Officers acknowledge that the proposal would preserve the important outdoor sport and recreational facilities and the proposed development would very much remain ancillary and of a small-scale nature in respect of the extensive open uses associated with this club. The existing facilities are well utilised and the proposal would ensure the continuation of these outdoor sport and open air recreational facilities.

3.6 The demolition of the existing facilities is deemed necessary. The proposed replacement ancillary facilities would result in an increase of the floorspace of the existing buildings by some 469 sqm (341 sqm. of which is in the basement level) and the total developed area of the outdoor swimming pool facilities would grow by 257 sqm. However, taking into account the size of the existing club grounds, this increase is considered to be acceptable. The proposed development is in effect a renovation and upgrade of existing facilities as opposed to a completely new development within the club grounds. Overall it is considered that the location and footprint of the proposals is
not significantly different to the existing and the proposed development has been
sensitively designed with measures to reduce the impact on MOL, including the location
of the majority of the water and heating plant underground, beneath the new changing
room facilities. As such, officers are satisfied that they are ancillary to and preserve the
classic and openness of Metropolitan Open Land and would not conflict with this
designation. It is therefore, considered that the proposal accords with policies 3D.8 and
3D.10 of the London Plan and EN24 of the Unitary Development Plan, as amended
2007. Furthermore, the proposal is considered consistent with the Council’s objective of
preserving or enhancing open space as a sport, leisure or recreational resource. The
proposal is also consistent with Policy CS2 Retention of Recreation Facilities which
states that the Council will seek to retain the recreational use of buildings or land.
Accordingly, officers consider that the proposal would be acceptable in land use terms.

3.7 Other relevant policies to be considered in this application include; EN2
(Development in Conservation Areas), EN31 (Thames Policy Area), EN27 (Nature
Conservation Area) EN3 (Listed Buildings) and EN8 (Design) are addressed below.

Design and Conservation

3.8 As the club is located within the Hurlingham conservation area, Policy EN2
applies. This states that development in conservation areas should have regard to
scale, materials and local and historical context. Hurlingham House, the main building in
the club complex, is a Grade II (*) listed building and therefore Policy EN3 applies. This
states that the council will protect buildings of special architectural or historic interest
that are contained in the Department of Culture, Media and Sport's statutory list.
Alterations or extensions to them will not normally be permitted where their special
architectural or historic interest would be adversely affected. Policy EN8 of the UDP is
also relevant and states that the design of new developments should be compatible with
the scale and character of existing development, neighbours and setting. Similarly
EN27, EN31(c) and EN31X relates to the impact of development within the Nature
Conservation Area, Thames Policy Area and views into and from the grounds of
Hurlingham club.

3.9 The proposal is for the demolition of the existing buildings which form the outdoor
pool enclosure and replacement with a single storey (more modern) changing room
building and cafe. The existing buildings are not considered to be of sufficient
architectural or historic interest to justify their retention but they are still held in high
affection by the members of the club who use them. Having regard to this, the proposed
changing room building has aimed to capture ‘the charm’ of the existing buildings
(similar colour, scale and height) in the new design, incorporating timber cladding
(poolside) and retaining the rhythm pattern of the existing cubicles. The building would
include existing accessories such as a clock, life-saving rings and soft planting. On the
rear elevation the proposed building would take on a completely different form, with
vertical planting on the rear brick wall elevation, in order to adopt a softer garden wall
appearance. A lightweight zinc standing seam roof structure (similar in height to the
existing building) would extend over the entire length of the building.
Administrative/management accommodation would be housed separately from the
changing area by a new entrance. Similarly, the Café would in terms of its materials and
colour is in keeping with the main changing block. A timber constructed pavilion located
over the southern end of the lake is also proposed accessible via a walkway.

3.10 A separate, utility, timber framed water treatment store building is proposed in the
club grounds, located 100 m away from the outdoor pool enclosure, within an existing
small car park to the west. Although the proposal would lead to a separate building outside the existing pool enclosure, at present, the existing swimming pool facilities experience problems associated with chemical deliveries arrangements. The applicant considers that retaining the existing chemical delivery arrangements is not a viable long term option for the refurbished pool because of limited vehicular width access to the swimming pool enclosure and the close proximity of trees. Whilst the ideal location for a chemical store would be within the existing building, the club have looked at the different options and feel that this is the only viable solution and is to be sited to minimise existing car parking arrangements and having regard to the proximity of existing mature trees. The proposed building would be partially screened by both existing and proposed hedges.

