

Planning and Development Control Committee

Agenda

Wednesday 9 December 2015

7.00 pm

COMMITTEE ROOM 1 - HAMMERSMITH TOWN HALL

MEMBERSHIP

Administration:	Opposition
Councillor Adam Connell (Chair) Councillor Iain Cassidy (Vice-Chair) Councillor Colin Aherne Councillor Michael Cartwright Councillor Elaine Chumnerly Councillor Natalia Perez	Councillor Lucy Ivimy Councillor Alex Karmel Councillor Robert Largan Councillor Viya Nsumbu

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Reports on the open agenda are available on the [Council's website](http://www.lbhf.gov.uk/Directory/Council_and_Democracy):
http://www.lbhf.gov.uk/Directory/Council_and_Democracy

Members of the public are welcome to attend. A loop system for hearing impairment is provided, along with disabled access to the building.

For details on how to register to speak at the meeting, please see overleaf.
Deadline to register to speak is 4pm on Friday 4 December 2015

For queries concerning a specific application, please contact the relevant case officer.

PUBLIC SPEAKING AT PLANNING AND DEVELOPMENT CONTROL COMMITTEE (PROTOCOL)

Members of the public are welcome to attend the Planning and Development Control Committee meeting.

Who can speak?

Only the applicant or their agent and people who have commented on the application as part of the planning department consultation process in support or against will be permitted to speak at the meeting. They must have been registered to speak before addressing the committee. Ward Councillors may sometimes wish to speak at meetings even though they are not part of the committee. They can represent the views of their constituents. The Chair will not normally allow comments to be made by other people attending the meeting or for substitutes to be made at the meeting.

Do I need to register to speak?

All speakers except Ward Councillor must register at least two working days before the meeting. For example, if the committee is on Wednesday, requests to speak must be made by 4pm on the preceding Friday. Requests received after this time will not be allowed. Registration will be by email only. Requests are to be sent to speakingatplanning@lbhf.gov.uk with your name, address and telephone number and the application you wish to speak to as well as the capacity in which you are attending.

How long is provided for speakers?

Those speaking in support or against an application will be allowed three minutes each. Where more than one person wishes to speak for or against an application, a total of five minutes will be allocated to those speaking for and those speaking against. The speakers will need to decide whether to appoint a spokesperson or split the time between them. The Chair will say when the speaking time is almost finished to allow time to round up. The speakers cannot question councillors, officers or other speakers and must limit their comments to planning related issues.

At the Meeting - please arrive 15 minutes before the meeting starts and make yourself known to the Committee Co-ordinator who will explain the procedure.

What materials can be presented to committee?

To enable speakers to best use the time allocated to them in presenting the key issues they want the committee to consider, no new materials or letters or computer presentations will be permitted to be presented to the committee.

What happens to my petition or deputation?

Written petitions made on a planning application are incorporated into the officer report to the Committee. Petitioners, as members of the public, are welcome to attend meetings but are not permitted to speak unless registered as a supporter or objector to an application. Deputation requests are not accepted on applications for planning permission.

Planning and Development Control Committee Agenda

9 December 2015

<u>Item</u>	<u>Pages</u>
1. APOLOGIES FOR ABSENCE	
2. DECLARATION OF INTERESTS	
<p>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken.</p> <p>Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.</p> <p>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Audit, Pensions and Standards Committee.</p>	
3. PLANNING APPLICATIONS	1 - 139
<p>Please note that the page numbers referred to in the above planning applications report correspond to the pages appearing in the full agenda reports pack only (the link to this pack is on the top of this page).</p>	

London Borough Of Hammersmith & Fulham

Planning Applications Committee

Agenda for 9th December 2015

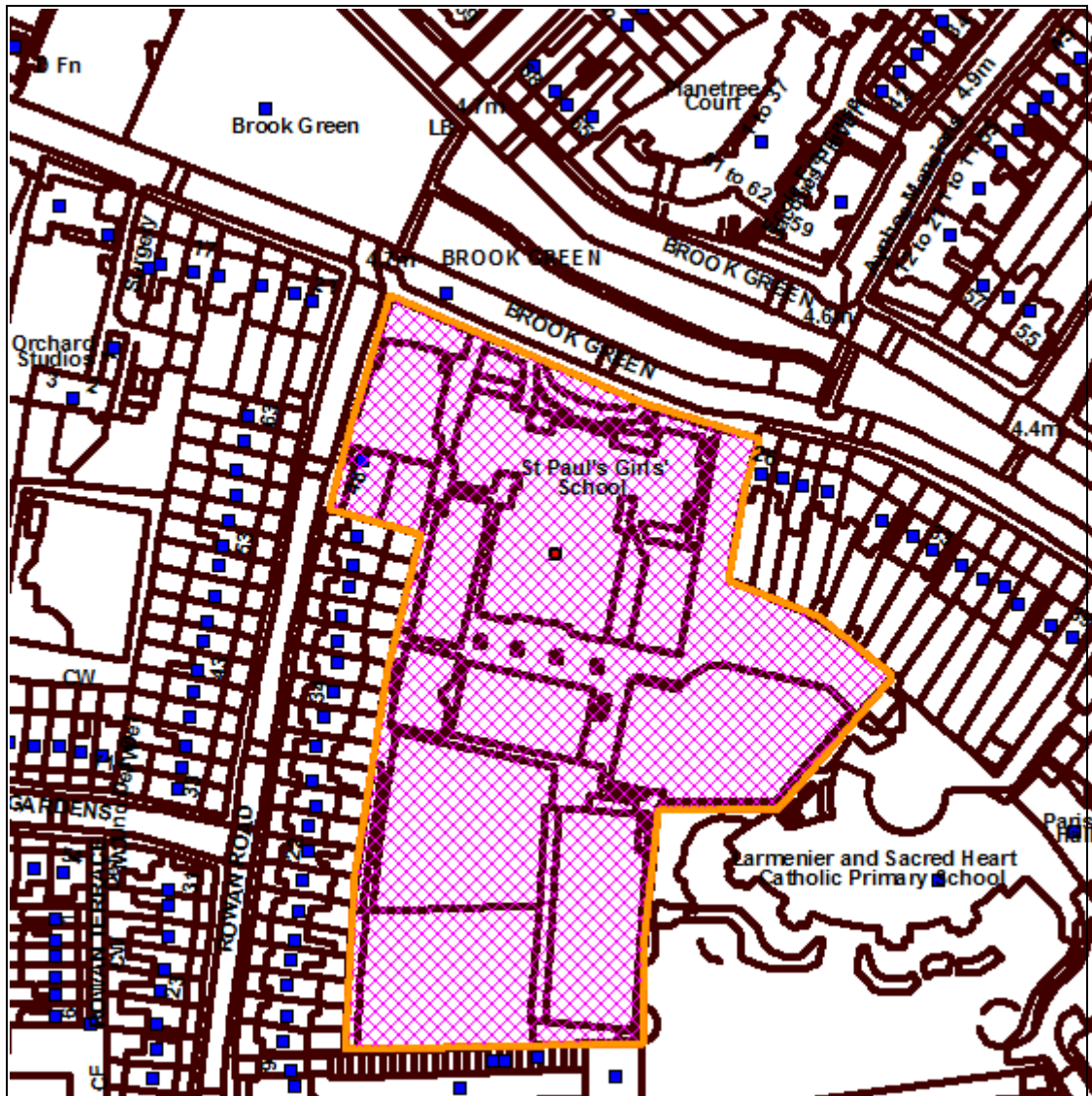
Index of Applications, Enforcement Actions, Advertisements etc.

WARD: REG NO:	SITE ADDRESS:	PAGE:
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Avonmore And Brook Green 2015/02036/LBC	St Pauls Girls School Brook Green London W6 7BS	40
Avonmore And Brook Green 2015/02037/FUL	St Paul's Girls' School Playing Fields And Pavilion Bute Gardens London W6 7DR	45
Shepherd's Bush Green 2015/04119/FUL	45A Goldhawk Road London W12 8QP	75
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CONFIRMATION OF TREE PRESERVATION ORDER T396/07/15 LAND AT 485 FULHAM ROAD, SW6		126
Parsons Green And Walham 2015/05334/TPO	485 Fulham Road London SW6 1HJ	134

Ward: Avonmore And Brook Green

Site Address:

St Pauls Girls School Brook Green London W6 7BS



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For identification purposes only - do not scale.

Reg. No:
2015/02035/FUL

Case Officer:
Matthew Lawton

Date Valid:
11.05.2015

Conservation Area:
Brook Green Conservation Area - Number 3

Committee Date:
09.12.2015

Applicant:

Brook Green London W6 7BS United Kingdom

Description:

Erection of a new part single, part two storey senior school building at the southern end of the site; extension of the art classrooms at second floor level of the Main school building at the rear over existing terraces; enclosure of spaces between the Main building and The Forum and Rosalind Franklin buildings by erection of glazed structures; erection of new single storey Porters' Lodge fronting Brook Green; alterations to create a new entrance in the southern elevation of the Science building; demolition works including the demolition of the boiler house and flue; landscaping, alterations to boundary treatments and other associated works.

Drg Nos: 1377-M-G100-P-00-001 Rev-01; 1377-MB-G200-P-LG Rev 01; 1377-MB-G200-P-00 Rev 01; 1377-MB-G200-P-01 Rev 01; 1377-MB-G200-P-02 Rev 01; 1377-MB-G200-P-RF Rev 01; 1377-MB-G200-E-01 Rev 02; 1377-MB-G200-E-02 Rev 01; 1377-MB-G200-S-01 Rev 01; 1377-MB-G200-S-02 Rev 01; 1377-MB-G200-S-03; 1377-MB-G200-S-04 Rev 01; 1377-MB-G200-S-05; 1377-MB-G200-S-06; 1377-SB-G200 E-01; 1377-SB-G200 P-LG; 1377-SB-G200 P-00; 1377-SB-G200 P-01; 1377-NB-G200 S01; 1377-NB-G200 S02; 1377-NB-G200 S03; 1377-NB-G200 E-01; 1377-NB-G200 E-02 Rev 01; 1377-NB-G200 P-00 Rev 02; 1377-NB-G200 P-01 Rev 01; 1377-NB-G200 P-RF; 1377-MB-JC20-XE-01 Rev 01; 1377-MB-JC20-XS-01 Rev 01; 1377-MB-JC20-XS-02; 1377-MB-JC20-XS-03; 1377-MB-JC20-XS-04 Rev 01; 1377-MB-JC20-XS-05; 1377-MB-JC20-XS-06; 1377-MB-JC20-XP-LG Rev 01; 1377-MB-JC20-XP-00 Rev 01; 1377-MB-JC20-XP-01 Rev 01; 1377-MB-JC20-XP-02 Rev 01; 1377-MB-JC20-XP-RF Rev 01; 1377-NB-JC20-XP-00; 1377-SB-JC20-XE-01; 1377-SB-JC20-XP-LG; 1377-SB-JC20-XP-00; 1377-SB-JC20-XP-01.

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 carried out and completed in accordance with the following approved drawings:

1377-M-G100-P-00-001 Rev-01; 1377-MB-G200-P-LG Rev 01; 1377-MB-G200-P-00 Rev 01; 1377-MB-G200-P-01 Rev 01; 1377-MB-G200-P-02 Rev 01; 1377-MB-G200-P-RF Rev 01; 1377-MB-G200-E-01 Rev 02; 1377-MB-G200-E-02 Rev 01; 1377-MB-G200-S-01 Rev 01; 1377-MB-G200-S-02 Rev 01; 1377-MB-G200-S-03; 1377-MB-G200-S-04 Rev 01; 1377-MB-G200-S-05; 1377-MB-G200-S-06; 1377-SB-G200 E-01; 1377-SB-G200 P-LG; 1377-SB-G200 P-00; 1377-SB-G200 P-01;

1377-NB-G200 S01; 1377-NB-G200 S02; 1377-NB-G200 S03; 1377-NB-G200 E-01; 1377-NB-G200 E-02 Rev 01; 1377-NB-G200 P-00 Rev 02; 1377-NB-G200 P-01 Rev 01; 1377-NB-G200 P-RF; 1377-MB-JC20-XE-01 Rev 01; 1377-MB-JC20-XS-01 Rev 01; 1377-MB-JC20-XS-02; 1377-MB-JC20-XS-03; 1377-MB-JC20-XS-04 Rev 01; 1377-MB-JC20-XS-05; 1377-MB-JC20-XS-06; 1377-MB-JC20-XP-LG Rev 01; 1377-MB-JC20-XP-00 Rev 01; 1377-MB-JC20-XP-01 Rev 01; 1377-MB-JC20-XP-02 Rev 01; 1377-MB-JC20-XP-RF Rev 01; 1377-NB-JC20-XP-00; 1377-SB-JC20-XE-01; 1377-SB-JC20-XP-LG; 1377-SB-JC20-XP-00; 1377-SB-JC20-XP-01.

In order to ensure full compliance with the planning permission hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policy BE1 of the Core Strategy and Policies DM G1, DM G3 and DM G7 of the Development Management Local Plan, 2013.

- 3) No development shall take place until details, including samples of all materials to be used in the construction of the external surfaces of the development, including glazing and roof materials, have been submitted to, and approved in writing by, the Council. The development shall not be used until the scheme has been carried out in accordance with the approved details, and it shall thereafter be permanently retained as such

In order that the Council may be satisfied as to the details of the development in the interests of visual amenity of the area in accordance with Policies DM G1 and DM G7 of the Development Management Local Plan, 2013 and Policy BE1 of the Core Strategy, 2011.

- 4) The development hereby permitted shall not commence until detailed drawings in plan, section and elevation at a scale of not less than 1:20 of a typical bay of each elevation of the new building; each elevation of the glazed infill extensions to the Main Building, the southern elevation of the Science Building; each elevation of the Art Terrace roof extensions and each elevation the Porter's Lodge are submitted to, and approved in writing by, the Council. The facilities shall not be used until the development has been carried out in accordance with the approved details, and it shall thereafter be permanently retained as such.

To ensure a satisfactory external appearance, in accordance with Policies DM G1, DM G3 and DM G7 of the Development Management Local Plan, 2013, and Policy BE1 of the Core Strategy, 2011.

- 5) The development hereby permitted shall not commence until detailed drawings in plan, section and elevation at a scale of not less than 1:20 of the junction of the glazed infill extensions to the Main Building with the adjacent buildings are submitted to, and approved in writing by, the Council. The facilities shall not be used until the development has been carried out in accordance with the approved details, and it shall thereafter be permanently retained as such.

To ensure a satisfactory external appearance, in accordance with Policies DM G1, DM G3 and DM G7 of the Development Management Local Plan, 2013, and Policy BE1 of the Core Strategy, 2011.

- 6) Any material changes to the external appearance of the development hereby permitted, including the installation of air-handling units, ventilation fans or extraction equipment, must first be submitted to, and approved in writing by, the Council prior to their installation. Any alterations shall be implemented in accordance with the details that are approved.

To ensure a satisfactory external appearance and prevent harm to the street scene, and to safeguard the amenities of neighbouring residential occupiers, in accordance with policies DM G1, DM G7, DM H9 and DM H11 of the Development Management Local Plan 2013.

- 7) The development hereby permitted shall only be used in connection with the continued use of the premises as a secondary school, and for no other purpose (including any other separate purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

In granting this permission, the Council has had regard to the special circumstances of the case. Certain other uses within the same use class may be unacceptable due to effect on residential amenity or traffic generation, in accordance with policies DM H11 and DM J2 of the Development Management Local Plan (2013).

- 8) The development hereby permitted shall not be used until a 'Community Use Management Plan' has been submitted to, and approved in writing by, the Council. The facilities shall be used in accordance with this plan thereafter, unless otherwise agreed in writing by the Council.

To ensure the appropriate management and availability of facilities for the local community, in accordance with Policies DM D1, DM D2, H9 and DM H11 of the Development Management Local Plan, 2013 and Core Strategy, 2011, policies CF1 and CC4.

- 9) The number of children enrolled and accommodated at the school shall not exceed 800 (full time equivalent) at any one time.

In order to safeguard the amenities of neighbouring occupiers and the area generally, in accordance with policy DM H11 of the Development Management Local Plan (2013).

- 10) Prior to the use of the development hereby approved, the existing School Travel Plan shall be updated and submitted to, and approved in writing by, the Council. Thereafter the Travel Plan shall be implemented as approved and reviewed annually, in line with Transport for London's STAR Framework, to a minimum of 'Bronze' standard.

To ensure that the development does not generate an excessive number of car trips which would be contrary to the Council's policies of car restraint in policy DM J2 of the Development Management Local Plan, 2013 and policy T1 of the Core Strategy, 2011.

- 11) The development hereby permitted shall not commence until a Sustainable Drainage Strategy, based on sustainable drainage principles, which details how surface water will be managed on-site in-line with the proposals outlined in the 'Strategy for site Drainage' report dated 12/10/15. Information shall include details on the design, location and infiltration capabilities of the new soakaways, confirmation of the volume of the storage tank to be used to store rainwater for re-use and details of proposed flow controls and flow rates for discharging of any surface water to the combined sewer system, which should aim to achieve greenfield run-off rates. The proposed Sustainable Drainage System (SuDS) measures, including the proposed areas of green roofs, shall be installed as part of the development, prior to use of the development, in order to manage surface water run-off from all storms up to and including a 1:100 year storm with a 30% provision for climate change, and to achieve the agreed storage volumes and discharge rates. The Strategy shall also include detailed maintenance information to show that the SuDS measures integrated into the site will be maintained for the lifetime of the development to ensure they operate as required. The Strategy shall be implemented in accordance with the approved details prior to use of the senior school building hereby permitted, and thereafter all SuDS measures shall be retained and maintained in accordance with the approved details.

To prevent any increased risk of flooding and to ensure the satisfactory storage of/disposal of surface water from the site in accordance with Policy CC2 of the Core Strategy 2011 and policy 5.13 of The London Plan 2015.

- 12) The development hereby approved shall not commence until details of the proposed flood mitigation measures as required by the Flood Risk Assessment prepared by Environ (Ref.UK11-20640, Issue 5, dated October 2015) has been submitted to, and approved in writing by, the Council. The agreed flood risk mitigation measures shall be installed prior to the first use of the development and shall thereafter be permanently retained and maintained as such.

To prevent any increased risk of flooding and to ensure the satisfactory storage of/disposal of surface water from the site in accordance with policy CC2 of the Core Strategy 2011, policy DM H3 of the Development Management Local Plan 2013 and policy 5.13 of The London Plan 2015.

- 13) Prior to the installation of the solar panels hereby approved, details of the solar panels including details of the angle of the PV panels relative to the surface of the roof, shall be submitted to, and approved in writing by, the Council. The development shall not be used until the scheme has been carried out in accordance with the approved details, and it shall thereafter be permanently retained as such.

To ensure a satisfactory external appearance, and to prevent harm to the conservation area, in accordance with policies 5.3, 7.6 and 7.7 of The London Plan 2015, policy BE1 of the Core Strategy 2011 and policies DM G1 and DM G2 of the Development Management Local Plan 2013.

- 14) The development hereby approved shall not be occupied until the measures set out in the Energy and Sustainability Statement dated May 2015 have been implemented on site and they shall be permanently retained thereafter.

To ensure that the proposal contributes to carbon reduction and complies with sustainable design and construction measures, in accordance with London Plan 2015 policy 5.2, policy CC1 of the Core Strategy 2011 and policy DM H2 of the Development Management Local Plan 2013.

- 15) The development hereby approved shall be implemented only in accordance with the recommendations made by the Development Site Impact Assessment & Method Statement, prepared by Bartlett Consulting Ref.JH/150002R/sh dated 30/3/15, and in accordance with BS5837:2012.

To ensure that trees, including the sycamore subject to a tree preservation order, are retained and to prevent harm during the course of the construction, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM E4 and DM G7 of the Development Management Local Plan 2013.

- 16) Prior to the installation of any machinery or plant, details of anti-vibration measures shall be submitted to, and approved in writing by, the Council. The measures shall ensure that machinery, plant/ equipment and extract/ ventilation systems and ducting are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced and maintained as such. Approved details shall be implemented prior to use of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by vibration, in accordance with policies DM H9 and H11 of the Development Management Local Plan 2013.

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

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment, in accordance with policy DM H9 and DM H11 of the Development Management Local Plan 2013.

- 18) No tannoys or public address systems shall be used, unless details are first submitted to, and approved in writing by, the Council. Approved details shall be implemented prior to use and thereafter be permanently retained.

To ensure that the amenity of occupiers in surrounding premises is not adversely affected by noise, in accordance with policies DM H9 and DM H11 of the Development Management Local Plan 2013.

- 19) No demolition or construction shall commence prior to the submission and approval in writing by the Council of details of a scheme for the temporary fencing and/or enclosure of the site, and the temporary fencing/means of enclosure has been constructed in accordance with the approved details. The enclosure shall be retained for the duration of the demolition and construction 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, in accordance with policy BE1 of the Core Strategy 2011, and policies DM G3 and DM G7 of the Development Management Local Plan 2013.

- 20) Pursuant to Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, Classes M and N of Part 7 of Schedule 2 of the said Order (being extensions etc and hard surfaces for schools, colleges, universities and hospitals) (or any Order revoking or re-enacting that Order with or without modification) shall not apply to the school site to which this planning permission relates, and no such development within the curtilage of the school shall take place without planning permission first being obtained.

To enable the Council to retain control over any future development in view of the overall design and integrated appearance of the scheme and the effect of any such development on the external recreational areas of the school and the amenities of the surrounding properties, in accordance with policy DM G1 of the Development Management Local Plan 2013.

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

To ensure that that the visual impact of telecommunication equipment can be considered in accordance with Policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 22) The development hereby permitted shall not be used for the display of advertisements, and no advertisements shall be installed on the buildings hereby permitted without the prior written approval of the Council.

To ensure a satisfactory external appearance and prevent harm to the street scene and the conservation area, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 23) Prior to installation of any external artificial lighting, details shall be submitted to, and approved in writing by, the Council. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011'. Details shall also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires.

Approved details shall be implemented prior to use 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 policies DM H10 and DM H11 of the Development Management Local Plan, 2013.

- 24) Prior to commencement of the development hereby approved, details shall be submitted to, and approved in writing by, the Council, of the installation, operation, and maintenance of any odour abatement equipment and extract system required, including the height of the extract duct and vertical discharge outlet, 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 policies DM H9 and DM H11 of the Development Management Local Plan 2013.

- 25) Prior to commencement of the development, details of suitable structural glazing used to enclose spaces between the Main building and The Forum and Rosalind Franklin buildings, including mitigation measures to minimise light impact, glare and sky glow from internally transmitted or reflected artificial light shall be submitted to and approved in writing by the Council. Approved details shall be implemented prior to use 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 policies DM H10 and DM H11 of the Development Management Local Plan 2013.

- 26) The development shall not commence until a statement of how 'Secured by Design' requirements are to be adequately achieved has been submitted to and approved in writing by the Council. The approved details shall be carried out prior to use 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 DM G1 of the Development Management Local Plan, 2013.

- 27) The development hereby permitted shall not commence until full details of how the development proposal provides an inclusive and accessible environment have been submitted to, and approved in writing by, the Council. The approved details shall be implemented prior to use of the development, and retained thereafter in this form.

To ensure that the proposal provides an inclusive and accessible environment in accordance with policy DM G1 of the Development Management Local Plan (2013) and The London Plan (2015) policy 7.2.

- 28) Prior to commencement of the development hereby approved, a Refuse and Servicing Management Plan shall be submitted to and approved in writing by the Council. Details shall include the weekly numbers and times of deliveries and collections, the size of vehicles to be used and details of off-loading locations and vehicle movements. The development shall thereafter be carried out in accordance with the agreed details.

To ensure that the refuse collection and servicing requirements of the school would not adversely impact on the operation of the public highway and to ensure that the amenity of occupiers of the surrounding premises are not adversely affected by noise, in accordance with policies DM J2, DM J6, DM H9 and DM H11 of the Development Management Local Plan (2013).

- 29) The building development hereby permitted shall not be used until full details (including elevational drawings) of proposed covered cycle racks for 83 bicycles have been submitted to and approved in writing by the Council. The cycle parking shall be provided on the site prior to the use of the development and shall thereafter be permanently retained.

To ensure the provision and permanent retention of the cycle parking spaces for parking purposes, in accordance with policy DM J5 of the Development Management Local Plan (2013).

- 30) The development hereby permitted shall not be used until full details of refuse storage, including provision for the storage of recyclable materials, have been submitted to, and approved in writing by, the Council. The details shall include elevational details of any proposed storage enclosure. Such details as approved shall be installed prior to the use of the development hereby approved and thereafter be permanently retained.

In order to ensure that the development provides adequate waste storage, in accordance with policy DM H5 of the Development Management Local Plan (2013) and the Planning Guidance Supplementary Planning Document (2013).

- 31) No alterations shall be carried out to the flat roofs of the development hereby permitted to create a terrace or other amenity space. No railings or other means of enclosure shall be erected around the roofs and no alterations shall be made to form access onto the roofs.

The formation/use of a terrace would be harmful to the existing amenities of the occupiers of neighbouring residential properties as a result of overlooking and loss of privacy and the generation of noise and disturbance, contrary to policy DM H11 of the Development Management Local Plan (2013) and SPD Housing Policy 8 of the Planning Guidance Supplementary Planning Document (2013).

- 32) Prior to commencement of the development hereby approved, a Demolition Logistics Plan shall be submitted to, and approved in writing by, the Council. The details shall include the numbers, size and routes of demolition vehicles, provisions within the site to ensure that all vehicles associated with the demolition works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. Approved details shall be implemented throughout the project period.

To ensure that demolition works do not adversely impact on the operation of the public highway, in accordance with policies DM J1 and DM J6 of the Development Management Local Plan (2013).

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

To appropriately mitigate the impact of the development during demolition in terms of noise, vibration, dust, lighting or other emissions from the building site, in accordance with policies DM H5, DM H8, DM H9, DM H10 and DM H11 of the Development Management Local Plan (2013), Core Strategy 2011 Policy CC4 and London Plan (2015) Policy 7.14.

- 34) Prior to commencement of the development hereby approved, a Construction Logistics Plan shall be submitted to, and approved in writing by, the Council. The details shall include the numbers, size and routes of construction vehicles, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. Approved details shall be implemented throughout the project period.

To ensure that construction works do not adversely impact on the operation of the public highway, in accordance with policies DM J1 and DM J6 of the Development Management Local Plan (2013).

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

To appropriately mitigate the impact of the development during construction in terms of noise, vibration, dust, lighting or other emissions from the building site, in accordance with policies DM H5, DM H8, DM H9, DM H10 and DM H11 of the Development Management Local Plan (2013), Core Strategy 2011 Policy CC4 and London Plan (2015) Policy 7.14.

- 36) The development hereby permitted shall not commence until details, and samples of surface materials, of the hard and soft landscaping of all areas external to the buildings, including planting, planting schedules and paving, and detailed drawings

at a scale of not less than 1:20 in plan, section and elevation of all new boundary treatments, fences, gates and other means of enclosure, and details, including samples, of boundary treatment materials have been submitted to, and approved in writing by, the Council. The landscaping shall be carried out in accordance with the approved details and it shall thereafter be permanently retained as such. The approved planting shall be carried out in the first planting season following first use of the development. Any planting removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced in the next available planting season with a tree or shrub of similar size and species to that originally required to be planted.

To ensure a satisfactory external appearance and satisfactory provision for permeable surfaces in accordance with Policies DM E4, DM G1, DM G3, DM G7 and DM H3 of the Development Management Local Plan, 2013 and Policies BE1 and CC2 of the Core Strategy, 2011.

- 37) Rooftop plant shall not be installed until details (including material samples) of screening have been submitted to, and approved in writing by, the Council. Such details as approved shall be implemented on site prior to the use of the rooftop plant and permanently retained thereafter.

To ensure a satisfactory external appearance and to prevent harm to the visual amenity of neighbouring occupiers, in accordance with policy BE1 of the Core Strategy (2011) and policies DM A9, DM G3 and DM G7 of the Development Management Local Plan (2013).