3.11 It is the officer's view that the design and materials of the proposed buildings are of high quality and would be an improvement over the existing buildings, relating harmoniously with the open space and main listed building. Similarly there would be no harm to the character or appearance of the conservation area. It is therefore, considered that the proposal accords with policies EN2, EN3, EN8 and EN31 and EN31X of the Unitary Development Plan, as amended 2007.

Landscaping/Trees
3.12 The existing areas surrounding the outdoor pool area consists of lawn tennis courts, croquet lawns and the river and flood defence. At present the area is enclosed by a combination of trees, low brick walls, timber and chain linked fencing. Proposals involve removal of existing fencing with new timber fencing, a modification to the southern end of the artificial lake and the rationalisation of levels around new lawn areas with removal of steps and new a paving scheme.

3.13 The applicant has submitted an arboricultural report that details proposed works to the existing trees adjacent to the proposed outdoor pool enclosure and water treatment building in accordance with British Standard 5837:2005 'Trees in relation to construction - Recommendations'. Currently none of the trees in Hurlingham Club are subject to a Tree Preservation Order (TPO). A full tree survey has been carried out and discussion has been on going with the Council's arboricultural officer. In total there are currently 35 trees within the affected areas. The proposal would involve the removal of 12 trees. Officers have considered the submitted details and whilst having no objections to the proposed tree removals recommended (the trees in question are either poor specimens, constrained by larger trees or have low amenity value), the development would require a great deal of care during the construction phase of foundations of the new buildings (in particular the basement) and regarding of levels in order to ensure no damage to a further 12 trees in close proximity. Although the loss of the trees identified is regrettable, the applicants have stated that they have a long term commitment to plant new trees in the club grounds. A minimum of 15 new trees are planted each year and over the last 5 years they have invested in and planted 78 trees of various varieties within the club grounds. Conditions requiring details of tree protection measures, to ensure roots are not cut or physically damaged, and details of foundations (possibly of a pile and integral raised floor) to avoid damage would be required in accordance with BS 5837:2005.

Residential Amenity
3.14 The outdoor swimming pool complex would be sited 150 metres from the nearest neighbouring properties. A noise assessment has been carried out to demonstrate the potential noise levels generated by the proposal including plant (boiler, ventilation and pool filtration) located in the proposed basement of the new building and conclude that it
is unlikely to exceed background noise levels. Unlike the existing facilities located at ground level, the basement plant room would be properly insulated and can be adequately controlled through conditions. Officers do not consider that the proposal would therefore, be likely to result in any demonstrable harm to the amenities of neighbouring occupiers or the area generally in accordance with policy EN20B and EN21 of the UDP.

Other Matters

3.15 A Flood Risk Assessment report has been produced in order to ascertain whether the development would exacerbate the risk of flooding. The site lies within Flood Zone 3, but the proposed development is considered to be a water compatible use classification, in accordance within this zone. A sequential test has been carried out by the applicant's consultant in discussions with the Environment Agency. A separate Flood Defence Consent (FDC) would be required from the Environment Agency as the works are situated within 16 metres of the Tidal defences of the River Thames. The proposal comprises mainly the replacement of existing facilities and the area of hard surfacing and permeable areas would be similar to the existing situation. Therefore, it is not envisaged there would be a major effect on the drainage of the site. Both the new basement and pools would be constructed in water resistant materials and incorporate flooding measures.

3.16 Policy EN12 requires development to provide ease of access for all users, including disabled persons. In addition to this policy, the recently adopted SPD, 'Access for All' is a material consideration. Currently both the existing changing room facilities and swimming pools do not comply with current building regulations. The changing rooms are cramped and there are no accessible toilets facilities. There are also numerous stepped level changes to the raised lawn area and the ramp and stepped access to the cafe exceed recommended gradients. In the proposed scheme the entrance would be designed with a level threshold and toilet, shower and changing room facilities would be suitable for persons with impaired mobility. The applicant has indicated that the scheme would be compliant with current DDA requirements.

3.17 A sustainability statement has been prepared to explain how the development seeks to meet requirements on sustainable design and construction. Consideration has also been given to incorporating energy efficiency measure and the site layout and building alignments have been considered where possible in order to make best use of natural daylight and solar gain. Timber is the predominant material of the proposed changing room and water treatment buildings and all the new buildings would be insulated at or beyond the levels required by the Building Regulations; natural ventilation would be used where possible, thereby reducing energy use and energy efficient systems/appliances would be used - such as an energy efficient boiler, pumps etc.