Justification for Approving the Application:

- 1) 1. Land Use: The proposal would result in the improvement of educational facilities for the school and the wider community, in line with policies 3.1, 3.18 and 3.19 of The London Plan (2015), Borough Wide Strategic Policies CF1 and OS1 of the Core Strategy (2011) and Policy DM D1 of the Development Management Local Plan (2013). The proposal is also considered to be in accordance with NPPF paragraphs 72, 73 and 74 which support the expansion and alteration of schools, to meet the needs of existing and new communities.
2. Design and Conservation: The scale of the development would not be out of keeping with existing buildings on site. The proposed works would not result in substantial harm to heritage assets. The character and appearance of the conservation area and the setting of the adjacent listed buildings and Buildings of Merit would be preserved. Any harm to the character and appearance of the listed buildings would be less than substantial and would be outweighed by public benefits including securing the optimum viable use of the designated heritage assets on the site. The proposed planting is considered to accord with policies relating to greening of the borough. The proposal is therefore considered to be in accordance with the NPPF paragraphs 17, 58, 60, 129, 131, 132 and 134, London Plan (2015) Policies 7.1, 7.4, 7.6 and 7.8, Policy BE1 of the Core Strategy (2011), policies DM E4, DM G1, DM G3 and DM G7 of the Development Management Local Plan (2013) and SPD Design Policies 31, 34, 46, 52, 55, 56, 61, 62 and 63 of the Planning Guidance Supplementary Planning Document (2013).

3. Residential Amenity: The scale, design and location of the development is not considered to have an unacceptable impact on the amenities of residents in terms of outlook, privacy and lighting conditions. Measures would be secured by condition to minimise noise and disturbance to nearby occupiers from the operation of the proposed facilities. In this regard the development would respect the principles of good neighbourliness, and thereby satisfies the requirements of London Plan (2015) policy 7.15, Core Strategy (2011) Policy CC4, Development Management Local Plan (2013) policies DM A9, DM D2, DM G1, DM H9, DM H10 and DM H11 and Planning Guidance Supplementary Planning Document (2013) SPD Housing Policy 8 and SPD Amenity Policy 18.
4. Highways: The proposal would not result in a material increase in pupil or staff numbers, or a detrimental increase in travel movements from the community use. The proposed development is considered to have no significant impact on the use of the highway network, in accordance with London Plan (2015) policy 6.3, Core Strategy (2011) Borough Wide Strategic Policy T1, Development Management Local Plan policies DM J1, DM J5 and DM J6 and Planning Guidance Supplementary Planning Document (2013) SPD Transport Policies 2 and 28.
5. Sustainability: The proposal would seek to minimise its environmental impact and adopt renewable energy measures on site. It is considered that the development would not have an adverse impact on a watercourse, flood plain or flood defences, and the implementation of a sustainable urban drainage strategy would be required by condition. It is considered that the development would not have an adverse impact on air quality. SPD Sustainability Policies 1, 2 and 23 of the Planning Guidance Supplementary Planning Document (2013), policies DM H1, DM H2, DM H3 and DM H8 of the Development Management Local Plan (2013), policies CC1, CC2, CC3, and CC4 of the Core Strategy (2011) and policies 5.2, 5.3, 5.7, 5.12, 5.13 and 7.14 of The London Plan (2015) are thereby satisfied.
6. Access and Crime Prevention: Subject to conditions the development would provide a safe and secure environment, and would be accessible to all users in accordance with SPD Design Policies 1, 2, 3 and 4 of the Planning Guidance Supplementary Planning Document (2013), policy DM G1 of the Development Management Local Plan (2013), policy T1 of the Core Strategy (2011), policies 7.2, 7.3 and 7.6 of The London Plan (2015). The proposal is also considered to be in accordance with the NPPF section 7.
7. Contaminated Land: It has been demonstrated that the risks of contamination at the site are understood and that the site is low risk in terms of the potential for contaminated land. Subject to an informative the development would be in accordance with SPD Amenity Policies 3 and 6 of the Planning Guidance Supplementary Planning Document (2013), policies DM H7 and DM H11 of the Development Management Local Plan (2013), policy CC4 of the Core Strategy (2011) and section 7 of the NPPF.

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

All Background Papers held by Andrew Marshall (Ext: 3340):

Application form received: 1st May 2015
Drawing Nos: see above

Policy documents: National Planning Policy Framework 2012
The London Plan 2011 and Revised Early Minor Alterations to The London Plan, 2013
Core Strategy 2011
The Development Management Local Plan 2013
Planning Guidance Supplementary Planning Document July 2013

Consultation Comments:

Comments from:	Dated:
Historic England London Region	17.06.15
Environment Agency - Planning Liaison	27.07.15
Thames Water - Development Control	17.06.15
Hammersmith & Fulham Historic Buildings Group	28.09.15
Historic England London Region	19.06.15
Sport England	01.06.15

Neighbour Comments:

Letters from:	Dated:
8 Rowan Road London W6 7DU	22.06.15
38 Rowan Road London W6 7DU	17.06.15
33 Brook Green London W6 7BL	29.06.15
10 Rowan Rd London W67DU	16.06.15
6 Rowan Road London W6 7DU	18.06.15
12 Rowan Road London W6 7DU	12.06.15
12 Rowan Road London W6 7DU	12.06.15
38 Rowan Road London w6 7du	17.06.15
20 Rowan Road London W6 7DU	25.06.15

1.0 BACKGROUND

1.1 The application site is located on the southern side of Brook Green and comprises several buildings which form St. Paul's Girls' School. The site consists of a number of grade II listed buildings, and buildings which are listed by virtue of being located within the curtilage of the listed buildings and dating from prior to 1948 (the swimming pool building and the science building). The properties on the eastern side of Rowan Road are a terrace of grade II listed cottages which border the site to the west. To the east of the site, along Brook Green, the buildings on both the northern and southern side of the street are locally listed as Buildings of Merit (BOM).

1.2 The site is located within the Brook Green Conservation Area. There is a large protected (TPO) sycamore tree on the site adjacent to the boundary wall with the properties in Rowan Road. The site is also located in the Environment Agency's Flood Zone 2 and the majority of the site is also within Flood Zone 3.

1.3 The application relates to a complex of grade II listed school buildings designed by Gerald Horsley, including the Main School building completed in 1903, the Swimming Pool Building completed in 1909; the Gustav Holst Music Wing and High Mistress's House, completed in 1913 and the Science Building completed in 1933. Subsequently the school has continued to expand including the construction of the Celia Johnson building in 1983-4, the IT Building in 1994 and the Sports Hall in 2000.

1.4 The proposal seeks planning permission and listed building consent (Ref.2015/02036/LBC) for the erection of a new part single, part two storey senior school building at the southern end of the site; extension of the art classrooms at second floor level of the Main school building at the rear over existing terraces; enclosure of spaces between the Main building and The Forum and Rosalind Franklin buildings by erection of glazed structures; erection of new single storey Porters' Lodge fronting Brook Green; alterations to create a new entrance in the southern elevation of the Science building; demolition works including the demolition of the boiler house and flue; landscaping, alterations to boundary treatments and other associated works. In addition to these works listed building consent (Ref.2015/02036/LBC) is also sought for internal refurbishment and reconfiguration of parts of the Main building, the Forum and the Rosalind Franklin buildings; internal works to the Science building. This is a joint report covering matters arising from both applications.

1.5 There are a number of planning records relating to the site. The following list constitutes the most relevant recent planning history:

1997/02224/FUL - Erection of a two storey sports hall with associated accommodation and alterations to external sports area and landscaping. Approved.

1998/01278/LBC - Dismantling of access gates and demolition of supporting pier and dwarf wall to enlarge vehicular access for a temporary period in connection with construction of sports hall, to be replaced as existing. Approved.

2010/01802/FUL - Excavation in connection with the enlargement of the basement and the erection of a single storey side extension to the Singing Hall on Rowan Road elevation following demolition of existing garage and entrance lobby (Amendment to Application 2009/00146/FUL granted 23rd March 2009 involving the replacement of two windows to the front and side elevation of the single storey side extension with a new door and a recess window in brick). Approved.

2010/01805/LBC - Excavation in connection with the enlargement of the basement and the erection of a single storey side extension to the Singing Hall on Rowan Road elevation following demolition of existing garage and entrance lobby. Refurbishment of the Singing Hall and level below auditorium steps. (Amendment to Application 2010/00441/LBC granted 9th April 2010 involving the replacement of two windows to the front and side elevation of the single storey side extension with a new door and a recess window in brick). Approved.

2015/03622/FUL - Alterations to the Celia Johnson Building to include bricking up of 2no windows to the eastern elevation, installation of a new air conditioning unit, 2no louvres and the replacement of existing window with doors to the northern elevation at ground floor level; installation of new roof top plant and associated screening at roof level; associated external alterations. Approved.

1.6 Prior to submission of the planning application, a pre-application was made to the Council. Officers raised concerns about the proposed demolition of the boiler room and flue, the loss of green space, the impact of the new building on adjacent occupiers in Rowan Road and the detail of the new entrance to the Science Building. There were no objections to the principle of the development. This application, including revisions since submission, acceptably addresses the concerns raised by Officers at pre-application stage.

1.7 Prior to the submission of the planning application, a public exhibition was initially held on 4th, 5th & 6th December 2014, and a further exhibition on revised proposals took place on 5th, 6th and 7th February 2015. Local residents and parents of pupils were invited to attend the exhibition. Officers are advised by the applicant that concerns were raised by residents about the impact of the new building upon properties in Rowan Road in terms of the size, scale and appearance of the new building and the loss of green space. The applicant has sought to address these issues in the application submission by reducing the height and depth of the new building in relation to adjacent properties on Rowan Road, and hard landscaping has also been reduced.

1.8 The applicant made a request for a screening opinion and the Council issued a Screening Opinion on 6th March 2014. The screening opinion considered the proposal and determined that having regard to the scale of the development, its location and potential impact an Environmental Impact Assessment was not required in this instance, as it would not have significant effects on the environment.

1.9 Since initial submission the proposed development has been revised as follows:

- The fenestration to the extension over the art terrace has been amended to better reflect the existing window design.
- The supporting arch to the chimney stack to the rear of the main building, adjacent to the Rosalind Franklin building, is now to be retained.
- Minor internal arrangement and access alterations have been made to the proposed new senior school building resulting in minor changes to fenestration on the southern and eastern elevations.

1.10 The proposed development is to extend, reconfigure and upgrade a number of the existing buildings at the northern end of the school site, and to construct a new single and two storey school building at the southern end of the site where existing hard surfaced games courts are located. The proposals would result in an additional 1,790 sq.m of building floor space.

1.11 The buildings involved in the development are:

- Main Building - Extensions at second floor level at the rear over the existing art terraces; internal alterations; glazed infill extensions between buildings.
- Forum Building - Glazed infill extensions between buildings; internal alterations.
- Rosalind Franklin Building - Glazed infill extensions between buildings; internal alterations; demolition of the boiler room; excavation of the existing swimming pool tank within the building.

- Science Building - Internal alterations; new entrance in southern elevation.
- New Senior School Building - Single and two storey building to act as senior school hub and also containing additional classrooms, to be located at the southern end of the site.
- New Security Gate House - Single storey building located in the car park adjacent to the entrance to the site from Brook Green.

2.0 PUBLICITY AND CONSULTATIONS

2.1 The planning application was advertised by letters were sent to 608 surrounding properties. Site and press notices were also published for both the planning and listed building consent applications.

2.2 Neighbours from 7 properties have submitted comments objecting to the proposal, comments being received from occupiers of: 33 Brook Green; 6, 8, 10, 12, 20 and 38 Rowan Road.

2.3 The objection comments can be summarised as follows:

- Noise from use and plant machinery;
- Loss of privacy/overlooking;
- Loss of open space;
- Light pollution;
- Impact on listed buildings and conservation area;
- Construction impacts;
- Overshadowing of/loss of light to houses and gardens;
- Sense of enclosure;
- Views (screening of plant);
- Materials;
- Potential increase in pupil numbers;
- Replacement of boundary fence between site and Rowan Road properties.

2.4 Five responses in support of the LBC application have been received from neighbours/alumni; from the following addresses:

- 19 Avenue Road, Pinner
- 24 Wellington Road, London
- 3 Lower Addison Garden, London
- 70 Sterndale Road, London
- 47 Hammersmith Grove, London

2.5 The support comments can be summarised as follows:

- New school facilities are required and will benefit the school, its pupils and the local community;
- Proposals respect the environment and surroundings, and integrate well with the existing historic buildings on site;
- New buildings and landscaping will compliment the original architecture;
- Will enhance views of the school from neighbouring properties;
- Thoughtful use of space;
- Little disruption expected from the proposal.

2.6 The Planning issues will be addressed in the main body of the report, set out in Section 3 below.

2.7 The Environment Agency has commented and raised no objections.

2.8 Historic England have commented that the amendments to the application to retain the boiler room flue arch and alter the windows to the upper floor art rooms are a positive development, and make a small reduction in the level of harm caused by these proposals. They still have reservations regarding the new central door to the curtilage listed science block, however, and recommend that consideration is given to alternative designs for this opening or the overall circulation route. They therefore consider that the proposals will cause some degree of harm, which should be limited as far as practicable, and this should be weighed against the public benefits of the proposals. They have stated that they are content for the Council to determine the application as it sees fit and they have issued the necessary authorisation for it to do so with regards to the application for listed building consent.

2.9 Thames Water recommend the use of sustainable urban drainage systems in the development to avoid flooding, and this would be secured by condition 11. They also recommended the use of a non-return valve to avoid the risk of backflow, and this is attached as an informative along with their other standard information for the applicants. Concerns were raised with regard to a detailed site drainage strategy, and these issues have since been addressed following discussions between the applicant and Officers.

2.10 The London and Middlesex Archaeological Society Historic Buildings Conservation Committee raised no objections, although they did make some design suggestions.

2.11 Sport England did not wish to comment.

2.12 Hammersmith and Fulham Disability Forum Planning Group - No objections were raised, requested dimensions be shown on plans (suggested condition No.27 requires details of accessibility).

2.13 The Hammersmith Society commented that they are sympathetic to concerns raised by Rowan Road residents, but have no objections to the application and consider that the contemporary design is appropriate and the detailing and landscaping have been well considered.

2.14 Hammersmith and Fulham Historic Buildings Group raised no objections. They consider that the scheme is well considered and should improve academic facilities and the architecture of the school complex.

2.15 The London Fire and Emergency Planning Authority, Friends of Brook Green and Brook Green South Residents Association were consulted on the planning application and have not made any comments.

3.0 PLANNING CONSIDERATIONS

3.1 The main planning issues to be considered in this case are: land use (including community benefits); design and conservation - relating to layout, height, mass, materials, landscaping and accessibility; impact on heritage assets - conservation area, Buildings of Merit and listed buildings; impact on the amenities of residents; environmental protection - relating to noise, light, air quality; trees; energy and sustainability; flood risk; Secured by Design; highways matters and other material considerations, including contaminated land.

3.2 These items are assessed with regard to the policies and standards of the National Planning Policy Framework (NPPF), The London Plan and the Council's Local Development Framework, comprising the Core Strategy, Development Management Local Plan (DM LP) and the Planning Guidance Supplementary Planning Document (PG SPD).

LAND USE and COMMUNITY BENEFITS

3.3 The NPPF paragraph 72 states that weight should be given to the need to create, expand or alter schools. Paragraphs 73 and 74 of the NPPF state that 'Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of Communities'. It also says that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless the open space, buildings or land are surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

3.4 The NPPF is supported by London Plan policies 3.1 'Ensuring Equal Life Chances' and 3.18 'Education Facilities' which promote the enhancement of education facilities to meet the needs of various groups of society. London Plan policy 3.19 states that 'development proposals that increase or enhance the provision of sports and recreation facilities will be supported. Proposals that result in a net loss of sports and recreation facilities, including playing fields should be resisted'.

3.5 Core Strategy Borough Wide Strategic Policy CF1, 'Supporting Community Facilities and Services' supports the improvement and/or expansion of secondary schools. DM LP policy DM D1 'Enhancement of Community Services' sets out that proposals for expanded facilities would be supported, subject to local need, and that they should 'be compatible with and minimise impact on the local environment and be accessible to all in the community they serve'. Core Strategy policy OS1 seeks to improve and protect parks and open spaces.

3.6 The site has a long established educational use which would continue under the proposals. The proposal is to redevelop the southern end of the school site where there are existing hard surfaced games courts which form two netball or three tennis courts. The proposal is part of a wider masterplan for the school to reconfigure the nearby school sports pitches and games courts located to the west of the site (and subject to the related planning application Ref.2015/02037/FUL which can be found elsewhere on this agenda) in order to re-provide the facilities which would be lost as a result of the proposed development on the main school site. Sport England have raised no objections to either this application or that for the rearrangement of sports provision at the nearby playing field site, and the school has stated that the level of sports provision would continue to meet its needs in the future once the proposals were implemented.

3.7 The application would enhance the existing facilities on site to meet the needs of the existing pupil roll. It is not proposed that pupil numbers would increase as a consequence of the development, however the school has indicated that it would be in agreement to a condition which restricts the overall number of pupils to 800 (suggested condition No.9). Currently the school has 741 students and 210 staff, and pupil numbers can fluctuate due to the number of admissions each year. There is therefore

the scope for a maximum increase of 59 students versus the current situation if the cap were to be reached, however no additional classes or year groups are proposed by the application. It is considered that this number of students, and the potential maximum increase in student numbers by 8% if the cap were to be reached, would be acceptable in terms of its impact given the expanded facilities proposed by the application.

3.8 The proposed development involves the construction of a new building at the southern end of the site along with works to a number of the existing school buildings, many of which are listed buildings. The principle of this type of development, notwithstanding the heritage, design and amenity impacts of the works, which will be considered later in this report, is considered to be acceptable in principle in terms of both the national and local planning policies referred to above.

3.9 In assessing the application, Officers have discussed the opportunities for the school to make the facilities available to the wider community. The applicant has stated that the school already has a number of links with local schools and organisations. The school says that expanding their facilities would enable them to expand on what they currently offer. In this instance the location of the new building at the rear of the school site is likely to not so easily lend itself to public access, and there are existing parts of the school building which are more easily accessible from Brook Green and which would also be upgraded by the proposed development. A revised draft Community Use Agreement has been provided and Officers recommend that a Community Use Management Plan be submitted to secure the details of community use of the facilities prior to the occupation of the proposed development, as required by condition No.8. The plan would also provide the opportunity to formalise existing community use activities, including the use of facilities by other local schools, a Community Choral Society and local charities.

3.10 Officers consider that the principle of providing expanded facilities at the school is in accordance with the aims of paragraphs 72, 73 and 74 of the NPPF, London Plan policies 3.1, 3.18 and 3.19, Core Strategy policies CF1 and OS1 and DM LP policy DM D1, subject to the facilities being made available to the wider community.

DESIGN and CONSERVATION

3.11 Amongst the core planning principles of the NPPF, the framework states at paragraph 17 that 'development should always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings' and that development proposals should 'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations'. In assessing this application, therefore, careful consideration needs to be had to the design of the development and its impact on the conservation area and the setting of the listed buildings on site.

3.12 Paragraph 58 of the NPPF states that planning decisions should aim to ensure that developments: 'will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport

networks; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping'. Para. 60 states 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness'.

3.13 London Plan policy 7.4 'Local Character' states that 'Buildings, streets and open spaces should provide a high quality design response that: a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass, b) contributes to a positive relationship between the urban structure and natural landscape features, c) is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings, d) allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area, and e) is informed by the surrounding historic environment'.

3.14 London Plan policy 7.6 relates to architecture and the design of developments. The policy says that 'development should be of a high quality of design, of a scale that is appropriate to its setting, and built using high quality materials. It should complement the surrounding built form and should not cause unacceptable harm to the amenity of surrounding buildings'.

3.15 London Plan policy 7.8 'Heritage assets and archaeology' states that 'Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate' and that 'Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail'.

3.16 Core Strategy Policy BE1 'Built Environment' states that all development within the borough, including in the regeneration areas should create a high quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places.

3.17 Policy DM G1 of the DM Local Plan relates to the design of new development and states that:

'New build development will be permitted if it is of a high standard of design and compatible with the scale and character of existing development and its setting.

All proposals must be designed to respect:

- a) The historical context and townscape setting of the site, and its sense of place;
- b) The scale, mass, form and grain of surrounding development;
- c) The relationship of the proposed development to the existing townscape, including the local street pattern, local landmarks and the skyline;
- d) The local design context, including the prevailing rhythm and articulation of frontages, local building materials and colour, and locally distinctive architectural frontages, local building materials and colour, and locally

- distinctive architectural detailing and thereby promote and reinforce local distinctiveness;
- e) The principles of good neighbourliness;
- f) The local landscape context and where appropriate should provide good landscaping and contribute to an improved public realm;
- g) Sustainability objectives; including adaptation to, and mitigation of, the effects of climate change;
- h) The principles of accessible and inclusive design; and
- i) The principles of Secured by Design'.

3.18 Policy DM G3 of the DM Local Plan relates to alterations and extensions, and requires a high standard of design in all alterations and extensions. These should be compatible with the scale and character of existing development, their neighbours and their setting. In most cases, they should be subservient to the original building.

Alterations and extensions should be successfully integrated into the architectural design of the existing building. The Council will consider the impact of alterations and extensions on existing buildings, surroundings and take into account the following:

- (a) scale, form, height and mass;
- (b) proportion;
- (c) vertical and horizontal emphasis;
- (d) relationship of solid to void;
- (e) materials;
- (f) relationship to existing building, spaces between buildings and gardens;
- (g) good neighbourliness; and principles of accessible and inclusive design.

3.19 DM Local Plan policy DM G7 relates to heritage and conservation. This states that:

'The council will aim to protect, restore or enhance the quality, character, appearance and setting of the borough's conservation areas and its historic environment, including listed buildings, historic parks and gardens, buildings and artefacts of local importance and interest, archaeological priority areas and the scheduled ancient monument. When determining applications for development affecting heritage assets, the council will apply the following principles:

- a) The presumption will be in favour of the conservation and restoration of heritage assets, and proposals should secure the long term future of heritage assets. The more significant the designated heritage asset, the greater the presumption should be in favour of its conservation.
- b) Proposals which involve substantial harm to, or loss of, any designated heritage asset will be refused unless it can be demonstrated that they meet the criteria specified in paragraph 133 of the National Planning Policy Framework.
- c) Development affecting designated heritage assets, including alterations and extensions to buildings will only be permitted if the significance of the heritage asset is preserved or enhanced or if there is clear and convincing justification. Where measures to mitigate the effects of climate change are proposed, the benefits in meeting climate change objectives should be balanced against any harm to the significance of the heritage asset and its setting [for further detail see the relevant SPD].
- d) Applications for development affecting heritage assets (buildings and artefacts of local importance and interest) will be determined having regard to the scale and impact of any harm or loss and the significance of the heritage asset.
- e) Development should preserve the setting of, make a positive contribution to, or better reveal the significance of the heritage asset. The presence of heritage assets should inform high quality design within its setting.

- f) Particular regard will be given to matters of scale, height, massing, alignment, materials and use.
- g) Where changes of use are proposed for heritage assets, the proposed use should be consistent with the aims of conservation of the asset concerned.
- h) Applications should include a description of the significance of the asset concerned and an assessment of the impact of the proposed development upon it or its setting. The extent of the requirement should be proportionate to the nature and level of the asset's significance.
- i) Where a heritage asset cannot be retained, the developer should ensure that a suitably qualified person carries out an analysis [including photographic surveys] of its design before it is lost, in order to record and advance the understanding of heritage in the borough. The extent of the requirement should be proportionate to the nature and level of the asset's significance; and
- j) it respects the principles of accessible and inclusive design'

3.20 Design Guidelines for development in conservation areas are also included in the Council's Planning Guidance SPD. SPD Design Policies (2013) 31, 34, 46, 52, 55, 56, 61, 62, and 63 require that alterations and extensions to buildings should be appropriate to the architectural character of the premises, integrating with it; that they should be accessible; that trees in conservation areas should be protected; that development should respect the townscape; that there will be a presumption in favour of conserving heritage assets; that schemes should respect and complement the character of open space and conservation areas and that they have should not have a significant effect on the character of the conservation area.

3.21 It is key to the assessment of these applications that the decision making process is based on the understanding of specific duties in relation to listed buildings and conservation areas required by the relevant legislation, particularly Sections 16, 66 and 72 duties of the 'Listed Buildings Act' set out below together with the requirements set out in the NPPF.

3.22 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('Listed Buildings Act') states in relation to listed buildings that:

'In considering whether to grant listed building consent for any works, the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the [listed] building or its setting or any features of special architectural or historic interest which it possesses.'

3.23 A similar statutory duty in section 66(1) of the Listed Buildings Act applies to the determination of planning applications. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

3.24 Section 72 of the above Act states in relation to conservation areas that:

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

3.25 In considering the proposed demolition, regard is had to the NPPF paragraph 129 which requires the assessment of the significance of heritage assets. Paragraph 132 of the NPPF states that:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

3.26 Paragraph 133 of the NPPF states that:

'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

3.27 Paragraph 134 of the NPPF states that:

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

3.28 The paragraphs make a key distinction between 'substantial' harm and 'less than substantial' harm which is important as the NPPF advises that there is a presumption against development if the harm is substantial, but if less than substantial it advocates weighing harm against the public benefits (para 134).

3.29 Historic England considered that many of the works taken individually would have only a small impact on the listed buildings, but that their combined impact is greater. For the majority of works, they felt that the harm had been kept to a minimum and that they are likely to be considered of clear practical benefit to the ongoing viability of the buildings. However they requested that some elements be looked at again to consider if they are required, or if less intrusive works could achieve similar aims. Specifically their concerns related to the demolition of the boiler room and archway; the works to create a new southern entrance to the Science Building; the works between The Forum building and the main building; the works to the Rosalind Franklin building and the fenestration of the Art Terrace extension dormers. Historic England raised no objection to design of the new building.

3.30 The proposals have been amended since they were originally submitted in order to address concerns, particularly expressed by Historic England, about the extent of cumulative intervention in the historic fabric and to reduce the level of harm to the

significance of the listed building. In particular the design of the Art Terrace extension dormer windows has been further refined and the original proposal to demolish the red brick arch supporting the boiler house chimney has been reconsidered in favour of its retention.

3.31 Development Management LP policy DM G7 states that 'the Council will aim to protect, restore or enhance the quality, character, appearance and setting of the borough's conservation areas and says that, when determining applications, there should be a presumption in favour of the conservation and restoration of heritage assets. Any loss of a heritage asset should be considered against the requirements of paragraph 133 of the NPPF'.

Main Building

3.32 It is proposed to remove the existing mezzanine and spiral staircase from one of the staff work rooms at the front of the building to restore its original double height proportions mirroring the Warburg Library on the other side of the building. The plan form of several classrooms off the Grand Hall would be reinstated. The basement Dining Hall area would be opened up to provide improved sightlines and circulation space following the creation of new overspill areas within glazed infills in the existing lightwells on either side of the building. A number of more minor works are proposed to improve the utilisation of space within the Main Building at basement level including the works to convert an existing Locker Room to an open plan non-teaching staff support space; the conversion of undercroft storage rooms beneath the front driveway to music practice rooms; the conversion of an existing Locker Room to an IT classroom; the creation of a music seminar room within the school shop space; the creation of a new Bursary Office from the existing Flower Room and Lost Property Office and the removal of toilets and a redundant staircase to provide a new boiler room.

The Forum

3.33 The existing lightwell between the Forum Building and the Main Building would be internalised through the erection of a new glass roof and glazed screens in order to provide a break out area and overspill area from the Dining Hall. The works would require the demolition of the glazed brick link corridor between the frontage building and The Forum building and the conversion of windows to doors in the eastern flank wall of the Dining Hall. The proposals would allow for improved circulation between buildings and new lifts and staircores would allow for changes of level to be negotiated under cover. The existing external brickwork and most windows would be retained in order to allow the original elevations to be appreciated from within the glazed link. Internally the Forum Building has been subdivided and the proposals would open up the interior of the building to allow its original proportions to be better appreciated.