3.18 Finally, a bat survey has been carried out by the applicants to determine whether existing buildings or trees to be removed act as bat roost. Both internal and external examinations of the buildings were carried out including a survey of the existing trees. Although some foraging activity within the area was recorded, it was concluded that
There is no evidence of bat roosting within the buildings and there is nothing to constrain the redevelopment of the area with regard to bats.

4.0 RECOMMENDATION

4.1 Grant planning permission.
**Ward:**  Palace Riverside

**Site Address:**
Hurlingham Club  Ranelagh Gardens  London  SW6 3PR


For identification purposes only - do not scale.

**Reg. No:**  2009/02494/CAC

**Case Officer:**  John Sanchez

**Date Valid:**  20.10.2009

**Conservation Area:**  Hurlingham Conservation Area - Number 4

**Committee Date:**  24.11.2009

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Applicant:
Mr Stephen Powell
The Hurlingham Club Ranelagh Gardens London SW6 3PR

Description:
Demolition of an existing outdoor swimming pool, children's pool, changing rooms and cafe. (Relates to planning application ref. 2009/02131/FUL).
Drg Nos: 0-001; 0-002/A; 0-100; 0-101;

Application Type:
Conservation Area Consent

Officer Recommendation:
That the application be approved subject to the condition(s) set out below:

1) The works hereby granted consent shall not commence later than the expiration of 3 years beginning with the date upon which this consent is granted.

Condition required to be imposed by Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by section 91 of the Planning and Compensation Act 2004).

2) The demolition of the building hereby permitted shall not be undertaken before:

(i) a building contract for the redevelopment of the site in accordance with planning permission reference 2009/02131/FUL; has been entered into;
(ii) notice of demolition in writing and a copy of the building contract has been submitted to the Council, and;
(iii) details of all matters which require prior approval pursuant to planning permission reference 2009/02131/FUL, before commencement of the development have been submitted to and approved by the Council.

To ensure that the demolition does not take place prematurely and to safeguard the character and appearance of the conservation area, in accordance with policy EN2 of the Unitary Development Plan, as amended 2007.

Justification for Approving the Application:

1) It is considered that the proposed demolition of the buildings is acceptable as they are of little architectural merit, and the replacement buildings would enhance the character and appearance of the conservation area. In this respect the proposal complies with Policy EN2 of the Unitary Development Plan and Planning Policy Guidance 15.
Application form received: 19th October 2009
Drawing Nos: see above

Policy documents: The Revised London Plan 2008

Consultation Comments:
Comments from: Dated:

Neighbour Comments:
Letters from: Dated:

FOR JOINT REPORT SEE PLANNING APPLICATION REFERENCE 2009/02131/FUL.
Ward: Hammersmith Broadway

Site Address:
16 Leamore Street  London  W6 0JZ

For identification purposes only - do not scale.

Reg. No: 2008/00608/ACTWKS
Case Officer: Richard Little

Date Case Opened: 14.07.2008
Conservation Area: Bradmore Conservation Area

Committee Date: 24.11.2009

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Description:
Erection of a single storey rear extension

Officer Recommendation:

That the Head of Legal Services be authorised to institute appropriate enforcement and / or legal proceedings for the reason(s) stated below:

1) The retention of the ground floor rear extension without the installation of Juliet railings across the French doors leading onto the roof of the extension, would facilitate the use of its flat roof as a roof terrace that would adversely affect the amenities of occupiers of the adjoining and adjacent properties due to overlooking and loss of privacy, contrary to Standard S13.2 of the Council's Unitary Development Plan, as amended 2007.

2) The retention of the ground floor rear extension without the installation of Juliet railings across the French doors leading onto the roof of the extension, would facilitate the use of its flat roof as a roof terrace that would adversely affect the amenities of occupiers of the adjoining and adjacent properties due to additional noise and disturbance, contrary to Standard S13.2A of the Council's Unitary Development Plan, as amended 2007.

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LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

All Background Papers held by Michael Merrington (Ext: 3453):

Date Case Opened: 14.07.2008

Policy documents: The Revised London Plan 2008
Unitary Development Plan as amended September 2007

OFFICER REPORT

1.0 BACKGROUND

1.1 A two storey mid terraced property situated on the west side of Leamore Street. It is currently occupied as single dwelling house. The property is also designated as a Building of Merit and is located within the Bradmore Conservation area. The property is also covered by an Article 4 Direction relating to extensions to the rear of the property and rear roof extensions.