Rosalind Franklin Building

3.34 The existing lightwells between the Rosalind Franklin Building and the Dining Hall and Main Buildings would be internalised through the erection of a new glass roof and glazed screens to provide internal circulation space. The proposals would require the demolition of the existing white glazed brick boiler room, however it is proposed to salvage the pedimented stone door case for reuse elsewhere onsite (condition 8 of 2015/02036/LBC). The archway to support the curved red brick boiler house chimney stack, which was designed as a harmonious extension of the tall chimney stack to the

rear of the Main Building, would be retained as a feature within the new atrium. A condition (suggested condition 9 of 2015/02036/LBC) would secure details of the restoration of the lower part of the chimney stack which would be exposed when the boiler house surrounding it is demolished. Although the swimming pool tank remains, no trace of the original tiled finishes were retained when it was bridged over to form classroom space. The proposal would involve the excavation of the swimming pool tank to create a useable lower ground floor in connection with the provision of new break out space at basement level and a flexible open plan space above.

Art Terrace extensions

3.35 It is proposed to extend the existing mansard roof extensions, which date from the 1970s, over the full extent of the roof terraces on the Main Building. The extensions would replicate the form and materials of the existing mansards.

Science Building

3.36 A new entrance to the Science Building at ground floor level would be created through the dropping of the existing window cill to the staircore at the centre of the southern elevation and the removal of the lowest row of leaded lights. Internally some alterations to the lower flights of the existing staircase would be required in order to create a circulation route through the centre of the Science Building between the Main Building to the north and the amenity space and new building to the south. The new entrance would consist of a pair of glazed doors with a level threshold and a fixed pane, replicating the widths of the three bay wide leaded lights in the staircore glazing above. Due to internal space constraints, the need to protect historic fabric and changes of level it has not been possible to install a new lift inside the building to provide full disabled access on the new circulation route through the building.

New Senior School Building

3.37 The existing tennis/netball courts at the southern end of the site would be replaced with a part single, part two storey stone and glass building with extensive glazing to the northern elevation to provide overlooking of the amenity space. The proposed new building would not harm the character, appearance or setting of the listed building or the character and appearance of the conservation area or the setting of the adjacent listed buildings. The building would be sunk into the ground and set away from the Rowan Road boundary wall at first floor level in order to reduce its impact on surrounding residential properties. The glazing with bronze finished frames to the northern elevation would be recessed within a projecting stone surround, providing depth to the elevation. A double height entrance space would provide a legible 'front door' for the building. An external walkway at first floor level would provide a connection to the Sports Hall terrace and an alternative circulation route to and from the Main Building. The proposed building is a well designed building using high quality materials and it is considered that the height, scale and massing is compatible with the setting of the adjacent listed buildings and the character and appearance of the conservation area.

3.38 The date plaques on the mid 19th Century boundary walls will be retained in situ (condition 11 of 2015/02036/LBC) within courtyard spaces where the new building would be set away from the boundary wall. One of the four unusual curved buttresses to the existing boundary wall would remain exposed within a new courtyard, the others

would be retained in situ with the new building directly abutting them (condition 10 of 2015/02036/LBC).

Impact on existing buildings

3.39 Pupil numbers on the site have increased over the years, whilst the circulation routes between the older buildings are poor, consisting of external basement lightwells, external steps between levels and narrow internal corridors. The existing configuration neither provides a properly integrated campus of buildings, nor an attractive setting for the listed buildings. The lack of disabled access and the external basement circulation routes are not conducive to the provision of an accessible and attractive educational environment.

3.40 Officers consider that the proposals have been amended as far as practicable in order to minimise the harm to the significance of the designated assets. It is accepted that the original purpose of the former swimming pool (Rosalind Franklin) building has long since been superseded by the erection of the new school swimming pool further along Brook Green, and that alterations are necessary to provide a new role for the building and to better integrate it into the main school complex. The boiler house itself is not considered to be of particular architectural or historic interest and the catslide roof visible from the rear windows of the Main Building does not provide an attractive outlook. However the stone doorcase is unusually attractive for such an ancillary building and would be salvaged for reuse elsewhere on the site. Similarly the boiler house archway and chimney is particularly accomplished and would be retained since it forms an integrated part of the rear elevation of the Main Building. The loss of the boiler house would provide greatly improved circulation at basement level and create an improved setting for the more significant buildings on the site.

3.41 The proposals would help to sustain the original educational use for which the listed buildings on the site were designed, which makes a significant contribution to their significance. Furthermore, the proposals include public benefits such as the reinstatement of the original plan form and proportions of rooms within the Main Building and improved disabled access and connectivity between the buildings on the site which would better reveal the significance of the listed buildings on the site.

Erection of Porter's Lodge and alterations to boundary treatment

3.42 A new single storey, flat roofed, white rendered freestanding building would be erected within the curtilage of the listed building to improve security at the eastern vehicular entrance. The building would be simple and recessive in terms of its height, mass, scale, design and materials and would not harm the setting of the adjacent listed buildings and Buildings of Merit, not the character and appearance of the Conservation Area. The building would be visible through the existing boundary treatment in views from the street and would be a clearly contemporary addition which would not detract from the visual primacy of the listed buildings in the streetscene.

3.43 Minor alterations to the existing boundary treatment are proposed to facilitate the creation of a new pedestrian entrance adjacent to the proposed Porter's Lodge which would involve the removal of part of a short section of the front boundary wall and railings and their replacement with a pedestrian gate. The alterations would be carried out in matching materials to replicate the existing design of the boundary treatment.

3.44 On balance, having given great weight to the conservation of the designated heritage assets affected by the proposals, Officers consider that any harm to the character and appearance of the listed buildings would constitute less than substantial harm and would be outweighed by the public benefits of the proposals including securing the optimum viable use of the listed buildings on the site. The proposals would preserve the character and appearance of the conservation area; the setting of listed buildings within and adjacent to the site and the setting of adjacent Buildings of Merit. A condition (condition 4 of 2015/02036/LBC) would require the submission of a signed building contract for the whole scheme prior to any works commencing in order to ensure that premature demolition does not take place.

3.45 The proposals are considered to be in accordance with the NPPF, London Plan policies 7.4, 7.6 and 7.8, Core Strategy Policy BE1 and G1, DM Local Plan Policies DM G1, DM G3 and DM G7 and Planning Guidance SPD Design Policies 31, 34, 46, 52, 55, 56, 61, 62 and 63.

Landscaping

3.46 Policy DM E4 of the Development Management Local Plan is concerned with 'Greening the Borough' and seeks to prevent the mutilation of trees, retention of existing trees and provision of new trees.

3.47 The proposal includes a landscaping masterplan for the most of the application site. This would be visible in views from neighbouring properties as it focuses on the areas away from the street frontages and little, if any, changes to the landscaping would be visible in views from the streetscene.

3.48 The proposals include new areas of hard and soft landscaping at the rear of the site, including two courtyard areas on the southern side of the new Senior School Building, some informal seating areas on the western side of the central lawn area and to the north of the new Senior School Building, green roofs over the single storey elements of the new Senior School Building, new tree planting to the north and south of the Science Building and green walls to this building's fire escape staircase on its eastern side. The landscaping plans would provide for a central lawn with pathways aligned on the desire lines between the new entrance to the Science Building and the new Senior School Building and between the Main Building and the new Senior School Building. On the western side of the lawn it is proposed to erect 'garden rooms' integrated into the landscape for individual and group study, and on the eastern side a new planting zone including a line of Liquid Amber trees in front of the Sports Hall would be provided. The landscaping would provide new wider circulation routes to take account of the increased footfall to the rear of the site resulting from the erection of the new Senior School building as well as providing new social and recreational spaces.

3.49 The landscaping proposals incorporate the retention of all existing trees on the western site boundary with properties on Rowan Road, including the protected (TPO) sycamore tree in this location. Details of suitable protection measures for the existing trees, including that subject to a TPO, during demolition and construction are required by condition No.15.

3.50 The new landscaping would be framed on its northern, eastern and southern sides by three existing buildings (IT Building, Science Building and Sports Hall) and the new Senior School Building. The proposed landscaping would provide a formal context for

the buildings, enclosing the amenity space at the rear of the Science Block, and would enhance their setting. The proposed landscaping would increase greenery throughout the rear of the site and is considered to be acceptable in this regard, subject to condition No.36 to ensure suitable hard and soft landscaping proposals and its maintenance and retention. The proposal is therefore considered to comply with the aims of Policy DM E4 of the Development Management Local Plan.

ACCESSIBILITY

3.51 NPPF section 7 'Requiring Good Design' and London Plan policy 7.6 'Architecture' says that developments should incorporate inclusive design, this is supported by Development Management Local Plan policy DM G1. More specifically, SPD Design policies 1, 2, 3 and 4 all relate to access to buildings, requiring that buildings should be accessible and inclusive both internally and externally

3.52 The school currently has issues in terms of the provision of step-free access, convoluted access routes and steep gradients. Some teaching and office spaces are only accessible via steps. As part of the proposals improvements to accessibility throughout the school are proposed. In summary the following access improvements are proposed by the refurbishment:

- An accessible drop-off and parking space for disabled students, staff and visitors would be provided with a designated Blue Badge bay in the existing car park. Both will be within 50m of the main step-free staff and managed visitor entrance located in the Forum Building.
- A new gate house would assist visitors and provide security.
- A level external pedestrian route would be provided from the front of the site to the new building at the rear via the car park.
- Step-free internal links would be created at lower ground floor level between the staff room in the Forum Building and an accessible WC in the Main Building for staff and visitors.
- Existing staircases that are within the scope of the proposals would be upgraded to current standards.
- New platform lifts would be provided in the forum and Rosalind Franklin buildings and the existing exterior platform lift would be replaced and relocated.
- Improved WC facilities.

3.53 The new Senior School Building (which would also contain the Geography and History departments) would be designed in accordance with the Equality Act 2010 and would include a lift to allow access to the first floor of the building, and have an accessible WC at ground floor level. All doors would be DDA compliant and the building would have level access throughout and also from external areas adjacent.

3.54 Officers are satisfied that the access arrangements of the proposal are in accordance with the relevant aims and requirements of the NPPF, The London Plan, Development Management Local Plan and SPD design policies.

IMPACT ON NEIGHBOURS

3.55 Development Management Local Plan policy DM G1 says that all developments must be design to respect the principles of good neighbourliness.

3.56 Development Management Local Plan policy DM A9 says that 'Extensions will be considered acceptable where it can be demonstrated that there is no detrimental impact on:

- privacy enjoyed by neighbours in adjoining properties;
- daylight and sunlight to rooms in adjoining properties;
- outlook from windows in adjoining properties; and
- openness between properties'.

3.57 These policies are supported by SPD Housing Policy 8 of the Planning Guidance SPD, which seeks to protect amenity by ensuring that development does not have an overbearing and dominating effect on surrounding developments and protects the privacy of neighbouring dwellings.

Outlook

3.58 The main impact of the proposals in terms of outlook would be on properties at the southern end of Rowan Road as a result of the proposed Senior School Building. The two storey element of this new building would be at least 19m from first floor windows in the rear of properties fronting Rowan Road and at least 38m from north facing windows in Latymer Court to the south. Single storey elements of the new building would run immediately adjacent to the boundary of the site with properties on Rowan Road (Nos.12-20, even). This element has been refined during the consideration of the proposals at pre-app stage and now includes a step so that the single storey element of the new building would sit below a 45 degree angle taken from the top of the shared boundary wall. The second storey of the new building, which would be set away from the rear of properties fronting Rowan Road, would also not infringe an angle of 45 degrees from the existing shared boundary wall and, given the existing rear boundary wall with mesh fence above, and the 19m minimum distance from first floor windows to the upper storey of the new building it is considered that the development would not appear overly dominant from the rear of these properties and so would have an acceptable impact in this regard and would be considered not to result in an increased sense of enclosure. The roof of the single storey elements of the building are also proposed to be green roofs, which would provide pleasant views of the proposed building, particularly from upper floor rear windows in Rowan Road.

3.59 Given the location of other proposed works in relation to neighbouring properties, it is considered that these would not have a harmful impact upon outlook or result in an increased sense of enclosure. The proposed extensions to the main building at second floor level over the existing Art Terraces are at least 25m from the rear of upper floor windows in the rear of Rowan Road and would be a continuation of the existing building and viewed against the rest of the development. The majority of the other alterations would only be visible from within the site, the exception being the proposed single storey gate house adjacent to the entrance to the site from Brook Green. The adjacent property at No.26 has no windows in its flank wall facing the school and so would be considered not to be harmfully impacted, and given its siting, size and scale it is considered that the single storey building would not be harmful to outlook in views from elsewhere in Brook Green.

Privacy

3.60 No flank windows are proposed facing westwards in the new Senior School building at first floor level. Windows are proposed at ground floor level on to a

courtyard, but views towards ground floor rear windows to properties in Rowan Road would be prevented by the existing boundary wall which would be retained and varies in height along the length of the boundary and is approximately 2.2m high (measured from rear garden level in Rowan Road). There is also an existing additional 4.5m high chain link fence which runs along this boundary and sits above the boundary wall, which is currently in place to mitigate the impacts of use of the school grounds for sports. It is proposed to remove this fence as part of the proposal, this would be necessary for construction purposes, but the school have been in discussion with adjacent residents in Rowan Road about its potential replacement and it is considered that this issue could be addressed under the suggested boundary treatment condition No.36.

3.61 South facing windows in the new Senior School building at first floor level would be at least 38m north of the closest residential windows in Latymer Court, and the closest north facing windows in the new building to the rear of properties facing Rowan Road would serve a void and so would not permit overlooking towards the rear of these properties. The proposed extensions over the existing art terraces would contain flank dormer windows in line with existing windows to this part of the building, but these would be 25m from first floor windows in the rear of properties fronting Rowan Road and so would exceed the 18m minimum separation distance, and be in compliance with SPD Housing Policy 8. It is therefore considered that the proposal would not result in detrimental overlooking of any neighbouring residential occupiers and so would be acceptable in this regard.

Daylight

3.62 The applicant has submitted a Daylight and Sunlight Assessment, in accordance with the BRE Guidance on site layout and design. The report considers the impact of the proposed new Senior School building on residential windows at Latymer Court to the south and Rowan Road to the west that would face towards the development, comparing the existing and the proposed situations. The impact upon all of the windows tested would fall within BRE guidance, with no losses of daylight greater than 10.57% of the VSC (up to a 20% reduction generally being considered acceptable). Officers are therefore satisfied that there would be no detrimental impact on daylight to neighbouring occupiers.

Sunlight

3.63 Due to the location of the development site and its relationship to neighbouring residential property, only the windows located in the rear of properties fronting Rowan Road to the west of the proposed new building would potentially be adversely affected in terms of their sunlighting conditions. The submitted Daylight and Sunlight Assessment demonstrates that the windows tested would fall within BRE guidance, with no losses of sunlight greater than 16.67% of the APSH (up to a 20% reduction generally being considered compliant). Officers are therefore satisfied that there would be no detrimental impact on sunlight to neighbouring occupiers.

Overshadowing

3.64 The applicant has submitted an overshadowing analysis of the impact of the new building on 21st March, in accordance with the BRE Guidance on site layout and design. The analysis considers the impact of the proposed new building on residential gardens in Rowan Road to the west, comparing the existing and the proposed

situations. The results of the analysis shows that any overshadowing would fall within BRE guidance, with very limited overshadowing in the morning at 8am which would be cleared by 9am. Officers are therefore satisfied that there would be no detrimental impact to neighbouring occupiers as a result of overshadowing.

Noise and Disturbance

3.65 The most likely impacts from the development in regards to noise and disturbance would arise from alterations to existing plant and new plant proposed on the roof of the new Senior School Building. The application includes a Noise Assessment which considers the impact of the noise from the proposed changes to existing and new plant on nearby residential properties.

3.66 London Plan policy 7.15 'Noise and Soundscapes' states that 'Development proposals should reduce noise by minimising the existing and potential adverse impacts of noise, separating noise sensitive development from major noise sources and promoting technologies and practices to reduce noise at source'.

3.67 This policy is supported by Development Management Local Plan policy DM H9 which states that 'Noise generating development will not be permitted where there will be a material increase in the level of noise experienced by occupants' and is further expanded upon in SPD Amenity Policy 18.

3.68 The submitted Noise Assessment concludes that, with the recommended attenuation measures, the proposed development would comply with adopted local policies with regards to noise and disturbance. Officers do not raise objections on this basis, subject to conditions relating to noise and vibration from the proposed plant machinery and preventing the use of public address systems without further approval being secured (conditions Nos.16, 17 & 18). This would ensure an acceptable noise environment for residential neighbours.

3.69 It is considered that, with the appropriate attenuation of plant/machinery as required by the aforementioned conditions, the proposed development would not have an unduly detrimental impact upon neighbouring residential occupiers in Rowan Road or to the south in Latymer Court. Noise breakout from the proposed use of the new building has been considered, and this must be balanced against the impact of the use of the existing hard games courts in this part of the site. The proposal would be for a similar number of students (capped by condition No.8), and modern construction techniques would be applied to the new building.

3.70 The existing hard courts are used during the day and also in the evenings as required by the school, and such use can generate considerable noise when team games such as netball are being played. By contrast activities in the new Senior School Building would primarily take place indoors and during daytime school hours when there is likely to be less impact of any resultant noise on neighbouring residential occupiers. Similarly the proposals for the landscaping of areas within the site are considered to be sensitive to the potential impacts on neighbouring residential occupiers, and are anticipated primarily to be used during daylight school hours, and the proposal would see the removal of formal games use from the site which is likely to reduce the impact from these activities on neighbouring occupiers.

3.71 With regards to noise during demolition and construction, conditions 33 and 35 would require the submission and approval of a Demolition Management Plan and a Construction Management Plan prior to the commencement of development. Informatives are also suggested to be attached to any permission recommending best practice guidance, including hours of works.

Lighting

3.72 The application details that lighting would be installed in landscaped areas and along the eastern elevation of school buildings adjacent to the car park. No external lighting is proposed along the western site boundary with the rear of properties fronting Rowan Road.

3.73 The proposal is considered to be in accordance with policy DM H10 of the Development Management Local Plan, which seeks to ensure that development proposals include lighting that is appropriate for the intended use, is energy efficient and provides adequate protection from glare and light spill to surrounding residential properties. Conditions Nos.23 and 25 will ensure that full details of internal and external lighting are submitted approval prior to installation to ensure an acceptable impact and no detrimental impact to neighbouring occupiers.

3.74 The proposal is thereby considered to be a neighbourly scheme, in keeping with the aims and requirements of Policy DM G1 and DM A9 of the DMLP and SPD Housing Policy 8 of the Planning Guidance SPD.

HIGHWAYS

3.75 The proposed development is assessed against London Plan policy 6.3 'Assessing Effects of Development on Transport Capacity', which seeks to ensure the impacts on transport capacity and the transport network are fully assessed. Core Strategy Borough Wide Strategic Policy T1 'Transport' seeks to improve transportation within the borough, by working with strategic partners and relating the size of development proposals to public transport accessibility and highway capacity. Development Management Local Plan Policy DM J1 'Transport Assessment and Travel Plans' states that 'All development proposals will be assessed for their contribution to traffic generation'; and Planning Guidance SPD Transport Policies 2 and 28 relate to understanding the impact of development on the highways network.

3.76 The application would enhance the existing facilities on site to meet the needs of the existing pupil roll. It is not proposed that pupil numbers would increase as a consequence of the development, however the school has indicated that it would be in agreement to a condition which restricts the overall number of pupils to 800 (condition 8). Currently the school has 741 students and 210 staff, and pupil numbers can fluctuate due to the number of admissions each year. There is therefore the scope for an increase of 59 students if the cap were to be reached. If this increase did occur, analysis has shown that only 76 additional trips would be generated in the peak hours before and after school start and finish, and of these only 8 would be by private car with 34 (the largest proportion) by bus, minibus or coach. As the submitted transport statement shows, the impact on footways and transport infrastructure is expected to be negligible. The proposed community use would be primarily by local groups and schools, who would visit the school by foot or local public transport.

3.77 The school has an existing Travel Plan. This was prepared in consultation with the Council, and Officers are satisfied that the content of the Travel Plan addresses both school and community users. Condition 10 would require the submission of an updated Travel Plan prior to the first use of the development which should then be updated annually. The proposed facilities would not result in a material increase in trip generation and the number of staff and pupils at the school are not set to increase.

Car Parking

3.78 The site has a PTAL of 6b, which means it has excellent public transport accessibility. There are thirty nine car parking spaces on site currently, and the proposal includes a reduction in the number of car parking spaces on site from thirty nine to twenty six. It is considered that this reduction would not have a harmful impact upon parking in the vicinity of the site, this reduction being managed by the implementation of the school's updated travel plan.

Cycle Parking

3.79 DMLP Policy DM J5 states that there should be 1 cycle parking space per 2 students. This would mean a provision of 400 cycle spaces based on a maximum pupil capacity of 800. It is considered, however, that on this existing school site this would result in an overprovision and there are site constraints which need to be taken in to consideration. The applicant makes reference to The London Plan standard which is 1 space per 8 staff and 1 space per 8 students (long stay) and 1 space per 100 students (short stay). This would result in a minimum of 126 long stay cycle parking spaces and 8 short stay cycle parking spaces. The school currently has forty three cycle parking spaces. As the proposal would not principally aim to increase pupil numbers at the site it is considered that the school's proposal for 40 additional cycle parking spaces on site is a reasonable compromise position, which would see cycle provision on site almost double. It is proposed by the school to continue to monitor cycle usage via the School Travel Plan, and should usage exceed the proposed level of cycle parking provision in future this would then be identified via this process and could subsequently be increased to meet demand.

3.80 The main impact of the development in highway terms would be at construction stage. Conditions 32 and 34 require the submission of a Demolition Logistics Plan and a Construction Logistics Plan prior to the commencement of development which would consider the construction impacts on the highways and potential mitigation. It is required that the applicant enter into a legal agreement in order to ensure repair of any damage to the public highway during the works.

3.81 Officers consider that subject to conditions relating to the submission of an updated school travel plan and the provision of demolition and construction logistics plans, the development would not detrimentally impact on the highway network and would be in accordance with London Plan policy 6.3, Core Strategy policy T1, DM LP policy DM J1 and SPD Transport Policies 2 and 28.

ENVIRONMENTAL MATTERS

Flood Risk

3.82 Policies relating to flood risk seek to ensure that development proposals reduce the impact of flooding on sites. London Plan policy 5.12 'Flood Risk Management' states that development proposals must comply with the flood risk assessment and management requirements set out in the NPPF and its Technical Guidance.

3.83 Borough Wide Strategic Policy CC2 'Water and Flooding' expects all development proposals to minimise current and future flood risk and adverse effects of flooding on communities. Policy DM H3 of the Development Management Local Plan 'Reducing Water and the Risk of Flooding' requires development proposals to reduce the use of water and minimise existing and future flood risk. These policies are supported by SPD Sustainability Policy 1, which requires the submission of information relating to flood risk.

3.84 As required, a Flood Risk Assessment (FRA) has been submitted with the application as the site is located within the Environment Agency's Flood Zones 2 and 3. This indicates a high potential risk to flooding from the Thames, although this risk rating does not take account of the high level of flood protection provided by the Thames Barrier and local river wall defences. The residual risk to flooding from the Thames is considered to be low. In terms of surface water flood risk, there are no flooding hotspots on the school site according to the Council's Surface Water Management Plan, although there are parts of the site that could be susceptible to some flooding during an intense storm event. The area is known to be at risk of sewer flooding, with Thames Water being aware of over 400 sewer flooding incidents. Elevated groundwater is not considered to be an issue at the site. The flood risk matters are considered to be acceptable, and London Plan and local policy requirements would be met.

Sustainable Drainage

3.85 Policy 5.13 of The London Plan 'Sustainable Drainage' states that 'Development proposals should utilise sustainable urban drainage systems (SuDS) unless there are practical reasons for not doing so', and that they should aim to achieve greenfield run-off rates. SPD Sustainability Policy 2 requires the submission of supporting information relating to Sustainable Drainage (SuDS) and SPD Sustainability Policy 23 requires development to integrate SuDS where appropriate.

3.86 A Sustainable Drainage System (SuDS) has been designed into the proposed development. It is proposed to manage surface water run-off from the new building and associated landscaped area by infiltration into the ground. This will be done by providing permeable surfaces to allow direct infiltration and where this is not possible, run-off will be directed to a new soakaway. The new building also includes a green roof which will also help reduce run-off. Run-off from the existing buildings will also be managed by directing run off to a new soakaway. An existing attenuation tank is to be converted into a storage tank for water that will be used for landscape irrigation. An existing attenuation tank will be retained as part of the overall scheme. Infiltration tests are yet to be carried out but these will be done prior to the construction. As the site has a soakaway in situ already, it is expected that soils in other parts of the site will be suitable for the new soakaways which will be designed to allow infiltration of all flows in a 1 in 100 year storm event with an allowance for climate change.

3.87 It is recommended the submission of details of the Sustainable Drainage Strategy are required by suggested condition No.11, for approval by the Council which show how surface water will be managed on-site in-line with the proposals outlined in the Strategy for Site Drainage Report in accordance with London Plan policy 5.13. Compliance with the revised FRA submitted is required by suggested condition No.12,

Sustainable Design and Construction and Carbon Reduction

3.88 Policy 5.2 of The London Plan sets out the Mayor's 'energy hierarchy' and requires major developments to demonstrate a 40% reduction in CO₂. Core Strategy Policy CC1 'Reduce Carbon Emissions and Resource Use and Adapt to Climate Change Impacts' requires developments to make the fullest possible contribution to the mitigation of, and adaptation to, climate change.

3.89 Development Management Local Plan policy DM H1 'Reducing Carbon Dioxide Emissions' requires development proposals to implement energy conservation measures.

3.90 As required, an Energy and Sustainability Statement has been provided with the application which provides details on planned works for the refurbishment of the existing buildings, a number of which are Grade II listed, and the construction of a new building. High levels of sustainability are planned across the site in a number of areas. Water efficient fixtures and fittings are planned for the existing and new buildings which would minimise use of potable water. Rainwater collection and re-use for irrigation of landscaped areas is also planned. Construction materials with low environmental impacts would be specified where possible. Dedicated storage space for rubbish and recyclable waste would be provided and recycled materials would be used during construction where possible. Waste generated during the construction phase would also be minimised. The ecology of the site would be improved by integrating soft landscaping and green roofs. Pollution levels from the heating systems would be minimised by specifying low NO_x emission boilers, light and noise pollution issues would also be taken into account and minimised. The levels of sustainability achieved across both the existing and new building are acceptable.

3.91 In terms of energy use and CO₂ reduction, the assessment shows that the planned energy efficiency and low/zero carbon measures in the new building are calculated to reduce emissions by 37% compared to the minimum requirements of the Building Regulations 2013. If built to meet the Building Regulations, the annual CO₂ emissions for the site are calculated to be 19 tonnes for regulated energy use. Energy efficiency measures such as improved insulation, use of energy efficient lighting and other plant and equipment, use of efficient gas boilers and solar PV panels mounted on the roof are calculated to reduce annual emissions by 7 tonnes (details of their design impact are required by suggested condition No.13). This meets The London Plan minimum CO₂ reduction target of 35%.

3.92 For the existing buildings that are being refurbished, there are some proposed works to the building fabric which would improve their performance in terms of energy use and associated CO₂ emissions. These mainly involve thermal insulation and double glazing improvements. More energy efficient plant and equipment is also planned in relation to provision of heating systems and lighting.

3.93 Condition 14 is recommended, which requires the implementation of the carbon reduction measures and sustainable design and construction techniques proposed in accordance with London Plan policy 5.3 and policies CC1 and CC2 of the Core Strategy.

Air Quality

3.94 Proposals for major developments are required to submit an Air Quality Assessment to show the potential impacts that the new development could have on local air quality, and also to consider possible issues relating to exposure to poor air quality if sensitive receptors are to be located on site, in accordance with DM Local Plan policy DM H8, Core Strategy policy CC4 and London Plan policy 7.14. Guidance on Air Quality Assessments is also contained in the Council's Planning Guidance SPD.

3.95 An Air Quality Statement has been submitted with the application. The proposed development would reduce the amount of car parking which would very likely reduce the number of vehicular trips and consequently reduce air pollution. The submitted Air Quality Statement states that the development is not expected to cause any significant additional emissions. The potential for exposure to pollution levels above the Government's air quality objective levels would also be minimised as the new senior school building would be located away from busy roads. It is proposed to naturally ventilate the new building in the summer through opening windows, and in the winter ventilation would be provided via a mechanically ventilated heat recovery system with air handling units located at roof level.