1.2 It was brought to the attention of the Council that a rear ground floor extension was being erected. Planning permission has neither been sought nor granted in respect of this development which has been carried out within the last 4 years.

1.3 A site inspection confirmed that a ground floor extension has been constructed. It extends to the full depth of the rear garden right up to the rear garden wall. It was also noted that the rear timber sash windows had been replaced with outward opening French doors that lead directly onto the flat roof of the new extension. However, these
doors do not need planning permission as they constitute permitted development. The flat roof has an approximate area of 14.5 sq metres. The owner was advised that the development required planning permission. Despite a number of follow-up letters and a meeting with the owner, where planning application forms were provided, no application has been submitted.

2.0 PLANNING CONSIDERATIONS

2.1 The main planning considerations in this case relate to whether the design and appearance of the extension is acceptable in terms of its impact on the property and the conservation area and whether the use of its flat roof, which has been facilitated by the installation of French doors, results in harm to the amenities of neighbouring residential occupiers. As such, Policies EN2 and EN21 and Standards S13.2 and S13.2A are relevant in this case.

2.2 Policy EN2 (development in conservation areas) states that development within conservation areas, including alterations or additions to existing buildings, will only be permitted if the character or appearance of the conservation area is preserved or enhanced. Particular regard will be given in the design of new developments to details such as the scale, massing, bulk, height, materials, colour, vertical or horizontal emphasis and the relationship to adjoining buildings, the street building line and open spaces.

2.3 Policy EN21 (Environmental Nuisance) states that all developments shall ensure that there is no undue detriment to the general amenities at present enjoyed by existing surrounding occupiers of their properties and will require precautionary and/or remedial action if a nuisance would otherwise be likely to occur to ensure that it will not.

2.4 Standard S13.2 (Loss of Privacy) acknowledges that the proximity of development can result in the overlooking of existing residential properties either from windows or roof terrace/balconies. It goes on to state that a roof terrace/balcony can cause a considerable loss of privacy dependant upon its size and location. Generally a roof terrace/balcony is unacceptable if it would result in an additional opportunity for overlooking or result in a significantly greater degree of overlooking and consequent loss of privacy than from the access point onto the proposed roof terrace/balcony.

2.5 Standard S13.2A (noise and disturbance from roof terraces and balconies) 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 reason of noise and disturbance.

2.6 No objection is raised to the erection of the ground floor extension. All of the properties in Leamore Street have small rear gardens (about 4 metres in length) with high walls enclosing them and a number have similar rear extensions that cover a significant proportion of the rear garden. Indeed, both Nos.14 and 18 Leamore Street have similar extensions. As such, it is not considered that the rear extension has an adverse impact on the character and appearance of the property or the conservation area and is therefore not in conflict with Policy EN2 of the Council's UDP.

2.7 The use of the flat roof of the ground floor extension as a roof terrace is considered to be unacceptable as it can now be accessed by the recently installed French doors on the main property that lead directly out onto it. Furthermore, no railing has been erected
in front of these doors to prevent access onto the roof. Given the limited amount of rear
garden space remaining, it is likely that the flat roof would provide the primary open
space for the occupiers of this property. The flat roof has an approximate area of
14.5sq. metres and extends up to the rear boundary of the adjoining property in
Cambridge Grove. From the roof of the rear extension occupiers would have clear
unobstructed views into the rear gardens and windows of the Cambridge Grove
properties whose rear gardens are only 10 metres in length. In particular, 38, 40 and 42
Cambridge Grove would be significantly overlooked. From the roof terrace it would also
be possible to look directly into the windows of the adjoining properties at 14 and 18
Leamore Street. It is therefore considered that the use of the flat roof as a roof terrace
would provide an unacceptable level of overlooking and loss of privacy and is therefore
contrary to Standard S13.2 of the Council's UDP.

2.8 It is also considered that the flat roof has the potential to create a significant level
of noise and disturbance to adjoining occupiers due to its size and location. The flat roof
has an approximate area of 14.5 sq. metres which will enable a significant number of
people to be accommodated upon it. Given the close proximity of the adjoining windows
at 14 and 18 Leamore Street and in the Cambridge Grove properties opposite it it is
therefore considered likely that the roof terrace will harm the existing amenities of
adjoining occupiers as a result of additional noise and disturbance. In this respect its
use would conflict with Standard S13.2A of the Council's UDP.