3.96 The demolition and construction phases could cause some temporary air quality impacts, though these can be controlled and minimised by implementing appropriate mitigation measures. Some measures are outlined in the submitted Draft Construction Management Plan, but further details should be submitted to show that best practice measures such as those outlined in the GLA's guidance on controlling dust and emissions from construction and demolition would be implemented to minimise potential impacts. This would be addressed in the highways plans required. The suggested conditions Nos.33 and 35 requiring submission for approval of demolition management plan (including a demolition method statement) and a construction management plan would help to ensure that these impacts are mitigated during the implementation of the development works.

3.97 No objection is therefore raised to the proposal in regards to policy DM H8 of the Development Management Local Plan, which requires all major applications to demonstrate that developments would not worsen local air quality or contribute to exceeding the Government's air quality objectives, Core Strategy policy CC4 and London Plan policy 7.14.

OTHER MATERIAL CONSIDERATIONS

CONTAMINATED LAND

3.98 Section 7 of the NPPF 'Conserving and enhancing the natural environment' says that the planning system should contribute to and enhance the natural and local environment by remediating contaminated land where appropriate. This is supported by policy 5.21 of The London Plan.

3.99 At a local level, Borough Wide Strategic Policy CC4 of the Core Strategy relates to protecting and enhancing environmental quality and says that measures should be taken to manage and minimise the risk of contamination. Policies DM H7 and H11 of the DM LP require that where a sensitive use is proposed, an assessment should be made of potential contamination. SPD Amenity Policy 3 'Developer responsibility' identifies that an adequate site investigation should be carried out to inform a risk assessment. SPD Amenity Policy 6 recommends arranging pre-application discussions with LBHF contamination officers to discuss specific sites.

3.100 A site assessment report was carried out in September 2014. This identified a low potential for contaminated land, and pre-application discussions with Contaminated Land Officers followed. It was agreed that a precautionary approach would be taken based on Officers' experience of unexpected contaminant vapours on other sites in the Borough. A site investigation was therefore carried out based on a scope of works agreed with the Council. Land gas monitoring was carried out, samples revealing that levels were below the assessment criteria and overall no significant land gases were identified in terms of the proposed development.

3.101 The applicant's consultants consider that no further investigation work or remediation work is required in connection with the proposed development and that the site is low risk in terms of the potential for contamination. These findings have been assessed by Officers, and are considered to be sufficient to demonstrate that the risks of contamination at the site are understood and that contaminated land conditions are not required. An informative (suggested informative No.2) is therefore suggested advising that the applicant is advised to contact the Council should any unexpected staining or malodours be encountered during the redevelopment.

SECURED BY DESIGN

3.102 Policy DM G1 of the Development Management Local Plan requires developments to provide a safe and secure environment and adhere to the principles of Secured by Design. The applicants have submitted a letter from the Crime Prevention Design Advisor for Hammersmith indicating that the proposed development should meet the Secured by Design requirements. Condition 26 is recommended, requiring the submission of a statement of how 'Secured by Design' elements would be achieved on site.

EQUALITIES ACT

3.103 In accordance with the provisions of the Equality Act 2010, the Council is required to have due regard to its public sector equality duty. These matters have been considered, and Officers' view is that the proposal would not affect individual users or groups of users of the school or residents to an unreasonable or disproportionate degree. In the longer term the proposal would secure improved school and community facilities to the benefit of individual users and groups of users.

PLANNING OBLIGATIONS

CIL

3.104 Mayoral CIL came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. In this case, the

application proposes a building and extensions for educational use for which the CIL levy is currently set at £0 per square metre. So, the applicant is, in effect, exempt from payment of Mayoral CIL.

3.105 Hammersmith & Fulham's local CIL came into effect in September 2015 and is a material consideration to which regard must be had when determining this planning application. In this case, the application proposes a building and extensions for educational use for which the local CIL levy is currently set at £0 per square metre. So, the applicant is, in effect, exempt from payment of local CIL.

LEGAL MATTERS

3.106 The applicant has agreed to enter into a legal agreement to link this application for the main school site to the application Ref. 2015/02037/FUL at St Paul's Girls' School Playing Fields and Pavilion, Bute Gardens, London W6 7DR, which is also currently under consideration on this agenda. The link between the two applications is necessary as hard games courts would be removed from the rear of the main school site as part of this application and the legal agreement would ensure that the works at the playing fields site are carried out to ensure no significant loss in overall games provision. The legal agreement would also require the applicant to enter into a S278 agreement for any repairs of the highway required following construction.

4.0 CONCLUSIONS and RECOMMENDATION

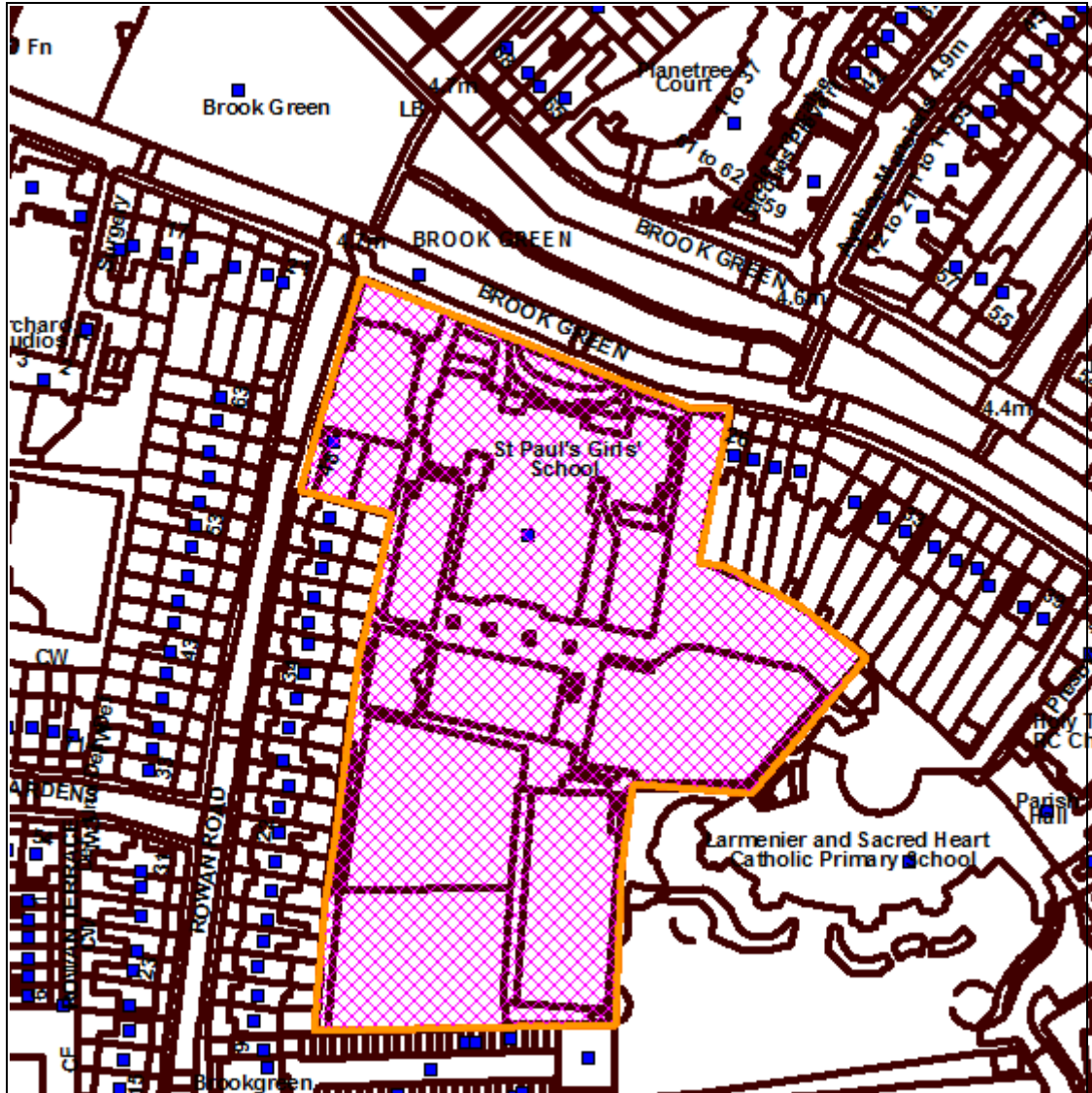
4.1 Officers consider that the land use matters are acceptable, including community use, and that the development would provide a valuable facility which meets an identified need for the school. The new building is considered to be of a high quality of design having regard to the needs of the building's users and the character and appearance of the area and surrounding listed buildings. The character and appearance of the conservation area and the setting of the adjacent listed buildings and Buildings of Merit would be preserved. Any harm to the character and appearance of the listed buildings would be less than substantial and would be outweighed by public benefits including securing the optimum viable use of the designated heritage assets on the site. It is also considered that the proposal would not result in harmful levels of traffic generation or impact on on-street parking, and would not have a demonstrably harmful impact on the amenities of surrounding residents. The proposal would deliver a secure, environmentally sustainable and accessible development and would not be at risk from contamination. Subject to conditions the development would not have a further impact on flood risk.

4.2 It is therefore recommended that planning permission be granted, subject to conditions and a legal agreement, and also that listed building consent be granted, subject to conditions.

Ward: Avonmore And Brook Green

Site Address:

St Pauls Girls School Brook Green London W6 7BS



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Reg. No:
2015/02036/LBC

Case Officer:
Matthew Lawton

Date Valid:
11.05.2015

Conservation Area:
Brook Green Conservation Area - Number 3

Committee Date:
09.12.2015

Applicant:

Brook Green London W6 7BS United Kingdom

Description:

Erection of a new part single, part two storey senior school building at the southern end of the site; extension of the art classrooms at second floor level of the Main school building at the rear over existing terraces; enclosure of spaces between the Main building and The Forum and Rosalind Franklin buildings by erection of glazed structures; erection of new single storey Porters' Lodge fronting Brook Green; internal refurbishment and reconfiguration of parts of the Main building, the Forum and the Rosalind Franklin buildings; internal works to the Science building and alterations to create a new entrance in the southern elevation of the Science building; demolition works including the demolition of the boiler house and flue; landscaping, alterations to boundary treatments and other associated works.

Drg Nos: 1377-M-G100-P-00-001 Rev-01; 1377-MB-G200-P-LG Rev 01; 1377-MB-G200-P-00 Rev 01; 1377-MB-G200-P-01 Rev 01; 1377-MB-G200-P-02 Rev 01; 1377-MB-G200-P-RF Rev 01; 1377-MB-G200-E-01 Rev 02; 1377-MB-G200-E-02 Rev 01; 1377-MB-G200-S-01 Rev 01; 1377-MB-G200-S-02 Rev 01; 1377-MB-G200-S-03; 1377-MB-G200-S-04 Rev 01; 1377-MB-G200-S-05; 1377-MB-G200-S-06; 1377-SB-G200 E-01; 1377-SB-G200 P-LG; 1377-SB-G200 P-00; 1377-SB-G200 P-01; 1377-NB-G200 S01; 1377-NB-G200 S02; 1377-NB-G200 S03; 1377-NB-G200 E-01; 1377-NB-G200 E-02 Rev 01; 1377-NB-G200 P-00 Rev 02; 1377-NB-G200 P-01 Rev 01; 1377-NB-G200 P-RF; 1377-MB-JC20-XE-01 Rev 01; 1377-MB-JC20-XS-01 Rev 01; 1377-MB-JC20-XS-02; 1377-MB-JC20-XS-03; 1377-MB-JC20-XS-04 Rev 01; 1377-MB-JC20-XS-05; 1377-MB-JC20-XS-06; 1377-MB-JC20-XP-LG Rev 01; 1377-MB-JC20-XP-00 Rev 01; 1377-MB-JC20-XP-01 Rev 01; 1377-MB-JC20-XP-02 Rev 01; 1377-MB-JC20-XP-RF Rev 01; 1377-NB-JC20-XP-00; 1377-SB-JC20-XE-01; 1377-SB-JC20-XP-LG; 1377-SB-JC20-XP-00; 1377-SB-JC20-XP-01.

Application Type:

Listed Building 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 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 building, in accordance with Development Management Local Plan (2013) policies DM G1, DM G3 and DM G7, and Core Strategy (2011) policy BE1.

- 3) The demolition works hereby permitted shall not be undertaken before an internal and external photographic survey has been submitted to, and approved in writing by, the Council, and a copy of the approved photographic study has been submitted to the Council's Local Archive at Hammersmith Library.

To ensure that the demolition does not take place prematurely and to safeguard the special architectural or historic interest of the building, in accordance with Development Management Local Plan (2013) policies DM G1, DM G3 and DM G7, and Core Strategy (2011) policy BE1.

- 4) The demolition works hereby permitted shall not be undertaken before:
 - (i) a building contract for the development of the site in accordance with this application and planning permission ref: 2015/02035/FUL has been entered into, and a signed copy of the building contract has been submitted to, and approved in writing by, the Council;
 - (ii) written notice of the start date for the demolition process has been submitted to the Council. Such notification shall be to the Council's Head of Development Management and shall quote the application reference number specified in this decision letter.

To ensure that the demolition does not take place prematurely and to safeguard the character and appearance of the conservation area and the settings of the listed buildings and Buildings of Merit, in accordance with policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 5) No demolition or construction shall commence prior to the submission and approval in writing by the Council of details of a scheme for the temporary fencing and/or enclosure of the site, and the temporary fencing/means of enclosure has been constructed in accordance with the approved details. The enclosure shall be retained for the duration of the demolition and construction 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, in accordance with policy BE1 of the Core Strategy 2011, and policies DM G3 and DM G7 of the Development Management Local Plan 2013.

- 6) The demolition works hereby permitted shall not be undertaken before a specification of works has been submitted to, and approved in writing by, the Council. The demolition works shall be carried out in accordance with the approved details.

To ensure that the demolition does not take place prematurely and to safeguard the character and appearance of the conservation area and the settings of the listed buildings and Buildings of Merit, in accordance with policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 7) The demolition works hereby permitted shall not be undertaken before detailed interior drawings in plan, section and elevation at a scale of 1:20; details of the internal fit out and internal surfaces including walls and flooring; details of the treatment of all existing brickwork to be internalised and samples of all new

internal brickwork have been submitted to, and approved in writing by, the Council. The works shall subsequently be undertaken in accordance with the approved details.

To ensure that the demolition does not take place prematurely and to safeguard the character and appearance of the conservation area and the settings of the listed buildings and Buildings of Merit, in accordance with policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 8) The demolition works hereby permitted shall not be undertaken before a method statement for the salvage, secure storage and reuse of the stone doorcase to the boiler room have been submitted to, and approved in writing by, the Council. The works shall subsequently be undertaken in accordance with the approved method statement.

To ensure that the demolition does not take place prematurely and to safeguard the character and appearance of the conservation area and the settings of the listed buildings and Buildings of Merit, in accordance with policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 9) The demolition works hereby permitted shall not be undertaken before a method statement for the protection, restoration and preservation in situ of the curved boiler house chimney stack and supporting arch has been submitted to, and approved in writing by, the Council. The works shall subsequently be undertaken in accordance with the approved method statement and the curved boiler house chimney stack and supporting arch shall be permanently retained in situ.

To ensure that the demolition does not take place prematurely and to safeguard the character and appearance of the conservation area and the settings of the listed buildings and Buildings of Merit, in accordance with policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 10) The works hereby approved shall not be undertaken before a method statement for the protection of and preservation in situ of the curved brick buttresses to the western and southern boundary walls has been submitted to, and approved in writing by, the Council. The works shall subsequently be undertaken in accordance with the approved method statement and the curved brick buttresses permanently retained in situ.

To ensure that the demolition does not take place prematurely and to safeguard the character and appearance of the conservation area and the settings of the listed buildings and Buildings of Merit, in accordance with policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 11) The date plaques to the western and southern boundary walls shall be permanently retained in situ.

To safeguard the historic interest of the heritage assets, in accordance with policy DM G7 of the Development Management Local Plan 2013.

Justification for Approving the Application:

- 1) The scale of the development would not be out of keeping with existing buildings on site. The proposed works would not result in substantial harm to heritage assets. It is considered that any harm to the character and appearance of the listed buildings would constitute less than substantial harm and would be outweighed by the public benefits of the proposals including securing the optimum viable use of the listed buildings on the site.

In these respects the proposal is considered to comply with paragraphs 129, 131, 132 and 134 of the NPPF; London Plan policies 7.1, 7.4, 7.6, 7.8 and 7.9; Core Strategy (2011) policy BE1; Development Management Local Plan (2013) policies DM G1, DM G3 and DM G7 and Planning Guidance Supplementary Planning Document (2013) SPD Design Policies 31, 34, 46, 52, 55, 56, 61, 62 and 63.

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

All Background Papers held by Andrew Marshall (Ext: 3340):

Application form received: 1st May 2015
Drawing Nos: see above

Policy documents: National Planning Policy Framework 2012
The London Plan 2011 and Revised Early Minor Alterations to The London Plan, 2013
Core Strategy 2011
The Development Management Local Plan 2013
Planning Guidance Supplementary Planning Document July 2013

Consultation Comments:

Comments from:	Dated:
Council For British Archaeology	10.07.15
Historic England London Region	19.06.15
Historic England London Region	15.10.15

Neighbour Comments:

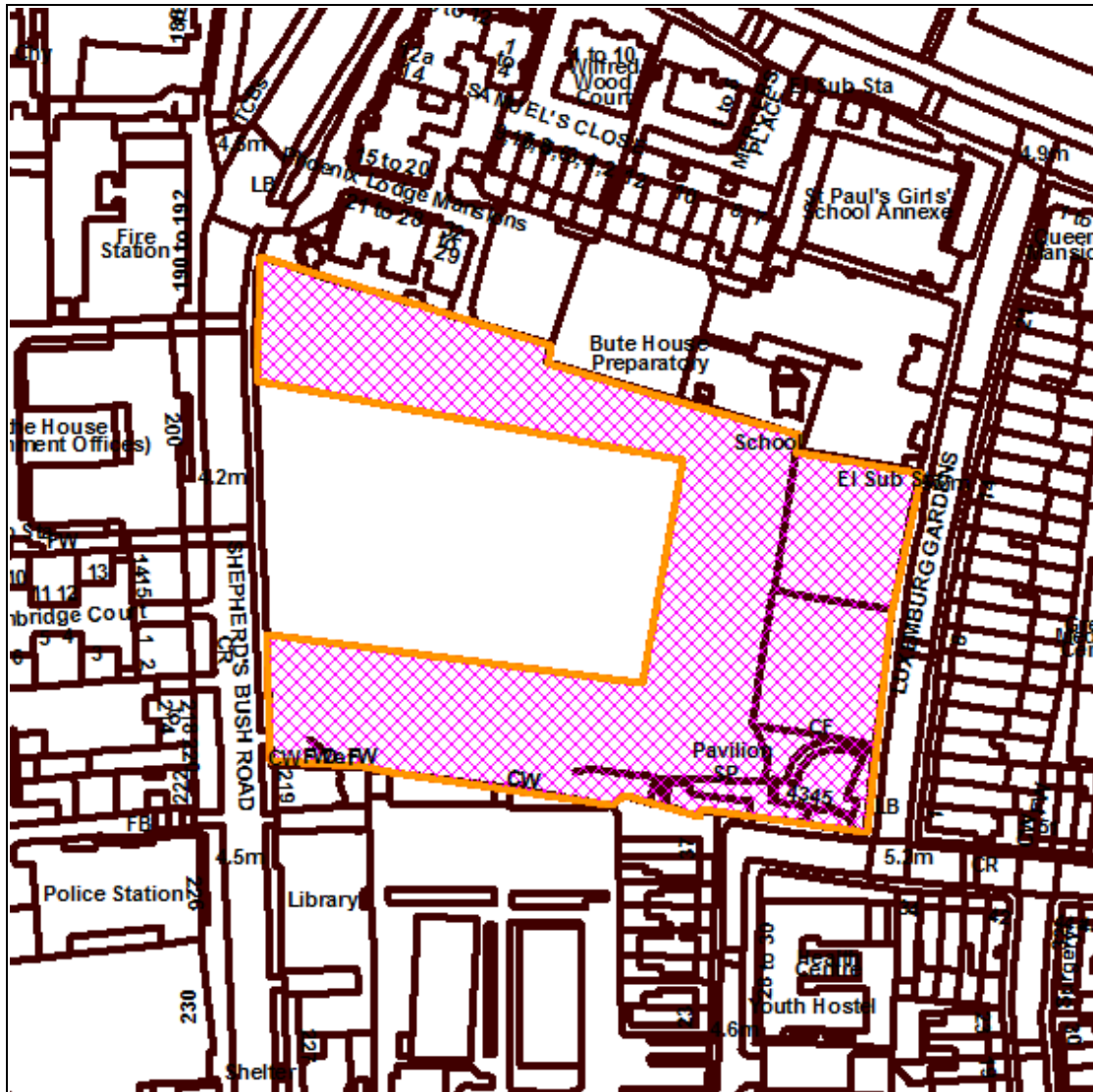
Letters from:	Dated:
19 Avenue Road Pinner HA5 3EZ	04.06.15
47 Hammersmith Grove London W6 0NE	02.06.15
3 Lower Addison Garden London W14 8BG	02.06.15
70 Sterndale Road London W14 0HU	02.06.15
24 Wellington Road London NW8 9SP	02.06.15
8 Rowan Road London W6 7DU	22.06.15
42 Greenside Road London W12 9JG	28.09.15

Please see Officers' report for planning application 2015/02035/FUL.

Ward: Avonmore And Brook Green

Site Address:

St Paul's Girls' School Playing Fields And Pavilion Bute Gardens
London W6 7DR



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For identification purposes only - do not scale.

Reg. No:
2015/02037/FUL

Case Officer:
Matthew Lawton

Date Valid:
11.05.2015

Conservation Area:
Brook Green Conservation Area - Number 3

Committee Date:
09.12.2015

Applicant:

Brook Green London Hammersmith and Fulham W6 7BS
United Kingdom

Description:

Demolition of the existing sports pavilion building and ancillary residential accommodation; erection of a replacement part single, part two storey pavilion building in the south eastern corner of the site, containing two activity/hospitality spaces, changing rooms and first floor terrace; demolition of existing and erection of replacement single storey maintenance and storage structures along southern site boundary; repositioning, relaying and extension of sports courts, including increase in hard courts by 720sqm to provide an additional tennis court and two additional netball courts; new long jump, high jump and discuss cage and other associated works.

Drg Nos: 1377-SP-JC20-XP-01.1377-SS-G100-P-00-001; 1377-SP-G200-E-01 Rev.04; 1377-SP-G200-E-02 Rev.04; 1377-SP-G200-P-00 Rev.03; 1377-SP-G200-P-01 Rev.04; 1377-SP-G200-P-02 Rev.03; 1377-SP-G200-S-01 Rev.02; 1377-SP-JC20-XP-00;

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 carried out and completed only in accordance with the approved drawings, Nos.:

1377-SS-G100-P-00-001; 1377-SP-G200-E-01 Rev.04; 1377-SP-G200-E-02 Rev.04; 1377-SP-G200-P-00 Rev.03; 1377-SP-G200-P-01 Rev.04; 1377-SP-G200-P-02 Rev.03; 1377-SP-G200-S-01 Rev.02; 1377-SP-JC20-XP-00; 1377-SP-JC20-XP-01.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with policy BE1 of the Core Strategy 2011 and policies DM G1, DM G3 and DM G7 of the Development Management Local Plan 2013.

- 3) No development shall take place until details, including samples and colours of all materials to be used in the construction of the external surfaces of the development have been submitted to, and approved in writing by, the Council. The facilities shall not be used until the development has been carried out in accordance with the approved details, and it shall thereafter be permanently retained as such

In order that the Council may be satisfied as to the details of the development in the interests of visual amenity of the area in accordance with Policies DM G1 and DM G7 of the Development Management Local Plan, 2013 and Policy BE1 of the Core Strategy, 2011.

- 4) The development hereby permitted shall not be occupied or used before details, and samples of surface materials, of the soft and hard landscaping of all areas external to the buildings, including planting, planting schedules, paving, boundary walls, fences, gates and other means of enclosure, and details of defensive planting to the southern and eastern boundaries, have been submitted to and approved in writing by the Council. The development shall thereafter be carried out in accordance with the approved details.

To ensure a satisfactory external relationship with its surroundings in accordance with Policies Policy BE1 of the Core Strategy 2011 and Policies DM G1, DM G3 and DM G7 of the Development Management Local Plan 2013.

- 5) All planting, seeding and turfing approved as part of the submitted landscaping scheme shall be carried out in the first planting or seeding seasons following the first use of the pavilion building or the completion of the development, whichever is the sooner; and any trees or shrubs which die, are removed or become seriously damaged or diseased within 5 years of the date of the initial planting shall be replaced in the next planting season with others of similar size and species.

To ensure a satisfactory provision for planting, in accordance with Policy DM E4 of the Development Management Local Plan 2013.

- 7) Any material changes to the external appearance of the development hereby permitted, including the installation of air-handling units, ventilation fans or extraction equipment, must first be submitted to, and approved in writing by, the Council prior to their installation. Any alterations shall be implemented in accordance with the details that are approved.

To ensure a satisfactory external appearance and prevent harm to the street scene, and to safeguard the amenities of neighbouring residential occupiers, in accordance with policies DM G1, DM G7, DM H9 and DM H11 of the Development Management Local Plan 2013.

- 8) The development hereby permitted shall not be used until full details of refuse storage, including provision for the storage of recyclable materials, have been submitted to, and approved in writing by, the Council. The details shall include elevational details of any proposed storage enclosure. Such details as approved shall be installed prior to the use of the development hereby approved and thereafter be permanently retained.

In order to ensure that the development provides adequate waste storage, in accordance with policy DM H5 of the Development Management Local Plan (2013) and the Planning Guidance Supplementary Planning Document (2013).

- 9) The building development hereby permitted shall not be occupied or used until full details (including elevational drawings) of proposed covered cycle racks for 8 bicycles have been fully submitted to, and approved in writing by, the Council. The

cycle parking shall be provided on the site prior to the first occupation or use of the building and shall thereafter be permanently retained.

To ensure the provision and permanent retention of the cycle parking spaces for parking purposes, in accordance with policy DM J5 of the Development Management Local Plan (2013).

- 10) The development shall not commence until a statement of how 'Secured by Design' requirements are to be adequately achieved has been submitted to and approved in writing by the Council. The approved details shall be carried out prior to use 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 DM G1 of the Development Management Local Plan, 2013.

- 11) The development hereby permitted shall not commence until a Sustainable Drainage Strategy, based on sustainable drainage principles, which details how surface water will be managed on-site in-line with the proposals outlined in the Flood Risk Assessment prepared by Environ (Ref.UK11-20640, Issue 3, dated August 2015). Information should include details on the method of discharge (infiltration or attenuation with controlled release) and their attenuation capability. If above ground storage is to be used, details of this should also be provided. The proposed Sustainable Drainage System (SuDS) measures shall be installed as part of the development in order to manage surface water run-off from all storms up to and including a 1:100 year storm with a 30% provision for climate change, and to achieve a storage volume of approximately 253m³ and an attenuated discharge rate of 3L/s. The Strategy should also include detailed maintenance information to show that the SuDS measures integrated into the site will be maintained for the lifetime of the development to ensure they operate as required. The Strategy shall be implemented in accordance with the approved details prior to use of the development hereby permitted, and thereafter all SuDS measures shall be retained and maintained in accordance with the approved details.

To prevent any increased risk of flooding and to ensure the satisfactory storage of/disposal of surface water from the site in accordance with Policy CC2 of the Core Strategy 2011 and policy 5.13 of The London Plan 2015.

- 12) The development hereby permitted shall not be used or occupied until a Service Management Plan has been submitted to, and approved in writing by, the Council. The plan shall specify the number of weekly deliveries and size of vehicles to be used, as well as the times for deliveries. The development shall only be used in accordance with the details approved in the Service Management Plan.

To ensure satisfactory provision for servicing and to prevent noise and disturbance to neighbouring residents, in accordance with policies DM J1 and DM H11 of the Development Management Local Plan 2013, and SPD Transport Policy 34 of the Planning Guidance Supplementary Planning Document 2013.