3.0 CONCLUSION

3.1 Whilst no objection is raised to the retention of the rear extension the use of its
flat roof as a roof terrace, which has been facilitated by the recent installation of French
windows, would result in harm to the amenities of neighbouring residential occupiers
through overlooking and loss of privacy and noise and disturbance.

3.2 In the absence of a planning application where a condition could have been
imposed to prevent a roof terrace use it is recommended that enforcement action be
taken to seek either the removal of the rear extension or require the installation of a
Juliet railing across the French doors leading onto the flat roof.

4.0 RECOMMENDATION

4.1 That enforcement action be taken as indicated above.
Ward: Wormholt And White City

Site Address:
64 Aldbourne Road  London  W12 0LN

For identification purposes only - do not scale.

Reg. No: 2009/00376/COMPWK
Case Officer: James Cook

Date Case Opened: 01.04.2009
Conservation Area:

Committee Date: 24.11.2009

Page 104
Description:
Erection of a timber structure to the side of the existing back addition.

Officer Recommendation:
That the Head of Legal Services be authorised to institute appropriate enforcement and / or legal proceedings for the reason(s) stated below:

1) The retention of the timber structure is considered to be unacceptable by reason of its unsightly architectural appearance and use of inappropriate external materials. The structure appears as an incongruous and harmful addition to the building which is detrimental to the amenities of the occupiers of neighbouring residential properties, contrary to policy EN8b of the Council's Unitary Development Plan as amended in September 2007.

2) The retention of the timber structure is considered to be unacceptable due to its excessive height on the neighbouring boundary (No 66) resulting in an over dominate, unsightly and incongruous addition which detracts from the appearance of the building and is detrimental to the amenities of the occupiers of the neighbouring property contrary to Standard S12.4 of the Council's Unitary Development Plan as amended in September 2007.

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LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

All Background Papers held by Michael Merrington (Ext: 3453):

Date Case Opened: 01.04.2009

Policy documents: The Revised London Plan 2008
Unitary Development Plan as amended September 2007

1.0 BACKGROUND

1.1 A two-storey terraced residential property, occupied as two self contained flats, situated on the southern side of Aldbourne Road. The property is not situated within a Conservation Area.

1.2 It was brought to the attention of the Council that an extension was under construction linked to the ground floor flat. A site visit revealed that a timber framed structure was being built to the side of the existing back addition at ground floor level. Officers advised the owner that the development required planning permission, but due to its unsightly appearance including the poor quality of the materials used, he should cease works and remove the structure. Officers recently revisited the premises and noted that the structure is nearing completion. It consists of a timber frame, a plastic roof and untreated plywood walls enclosing part of the ground area covered by the frame structure. There is also a timber access door leading into the rear garden. It appears that the structure is to be used as an outside toilet. Planning permission has not been sought nor granted for this structure.
1.3 Planning history;

Planning permission granted in 2007 for a ground floor extension to the rear of the existing back addition. This permission was implemented.

Planning permission granted in 2008 for conversion of the property to two self contained flats. Again this permission was implemented.

2.0 PLANNING CONSIDERATIONS

2.1 The main planning considerations in this case relate to whether the side extension complies with the relevant policies and standards contained within the Council's Unitary Development Plan. As such Policies EN8B "Design of Extensions" and Standard S12.4 "Boundary with Adjoining Property" of the adopted Unitary Development Plan apply in this case.

2.2 Policy EN8B states that the Council will require a high standard of design in all extensions and alterations to existing buildings. These should be compatible with the scale and character of existing development its neighbours and its setting. In the justification it states that in most cases, these will be subservient to the original building and that in considering applications the council will take into account the following; scale, form, height and mass, proportion, vertical and horizontal emphasis, relationship of solid to void, materials, relationship to existing building, spaces between buildings, and gardens and good neighbourliness.

2.3 The structure is to the side of the back addition of the property adjacent to 66 Aldbourne Road. It measures 3.02m in length, 1.86m in width and 3.2m in height. As outlined above, the structure consists of a timber frame with a plastic roof; part of the structure is enclosed with untreated plywood walls and an untreated timber door. The design and appearance of the structure is not of the high standard required for extensions, the materials used are of a poor quality and finish and do not match those of the main house which is render and pebble dash. There are no other extensions of this design or appearance in this terrace, and as such it appears as an incongruous and harmful addition to the building. The structure is directly adjacent to the boundary of 66 Aldbourne Road from where it can be easily viewed. Because of its poor appearance and close proximity it is considered to be an unneighbourly development which is harmful to the amenities of neighbouring residential occupiers. As such, the development conflicts with Policy EN8B.