- 13) Prior to commencement of the use, 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, including the height of the extract duct

and vertical discharge outlet, 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 policies DM H9 and DM H11 of the Development Management Local Plan 2013.

- 14) The development hereby permitted shall not be used for the display of advertisements, and no advertisements shall be installed on the buildings hereby permitted without the prior written approval of the Council.

To ensure a satisfactory external appearance and prevent harm to the street scene and the conservation area, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM G1 and DM G7 of the Development Management Local Plan 2013.

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

To ensure that that the visual impact of telecommunication equipment can be considered in accordance with Policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 16) No demolition or construction shall commence prior to the submission and approval in writing by the Council of details of a scheme for the temporary fencing and/or enclosure of the site, and the temporary fencing/means of enclosure has been constructed in accordance with the approved details. The enclosure shall be retained for the duration of the demolition and construction works.

To ensure that the site remains in a tidy condition during demolition works and the construction phase and to prevent harm to the street scene, in accordance with policy BE1 of the Core Strategy 2011, and policies DM G3 and DM G7 of the Development Management Local Plan 2013.

- 17) Prior to the use of the development hereby approved, the existing School Travel Plan shall be updated. Thereafter it shall be reviewed annually, in line with Transport for London's STAR Framework, to a minimum of 'Bronze' standard.

To ensure that the development does not generate an excessive number of car trips which would be contrary to the Council's policies of car restraint set down in policy DM J2 of the Development Management Local Plan, 2013 and policy T1 of the Core Strategy, 2011.

- 18) No tannoys or public address systems shall be used, unless details are first submitted to, and approved in writing by, the Council. Approved details shall be implemented prior to use and thereafter be permanently retained.

To ensure that the amenity of occupiers in surrounding premises is not adversely affected by noise, in accordance with policies DM H9 and DM H11 of the Development Management Local Plan 2013.

- 19) Prior to the installation of any machinery or plant, details of anti-vibration measures shall be submitted to, and approved in writing by, the Council. The measures shall ensure that machinery, plant/ equipment and extract/ ventilation systems and ducting are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced and maintained as such. 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 vibration, in accordance with policies DM H9 and DM H11 of the Development Management Local Plan 2013.

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

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment, in accordance with policy DM H9 and DM H11 of the Development Management Local Plan 2013.

- 21) The development hereby permitted shall not commence until detailed drawings of a typical bay for each elevation of the pavilion building at a scale of no less than 1:20 and detailed drawings in plan, section and elevation are submitted to, and approved in writing by, the Council. The facilities shall not be used until the development has been carried out in accordance with the approved details, and it shall thereafter be permanently retained as such.

To ensure a satisfactory external appearance, in accordance with Policies DM G1, DM G3 and DM G7 of the Development Management Local Plan, 2013 and Policy BE1 of the Core Strategy, 2011.

- 22) The development hereby permitted shall not commence until full details of how the development proposal provides an inclusive and accessible environment have been submitted to, and approved in writing by, the Council. The approved details shall then be implemented and retained thereafter in this form.

To ensure that the proposal provides an inclusive and accessible environment in accordance with policy DM G1 of the Development Management Local Plan (2013) and The London Plan (2015) policy 7.2.

- 23) The sports pitches/courts hereby permitted shall only be used between the hours of 06:00 and 20:00 Mondays to Fridays and between 08:00 and 18:00 on Saturdays and Sundays.

To ensure that nearby residents are not unduly disturbed by noise pollution, in accordance with policy DM H9 of the Development Management Local Plan 2013.

- 24) The pavilion building hereby permitted shall only be used between the hours of 06:00 and 22:00 Mondays to Fridays, and between 08:00 and 21:00 on Saturdays and Sundays.

To ensure that surrounding residents are not unduly affected by noise disturbance, in accordance with policy DM H9 of the Development Management Local Plan 2013.

- 25) Other than the terrace hereby approved at first floor level as shown on the drawing No.1377-SP-G200-P-01 Rev.04, no alterations shall be carried out to the flat roofs of the development hereby permitted to create a terrace or other amenity space. No railings or other means of enclosure shall be erected around the roofs and no alterations shall be made to form access onto the roofs.

The formation/use of a terrace would be harmful to the existing amenities of the occupiers of neighbouring residential properties as a result of overlooking and loss of privacy and the generation of noise and disturbance, contrary to policy DM H11 of the Development Management Local Plan (2013) and SPD Housing Policy 8 of the Planning Guidance Supplementary Planning Document (2013).

- 26) The development hereby permitted shall not commence until details and samples of the 1.7m high timber screen as measured from the floor level of the terrace, as shown on the drawings Nos.1377-SP-G200-P-01 Rev.04; ; 1377-SP-G200-E-01 Rev.04; 1377-SP-G200-E-02 Rev.04; 1377-SP-G200-S-01 Rev.02, to be used in connection with the roof terrace have been submitted to, and approved in writing by, the Council. The use of the terrace shall not commence until the screening, as approved has been installed and it shall be permanently retained as such thereafter.

In order to ensure that the glazing would not result in overlooking and any subsequent loss of privacy, in accordance with policies DM G3 and DM A9 of the Development Management Local Plan, 2013, and SPD Housing Policy 8 (ii) of the Planning Guidance Supplementary Planning Document, 2013.

- 27) The use of the development hereby permitted shall not commence until a Community Use Agreement has been submitted to, and approved in writing by, the Council. The Community Use Agreement shall be prepared in consultation with Sport England. The agreement shall apply to the sports facilities and pavilion building and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and any other relevant community use matters. The development shall not be used at any time other than in compliance with the approved agreement.

To ensure availability of managed facilities for the local community and to ensure sufficient benefit to the development of sport, in accordance with policies DM D1,

DM D2, DM H9 and DM H11 of the Development Management Local Plan, 2013, and policies CF1 and CC4 of the Core Strategy, 2011.

- 28) Prior to installation of any external artificial lighting, details shall be submitted to, and approved in writing by, the Council. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011'. Details shall also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. 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 policies DM H10 and DM H11 of the Development Management Local Plan, 2013.

- 29) The development hereby approved shall be implemented only in accordance with the recommendations made by the Development Site Impact Assessment & Method Statement, prepared by Bartlett Consulting Ref.JH/150223R/sh dated 22/4/15, and in accordance with BS5837:2012.

To ensure that tree adjacent to the site is retained and to prevent harm during the course of the construction, in accordance with Policy BE1 of the Core Strategy 2011 and Policies DM E4 and DM G7 of the Development Management Local Plan 2013.

- 30) Prior to commencement of the development hereby approved, a Demolition Logistics Plan shall be submitted to, and approved in writing by, the Council. The details shall include the numbers, size and routes of demolition vehicles, provisions within the site to ensure that all vehicles associated with the demolition works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. Approved details shall be implemented throughout the project period.

To ensure that demolition works do not adversely impact on the operation of the public highway, in accordance with policies DM J1 and DM J6 of the Development Management Local Plan (2013).

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

To appropriately mitigate the impact of the development during demolition in terms of noise, vibration, dust, lighting or other emissions from the building site, in

accordance with policies DM H5, DM H8, DM H9, DM H10 and DM H11 of the Development Management Local Plan (2013), Core Strategy 2011 Policy CC4 and London Plan (2015) Policy 7.14.

- 32) Prior to commencement of the development hereby approved, a Construction Logistics Plan shall be submitted to, and approved in writing by, the Council. The details shall include the numbers, size and routes of construction vehicles, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. Approved details shall be implemented throughout the project period.

To ensure that construction works do not adversely impact on the operation of the public highway, in accordance with policies DM J1 and DM J6 of the Development Management Local Plan (2013).

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

To appropriately mitigate the impact of the development during construction in terms of noise, vibration, dust, lighting or other emissions from the building site, in accordance with policies DM H5, DM H8, DM H9, DM H10 and DM H11 of the Development Management Local Plan (2013), Core Strategy 2011 Policy CC4 and London Plan (2015) Policy 7.14.

- 34) The demolition works hereby permitted shall not be undertaken before:

(i) a building contract for the development of the site in accordance with this planning permission has been entered into, and a signed copy of the building contract has been submitted to, and approved in writing by, the Council;

(ii) written notice of the start date for the demolition process has been submitted to the Council. Such notification shall be to the Council's Head of Development Management and shall quote the application reference number specified in this decision letter.

To ensure that the demolition does not take place prematurely and to safeguard the character and appearance of the conservation area and the settings of adjacent listed buildings and Buildings of Merit, in accordance with policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 35) Prior to commencement of the development hereby approved, a sample brick panel detailing brick colour, bond, pointing style and mortar colour shall be produced for on site inspection by council Officers, along with the submission to the Council of samples of these materials, for subsequent approval in writing. The

development shall not be used until works have been carried out in accordance with the submitted material samples and brick sample panel, and the development shall thereafter be permanently retained and maintained as such.

To ensure a satisfactory external appearance, in accordance with policies DM G3 and DM G7 of the Development Management Local Plan, 2013.

- 36) The development hereby permitted shall not be used until details and samples of the proposed fenestration, including opening style, 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 DM G1 and DM G7 of the Development Management Local Plan (2013), and Policy BE1 of the Core Strategy (2011).

- 37) The pavilion building hereby permitted shall not be used until the glazing in the southern elevation has been installed as clear glass; it shall thereafter remain permanently unobscured and shall not be mirrored, tinted or otherwise obscured.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with policies DM G1 and DM G7 of the Development Management Local Plan (2013).

- 38) Pursuant to Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, Classes M and N of Part 7 of Schedule 2 of the said Order (being extensions etc and hard surfaces for schools, colleges, universities and hospitals) (or any Order revoking or re-enacting that Order with or without modification) shall not apply to the school site to which this planning permission relates, and no such development within the curtilage of the school shall take place without planning permission first being obtained.

To enable the Council to retain control over any future development in view of the overall design and integrated appearance of the scheme and the effect of any such development on the external recreational areas of the school and the amenities of the surrounding properties, in accordance with policy DM G1 of the Development Management Local Plan 2013.

- 39) The development hereby permitted shall not commence until a method statement for the protection of the street tree outside the site at 37 Bute Gardens during both demolition and construction phases has been submitted to, and approved in writing by, the Council. The tree shall be protected in accordance with the agreed details during the demolition and construction periods. The statement shall also include measures to provide a replacement street tree, in the event that the tree is damaged during the demolition or construction works.

In order to ensure that a street tree is maintained at this location in the interest of visual amenity, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM E4 of the Development Management Local Plan 2013.

Justification for Approving the Application:

- 1) It is considered that the proposed development is acceptable in land use terms and is consistent with policies on use of open space and sporting facilities. The proposal would provide for an upgrade of the existing facilities, and for community use of the facilities. It is considered that the proposal would preserve the character and appearance of the conservation area and the setting of the nearby heritage assets which include both statutory and locally listed buildings. Subject to conditions, the impact on the amenities of neighbouring residents is considered to be acceptable. There would not be an unacceptable impact on the operation of the highway or on local parking conditions. Subject to conditions the development would be accessible, sustainable, and would not have a further impact on flood risk.

It is therefore considered that the proposal would comply with the National Planning Policy Framework (2012), London Plan (2015) policies 3.1, 3.18, 3.19, 5.12, 5.13, 5.21, 6.3, 7.2, 7.4, 7.6, 7.8 and 7.15 Core Strategy (2011) policies BE1, CC2, CC4, CF1, H1, OS1 and T1, policies DM A1, DM D1, DM D2, DM G1, DM G3, DM G7, DM E1, DM E3, DM E4, DM H1, DM H2, DM H3, DM H5, DM H7, DM H8, DM H9, DM H10, DM H11, DM J1, DM J2, DM J5, DM J6 of the Development Management Local Plan (2013) and SPD Transport Policy 34, and SPD Design Policies 1, 2, 3, 4, 8, 45, 46 and 55, SPD Housing Policy 8, SPD Amenity Policies 3, 6 and 18, SPD Transport Policies 2 and 28, SPD Sustainability Policies 1 and 23 of the Planning Guidance Supplementary Planning Document (2013).

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

All Background Papers held by Andrew Marshall (Ext: 3340):

Application form received: 1st May 2015
Drawing Nos: see above

Policy documents: National Planning Policy Framework 2012
The London Plan 2011 and Revised Early Minor Alterations to The London Plan, 2013
Core Strategy 2011
The Development Management Local Plan 2013
Planning Guidance Supplementary Planning Document July 2013

Consultation Comments:

Comments from:	Dated:
Thames Water - Development Control	28.05.15
Sport England	22.06.15

Neighbour Comments:

Letters from:	Dated:
9 Bute Gardens London W6 7DR	19.06.15
40, Bute Gardens Brook Green London W67DS	26.06.15

1.0 BACKGROUND

1.1 The application site is located on the corner of Bute Gardens and Luxemburg Gardens. The single and two storey pavilion building is sited in the south eastern corner. To the north of the pavilion building are hard surfaced games courts, which are marked out as four tennis courts or two netball courts. The site extends to Shepherd's Bush Road to the west and is bordered by Bute House Preparatory school to the north east and Phoenix Lodge Mansions to the north west. The remainder of the site consists of the playing field and track and field sports facilities for St Pauls' Girls School, which is located nearby on Brook Green. To the south a pair of semi-detached Victorian properties adjacent to the site are locally listed Buildings of Merit, and to the west of these properties is Sacred Heart High School, which is a Grade II* listed building, and to the west of the school, fronting Shepherd's Bush Road, is Hammersmith Library, a grade II listed building.

1.2 The site is located within the Brook Green Conservation Area and is a designated open space. The majority of the site is also located in the Environment Agency's Flood Zones 2 and 3.

1.3 The single and two storey pavilion building on site also contains two 3- bedroom flats at first floor level, which are part of the school's portfolio of residential staff accommodation. At ground floor level the pavilion contains toilet and changing room facilities, along with a flexible use space.

1.4 The proposal seeks planning permission for the demolition of the existing sports pavilion building and ancillary residential accommodation; and erection of a replacement part single, part two storey pavilion building in the south eastern corner of the site, containing two activity/hospitality spaces, changing rooms and first floor terrace; the demolition of existing and the erection of replacement single storey maintenance and storage structures along the southern site boundary; repositioning, relaying and extension of sports courts, including an increase in hard courts by 720sqm to provide an additional tennis court and two additional netball courts; a new long jump, high jump and discuss cage and other associated works.

1.5 There are no relevant planning records relating to the site, however there are other St Paul's Girls' School applications reported elsewhere on this agenda refs.2015/02035/FUL and 2015/02036/LBC. Those applications seek consent for a range of works, including the erection of a new part single, part two storey senior school building in place of existing hardsurfaced games courts. As such those applications relate to this current proposal, as it is proposed in this application to rearrange and extend the hardsurfaced games courts on this site to compensate for the loss on the main school site.

1.6 Prior to submission of the planning application, pre-application discussions took place, in August 2013, January 2015 and April 2015. There were no objections raised to the principle of the development which was proposed, and which has since come forward in these applications.

1.7 Prior to the submission of the application, public exhibitions were held on 4th, 5th & 6th December 2014, and further exhibitions on revised proposals were held on 5th, 6th and 7th February 2015. Local residents and parents of pupils were invited to attend the exhibition. Officers are advised that as a result of the consultation with residents the applicant confirmed that the existing pavilion will be demolished and that the replacement building will use brick and timber as materials which will weather.

2.0 PUBLICITY AND CONSULTATIONS

2.1 The planning application was advertised by letters were sent to 254 surrounding properties. Site and press notices were also published.

2.2 Three neighbours have submitted comments on the proposal from the following addresses: 9 Bute Gardens, 8 Luxemburg Gardens and 40 Bute Gardens.

2.3 The comments can be summarised as follows:

- Questioning the notification process and relating to difficulties viewing the plans online.
- Existing impacts of construction on Bute Gardens from Sacred Heart High School and residential redevelopment of the former Haymarket offices, the additional impact of this development should be considered.
- The road surface in Bute Gardens has deteriorated, what remedial works are proposed?
- Will parking bays in Bute Gardens be suspended or retained? If they are suspended, how long will this be for? What is the proposed duration of the works on site?

2.4 Officers' Response:

- Officers replied to comments questioning the notification process and relating to difficulties viewing the plans online, the latter issue having been resolved and the notifications explained.
- Highways and construction impacts of the development would be controlled by condition Nos.30-33 which require the submission for approval of demolition and construction logistics and management plans.
- The cost of making good any damage to the highway caused by demolition or construction work would be the borne by the developer.
- The applicant would need to make an application to the Highways Authority if they were to propose any temporary suspension of parking bays during the development works.

2.5 Other issues raised will be addressed in the main body of the report, set out in Section 3 below.

2.6 The Environment Agency has commented and raised no objections.

2.7 Thames Water was consulted. They recommend informatives relating to surface water drainage and water pressure.

2.8 Sport England raised no objection to the proposed development on the basis that no existing playing field (which forms part of a playing pitch) would be lost as a result of the proposal. They suggested a condition (condition No.27) relating to their involvement

with a community use agreement for the playing field, tennis courts and changing pavilion.

2.9 Hammersmith and Fulham Disability Forum Planning Group raised no objections.

2.10 Hammersmith and Fulham Historic Buildings Group raised no objections. They consider that the scheme is well considered and should improve facilities and the architecture of the school complex.

2.11 The Society of the Sacred Heart raised objections to the amenity impact on their properties at 37 & 35 Bute Gardens in terms of height, overlooking, noise, proximity, the proposed terrace, the impact on the adjacent street tree in Bute Gardens, the hours of use of the pavilion, the location of plant and refuse storage, potential for external lighting, the impact on the boundary wall between No.37 and the site, the impact on the value of their properties and the impacts of construction including traffic.

2.12 The Hammersmith Society commented that they have no objections to the application and consider that the contemporary design is appropriate and the detailing and landscaping have been well considered.

2.13 The Friends of Brook Green and Brook Green South Residents Association were consulted on the planning application and have not made any comments.

2.14 The Planning issues raised above will be considered in the body of the report below.

3.0 PLANNING CONSIDERATIONS

3.1 The main planning issues to be considered in this case are: land use (including community benefits); design and conservation - relating to layout, height, mass, materials, landscaping and accessibility; impact on the amenities of residents; environmental protection - noise, light; trees; flood risk; highways matters; secured by design and other material considerations, including contaminated land.

3.2 These items are assessed with regard to the policies and standards of the National Planning Policy Framework (NPPF), The London Plan and the Council's Local Development Framework, comprising the Core Strategy, Development Management Local Plan (DM LP) and the Planning Guidance Supplementary Planning Document (PG SPD).

LAND USE and COMMUNITY BENEFITS

3.3 The NPPF paragraph 72 states that weight should be given to the need to create, expand or alter schools. Paragraphs 73 and 74 of the NPPF state that 'Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of Communities'. It also says that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless the open space, buildings or land are surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

3.4 The NPPF is supported by London Plan policies 3.1 'Ensuring Equal Life Chances' and 3.18 'Education Facilities' which promote the enhancement of education facilities to meet the needs of various groups of society. London Plan policy 3.19 states that 'development proposals that increase or enhance the provision of sports and recreation facilities will be supported. Proposals that result in a net loss of sports and recreation facilities, including playing fields should be resisted'.

3.5 Core Strategy Borough Wide Strategic Policy CF1, 'Supporting Community Facilities and Services' supports the improvement and/or expansion of secondary schools. DMLP policy DM D1 'Enhancement of Community Services' sets out that proposals for expanded facilities would be supported, subject to local need, and that they should 'be compatible with and minimise impact on the local environment and be accessible to all in the community they serve'. Core Strategy policy OS1 seeks to improve and protect parks and open spaces.

3.6 Policy DM E1 of the Development Management Local Plan seeks 'to retain existing open spaces, including school playing fields, unless the proposed development would result in a qualitative gain for the local community and provision for replacement open space of equal or greater value elsewhere'.

3.7 In this case, the scheme, when considered in conjunction with the application on the main school site, would result in the loss of two hard surfaced tennis courts; although a provision of five tennis courts would remain, one court more than on the application site at present. On balance, Officers consider that whilst the scheme would result in the loss of two tennis courts, there would be a qualitative gain by the improvement of the existing facilities and the provision of new school facilities on both the application and related main school site; and an additional tennis court on this site, along with the other facilities the application proposes, could be more easily available for use by the wider community on this dedicated sports site.

3.8 The site has a long established educational sports facilities use which would continue under the proposals. The proposal is to redevelop the building in the south eastern corner of the site where there is an existing two storey pavilion building. To the north of the existing pavilion building are existing hard surfaced games courts which currently form four tennis courts or two netball courts. The proposal is part of a wider masterplan for the school which is proposing to construct a new senior school building and works to existing buildings on its main site to the east of this site (and subject to the related planning and listed building consent applications Refs.2015/02035/FUL & 2015/02036/LBC which can be found elsewhere on this agenda), which would result in the loss of two netball or three tennis courts on the main school site. The repositioning, relaying and extension of sports courts, increasing the size of the hard courts by 720sqm and extended hard surfaced area on the application site would result in the provision of an additional tennis court and two additional netball courts (a total provision of four netball or five tennis courts). The application also proposes a new additional long jump and a replacement high jump which are located in the north western corner of the playing field and a new discuss cage which would be located in the south western corner of the site (as opposed to the north western corner where the existing discuss cage is located). Sport England have raised no objections to either this application or that for the loss of sports provision at the nearby main school site, and the school has stated that the level of sports provision would continue to meet its needs in the future once the proposals were implemented.

3.9 The application also includes the demolition of existing, and erection of replacement, single storey maintenance and storage structures along the southern site boundary adjacent to the boundary with No.37 Bute Gardens, and other associated works.

Loss of Residential

3.10 The existing pavilion building contains 2 x 3 bedroom flats which are used by staff and teachers at the school, and are not available to rent on the open market. Core Strategy policy H1 'Housing Supply' seeks to retain existing residential accommodation in the Borough. Development Management Policy DM A1 'Housing Supply' notes that the Council will resist proposals which would result in a net loss of permanent residential accommodation as a result of redevelopment or change of use without replacement.

3.11 The proposal would involve the loss of two existing residential units from the first floor of the pavilion building. These residential units have provided accommodation for staff and teachers at the school and are considered to be ancillary to the main use of the school, and do not, therefore, in officers' view provide permanent standard residential accommodation. The school has stated that it has an existing supply of residential accommodation on Brook Green and Mercers Place which provide accommodation for staff as required. The school and its governors are satisfied that its priority is to improve the sports provision and the opportunity for community use, and that residential provision for its staff, while still a important for the school, could be managed by more effective and efficient use of its other properties on Brook Green and Mercers Place.

3.12 Officers consider that the loss of the residential units in this instance could be justified in terms of the overall benefit of redeveloping the pavilion building as a purely sports based facility. The new building would provide significant benefits to sports provision as it would provide a modern indoor sports space that would enable sport to continue in bad weather and provide a flexible space that would be useful for curricular and extra-curricular activities for pupils and an indoor space for community use, in accordance with the priorities of Core Strategy Policy CF1 'Supporting Community Facilities and Services'; facilities which are not currently available at the existing pavilion building in line with the aims of policy CF1. There is also a potential conflict in closely mixing residential use with community and sports uses within a single building.

3.13 It is considered that the loss of two ancillary residential units, which do not provide permanent residential accommodation, can be justified in this instance due to the wider sports and community benefits that the new pavilion building would provide, in accordance with policy CF1.

3.14 The proposed development would involve the construction of a replacement pavilion building along with other works which would improve sports facilities. This type of development, notwithstanding the heritage, design and amenity impacts of the works which will be considered later in this report, is considered to be acceptable in principle in terms of national, regional, and local planning policies referred to above.

3.15 In assessing the application, Officers have discussed the opportunities for the school to make the facilities available to the wider community. The applicant has stated that the school already has a number of links with local schools and organisations. The

school says that expanding their facilities would enable them to expand on what they currently offer, although at present the extent of the specifics of this offer are not fully determined, particularly as the school does not intend to increase staff numbers as a consequence of their plans. A revised Draft Community Use Agreement has been provided and Officers recommend that a 'Community Use Management Plan' be submitted prior to the occupation of the proposed development, as required by condition 27. The plan would also provide the opportunity to formalise existing community use activities.

3.16 Officers consider that the principle of providing expanded facilities at the school is in accordance with the aims of paragraphs 72, 73 and 74 of the NPPF, London Plan policies 3.1, 3.18 and 3.19, Core Strategy policies CF1 and OS1 and DMLP policies DM D1 and DM E1, subject to the facilities being made available to the wider community.

DESIGN and CONSERVATION

3.17 Amongst the core planning principles of the NPPF, the framework states at paragraph 17 that 'development should always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings' and that development proposals should 'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations'. In assessing this application, therefore, careful consideration needs to be had to the design of the development and its impact on the conservation area and the setting of the listed buildings on site.

3.18 Paragraph 58 of the NPPF states that planning decisions should aim to ensure that developments: 'will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping'. Para. 60 states 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness'.

3.19 London Plan policy 7.4 'Local Character' states that 'Buildings, streets and open spaces should provide a high quality design response that: a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass, b) contributes to a positive relationship between the urban structure and natural landscape features, c) is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings, d) allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area, and e) is informed by the surrounding historic environment'.

3.20 London Plan policy 7.6 relates to architecture and the design of developments. The policy says that 'development should be of a high quality of design, of a scale that is appropriate to its setting, and built using high quality materials. It should complement the surrounding built form and should not cause unacceptable harm to the amenity of surrounding buildings'.

3.21 London Plan policy 7.8 'Heritage assets and archaeology' states that 'Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate' and that 'Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail'.

3.22 Core Strategy Policy BE1 'Built Environment' states that all development within the borough, including in the regeneration areas should create a high quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places.

3.23 Policy DM G1 of the DM Local Plan relates to the design of new development and states that:

'New build development will be permitted if it is of a high standard of design and compatible with the scale and character of existing development and its setting.

All proposals must be designed to respect:

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

3.24 Policy DM G3 of the DM Local Plan relates to alterations and extensions, and requires a high standard of design in all alterations and extensions. These should be compatible with the scale and character of existing development, their neighbours and their setting. In most cases, they should be subservient to the original building.

Alterations and extensions should be successfully integrated into the architectural design of the existing building. The Council will consider the impact of alterations and extensions on existing buildings, surroundings and take into account the following:

- (a) scale, form, height and mass;
- (b) proportion;
- (c) vertical and horizontal emphasis;
- (d) relationship of solid to void;
- (e) materials;

- (f) relationship to existing building, spaces between buildings and gardens;
- (g) good neighbourliness; and principles of accessible and inclusive design.

3.25 DM Local Plan policy DM G7 relates to heritage and conservation. This states that:

'The council will aim to protect, restore or enhance the quality, character, appearance and setting of the borough's conservation areas and its historic environment, including listed buildings, historic parks and gardens, buildings and artefacts of local importance and interest, archaeological priority areas and the scheduled ancient monument. When determining applications for development affecting heritage assets, the council will apply the following principles:

- a) The presumption will be in favour of the conservation and restoration of heritage assets, and proposals should secure the long term future of heritage assets. The more significant the designated heritage asset, the greater the presumption should be in favour of its conservation.
- b) Proposals which involve substantial harm to, or loss of, any designated heritage asset will be refused unless it can be demonstrated that they meet the criteria specified in paragraph 133 of the National Planning Policy Framework.
- c) Development affecting designated heritage assets, including alterations and extensions to buildings will only be permitted if the significance of the heritage asset is preserved or enhanced or if there is clear and convincing justification. Where measures to mitigate the effects of climate change are proposed, the benefits in meeting climate change objectives should be balanced against any harm to the significance of the heritage asset and its setting [for further detail see the relevant SPD].
- d) Applications for development affecting heritage assets (buildings and artefacts of local importance and interest) will be determined having regard to the scale and impact of any harm or loss and the significance of the heritage asset.
- e) Development should preserve the setting of, make a positive contribution to, or better reveal the significance of the heritage asset. The presence of heritage assets should inform high quality design within its setting.
- f) Particular regard will be given to matters of scale, height, massing, alignment, materials and use.
- g) Where changes of use are proposed for heritage assets, the proposed use should be consistent with the aims of conservation of the asset concerned.
- h) Applications should include a description of the significance of the asset concerned and an assessment of the impact of the proposed development upon it or its setting. The extent of the requirement should be proportionate to the nature and level of the asset's significance.
- i) Where a heritage asset cannot be retained, the developer should ensure that a suitably qualified person carries out an analysis [including photographic surveys] of its design before it is lost, in order to record and advance the understanding of heritage in the borough. The extent of the requirement should be proportionate to the nature and level of the asset's significance; and
- j) it respects the principles of accessible and inclusive design'.

3.26 Design Guidelines for development in conservation areas are also included in the Council's Planning Guidance SPD. SPD Design Policy 45 relates to building line and states that any new development should respect the dominant building line on the street frontage, whilst SPD Design Policy 46 relates to building height and states that any new development should respect the general townscape in each area. In relation to Open Spaces, SPD Design Policy 55 states that development in a conservation area which is

also within or adjacent to open space should respect and complement the character of the open space and conservation area.

DEMOLITION

3.27 The proposal involves the demolition of the existing pavilion building and storage structures in the south eastern corner of the site; which would allow for a replacement building to be erected and enhanced sports facilities.

3.28 In considering the proposed demolition, regard is had to the NPPF paragraph 129 which requires the assessment of the significance of heritage assets. Paragraph 133 goes on to require the assessment of the harm of any proposals on these significant heritage assets. This is reiterated in London Plan policy 7.8 'Heritage Assets and Archaeology'. The policy requires that in the determination of planning applications, development should conserve, restore, re-use and incorporate heritage assets where appropriate. Developments affecting heritage assets and their setting should conserve their significance.

3.29 Development Management LP policy DM G7 states that 'the Council will aim to protect, restore or enhance the quality, character, appearance and setting of the borough's conservation areas and says that, when determining applications, there should be a presumption in favour of the conservation and restoration of heritage assets. Any loss of a heritage asset should be considered against paragraph 133 of the NPPF'.

3.30 The existing post-war building containing a sports pavilion and ancillary residential accommodation is not of any architectural or historic significance, although it does incorporate some typically post-war stylistic details such as the clock and cantilevered concrete canopy on pilotis, these can only be appreciated from within the site. The existing building has a poor relationship to the street and is largely set back behind a high front boundary wall. There are no objections to the demolition of the pavilion, the stores and a section of boundary wall.

3.31 Officers are satisfied that, on balance, the proposed demolition works would not be harmful to the significance of the heritage assets on or adjacent to the site, nor to the significance of the conservation area. Subject to the provision of a suitable replacement pavilion building and storage structures, the proposed demolition would be in accordance with the NPPF, London Plan policy 7.8 and Development Management Local Plan policy DM G7. Assessment of the design of the proposed replacement development is set out below.

CONSTRUCTION

3.32 Section 7 of the NPPF relates to 'Requiring Good Design' says that good design is a key aspect to the provision of sustainable development and that development should ensure the delivery of high quality and inclusive development that positively contribute to the delivery of better places for people.

3.33 The proposal seeks permission for the erection of a replacement part single, part two storey pavilion building in the south eastern corner of the site. This building would have a footprint of 219.4sqm, very similar to that of the existing building which is 218.85sqm. The increase in floor area of the new building versus the existing is

therefore due to a larger first floor, maximising the floorspace, whilst not further encroaching on the site's open space. The proposed pavilion building would contain two activity/hospitality spaces, changing rooms and a first floor terrace

3.34 The proposed replacement building is considered to be compatible with the surrounding development and would be acceptable in terms of height, scale and massing. The detailed design would facilitate a more active relationship with the street by bringing the building line forward to the back edge of pavement, creating a more clearly legible pavilion building appropriate for the size of the site. The massing at first floor level would be carefully articulated through the use of setbacks from both street elevations.

3.35 The proposals have been amended since originally submitted in order to improve the elevational details on the street frontages. The east and south elevations would now incorporate additional areas of ribbed timber cladding and blind windows in order to provide relief in the brickwork and celebrate the corner of the building at the junction of Bute Gardens and Luxemburg Gardens and in long views north along Bute Gardens. The brickwork would be varied across the elevations through changes in brick texture, which would add a richness of detail. The proposed gates would, for the first time, allow views through to the open space and landscaped planters adjacent to back edge of pavement would provide a green foil to the brickwork.

3.36 It is also proposed to construct replacement single storey maintenance and storage structures along southern site boundary, adjacent to 37 Bute Gardens. These structures would not extend above the existing boundary wall and would contain grounds and sports stores, grounds office, refuse store and plant room, the latter being located at the eastern end of the building and forward of the building line of the adjacent residential property. The footprint of these structures is proposed to reduce from 142.23sqm currently to 135.51sqm, slightly increasing the open space. These structures would only be visible from within the site and would have a simple, brick built form which would have an acceptable appearance and impact upon the character and appearance of the conservation area.

3.37 The application also proposes the repositioning, relaying and extension of sports courts, including the increase in the size of the area of the site designated to hard courts by 720sqm, to provide an additional tennis court or two additional netball courts. The proposed surfacing is considered acceptable with regard to its landscaping impact. Sport England have raised no objection to the proposed rearrangement of the sports facilities on site, which would increase provision on this site. The conversion of an area of the existing playing field to hard landscaping would retain open space on the site and, as Sport England have commented, would not limit the use of the playing field in terms of its layout as sports pitches.

3.38 It is also proposed to construct an additional long jump and a new high jump facility, and to relocate the discuss cage from the north western to the south western corner of the site.

3.39 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states in relation to Conservation Areas that:

'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2),

special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

3.40 Officers have given great weight to paragraph 132 of the NPPF, which states that: 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.'

3.41 Subject to the inclusion of Condition 3 relating to the submission of samples of materials prior to the commencement of development, Officers are satisfied that the proposed development would be coherent with the surrounding built form, would be of a high quality of design and built with high quality materials. The development would preserve the appearance of the conservation area and the setting of listed buildings and Buildings of Merit adjacent to the site, whilst meeting the needs of the school. The proposal is therefore considered to be in accordance with the NPPF, London Plan design and heritage policies, Core Strategy Policy BE1, DM LP policies DM G1, DM G3 and DM G7 of the Development Management Local Plan and Planning Guidance SPD Design Policies 45, 46 and 55.

Landscaping

3.42 Policy DM E4 of the Development Management Local Plan is concerned with 'Greening the Borough' and seeks to prevent the mutilation of trees, retention of existing trees and provision of new trees.

3.43 The proposal includes some limited landscaping which would be visible in the streetscene, at ground level on the western and southern elevations of the proposed pavilion building due to its design and relationship with the site's boundaries. A green roof is also proposed over the ground floor elements on the eastern side of the building. The proposed landscaping would soften the appearance of the building and would be acceptable in this regard, subject to condition Nos.4 and 5 to ensure suitable soft landscaping proposals and its maintenance and retention.

3.44 The proposed relaying and extension of hard sports courts on the eastern side of the site, including the increase in the size of the area of the site designated to hard courts by 720sqm to provide an additional tennis court or two additional netball courts is considered to be acceptable subject to condition No.4 to ensure the use of suitable materials.

3.45 The proposed development could potentially impact on a street tree located in front of the site at 37 Bute Gardens. The existing tree is considered to be in poor condition, and a replacement tree is due to be planted this winter. If any damage were to be caused to the existing or replacement tree whilst the scheme is being implemented the developer would necessarily bear the cost of this. Suitable protection measures for the existing or replacement tree during demolition and construction would be required by condition No.39.

ACCESSIBILITY

3.46 NPPF section 7 'Requiring Good Design' and London Plan policy 7.6 'Architecture' says that developments should incorporate inclusive design. This is supported by Development Management Local Plan policy DM G1. More specifically, SPD Design policies 1, 2, 3 and 4 all relate to access to buildings, requiring that buildings should be accessible and inclusive both internally and externally

3.47 Internally, the new pavilion building would be designed in accordance with the Equality Act 2010 and would include a lift to allow access to the first floor of the building. Both the ground and first floors would have accessible changing rooms and accessible WCs and showers. All doors would be DDA compliant and the building would have level access throughout and also from external areas adjacent. The proposed alterations to the hard courts and other sports facilities would also be accessible to all, and the proposed alterations to landscaping and surfacing would provide an opportunity to secure level access through the addition of suggested conditions relating to hard and soft landscaping (condition No.4)

3.48 Officers are satisfied that the access arrangements of the proposal are in accordance with the relevant aims and requirements of the NPPF, The London Plan, Development Management Local Plan and SPD design policies.

IMPACT ON NEIGHBOURS

3.49 Development Management Local Plan policy DM G1 says that all developments must be designed to respect the principles of good neighbourliness.

3.50 These policies are supported by SPD Housing Policy 8 of the Planning Guidance SPD, which seeks to protect amenity by ensuring that development does not have an overbearing and dominating effect on surrounding developments and protects the privacy of neighbouring dwellings.

Outlook

3.51 The main impact of the proposals in terms of outlook would be on properties opposite sides of the street to the proposed pavilion building to the south and east, and on outlook from the closest residential property at 37 Bute Gardens to the south west of the proposed pavilion building. Given the distances involved in the across street relationships, which would be a minimum of 14m, and the two storey form of the building with the first floor setback from the ground floor building line. It is considered that there would be no detrimental impact upon outlook from properties opposite in Bute Gardens and Luxemburg Gardens.

3.52 In terms of the outlook from 37 Bute Gardens, the proposed storage structures immediately adjacent to this property would be no higher than the existing substantial boundary wall which varies in height along the boundary between the property and the application site. In terms of the proposed pavilion building, the first floor corner of the building would be 12m from the first floor corner of this neighbouring property at its closest point. The new building would not be situated directly opposite any windows to 37 Bute Gardens; and at ground floor level it would be built along the line of the existing boundary wall to the playing fields. Given this setting, it is considered that the proposed

pavilion building would not have a detrimental impact upon outlook when viewed from the neighbouring property at 37 Bute Gardens.

Privacy

3.53 The new pavilion building would introduce new glazing at ground and first floor levels towards Bute Gardens and Luxemburg Gardens. This glazing would have an 'across the street' relationship with street facing windows to the south and east, which would not be regarded as detrimental to neighbouring residential amenity. Notwithstanding this, at first floor level, where overlooking could be more acutely felt, the only proposed clear glazed windows are to the south facing stairwell and landing and the east facing kitchenette, the latter set well away from the site boundary. At ground floor level there would be limited south facing glazing from the proposed activity space.

3.54 At first floor level a terrace is proposed at the western end of the building. Since submission of the application Officers have negotiated with the applicant to mitigate the impact of this terrace in terms of overlooking, and it is now proposed to screen this terrace along its southern and part of its western elevations, and it would be set away from the southern elevation of the building at first floor level. There would be a gate in the southern elevation of the timber screen to the terrace for emergency access to an escape route which would run along the front of the building at first floor level, and for this reason there would also be low metal railings along the southern elevation of the building at first floor level. The position of the proposed screen on the western elevation of the terrace would ensure that there would be a distance of more than 18m to the nearest above ground level habitable window in the flank of 37 Bute Gardens, in keeping with SPD Housing Policy 8. As a result of the proposed arrangement of windows and the screening of the terrace at first floor level it is considered that the proposed development would not have a detrimental impact upon neighbours in terms of overlooking and resultant loss of privacy.

Daylight

3.55 The applicant has submitted a Daylight and Sunlight Assessment, in accordance with the BRE Guidance on site layout and design. The report considers the impact of the proposed new pavilion building on windows on the opposite side of the street in Bute Gardens to the south and Luxemburg Gardens to the east that would face towards the development, comparing the existing and the proposed situations. The proposed building would not breach a 25 degree line taken from the centre of the lowest window opposite and therefore it is considered that the impact upon the windows opposite to the south and east of the site would fall within BRE guidance. In relation to 37 Bute Gardens, the siting and size of the proposed building in relation to the habitable room windows in the northern and western elevations of this property, would ensure that there would be no detrimental impact upon daylight to this property as a result of the proposed development. Officers are therefore satisfied that there would be no detrimental impact on daylight to neighbouring occupiers.

Sunlight

3.56 Due to the location of the proposed pavilion building and its relationship to neighbouring residential properties to the south on Bute Gardens it is considered that only the windows located in the front elevation of properties opposite on Luxemburg

Gardens to the east of the proposed new building could potentially be adversely affected in terms of their sunlight conditions. The submitted Daylight and Sunlight Assessment advises that these windows would, however, be some 13m from the ground floor of the pavilion building and 17m from the first floor, and that both would be beneath a 25 degree line from the centre of the lowest window opposite. Officers are therefore satisfied that there would be no detrimental impact on sunlight to neighbouring occupiers as a result of the proposed development.

Noise and Disturbance

3.57 The most likely impacts from the development in regards to noise and disturbance would arise from use of the new building and sports facilities and associated plant / machinery. The application includes a Noise Assessment which considers the impact of the noise from the proposed changes to existing and new plant on nearby residential properties. It also considers potential noise break-out from the use of the pavilion building.

3.58 London Plan policy 7.15 'Noise and Soundscapes' states that 'Development proposals should reduce noise by minimising the existing and potential adverse impacts of noise, separating noise sensitive development from major noise sources and promoting technologies and practices to reduce noise at source'.

3.59 This policy is supported by Development Management Local Plan policy DM H9 which states that 'Noise generating development will not be permitted where there will be a material increase in the level of noise experienced by occupants' and is further expanded upon in SPD Amenity Policy 18.

3.60 It is considered that the use of the extended, relocated and rearranged external sports facilities would not result in a significantly different impact to the use of the existing sports facilities on this site, the primary use of which is for these activities. It is therefore considered that such use would not have an unduly detrimental impact upon the occupiers of neighbouring residential properties.

3.61 The submitted Noise Assessment concludes that, with the recommended attenuation measures, the proposed new buildings which would form part of the development would comply with adopted regional and local policies with regards to noise and disturbance. Conditions have been recommended relating to noise and vibration from the proposed plant / machinery and preventing the use of public address systems without further approval (conditions Nos.18, 19 and 20).

3.62 It is considered that, with the appropriate attenuation of plant machinery as required by the aforementioned conditions, the proposed development should not have an unduly detrimental impact upon neighbouring residential occupiers; and that the scheme would be in accordance with London Plan and local plan policies.

3.63 With regards to noise during construction, conditions 31 and 33 would require the submission for approval of a Demolition Management Plan and a Construction Management Plan prior to the commencement of development. Informatives are also suggested to be attached to any permission recommending best practice guidance, including hours of works.

Lighting

3.64 The application does not provide specific details of external lighting, except to say that the energy efficiency of external lighting to the new pavilion building has been considered.

3.65 Policy DM H10 of the Development Management Local Plan seeks to ensure that development proposals include lighting that is appropriate for the intended use, is energy efficient and provides adequate protection from glare and light spill to surrounding residential properties. Condition No.28 would ensure that full details of external lighting are submitted for approval prior to the installation to ensure an acceptable impact and no detrimental impact to neighbouring occupiers.

HIGHWAYS

3.66 The proposed development is assessed against London Plan policy 6.3 'Assessing Effects of Development on Transport Capacity', which seeks to ensure the impacts on transport capacity and the transport network are fully assessed. Core Strategy Borough Wide Strategic Policy T1 'Transport' seeks to improve transportation within the borough, by working with strategic partners and relating the size of development proposals to public transport accessibility and highway capacity. Development Management Local Plan Policy DM J1 'Transport Assessment and Travel Plans' states that 'All development proposals will be assessed for their contribution to traffic generation'; and Planning Guidance SPD Transport Policies 2 and 28 relate to understanding the impact of development on the highways network.

3.67 The application would enhance the existing facilities on site to meet the needs of the existing pupil roll at the school, located on the nearby site on Brook Green. It is not proposed that pupil numbers would increase as a consequence of the development. However, the school has indicated that it would be in agreement to a condition which would restrict the overall number of pupils to 800. Currently the school has 741 students and 210 staff, and pupil numbers can fluctuate due to the number of admissions each year. There is therefore the scope for an increase of 59 students if the cap were to be reached. If this increase did occur, spread over the seven year groups, it would equate to approximately 9 additional students per year group. Therefore a maximum of 9 additional trips would be generated between the main site and playing fields at any one time. Thus, as the submitted transport statement shows, the impact on footways and transport infrastructure from use of the new facilities by the school is expected to be negligible, even if student numbers did increase. If there were to be no increase in student numbers the impact of the proposed development would be no greater than that of the existing facilities.

3,68 The proposed community use would be primarily by local groups and schools, who would visit the school by foot or local public transport. There are existing arrangements in place for the use of coaches and minibuses by visiting teams playing matches on the courts and pitches on site, and it is not expected that the proposal would significantly alter these arrangements.

3.69 The school has an existing Travel Plan which covers the main school site and the sports facilities on the application site. This was prepared in consultation with the Council, and Officers are satisfied that the content of the Travel Plan addresses both school and community users. Condition 17 would require the submission of an updated

Travel Plan for approval prior to the first use of the development which should then be updated annually. As discussed, the proposed facilities would not result in a material increase in trip generation as the number of staff is not set to increase; and any increase in pupil numbers would not be significant.

Car Parking

3.70 There is no car parking proposed with this development, and this would replicate the existing situation. The site has a PTAL of 6b, which means it has excellent public transport accessibility; so none is considered to be necessary.

Cycle Parking

3.71 DMLP Policy DM J5 states that there should be one cycle parking space per two students. The school currently has 43 cycle parking spaces on its main site, and the current application for works on that site (Ref.2015/02035/FUL) proposes 40 additional cycle parking spaces, which Officers consider a reasonable compromise position and would see cycle parking provision almost double. Groups of children from the main site or local schools would be expected to walk to the application site. It is therefore considered that cycle provision on this site should primarily relate to the community use of the facilities. As such, as a result of negotiation with Officers, the applicants have proposed cycle parking for 8 bicycles which is considered to be acceptable and would introduce formal cycle parking to this site where none currently exists.

Demolition / Construction

3.72 The main impact of the development in highway terms would be at demolition and construction stages. Conditions 30 and 32 would require the submission of a Demolition Logistics Plan and a Construction Logistics Plan prior to the commencement of development, which would assess all the construction and demolition impacts on highways and potential mitigation measures.

3.73 Officers consider that subject to conditions relating to the submission of an updated school travel plan, restrictions relating to hours of use (conditions 23 and 24) and the provision of demolition and construction logistics plans, the development would not detrimentally impact on the highway network and would be in accordance with London Plan policy 6.3, Core Strategy policy T1, DM LP policy DM J1 and SPD Transport Policies 2 and 28.

ENVIRONMENTAL MATTERS

Flood Risk

3.74 Policies relating to flood risk seek to ensure that development proposals reduce the impact of flooding on sites. London Plan policy 5.12 'Flood Risk Management' states that development proposals must comply with the flood risk assessment and management requirements set out in the NPPF and its Technical Guidance.

3.75 Borough Wide Strategic Policy CC2 'Water and Flooding' expects all development proposals to minimise current and future flood risk and adverse effects of flooding on communities. Policy DM H3 of the Development Management Local Plan 'Reducing Water and the Risk of Flooding' requires development proposals to reduce the use of

water and minimise existing and future flood risk. These policies are supported by SPD Sustainability Policy 1, which requires the submission of information relating to flood risk.

3.76 As required, a Flood Risk Assessment (FRA) has been submitted with the application. The majority of the grassed pitch areas on this site are in the Environment Agency's Flood Zones 2 and 3, whilst the hard surfaced courts are in Zone 1. The pavilion and other buildings are in Flood Zones 1 and 2. This indicates a range of flood risk across the site from low to high, although this risk rating does not take account of the high level of flood protection provided by the Thames Barrier and local river wall defences. The residual risk to flooding from the Thames is considered to be low. There could be a risk of elevated groundwater levels, but the proposals do not include any basement level works, so flood risk from this source would be regarded as low for the proposed works. Sewer flooding is a risk in most parts of the borough, as is surface water flooding. The Council's Surface Water Management Plan does not show this site to be directly affected by surface water flooding during an intense storm, although the adjacent Shepherd's Bush Road is a flow path for flood waters and there is a hotspot in the road. The flood risk matters are considered to be acceptable, and London Plan and local policy requirements would be met.

Sustainable Drainage

3.77 Policy 5.13 of The London Plan 'Sustainable Drainage' states that 'Development proposals should utilise sustainable urban drainage systems (SuDS) unless there are practical reasons for not doing so', and that they should aim to achieve greenfield run-off rates. SPD Sustainability Policy 2 requires the submission of supporting information relating to Sustainable Drainage (SuDS) and SPD Sustainability Policy 23 requires development to integrate SuDS where appropriate.

3.78 A Sustainable Drainage System (SuDS) has been designed into the proposed development, and is set out in the submitted FRA. It is proposed to manage all surface water run-off for the new sports pitches and the new pavilion building through infiltration, either into the ground or into a permeable sub-base that would form part of the construction of the pitches and would provide attenuation prior to a controlled discharge. Infiltration tests are yet to be carried out, but these would be done prior to the construction of the hard courts. Where it is not possible to provide adequate attenuation storage, the plan is for controlled flooding of the courts to be allowed, for example in the event of extreme storms and very heavy rainfall. This should be possible to implement without causing flooding impacts on the site itself and without increasing flood risk for neighbouring sites.

3.79 It is recommended that the submission of details of the Sustainable Drainage Strategy be required by condition No.11 for approval by the Council which would detail how surface water would be managed on-site in-line with the proposals outlined in the submitted FRA, in accordance with London Plan policy 5.13.

OTHER MATERIAL CONSIDERATIONS

CONTAMINATED LAND

3.80 Section 7 of the NPPF 'Conserving and enhancing the natural environment' says that the planning system should contribute to and enhance the natural and local

environment by remediating contaminated land where appropriate. This is supported by policy 5.21 of The London Plan.

3.81 At a local level, Borough Wide Strategic Policy CC4 of the Core Strategy relates to protecting and enhancing environmental quality and says that measures should be taken to manage and minimise the risk of contamination. Policies DM H7 and H11 of the DM LP require that where a sensitive use is proposed, an assessment should be made of potential contamination. SPD Amenity Policy 3 'Developer responsibility' identifies that an adequate site investigation should be carried out to inform a risk assessment. SPD Amenity Policy 6 recommends arranging pre-application discussions with LBHF contamination officers to discuss specific sites.

3.82 A Site Assessment report was carried out. This identified a low potential for contaminated land, and pre-application discussions with Officers followed. It was agreed that as a precautionary approach would be taken based on Officers' experience of unexpected contaminant vapours on other sites in the borough. A site investigation was therefore carried out based on a scope of works agreed with the Council. Land gas monitoring was carried out, samples revealing that levels were below the assessment criteria and overall no significant land gases were identified in terms of the proposed development.

3.83 The applicant's consultants consider that no further investigation work or remediation work is required in connection with the proposed development and that the site is low risk in terms of the potential for contamination. These findings have been assessed by Officers, and are considered to be sufficient to demonstrate that the risks of contamination at the site are understood; and contaminated land conditions are not considered to be required in this instance. An informative (informative No.11) is suggested advising that the applicant should contact the Council should any unexpected staining or malodours be encountered during the development.

SECURED BY DESIGN

3.84 Policy DM G1 of the Development Management Local Plan requires developments to provide a safe and secure environment and adhere to the principles of Secured by Design. The applicants have submitted a letter from the Crime Prevention Design advisor for Hammersmith indicating that the proposed development should meet the Secured by Design requirements. Condition 10 is recommended, requiring the submission of a statement of how Secured by Design elements would be achieved on site.

EQUALITIES ACT

3.85 In accordance with the provisions of the Equality Act 2010, the Council is required to have due regard to its public sector equality duty. These matters have been considered, and Officers' view is that the proposal would not affect individual users or groups of users of the school or residents to an unreasonable or disproportionate degree. In the longer term the proposal would secure improved school and community facilities to the benefit of individual users and groups of users.

PLANNING OBLIGATIONS

CIL

3.86 Mayoral CIL came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. In this case, the application proposes a building and extensions for educational use for which the CIL levy is currently set at £0 per square metre. So, the applicant is, in effect, exempt from payment of Mayoral CIL.

3.87 Hammersmith & Fulham's local CIL came into effect in September 2015 and is a material consideration to which regard must be had when determining this planning application. In this case, the application proposes buildings and structures for educational use for which the local CIL levy is currently set at £0 per square metre. So, the applicant is, in effect, exempt from payment of local CIL.

LEGAL MATTERS

3.88 The applicant has agreed to enter into a legal agreement to link this application to application Ref.2015/02035/FUL, for the main school site located on Brook Green, which is also currently under consideration and reported on this agenda. The link between the two applications is necessary as hard games courts would be removed from the rear of the main school site; the legal agreement would thereby ensure that the works at the playing fields site are carried out to ensure no significant loss in overall games provision.

4.0 CONCLUSIONS and RECOMMENDATION

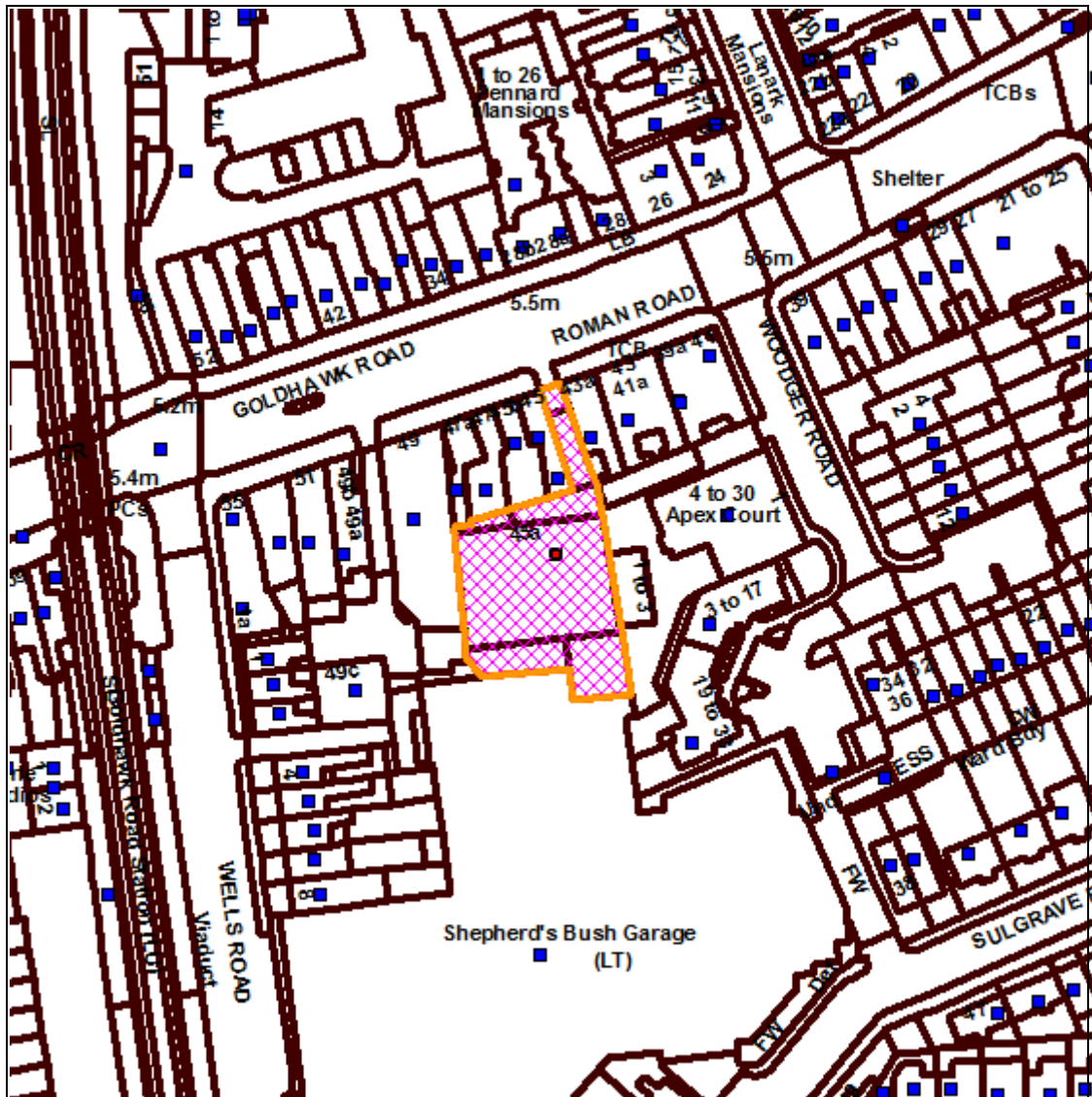
4.1 Officers consider that the proposed land use is acceptable and that the development would provide a valuable facility which would meet an identified need for the school. The new building is considered to be of a high quality of design having regard to the needs of the building's users and the character and appearance of the area and nearby listed buildings and buildings of merit. Officers consider that the character, appearance and setting of heritage assets and the character and appearance of the conservation area would be preserved. It is also considered that the proposal would not result in harmful levels of traffic generation or impact on on-street parking, and would not have a demonstrably harmful impact on the amenities of surrounding residents. The proposal would deliver a secure and accessible development which would not be at risk from contamination. Subject to conditions the development would not have a further impact on flood risk.