2.4 Standard S12.4 states "Any extension at the side of the back addition (being the back addition of the property as originally built) shall not extend above the height of 2 metres on the boundary with the adjoining property as measured from the ground level of the adjoining property. The roof of the extension shall have a maximum angle of slope not exceeding 45 degrees."

2.5 The structure is adjacent to the boundary with No. 66 and measures 3.2m in height creating an imposing and unsightly structure that is well above the height of the garden fence separating these two adjoining properties, as such it does not comply with Standard S12.4.
3.0 CONCLUSION

3.1 For the reasons outlined above it is recommended that the Head of Legal Services be authorised to institute the appropriate enforcement action to seek the removal of extension.
**Ward:** Shepherd's Bush Green

**Site Address:**
358 Uxbridge Road London W12 7LL

For identification purposes only - do not scale.

**Reg. No:**
2009/00567/COMPWK

**Case Officer:**
James Cook

**Date Case Opened:**
26.05.2009

**Committee Date:**
24.11.2009

Page 108
**Description:**
Erection of a rear extension.

**Officer Recommendation:**

That the Head of Legal Services be authorised to institute appropriate enforcement and / or legal proceedings for the reason(s) stated below:

1) The retention of the rear ground floor extension is considered to be unacceptable by reason of its poor standard of design and use of inappropriate materials which are considered to be visually harmful to the appearance of the building. In this respect the development is contrary to Policy EN8B of the Councils Unitary Development Plan as amended in September 2007.

2) The use of the ground floor rear extension as a seating area for customers of the existing restaurant is considered to be unacceptable due to the poor construction of the rear extension which fails to provide adequate sound insulation resulting in the potential for noise and disturbance detrimental to the amenities of the neighbouring residential occupiers contrary to Policy EN21 of the Councils Unitary Development Plan as amended in September 2007.

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

**All Background Papers held by Michael Merrington (Ext: 3453):**

Date Case Opened: 26.05.2009

**Policy documents:**
The Revised London Plan 2008
Unitary Development Plan as amended September 2007

1.0 BACKGROUND

1.1 The property is situated within a parade of 14 shop premises on the north side of Uxbridge road. The subject property is 3 storeys plus basement and arranged as an A3 café at ground and basement level, with two floors of self contained residential accommodation above. The property does not lie within a conservation area.

1.2 Many of the shops (358, 356, 354, 352 and 350) within this terrace have been extended over the entire rear yard up to the rear boundary at ground floor level. The rear of the site is bounded by a wall measuring over 3 metres in height. This wall screens a residential block of flats situated immediately behind the wall namely 17 to 21 Archdale Court, Bloemfontein Avenue.

1.3 It came to the attention of the Council that an extension was being built to the rear of the property. Officers visited the site at which time it was revealed that an extension had been erected up to the rear boundary wall; the extension is partly brick built with particle board panel walls and a corrugated plastic roof over. The extension is in use as a dining area for customers of the restaurant laid out with tables and chairs. The owner was advised in writing that the retention of the extension is considered to be
unacceptable and should be removed. Officers have recently undertaken another site visit and structure remains in place, no planning application has been forthcoming.

1.4 Planning history:

- 2003/00848/ACTWKS; Enforcement case 19/11/2003 in relation to the building of
  - A brick extension over the rear yard. The breach was remedied following discussions
    with the tenant and the development ceased and the structure was demolished.
- 2004/00650/FUL; Erection of a single storey rear extension at ground floor level and a
  single storey rear extension to the side of the main building together with alterations to
  front facade of building. Approved 11/5/04. Permission not implemented.
- 2001/00656/FUL: Permission granted 10.9.2001 for the use of the ground floor and
  basement as a café/restaurant (Class A3) and installation of external ducting on the rear
  elevation. This permission was implemented.
  floors as two self-contained flats.

2.0 PLANNING CONSIDERATIONS

2.1 The main planning considerations in this case relate to whether the extension
complies with the relevant policies and standards contained within the Council's
adopted Unitary Development Plan. As such Policies EN8b Design of Extensions, EN21
Environmental Nuisance, and Standard S6.3 Rear Extensions Which Project beyond
the Rear Building Line of the Property as Originally Built, of the Adopted Unitary
Development Plan apply in this case.

2.2 Policy EN8b states the council will require a high standard of design in all
extensions and alterations to existing buildings and that the development should be
compatible to the scale and character of the existing building and its setting and
neighbours.