4.2 It is therefore recommended that planning permission be granted, subject to conditions.

Ward: Shepherd's Bush Green

Site Address:

45A Goldhawk Road London W12 8QP



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For identification purposes only - do not scale.

Reg. No:
2015/04119/FUL

Case Officer:
Raj Satheesan

Date Valid:
02.09.2015

Conservation Area:

Committee Date:
09.12.2015

Applicant:

Greatcroft Limited
C/O Agent

Description:

Demolition of 45A Goldhawk Road and erection of a 4 storey building comprising of 291 sq.m office use (Class B1) at ground floor level, 7 x two bedroom and 1 x three bedroom self-contained flats (Class C3), with associated landscaping, cycle parking and refuse storage at ground floor level

Drg Nos: 7044 -20 Rev. C proposed massing study,7044 -21 Rev. C proposed street elevation,7044 -30 Rev. D revised 10/11/15 – proposed ground floor plan,7044 -31 Rev. C, proposed first floor plan,7044 -32 Rev. C, proposed second floor plan,7044 -33 Rev. C, proposed third floor plan,7044 -34 Rev. C, proposed roof plan,7044 -21 Rev. C, street elevation,7044 -35 Rev. C, proposed section BB,7044 -36 Rev. C, proposed section CC,7044 -37 Rev. C, proposed front elevation,7044 -38 Rev. C, proposed rear elevation,7044 -39 Rev. C, proposed side elevation 1,7044 -40 Rev. C, proposed side elevation 2,7044 -41 Rev. C, first floor layouts,7044 -42 Rev. C, second floor layouts,7044 -34 Rev. C, third floor layouts

Application Type:

Full Detailed Planning Application

Officer Recommendation:

That the Committee resolve that the Executive Director of Transport and Technical Services be authorised to determine the application and grant permission up on the completion of a satisfactory legal agreement and 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 carried out and completed in accordance with the following approved drawings:

7044 -20 Rev. C proposed massing study,
7044 -21 Rev. C proposed street elevation,
7044 -30 Rev. D revised 10/11/15 - proposed ground floor plan,
7044 -31 Rev. C, proposed first floor plan,
7044 -32 Rev. C, proposed second floor plan,
7044 -33 Rev. C, proposed third floor plan,
7044 -34 Rev. C, proposed roof plan,
7044 -21 Rev. C, street elevation,
7044 -35 Rev. C, proposed section BB,
7044 -36 Rev. C, proposed section CC,
7044 -37 Rev. C, proposed front elevation,
7044 -38 Rev. C, proposed rear elevation,

7044 -39 Rev. C, proposed side elevation 1,
7044 -40 Rev. C, proposed side elevation 2,
7044 -41 Rev. C, first floor layouts,
7044 -42 Rev. C, second floor layouts,
7044 -34 Rev. C, third floor layouts.

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 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, and 7.21 of The London Plan and policies DM G1 and DM G7 of the Development Management Local Plan 2013 and policy BE1 of the Core Strategy 2011.

- 3) No development shall commence until a scheme for temporary fencing and/or enclosure of the site where necessary has been submitted to and approved in writing by the Council, and such enclosure has been erected in accordance with the approved details and retained for the duration of the building works. No part of the temporary fencing and/or enclosure of the site shall be used for the display of advertisement hoardings.

To ensure a satisfactory external appearance of the site, in accordance with policy DM G1 of the Development Management Local Plan 2013 and Policy BE1 of the Core Strategy 2011.

- 4) The development hereby permitted shall not commence until particulars and samples of materials to be used in all external faces and roof coverings of the building (including colour and sample of render), have been submitted and approved in writing by the Council. The development shall be carried out in accordance with the approved details.

To ensure a satisfactory external appearance, in accordance with Policies DM G1 and DM G7 of the Development Management Local Plan 2013, and Policy BE1 of the Core Strategy 2011.

- 5) The development shall not commence until detailed drawings of a typical bay on the front elevation of the building in plan, section and elevation at a scale of no less than 1:20 have been submitted to and approved in writing by the Council. The development shall be built in accordance with the approved drawings.

To ensure a satisfactory external appearance and prevent harm to the street scene, in accordance with Policies DM G1 and DM G7 of the Development Management Local Plan 2013 and Policy BE1 of the Core Strategy 2011.

- 6) The development hereby permitted shall not commence until detailed drawings at a scale of not less than 1:20 of the landscaping of all areas external to the building, including planting, paving, fences, gates and other means of enclosure, have been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved details.

To ensure a satisfactory external appearance and satisfactory provision for permeable surfaces in accordance with policies DM G7 and DM G1 of the Development Management Local Plan 2013, and policy BE1 of the Core Strategy 2011.

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

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DM G1 and DM G7 of the Development Management Local Plan 2013, and Policy BE1 of the Core Strategy 2011.

- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order), no 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 that the visual impact of telecommunication equipment can be considered in accordance with Policies DM G1 and DM G7 of the Development Management Local Plan 2013.

- 9) The development shall not commence until a statement of how Secured by Design requirements are to be adequately achieved has been submitted to and approved in writing by the Council. The 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 DM G1 of the Development Management Local Plan 2013.

- 10) Prior to commencement of the development hereby approved, details and drawings at a scale of 1:100 demonstrating how the flats within the development would comply 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 and permanently retained thereafter.

To ensure that the new flats are built to Lifetime Homes standards, in accordance with Policy H4 of the Core Strategy (2011), Policy 3.8 of The London Plan (2015) and Policy DM A4 of the Development Management Local Plan (2013).

- 11) The development hereby permitted shall not commence until further details of a Sustainable Urban Drainage System (SUDS), including maintenance programme have been submitted to and approved in writing by the council. The SUDS scheme shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently retained and maintained in line with the agreed plan.

To ensure that surface water run-off is managed in a sustainable manner, in accordance with policy 5.13 of The London Plan, 2015, Policy CC2 of the Core Strategy, 2011, and policy DM H3 of the Development Management Local Plan, 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 13) No development shall commence until a site investigation scheme is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 18) Prior to occupation or use of the development, the entrance doors to the ground floor office unit and the residential entrance shall have level thresholds installed at the same level as the areas fronting the entrances.

To ensure adequate access for people with disabilities or mobility difficulties, in accordance with Policies 7.1 and 7.2 of The London Plan, 2015, and Policy BE1 of the Core Strategy, 2011.

- 19) Prior to commencement of the development hereby approved, full details of the screening proposed for the terraces including fixings, and samples of glazing, shall be submitted to and approved in writing by the Council. The use of the terraces shall not commence until the screens as approved have been installed and they shall be permanently retained thereafter.

In order to ensure a satisfactory external appearance and ensure no overlooking or loss of privacy in accordance with Policy DM G1 of the Development Management Local Plan 2013, and Planning Guidance Supplementary Planning Document 2013 - Housing Policy 8.

- 20) With the exception of the terraces indicated on the approved drawings, no part of any other roof of the approved building shall be used as a terrace or other amenity space.

To safeguard the amenities of the occupiers of neighbouring properties, and to avoid overlooking and loss of privacy and the potential for additional noise and disturbance, in accordance with Policies DM H9 and DM A9 of the Development Management Local Plan, 2013.

- 21) The development shall not be used or occupied before the refuse storage arrangements shown on drawing no. 7044-30 Rev. C hereby approved, including provision for the storage of recyclable materials, have been fully implemented. All refuse/recycling generated by the residential development hereby approved shall

be stored within the approved areas. These areas shall be permanently retained for this use.

To ensure the satisfactory provision of refuse storage and recycling, in accordance with Policy DM H5 of the Development Management Local Plan, 2013.

- 22) The development shall not be used or occupied until the cycle storage arrangements indicated on approved drawing 7044-30 Rev. C to serve the future occupiers of the development have been provided and made available. The facilities shall be permanently retained thereafter.

To ensure the suitable provision of cycle parking within the development to meet the needs of future site occupiers, in accordance with policies 6.9 and 6.13 of The London Plan, 2015, and Policy DM J5 of the Development Management Local Plan, 2013.

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

To ensure that the amenity of occupiers of the development site is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan, 2013.

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

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment, in accordance with Policies DM H9 and H11 of the Development Management Local Plan, 2013.

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

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by vibration, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

- 26) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from dwellings. Details shall demonstrate that the sound insulation value $D_{nT,w}$ is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan, 2013.

- 27) Prior to commencement of the development, details of external artificial lighting shall be submitted to and approved in writing by the Council. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011'. Details should also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. 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 Policies DM H10 and H11 of the Development Management Local Plan.

- 28) Development shall not commence until a drainage strategy has been submitted to and approved by the Council, in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until necessary drainage works agreed in the strategy have been completed.

Condition required by Thames Water, to ensure that sufficient drainage capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community in accordance with Policy 5.13 of The London Plan (2015).

- 29) No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Council in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Condition required by Thames Water, to ensure that piling would not impact on the local underground sewerage utility infrastructure, in accordance with policy 5.13 of The London Plan 2015, Policy CC2 of the Core Strategy 2011, and policy DM H3 of the Development Management Local Plan 2013.

- 30) The Class B1 office use hereby permitted shall only operate between 7.30 am and 9 pm on Monday to Friday, and between 9 am and 1 pm on Saturday and Sundays, including bank holidays.

In order that noise and disturbance which may be caused by customers leaving the premises is confined to those hours when ambient noise levels and general activity are sufficiently similar to that in the surrounding area, thereby ensuring that the use does not cause demonstrable harm to surrounding residents in comply Policy DM H11 of the Development Management Local Plan, 2013.

- 31) The development hereby permitted shall not be occupied or used until the flood resilient design measures identified in the submitted Flood Risk Assessment (FRA) submitted with this application are fully implemented. The measures shall thereafter be permanently retained.

To reduce the impact of flooding to the proposed development and future occupants, in accordance with Policies 5.11, 5.13, 5.14 and 5.15 of The London Plan (2015), Policy CC1 and CC2 of the Core Strategy (2011), National Planning Policy Framework (2012) and the Technical Guidance to the National Planning Policy Framework (2012) and Policy DM H3 of the Development Management Local Plan (2013).

- 32) The development hereby permitted shall not commence until details and samples of the angled louvres and obscure glazing have been submitted to and approved in writing by the Council. The development shall not be occupied until the angled louvres and obscure glazing, as approved have been installed and these shall be permanently retained as such thereafter.

To prevent loss of amenity to neighbouring properties as a result of overlooking and loss of privacy, in accordance with Development Management Local Plan (2013) Policies DM A9 and DM G3, and Planning Guidance SPD (2013) Housing Policy 8.

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

The use of the property in multiple occupation, rather than as single residential units, would raise materially different planning considerations that the Council would wish to consider at that time, in accordance with Policy BE1 of the Core Strategy (2011) and Policy DM A1, DM A3, DM A9 of the Development Management Local Plan (2013).

Justification for Approving the Application:

- 1) 1. Land Use: The proposal would achieve a sustainable development with efficient use of previously developed land. The proposal would provide a mixed use development, retaining employment use at ground floor level appropriate to the site's context and providing housing. The proposal is considered to be in accordance with Core Strategy Policies CF1 and H1, London Plan policies 3.3, 3.4 and policies DM D2 and DM A1 of the Development Management Local Plan 2013.
2. Housing: The proposed development would not result in loss of housing and would contribute to much needed additional housing, which would help the borough meet its housing targets, in accordance with London Plan Policies 3.3 and 3.4, and Development Management Local Plan 2013 policy DM A1. The quality of accommodation, including internal design and layout of the new residential units, is considered acceptable, having regard to Mayor's Design Guidelines, and London Plan Policy 3.5 and table 3.3, together with policies DMA1, DM A2 and DM A9 of the Development Management Local Plan 2013, Core Strategy 2011 Policy H4.
3. Density: The proposal is of an acceptable density which would optimise the potential of the site and would be compatible with the local character and context and public transport capacity. The proposal thereby satisfies London Plan Policy 3.4, Core Strategy H3, policies DM A2 and DM G1 of the Development Management Local Plan 2013.
4. Design: The development is considered to comply with Development Management Local Plan 2013 Policies DM G1, DM G7 and Core Strategy 2011 Policy BE1, which require a high standard of design in all developments, compatible with the scale and character of existing development and its setting, and London Plan policies 7.1, 7.4, 7.6 which seek a high quality in design and architecture, requiring new developments to have regard to the pattern and grain of existing development. The proposal would preserve the setting of the adjacent Building of Merit, in accordance with the policy DM G7.
5. Residential Amenity: The impact of the proposed development upon adjoining occupiers is considered acceptable. The proposal would not have an unacceptably harmful impact on neighbouring residential amenity in terms of light, outlook or privacy and noise and disturbance. The office use would not result in unacceptable noise and disturbance to nearby residents, subject to conditions. In this regard, the development would respect the principles of good neighbourliness, and would therefore be acceptable in accordance with Policies DM H9 and DM H11 of the Development Management Local Plan 2013, and Housing Policy 8 of Supplementary Planning Document, 2013.
6. Access & Safety: The development would provide a safe and secure environment for all users, and would provide ease of access for all people, including disabled people, in accordance with in accordance with Policies DM G1 and DM A4 of the Development Management Local Plan 2013 and London Plan Policies 3.8 and 7.2.

7. Highways matters: It has been demonstrated that the scheme would not have a significant further impact on the highway network or local parking conditions and is thus considered to be acceptable. Satisfactory provision would be made for cycle parking and future occupiers would be prevented from obtaining on-street parking permits as part of a legal agreement, to help prevent overspill of parking onto the local highways. There are available public transport and other services nearby and adequate provision for storage and collection of refuse and recyclables would be provided. The development thereby accords with Development Management Local Plan 2013 Policies DM J1, DM J2, DM J3, DM H5, Core Strategy Policies CC3 and London Plan Policies 6.1, 6.3, 6.10, 6.11 and 6.13.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by Andrew Marshall (Ext: 3340):

Application form received: 26th August 2015
Drawing Nos: see above

Policy documents: National Planning Policy Framework 2012
The London Plan 2011 and Revised Early Minor Alterations to The London Plan, 2013
Core Strategy 2011
The Development Management Local Plan 2013
Planning Guidance Supplementary Planning Document July 2013

Consultation Comments:

Comments from:	Dated:
Environment Agency - Planning Liaison	28.09.15
Thames Water - Development Control	04.09.15
London Fire And Emergency Planning Authority	19.11.15

Neighbour Comments:

Letters from:	Dated:
41 Goldhawk Road London W12 8QP	23.09.15
13 Apex Court 1 Woodger Road London W12 8NW	21.09.15
56 Glengall Road Edgware HA8 8SX	22.09.15
12 Richford Street Hammersmith London W6 7HH	06.09.15
flat 12, apex court 1 woodger road london w12 8nw	23.09.15
1 WOODGER ROAD LONDON W12 8NW	22.09.15
Flat 7 Apex Court 1 Woodger Road London W12 8NW	23.09.15
Flat 3, Apex Court 1 Woodger Road London W12 8NW	25.09.15

OFFICERS' REPORT

1.0 BACKGROUND

1.1 45A Goldhawk Road was until recently used as a bar / restaurant known as 'The Green Room'. The site area is 0.08 hectares; and is located on the southern side of Goldhawk Road, just west of Woodger Road. The site is accessed via a passageway located between 43a and 45 Goldhawk Road. The application form states that the bar/ restaurant vacated in January 2012. Prior to the bar / restaurant use, the site was previously used as a dairy depot.

1.2 The site is in Shepherd's Bush Town Centre and the White City Opportunity Area. The property is not listed, nor located within a conservation area; however no.49, to the west, is a locally listed Building of Merit. The closest part of Shepherd's Bush Conservation Area is the north eastern side of Woodger Road. The property is situated in the Environment Agency's Flood Risk Zones 2 and 3.

1.3 The site has a public transport accessibility level (PTAL) of 6b, which is the highest category, meaning that the site has excellent accessibility. The site is located close to Shepherd's Bush Market, Shepherd's Bush and Goldhawk Road Underground stations, Shepherd's Bush Overground station and numerous bus routes. The area is mixed with commercial, retail and residential properties of varying scale with 2,3,4,5 and 6 storey buildings in close proximity. Local amenities along the main road include Shepherd's Bush Market, as well as a range of cafes, bars and shops.

1.4 The northern boundary of the site is with Goldhawk Road. The western boundary of the site at the rear is formed by the flank wall (approximately 5 storeys high) to No.49 Goldhawk Road. The southern boundary of the site is a blank wall approximately three storeys high, to Shepherd's Bush Bus Garage. The eastern site boundary is formed by a brick wall approximately 2 and half storeys high, which separates the site from Apex Court and 3 to 33 Woodger Road. Apex Court has recently been converted into 30 flats; a scheme which also included the erection of a new three storey flatted building adjacent to the boundary with 45A Goldhawk Road.

1.5 In 1986 planning permission was granted for the change of use of the site from a dairy depot to a restaurant (Ref.1986/00679/FUL).

1.6 In March 2014 planning application ref: 2013/03524/FUL was withdrawn by the applicants. This related to a larger site, including the current application site; and sought consent for the demolition of 45A-47A Goldhawk Road (with the exception of 45 Goldhawk Road); and redevelopment by the erection of a part single/four/five storey building fronting Goldhawk Road linked to a part four/five/six storey building at the rear to provide a mixed-use development comprising 24 residential units (3 x 1 bed, 20 x 2 bed and 1 x 3 bed) and three commercial units (Class A1-A3, A5 and D1, totalling 240 sq.m GIA) at ground floor level fronting Goldhawk Road. Associated storage areas, plant (including solar panels at roof level), cycle parking, servicing and landscaping were also proposed.

1.7 In October 2014 planning application ref: 2014/03156/FUL, was refused permission. Again, this related to a larger site, including the current application site, and sought consent for the demolition of existing buildings at 45-47a Goldhawk Road and redevelopment by the erection of a 5 storey building fronting Goldhawk Road and a 6

storey linked building at the rear to provide a mixed-use scheme comprising 28 residential units on ground to fifth floor level and three commercial units (Class A1-A3, A5) totalling 332 sq.m GIA at ground floor level fronting on to Goldhawk Road with associated storage areas, plant (including solar panels at roof level), cycle parking, refuse areas and landscaping. The application was refused for five reasons:

- 1) Unacceptable on the grounds of loss of daylight and sunlight to neighbours.
- 2) The proposed A3/A5 (restaurant/takeaway) uses located in close proximity to the proposed residential use could cause unacceptable harm to future occupiers by way of noise and disturbance.
- 3) Insufficient daylight / sunlight / privacy and outlook for future occupiers.
- 4) Unacceptable on the grounds of accessibility.
- 5) Given the shortcomings identified with the proposal, it was considered to be premature to determine that the scheme would maximise affordable housing provision, to support a mixed and balanced community.

1.8 The current application seeks consent for the demolition of 45A Goldhawk Road, and erection of a 4 storey building comprising of 291 sq.m office use (Class B1) at ground floor level, 7 x two bedroom and 1 x three bedroom self-contained flats (Class C3) at first, second and third floor level; with associated landscaping, cycle parking and refuse storage at ground floor level. There would be roof terraces provided at first, second and third floor levels.

1.9 The application differs primarily from the recently refused scheme 2014/03156/FUL in so far as:

- The scheme no longer incorporates the redevelopment of the frontage buildings at 45-47A Goldhawk Road. These are no longer within the application site..
- The number of residential units has decreased from 28 to 8;
- The amount of commercial floor space has decreased from 322sq.m to 291sq.m
- The scheme no longer proposes a A1-A3 (shops, professional/financial services/restaurant), A5 (take-away) use at ground floor level, but now proposes a B1 office use.
- The proposed rear building has been reduced in height from 6 storeys to 4 storeys.

1.10 The residential use would comprise a mixture of unit sizes; 1 x 3 bed flats and 7 x 2 bed flats. A lift is proposed within the building, serving the residential units on the upper floors.

1.11 The Statement of Community Engagement submitted with the application states that on 7th August over 460 leaflets were delivered to the local community inviting them to a public exhibition to be held on 22nd August 2015. Officers are advised by the applicant that 17 members of the local community attended the exhibition; and that they were given copies of the exhibition leaflet which included the e-mail address to which feedback could be sent (this e-mail address was also included on the boards). The applicant advises that no written responses were received back, but that verbal feedback from attendees was received on the day, saying, in summary, that the proposal would contribute positively to improving the area as a place to live and to work, there was concern about the potential impact of the proposal on the architectural quality of Goldhawk Road, there was support for the density of the scheme, there was support for the retention of commercial space, and there were concerns over access during construction for workers/vehicles.

1.12 A revised planning application has also been submitted at 47 Goldhawk Road for the erection of two storey rear extensions above the existing ground floor extension, at first and second floor levels (Planning reference: 2015/03906/FUL); and is currently under consideration.

2.0 PUBLICITY AND CONSULTATIONS

2.1 Notification letters were sent to 210 surrounding properties and a site and press notice were posted.

2.2 Seven letters of objections have been received from: Flat 3, Apex Court; Flat 7 Apex Court; Flat 12, Apex Court; 13 Apex Court; 1 Woodger Road; 12 Richford Street; 47A Goldhawk Road, raising the following matters:

- Concerns regarding the height, scale and massing of the new building which is not in keeping with the locality and is excessive and overbearing to surrounding properties.
- Objection to the loss of more bars in Hammersmith or Shepherd's Bush.
- Loss of light and over-shadowing to neighbours;
- Loss of privacy to neighbours.
- Lack of parking.
- The borough does not have adequate schools, hospitals, doctor's surgeries or pubs to support further growth in population.

2.3 Non- planning considerations raised are:

- Noise and disturbance during construction;
- Party wall concerns between Apex Court and the proposed building;
- Concerns regarding the right of way to the rear of 45-47 Goldhawk Road for existing commercial units on Goldhawk Road (Officers' comment: this is a matter for separate legislation).

2.4 One response was also received from 41 Goldhawk Road, which says that they do not object to the proposal in principle, but stating that they would prefer to see a wholly residential building rather one with offices. They state that dwellings are in greater need.

2.5 The Hammersmith & Fulham Historic Buildings Group were consulted, but have not commented.

2.6 The Environment Agency was consulted and has responded with no objection.

2.7 Thames Water was consulted and has recommended conditions relating to a drainage strategy and a piling method statement to be submitted for approval. Informatives have also been recommended.

2.8 London Fire Brigade were consulted and have replied saying that they are satisfied with the proposals, subject to the requirements of the Building Regulations being met and brigade access being maintained at all times.

2.9 The Metropolitan Police Crime Prevention Design Advisor has been consulted, but has not responded.

2.10 Planning matters raised above are addressed in the report below.

3.0 PLANNING CONSIDERATIONS

3.1 The main planning issues to be considered in the light of relevant national, regional and local policies and standards include the principle of development in land use terms; affordable housing; housing density, mix and impact on local services; impact of the design, scale and appearance of the proposed new buildings, impact on the setting of the adjacent Building of Merit; the effect on the amenities of residents in the locality; the quality of the proposed residential units; security, highways impacts and parking; environmental issues including flood risk and contamination.

LAND USE

3.2 The proposal seeks consent for the demolition of an existing vacant bar/restaurant building and erection of a 4 storey building with commercial on the ground and eight flats above. The main policy issues are the loss of the existing bar / restaurant use (Class A3/A4), and the suitability of the proposed residential use and replacement commercial space.

Loss of use

3.3 Policy CF1 of the Core Strategy and policy DM D2 of the Development Management Local Plan seek to protect leisure facilities that remain satisfactory for such a use. On this occasion the premises has been vacant since January 2012, and there is a significant number of other leisure uses in the town centre area nearby. It is considered that the loss of the bar / restaurant use is acceptable, as there would be no demonstrable gap in the leisure provision in the town centre. The loss of the existing use was accepted in the previous application ref: 2014/03156/FUL, and is considered acceptable here.

Proposed commercial use

3.4 The site has an established commercial use, and therefore continued commercial provision, albeit in a different form and layout, is acceptable in principle. The proposed Class B1 office use at ground floor is acceptable in this town centre location. It would be compatible, subject to conditions, with the residential use proposed above, and on neighbouring property. The impact/harm to residential amenity and highways/parking etc, amongst other issues are considered below in the appropriate sections of the report.

Proposed Residential

3.5 The local area has mixed land uses, with a variety of shops and services and residential premises close by. Council's Core Strategy supports applications for residential accommodation as part of mixed use development schemes within the White City Opportunity Area. This would be a mixed use scheme. However, all residential applications will need to demonstrate satisfactorily that the proposals meet planning policies with regard to mix, affordability, density and design.

3.6 The site is located within White City Opportunity Area and the related policy for the area, Core Strategy policy WCOA, encourages the provision of new housing and employment uses in the opportunity area. In principle residential use in appropriate

locations within the White City Opportunity Area would be supported by Policy WCOA of the Core Strategy. This proposal is for eight flats, and has this policy support.

3.7 The NPPF seeks to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. London Plan Policy 3.3 B Table 3.1 sets an annual target of 1,031 net additional dwellings for Hammersmith and Fulham. Policy DM A1 of the DM LP 2013 states that 'The council will seek to exceed The London Plan housing target by seeking housing on both identified and windfall sites and as a result of change of use'. The provision of eight flats would contribute to these targets. The new residential use would be compatible with other surrounding town centre land uses. As such no objection is raised to the principle of the residential use.

Affordable Housing

3.8 London Plan Policies 3.10-3.13, London Housing Strategy (June 2014) and Core Strategy Policy H2 are relevant.

3.9 Eight private marking housing units are proposed, but no affordable housing units are proposed. London Plan: Housing SPG (Nov 2012) Para 4.5.8, states that in parts of London, especially the centre, demand for dwellings which are large in floorspace terms can mean that sites which would yield a larger number of average sized homes actually support fewer than this, taking them below the threshold for application of affordable housing policy. London Plan Policy 3.13 and paragraph 3.78 make clear that in such circumstances affordable housing policy should apply. As such, the Council will need to be satisfied whether the proposal is optimising the site appropriately and why affordable housing is not being provided. Further justification has been provided by the applicants outlining why affordable housing cannot be provided in this instance. This includes:

1. The mix is considered acceptable. Ordinarily, schemes would be expected to provide a mix of 1, 2 and 3 bed flats. The proposal is for 3 x 2 bed 3 person, 4 x 2 bed 4 person and 1 x 3 bed 5 person flats. A scheme which sought to provide more 3 bed flats yet falling below The London Plan threshold of 10 flats might be considered appropriate to provide affordable housing on the basis that these larger flats could be split to provide smaller units. This is not the case with this application. Whilst there are no 1 bed flats, there is only 1 x 3 bed flat. Furthermore, of the 7 x 2 bed flats, three are in fact small in that they would be 3 person flats.
2. None of the proposed flats excessively exceed the London Plan space standards.
3. The site is reasonably constrained on all sides. Nevertheless, the proposed density is still within the London Plan range (200-700hrha).
4. Six of the proposed eight flats would be dual aspect. The two that are not, would be south facing. If it were possible to subdivide the flats, more single aspect flats would be created and some might be solely north facing, which would not be considered acceptable in terms of sunlighting conditions for future occupiers.
5. Given the site constraints and taking account of design, streetscape, outlook, privacy, daylight/sunlight and amenity space, it is not possible to increase the volume (including height) to create more usable space and potentially more flats.