2.3 The extension is partly built in red brickwork which is approximately 1.3m high with
timber frame walls covered with particleboard and a corrugated plastic roof. The poor
design and use of inferior materials give an adhoc appearance resulting in a visually
unattractive addition to the building. Therefore the extension does not comply with
Policy EN8b.

2.4 Policy EN21 "Environmental Nuisance" states that all developments shall ensure
that there is no undue detriment to the general amenities at present enjoyed by existing
surrounding occupiers of their properties, particularly where commercial and service
activities are close to residential properties.

2.5 The upper part of the extension is made of timber with a corrugated plastic roof.
The materials and method of construction are very flimsy and provide little or no sound
insulation. The extension is used as an extension to the dining area, providing additional
seating for patrons to the restaurant. In the absence of suitable sound insulation the
development has potential to cause noise and disturbance to occupiers of neighbouring
residential properties; more particularly those residing above the restaurant and the
adjoining commercial premises at 356 and 360 Uxbridge Road, and those residents
located to the rear at 17 to 21 Archdale Court.
2.6 Standard S6.3 states that permission will not normally be granted for an extension if it would cover more than 50% of the open area to the rear of the property as originally built.

2.7 The structure extends to the boundary of the property and covers most of the rear yard. However, rear extensions of this nature are a common feature within this commercial terrace. The 3m high rear boundary wall screens the extension from view from neighbouring properties to the rear. The rear yard does not provide open amenity space for the residential occupiers as they relate to the ground floor shops premises. Therefore whilst the extension does not accord with Standard S6.3 it has not resulted in any loss of outdoor amenity space and as such the Council would have no objection in this respect.

3.0 CONCLUSION

3.1 For the reasons outlined above it is recommended that the Head of Legal Services be authorised to institute enforcement action to secure removal of the unauthorised extension.
SITE ADDRESS

WESTFIELD SHOPPING CENTRE DEVELOPMENT, SHEPHERD’S BUSH, LONDON, W12

PROPOSAL

Variation of the Westfield S106 Legal Agreements dated 7 July 2000, 23 December 2002 and 16 August 2007

1.0 BACKGROUND

1.1 The purpose of this report is to provide the details of proposed variations to three obligations contained in S106 Agreements with Westfield. Each involve payments to the Council and one (the subsidy in the Workshops space) involves payments by the Council to subsidise workshops. The intention is to broaden the scope of the obligations so that funds may also be spent by the Council for other purposes, or in the case of the workshops subsidy, retained and spent on other employment and regeneration purposes.

2.0 2000 S106 AGREEMENT: SUBSIDISED WORKSHOP SPACE

2.1 Westfield is obligated to construct workshops (950 sq.m. floorspace) on the development site or elsewhere in the borough and to let them for 10 years to new starter businesses on 3 year leases. Under the existing S106 Agreement, Westfield can require the Council to use £287K (plus interest from 2000) from an employment training obligation (totalling £1.17m) to provide a subsidy of 65% of the market rent of the workshops.

2.2 In light of the large amount of tertiary space available at economic rent in the borough and surrounding areas, it is proposed by Westfield that the workshops should not be constructed and that the £287K (plus interest) should be available for any other employment training purpose set out in that part of the Agreement. If this is acceptable, it is recommended that the terms should be broadened to encompass other regeneration objectives in the locality which would contribute to the economic health of the area, business growth and/or employment generation.

Planning considerations

2.3 In the later 1990s, the subsidised workshops were originally intended to assist start up businesses as part of a broad based aim of encouraging a range of employment and training opportunities in the locality. The obligation itself was to last for 10 years.

2.4 The starter business space was intended to be arms length commercial transactions with start up tenants for leases no longer than 3 years, with the rents being subsidised by the capital contribution already made by Westfield to the Council.

2.5 Recently the market has become saturated with secondary and tertiary business space within the London Borough of Hammersmith and Fulham such that it is easier for start-up businesses to secure such space at competitive rates. Additionally, since this obligation was agreed in 2000, the focus of the Council’s regeneration activity is
focused more sharply on job creation and business retention and growth, which means that a one off sum, rather than a rental subsidy, could be spent to much better effect in the locality.

3.0 2002 S106 AGREEMENT: KEY WORKER HOUSING

3.1 On 27 June 2000 (reference 2000/1642/P), outline planning permission was granted for the redevelopment of the south west corner of the site (Phase 2) involving an extension to the approved White City development incorporating additional retail floorspace (29,100 sq m), community facilities and an art gallery with the provision of a landscaped entrance square open space and ancillary servicing. This permission was subject to the completion of a S106 agreement covering a number of additional matters not included in the earlier 2000 legal agreement, including funding for Shepherd’s Bush Green, public transport, key worker housing, a new library, workplace nursery provision, employment and training. This agreement was subsequently completed in December 2002.

3.2 Westfield is currently obliged to provide the rights for the construction of 80-100 key worker housing units, together with a subsidy (now standing at £2.385K) relating to that provision. This subsidy was included because at that time the Housing Corporation provided very limited grant funding for key worker housing developments. It is proposed to vary the agreement in order that the Council can direct the subsidy not only towards the delivery of key worker housing or affordable housing but also to other regeneration related projects where funding shortfall has been identified.

3.3 The proposed variation would allow the subsidy to be used for the following:

- the delivery of key worker housing or affordable housing within the Council’s administrative area either directly or through assisting potential occupants;
- the improvement of affordable housing and estates e.g. environment and safety and security (such as CCTV);
- an increase in investment for any purposes towards which contributions have already been paid, or which the developer has been obligated to provide, under the 2000, 2002, 2006 and 2007 Agreements;
- the regeneration of Shepherds Bush town centre and White City Opportunity Area; and programmes or projects intended to benefit regeneration areas, town centres or local centres within the borough;
- anti-crime/anti-social behaviour/security initiatives within the immediate vicinity of the White City Scheme

Planning Considerations

3.4 The existing S106, signed in 2002, obligated Westfield to provide the air rights to accommodate the key worker housing within their development and to use the subsidy towards its provision. At that time it was envisaged that the key worker housing would be erected on top of the shopping centre located above the south east corner entrance. This subsequently proved unworkable following Westfield’s redesign of the south east corner and a new potential alternative location was identified in the North West corner of the site between Wood Lane and the new bus station. Westfield implemented significant preparatory construction works on the identified site (costing £3 million and also provided Octavia Housing with compensation of £0.75 million for abortive development work). After lengthy consideration it was decided that a scheme of suitable
quality could not be delivered due to the constraints of the site and potential residential amenity conflicts with the bus station and traffic and pedestrian flows.

3.5 The existing Agreement features a clause which allows Westfield and the Council to mutually review whether the Council’s housing objectives are likely to be achieved by the provision of the key worker housing units on this site. The clause allows that if it is concluded that this is unlikely, which has proved to be the case, then the key worker housing subsidy may be used for the provision of affordable housing or key worker housing elsewhere within the Council’s administrative area. The agreement provides that should the Council elect to use the subsidy for purposes other than that directly related to the provision of key worker rights on the site, then the obligation on Westfield to make available those key worker housing rights on the site shall fall away.

3.6 In summary, under the existing agreement if it is agreed that the key worker housing cannot be provided on the site then the key worker housing subsidy (£2.5m plus interest), can be used to subsidise the delivery of key worker and affordable housing elsewhere within the borough. It is intended that this purpose should remain. However, the proposed variation set out above will also enable affordable housing to be supported in other ways which would potentially benefit existing residents. The revisions will also make funding available to support the town centre and other locations in the Borough which is appropriate in taking account of the implications of the Westfield scheme.

4.0 2007 S106 AGREEMENT: UXBRIDGE ROAD BUILDING IMPROVEMENT GRANT SCHEME

4.1 The S106 Agreement provides £1m for restoration of frontage properties on Uxbridge Road by means of a grant scheme to encourage improvements to facades and shop fronts. The Council launched a grant scheme in May 2006 and re-launched with revised conditions in October 2008. Unfortunately, no valid applications for grants have been made to date. This may be a consequence of shopkeepers and owners wishing to assess the impact of Westfield and the recession. Officers are reviewing the way forward and it is suggested that the scheme should continue at present. However, it is proposed that the terms of the planning obligation are revised to enable some, or all of the funds, to be spent on other purposes that would benefit the town centre and its businesses if the Council wishes.

Planning considerations

4.2 The proposed revision of the S106 Agreement would support the original town centre which is an appropriate planning purpose and is in line with the existing aim of the particular obligation and other clauses of the Westfield S106 Agreements.

5.0 RECOMMENDATION

5.1 The Committee is requested to give the appropriate authority to vary the existing Westfield S106 agreements accordingly, and to authorise the Director of Environment to approve the detailed revisions.