6. Though not relevant to LBHF's consideration of planning applications, Camden Council is concerned about developers trying to circumvent the requirement to provide affordable housing by creating an excessive number of large flats and thereby remaining below the 10 flat threshold. As such, they have an affordable housing policy which includes a notional floorspace threshold. The threshold is 1,000m². This application comprises 715m² of residential floorspace including cores, etc... (549m² if exclude cores, etc...) which is considerably below Camden's guidance.

3.10 Officers consider that these points are reasonable; and are satisfied that the scheme would optimise the site's potential and that the proposed unit size mix is appropriate. Officers agree that the non-family units would be appropriate in this town centre location, and given the constraints of this backland site. Therefore, on this occasion, it is not considered necessary to insist on affordable housing, under Policies 3.10-3.13, London Housing Strategy (June 2014) and Core Strategy Policy H2.

Housing Mix and Density

3.11 The mix of housing proposed would be considered against Core Strategy policy H4, and Development Management Local Plan (DMLP) policy DM A3. A mix of types and sizes of units would be required, particularly family housing in the WCOA. It is proposed that there would be one three bedroom flat, and 7 x two bedroom units. Although only one family unit (3 bedroom or more) is proposed, it is considered that given the town centre location and site constraints such that no ground level garden would be provided, no objection is raised on this occasion.

3.12 With regard to the proposed density, policy 3.4 of The London Plan and Core Strategy policy H3 are relevant. London Plan policy 3.4 states that boroughs should ensure that development proposals achieve the optimum intensity of use compatible with local context, design principles and with public transport capacity, with consideration for the density ranges set out in Table 3.2 of The London Plan. The site has a PTAL of 6b and the setting for the site is considered to be urban, giving an indicative appropriate density range of 200-700 habitable rooms per hectare (hrph). The density of the proposal would be 446hr/ha. Albeit being at a lower density than would normally be expected for a PTAL 6b location, the figure is within the density range of The London Plan; and the quantum of accommodation proposed recognises that the site is heavily constrained in its surroundings.

3.13 The proposal is situated in an area of excellent public transport accessibility (PTAL 6b), would have no on-site car parking and would be 'car permit free', which would mean it would be unlikely to result in additional material parking pressure or trip generation to and from the site from residents/visitors. Although the density is lower than ordinarily expected for a site with a PTAL score of 6b, the site is heavily constrained by existing neighbouring properties. For these reasons it is considered that the development would optimise the site's potential and the density is a considered acceptable, in accordance with Policy 3.4 of The London Plan and DM LP Policy DM A2.

QUALITY OF ACCOMMODATION

Size, lighting, aspect, amenity space

3.14 Policy H3 of the Core Strategy states that all housing development will be expected to, amongst other things, meet satisfactory internal and external space standards and provide a high quality residential environment. Each of the proposed units has been designed to meet or exceed the space standards for unit sizes as outlined in Policy 3.5 and Table 3.3 of The London Plan 2011, with two bedroom units ranging between 64 sq.m and 78 sq.m (61sq.m or 70 sq.m. required), and a three bedroom unit at 94sq.m (86sq.m required).

3.15 All of the proposed flats would be either dual aspect (facing in a northerly and southerly direction) or would be south facing which is acceptable and in accordance with criteria 4 of Housing Policy 8 of the Planning Guidance SPD. In addition, the daylight and sunlight report submitted with the application demonstrated that all new flats would accord with the BRE guidance for daylight (ADF test) and sunlight (APSH test).

3.16 Regarding the outlook afforded to future occupiers, Officers have carried out a 45 degree angle test from the centre point of each new window to investigate whether this notional line intersects any existing building. Since the 45 degree angle line would not intersect any existing building to the front or rear of the site Officers consider that outlook to future occupiers could be acceptable.

3.17 Policy 3.5 and Table 3.3 of The London Plan, Core Strategy Policy H3, Policy DM A9 and Policy DM A2 of the DMLP 2013, and Planning Guidance SPD 2013 Housing Policy 1, expect all housing developments to be of a high quality design and be designed to have adequate internal space and amenity space. Policies DM E1 and DM A9 require all new developments to make provision for open space to meet the needs of the occupiers and users. SPD Housing Policy 1 relates to amenity space in new dwellings. It states that all new dwellings should have access to an area of amenity space, appropriate to the type of housing being provided. It states that every new family dwelling should have direct access to amenity or garden space of not less than 36 sq.m. It goes on to say that dwellings with accommodation at ground floor level should have at least one area of private open space with direct access to it from the dwelling. For family dwellings on upper floors this space may be provided either as a balcony or terrace and/or communally within the building's curtilage. Para 4.6 of the SPD states that 'In relation to the provision of private gardens and amenity space the council will expect to see a more generous provision of outdoor amenity space than the minimum standards' (in the London Plan SPG). The Mayor's Housing SPG 2012 states that a minimum of 5 sq.m of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sq. m should be provided for each additional occupant.

3.18 All of the proposed units would provide amenity spaces in the form of a private roof terrace. The three bedroom unit would have a terrace of 27 sq.m, which is below the requirement for 36 sq.m. Flat 4, which is a 2 bedroom 4 person unit, would have a terrace of 6sq.m, below the 7sq.m required. However, the family unit would be 8 sq.m. larger than the minimum floor space required; and this additional floorspace could offset most of the shortfall; and flat 4 would be 1 sq.m. larger than the minimum size standard also, compensating for the small shortfall in private amenity space for that unit; as allowed by The London Plan. As such no objection is raised to the shortfalls on this

occasion. All other two bedroomed units would have amenity space ranging between 14.5 sq.m and 39 sq.m in area, which would exceed, the 6 sq.m or 7sq.m minimum required. In addition to the private amenity spaces, future occupants of the flats would have use of a 142 sq.m communal private courtyard proposed.

Accessibility

3.19 London Plan Policies 3.8 and 7.2, Core Strategy policy H4, and the Development Management Local Plan policy DM A4, and Design Policy 1 of the Planning Guidance SPD 2013 states that all new housing should be built to accessible 'Lifetime Homes' standards and 10% of all new housing should be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. The Planning Guidance SPD Design policies give detailed guidance on accessible features which should be incorporated into a development.

3.20 All units would be built to Lifetime Homes standards (secured by condition 10). There would be lift access to the flats, with level access from the street level. Officers consider that flat 1, the proposed three bedroom flat at 94sq.m, and flat 7, a two bedroom flat at 78 sq.m could easily be adaptable for wheelchair users. The main staircase could also be easily adapted to take a chairlift, if required. Subject to further information to be submitted for approval, regarding detailed drawings of lifetime homes, Officers raise no objection under London Plan Policies 3.8 and 7.2, Core Strategy policy H4, and the Development Management Local Plan policy DM A4.

3.21 In view of the above, the proposed residential units would be of an acceptable standard of accommodation for future occupiers.

DESIGN and CONSERVATION and HERITAGE MATTERS

3.22 Among the core planning principles of the NPPF are that development always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Furthermore proposals should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. The NPPF (Conserving and Enhancing the Historic Environment) states that 'In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness'. The NPPF goes on to state that 'Local planning authorities should also look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance'. It says that 'Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably'.

3.23 London Plan Policies 7.1, 7.4 and 7.6 require all new development and architecture to be of high quality, responding to its surrounding context. It is expected that schemes would contribute to the character of the surrounding neighbourhood; and that they would be a positive addition to the streetscene or cityscape.

3.24 Core Strategy Policy BE1 (Built Environment) states that 'All development within the borough should create a high quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places'.

3.25 Policy DM G1 (Design of New Build) of the DMLP 2013 seeks to ensure that new build development to be of a high standard of design and compatible with the scale and character of existing development and its setting. It states that:

'All proposals must be designed to respect:

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

3.26 Policy DM G7 (Heritage and Conservation) of the DMLP 2013 states that the council will '....aim to protect, restore or and enhance the quality, and character, appearance and setting of the borough's conservation areas and its historic environment, including listed buildings, historic parks and gardens, buildings and artefacts of local importance and interest, archaeological priority areas and the scheduled ancient monument'.

3.27 The property is not located within a conservation area; though Woodger Road is. 49 Goldhawk Road is a building of merit. The proposal to demolish 45A is considered acceptable in principle subject to a satisfactory replacement building, as it is not of any architectural or historic interest or value; and does not contribute to the setting of the nearby conservation area.

3.28 To the east of the site lies a 4-storey Victorian brick terrace, nos. 39A to 43A with three floors, set back above single storey shopfronts. To the west is Goldhawk House which is a building of merit, with an attractively detailed façade with a Dutch gable. The proposal would be situated directly behind 45-47A Goldhawk Road which are three storeys in height.

3.29 The façade of the new building would be render finish with linear detailing. The ground floor offices would consist of powder coated aluminium glazed windows and doors. A timber panelled double door is proposed for access to the refuse store and glazed doors are proposed for the entrance to the reception area. A glazed canopy with zinc capping is proposed to the front elevation to provide cover for residential access which allows light into the space. Powder coated steel columns are proposed to provide structural support for the overhang of the canopy.

3.30 For the residential element on the upper floors of the new building, full height powder coated aluminium glazed windows are proposed to maximize the amount of natural light into the flats. Oriel windows are also proposed to provide long views and outlook to future occupiers.

3.31 A detailed study of the windows submitted with the application, both within the proposal and in adjacent buildings, has resulted in the proposed window form which incorporates vertical louvres. The angle of the louvres has been calculated for each window to ensure it achieves necessary sunlight and daylight, that it respects the privacy of the neighbouring windows, and also that it provides a quality outlook for each proposed habitable room.

3.32 The communal stair would be formed from a combination of glazed and timber panelled sections. Structural glass balustrades are proposed to the balconies on the second floor to the rear and on the third floor to the front. These would be set back from the edge to preserve privacy. A flat zinc roof is proposed.

3.33 The scale at four storeys is modest in comparison to the seven storey neighbouring Apex Court; and is comparable in height to many of the surrounding buildings. The massing would reduce on the top floor, pushing the bulk of the narrow top storey away from Goldhawk Road and therefore reducing its presence in the very narrow viewpoint available from that street (primarily between 43A and 45 Goldhawk Road). The building would be lower than, and therefore not compete in height with, the taller Dutch gable on Goldhawk House (BOM) which would remain the tallest and most prominent building in the parade. The proposed building is only likely to be glimpsed in part from Goldhawk Road through a narrow gap between buildings, given its distance from Goldhawk Road and the position of the existing frontage building.

3.34 The facades of the building would be rendered and have zinc copings and aluminium powder coated windows which is a contemporary treatment that is considered acceptable given the surrounding context of a mix of architectural styles. The building's main facade would be introverted with many windows obscured by metal fins but this is considered to be necessary in this situation, due to its close proximity to neighbouring residential windows. The proposal is acceptable in this location, and there would only be limited views of the building from the public realm.

3.35 The detailed design and final finish would be secured by conditions requiring 1:20 scaled drawings (condition 5) clearly through the façade which should show the depth of window reveals and detailing, and materials (condition 4) to be submitted for approval. Subject to these, the proposal is considered acceptable as it would respect the scale, mass, form and grain of surrounding development and have an acceptable relationship with the existing townscape, in accordance with London Plan Policies 7.1, 7.4. and 7.6, Core Strategy Policy BE1, and DMLP policy DMG1.

3.36 Furthermore, at this height and scale the proposal would also respect the primacy of the adjoining Building of Merit next door at Goldhawk House as the most significant building on the south side of the street in views along the Goldhawk Road. In particular the Dutch gable would remain the tallest and most prominent architectural feature on the skyline. As such the proposal would preserve the setting of the adjacent heritage asset - the Building of Merit, and therefore is in accordance with policy DM G7.

3.37 The proposal is also considered to be in accordance with the core planning principles in the NPPF which states that 'Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

IMPACT ON NEIGHBOURS:

Outlook

3.38 Criteria 1 of Housing Policy 8 of the SPD states that 'to safeguard against overbearing and over-dominating development a general standard can be adopted by reference to a line produced at an angle of 45 degrees from a point 2 metres above the adjoining ground level of the boundaries of the site where it adjoins residential properties. On sites that adjoin residential properties that have rear gardens of less than 9 metres in length this line should be produced at 45 degrees from a point at ground level on the boundary of the site where it adjoins residential properties. If any part of the proposed building extends beyond these lines then on-site judgement will be a determining factor in assessing the effect which the extension will have on the existing amenities of neighbouring properties'. This property is bounded by flatted residential property, not housing with standard gardens; so outlook has been assessed having regard to on-site judgement.

3.39 With regards to residential amenity in Goldhawk House, the new building would be set back sufficiently at 1st - 3rd floor levels to ensure that there would be no loss of outlook to residential neighbours. A 45 degree angle line taken from the centre point of the windows at Goldhawk House on plan show that the proposed new building would not intersect this line. As such Officers are satisfied that there would be no harm in terms of any material loss of outlook to neighbours of Goldhawk House.

3.40 Apex Court, in Woodger Road, has recently been converted from offices to residential accommodation and also includes a new three storey building along the side boundary with 45A Goldhawk Road. Apex Court contains a number of flats, which would be in close proximity to the proposed new building. In relation to Criteria 1 of Housing Policy 8, it is noted that the existing backland commercial building (to be demolished in this proposal) would breach a line produced at a 45 degree angle at two metres from the adjoining ground level of this property.

3.41 The proposal would replace a building which is the equivalent of 2 to 3 residential storeys in height, with a 4-storey building, the top floor of this building, at third floor level, would be set back and therefore significantly reduced in width when viewed from Apex Court. Officers consider that the angle of the proposed building, and the proposed set back of upper floor, would not result in any material loss of outlook or increased sense of enclosure to residents of Apex Court that should justify a refusal of planning permission.

3.42 In relation to 43A Goldhawk Road, this building contains a number of habitable rooms which would be in close proximity to and directly face the development. Windows on the proposed building would face towards these neighbouring properties, but windows would be at an acute angle to one another. As such no objection is raised, as officers consider that there would be no harmful loss of outlook for occupiers of this property.

3.43 In relation to 3-33 Woodger Road, the proposed new building would not extend beyond a 45 degree line from their ground floor windows. Furthermore the windows on the rear elevations of 3-33 Woodger Road are non-habitable. As such, the proposed building would not have any harmful impact in terms of loss of outlook to residents living there.

3.44 In relation to 45 to 47A Goldhawk Road, the upper floors of these properties are also in residential use. A 45 degree angle line taken from the centre point of each window at 45-47A Goldhawk Road on elevation shows that the proposed new building would not intersect this line. As such Officers are satisfied that there would be no material harm in terms of loss of outlook to neighbours of Goldhawk Road.

Daylight and Sunlight

3.45 In relation to light, the Building Research Establishment's (BRE) report 'Site layout and planning: A guide to good practice' is relevant. Unacceptable impact on neighbours' lighting conditions was one of the reasons for the previous application being refused planning permission. A Daylight and Sunlight Study has been submitted with this application. This shows that the proposed development would comply with the BRE guidance to all neighbouring properties with regards to daylight and sunlight and overshadowing of gardens and open spaces.

Privacy

3.46 Part 2 of Planning Guidance SPD housing Policy 8 states that 'new windows should normally be positioned so that the distance to any residential windows is not less than 18m as measured by an arc of 60 degrees taken from the centre of the proposed new window. If this standard cannot be met then windows should be designed to ensure that no loss of privacy occurs'. It is also stated that 'a roof terrace can cause considerable loss of privacy, dependent on its size and location' and that '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.'

3.47 All of the north facing windows / terraces would be within 8 to 10m of existing windows in the rear elevations of properties on Goldhawk Road and therefore would not be in accordance with the criteria 2 of Housing Policy 8. However the windows have been designed with either vertical louvres and / or etched glass up to 1.7m high or both, to ensure that no loss of privacy would occur (condition 32 would secure details). Similarly, all of the roof terraces proposed on the north elevation and those on the southern elevation would have 1.7m high obscure glass screens where they adjoin / or are close to neighbouring properties. These would be secured by condition (condition 19).

47 Goldhawk Road

3.48 Officers have also assessed the relationship of the proposed development with a proposal to extend to the rear of 47 Goldhawk Road at first and second floor levels (ref: 2015/03906/FUL). This assessment has been undertaken without any prejudice to the outcome of that planning application, which is not due to be determined until after the new year.

3.49 The proposed development at 45A would be located within 4.5m of windows at first and second floors of 47 Goldhawk Road. However, the proposal at 45A Goldhawk Road would have angled louvres to protect privacy of neighbours; whilst also ensuring privacy for future occupiers in 47 Goldhawk Road.

3.50 The building at 45A Goldhawk Road that it is proposed to demolish is built right up to the boundary with 47 Goldhawk Road; and is 2-3 residential storeys high. The proposed building at 45A would be set away from the shared boundary with 47 Goldhawk Road and would be situated 4.5m from the shared boundary. In addition the top floor (third floor) of the proposed development at 45A would be well set back from 47 Goldhawk Road. As such lighting conditions would not be materially compromised.

3.51 The proposed development at 45A seeks to create a landscaped courtyard between the new building and 47 Goldhawk Road; creating a new sense of open space in what is currently a dense urban grain. Officers consider that there would thereby be no outlook issues or sense of enclosure arising.

Noise and disturbance:

3.52 The proposal also needs to be considered for its potential impact on neighbours from noise and disturbance. Development Management Local Plan Policy DM H9 states that 'Housing, schools, nurseries, hospitals and other noise-sensitive development will not normally be permitted where the occupants/users would be affected adversely by noise, both internally and externally, from existing or proposed noise generating uses'. Criteria 3 of Housing Policy 8 states that 'planning permission will not be granted for roof terraces or balconies if the use of the terraces or balcony is likely to cause harm to the existing amenities of neighbouring occupiers by reason of noise or disturbance'.

3.53 The terraces of the three first floor units would range from 27 sq.m to 32 sq.m in area. Though these are not small, given their location towards the rear of the site, mainly adjacent to the bus depot to the south, Officers are satisfied that no significant noise and disturbance would result to residential neighbours that would justify a refusal of permission.

3.54 Terraces at second and third floor level would range from 6 to 17 sq.m in area. Given the limited size of these terraces, it is not considered that their use would, in the normal course of events, be likely to harm the amenities of existing neighbours as a result of additional noise and disturbance to a degree that would justify refusing planning permission.

Environmental nuisance

3.55 Core Strategy Borough Wide Strategic policy aims to protect and enhance the environmental quality of the Borough. DM Local Plan Policy DMH9 states that 'Noise generating development will not be permitted, if it would be liable to materially increase the noise experienced by the occupants / users of existing or proposed noise sensitive uses in the vicinity'. DM Local Plan Policy DM H11 relates to environmental nuisance and 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. The council will, where appropriate, require precautionary and/or remedial action if a nuisance for example, from smoke, fumes, gases, dust, steam, light,

vibration, smell, noise, spillage of gravel and building aggregates or other polluting emissions would otherwise be likely to occur, to ensure that it will not'.

3.56 The site adjoins existing residential properties on both sides, but more importantly new residential units are proposed on the upper floors over an office, with visitors / staff of the office having comings and goings. As such the office use needs to be carefully considered.

3.57 The office use is considered to be compatible with the town centre location, which is characterised by other commercial units at ground floor level, with relatively high levels of pedestrian activity and movement. The floor space of the commercial unit would be 291sq.m and an office use of this size would not be considered detrimental to the amenity of neighbouring occupiers, provided that the hours of operation are limited to between Monday to Friday 7.30am to 9pm and 9am to 1pm Saturday and Sunday (condition no. 31). In addition to this, given the very good public transport accessibility of the site and no parking proposed to be provided, people would be likely to use transport methods other than a private car to visit the site and therefore the proposed office use, in this location, would be unlikely to generate any increase in vehicle movement.

3.58 To ensure that the office use would not harm the amenities of occupiers of neighbouring properties, including the occupiers of the upper floors of the development, officers consider that conditions should be imposed with regard to enhanced sound insulation (Condition nos. 23 and 26), the limiting of noise emission (Condition no. 24), the installation of suitable anti-vibration isolators (Condition no. 25), hours of use (Condition no.30), and artificial lighting (Condition 27). Subject to these conditions, it is considered that the proposed office use would not result in harm to the existing residential amenities of surrounding occupiers by reason of noise and disturbance, and light spillage in accordance with Policies DM H9 and DM H11.

HIGHWAYS MATTERS

Parking and traffic generation

3.59 The NPPF requires that developments which generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised; and development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.

3.60 Policies 6.1, 6.3, 6.10, 6.11 and 6.13 of The London Plan set out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards.

3.61 Core Strategy Policy T1 supports The London Plan. Policies DM J2 and DM J3 of the DMLP set out vehicle parking standards, which brings them in line with London Plan standards and gives circumstances when they need not be met. DM Policy J2 stipulates maximum residential parking standards and requires 1 to 2 bedroom units to have less than 1 car park space per unit, and 3 bedroom units to have 1 - 1.5 car park spaces per unit. This policy further states that 'All developments in areas with good public transport

accessibility should aim for significantly less than 1 space per unit'. Policy DM J3 states that 'Market.... housing with zero or reduced parking will only be considered in areas with good levels of public transport accessibility'.

3.62 No off-street parking spaces are proposed nor are any proposed for people with disabilities. Parking standards/policies aim for a low level of parking provision, especially in areas of good public transport accessibility, which is the case here (the site is within PTAL 6b, which is considered to have excellent accessibility). The provision of no car parking spaces is considered to be in accordance with policy. All the proposed residential dwellings would be subject to a legal agreement, which would prohibit future occupiers from acquiring a car parking permit. Accordingly, given the location of the site, which offers excellent public transport accessibility and easy access to shops and services in Shepherd's Bush Town Centre, this is considered to be an appropriate approach in this case, and would not result in material increase in on-street car parking stress in the vicinity of the site. With no parking spaces provided, and only eight flats proposed, and also only a limited number of expected visitors coming to the development by car, the development would be unlikely to generate a significant number of vehicle movements, in accordance with DM Local Plan policies DMJ2 and DMJ3 and Policies 6.1, 6.3, 6.10, 6.11 and 6.13 of The London Plan.

3.63 A Transport Statement has been submitted assessing the suitability of the proposal in relation to the accessibility of the site, expected changes in travel patterns resulting from the proposed development, and considers parking and servicing matters.

Trip generation

3.64 With regards to trip generation, the Transport Statement includes a trip comparison based on TRAVL & TRICS for the previous use and the proposed uses. This approach is considered acceptable and the comparison is set out below.

Existing Trip Generation

3.65 Whilst acknowledging that the property is vacant, when in use as a bar/restaurant it would potentially have generated a large number of trips. This is evident when reviewing the Transport Statement in the previous planning application for the site (App. Ref: 2014/03156/FUL) which suggested that the property had the potential to generate up to 303 trips per day. Of these trips, 3% were car driver trips, resulting in a total of 9 to 10 car driver trips/day. In addition to car driver trips, such uses can typically generate a proportion of taxi trips. The mode share from TRAVL suggested that the proposed development would have generated in the region of 6 taxi trips during a typical peak hour.

Proposed Trip Generation

3.66 The potential number of total person trips for the proposed commercial use and residential units has been estimated by the applicant using trip rate information from the TRICS (incorporating TRAVL) database. It is stated that the proposed development has the potential to generate an additional 21 total person trips during the AM peak hour and 14 total person trips during the PM peak hour. Over the duration of a day it is anticipated that the proposed development could generate 153 total person trips.

3.67 Given the close proximity to Goldhawk Road and Shepherd's Bush Underground / Overground stations and local bus services, and taking into account the fact the development would not have any on-site parking, it is envisaged that the majority of future trips would be undertaken via public transport or on foot. Given the car free nature of the development, the main vehicle trips associated with the proposed development are expected to comprise of servicing trips and visitor trips (which would be limited).

3.68 Whilst it is noted that the existing site is currently vacant and therefore not generating any person trips at present, taking into account the fact that the bar/restaurant had the potential to generate up to 303 trips over the duration of a day suggests that the proposed development would represent an improvement in conditions.

3.69 The proposed office unit of 291 sq.m, would replace an existing bar /restaurant use of approximately 500 sq.m. The site and the surrounding area is subject to Controlled Parking Zone (CPZ) restrictions, Zone G, where parking controls are operational Monday to Sunday between 09:00 and 22:00, except where bays are reserved for permit holders only when restrictions are instead in operation Monday to Sunday 06:30 to 20:00. The proposed hours of use of the offices would operate between Monday to Friday 7:30 am and 9 pm and between 9 am and 1 pm on Saturdays and Sundays. Therefore the office use would occur within the hours of the controlled parking zone. Furthermore, given the site's excellent public transport accessibility, most staff and visitors would be expected to travel by public transport, or walk or cycle, and therefore the proposal is unlikely to generate any material increase in parking pressure or cause conditions detrimental to traffic conditions.

3.70 As such, the proposal is considered acceptable on this occasion and it is not considered that the proposed development would be likely to result in increased on-street car parking stress or traffic. On this basis, the proposed development is judged to be acceptable in the context of the NPPF, The London Plan, Core Strategy Policy T1 and DMLP Policies DM J1, DM J2, DM J3, and Policies 6.1, 6.3, 6.10, 6.11 and 6.13 of The London Plan.

Crossover and provision for pedestrians

3.71 There is an existing crossover at the entrance of this site, this would become redundant and therefore the footway is required to be reinstated. The pedestrian environment is currently being upgraded on Goldhawk Road. The proposed development of this site could potentially damage the footway during construction. Therefore enhancement works may be required, to ensure that the footway outside the site is maintained to a high standard. All work on the public highway would have to be carried out by the Council's highway contractors and the applicant has agreed to enter into a s106 agreement to fund the works.

Cycle Parking

3.72 Development Management Local Plan policy DM J5 would require six cycle parking spaces for the office use and nine cycle parking spaces for the residential use. To cater for those cycling to / from the development the applicant proposes twenty three cycle parking spaces at ground floor level, which is in excess of what is required by DM J5. Of the twenty three cycle parking spaces, sixteen would be allocated to the

residential units and seven allocated to the commercial side of the development. Condition 22 is recommended requiring cycle parking to be installed in accordance with the drawings.

Refuse storage

3.73 London Plan Policy 5.16 outlines the Mayor's approach to waste management. Core Strategy Policy CC3, and policy DM H5 of the Development Management Local Plan 2013 sets out the Council's Waste Management guidance, requiring development to incorporate suitable facilities for the storage and collection of segregated waste.

3.74 All refuse collection and deliveries would be undertaken from Goldhawk Road, in line with neighbouring properties and on-street loading / waiting restrictions. Refuse and recycling, for both the residential and commercial aspect of the development, would be stored within the curtilage of the site at ground floor level. The residential bin store would be located adjacent to the western site boundary, whilst the commercial bin store would be located adjacent to the eastern site boundary. In addition, a bin holding area would be provided to the north of the site, close to the street. The maintenance team would transport bins from the stores to the collection point on the day of collection. Condition 21 is attached requiring these details to be implemented. This is considered acceptable and no objection is raised on refuse grounds.

Impact of building works

3.75 Though there is other legislation covering construction matters, a Demolition Management Plan (DMP), a Construction Management Plan (CMP), Demolition Logistics Plan (DLP) and Construction Logistics Plan (CLP) could be required, if necessary, to ensure that there is no harmful impact on neighbours and on the local highway network. The documents would include demolition details, contractors' construction 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. The DLP/CLP would need to be in accordance with Transport for London (TFL) requirements, which seeks to minimise the impact of construction traffic on nearby roads and restrict construction trips to off peak hours only. These would be secured by a legal agreement, in accordance with DMLP policies DM H5, DM H8, DM H9, DM H10 and DM H11, and London Plan Policy 6.3.

ENVIRONMENTAL MATTERS

Flood Risk/ SUDS

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

3.77 London Plan Policies 5.11, 5.12, 5.13, 5.14 and 5.15 require new development to comply with the flood risk assessment and management requirements of national policy, including the incorporation of sustainable urban drainage systems, and specifies a drainage hierarchy for new development.

3.78 Policy CC1 of the Core Strategy requires that new development is designed to take account of increasing risks of flooding. Policy CC2 states that 'New development will be expected to minimise current and future flood risk and that sustainable urban drainage will be expected to be incorporated into new development to reduce the risk of flooding from surface water and foul water'. This is supported by Policy DM H3 of the DMLP 2013.

3.79 As required, a Flood Risk Assessment (FRA) has been submitted with the application. The proposed site is in the Environment Agency's flood risk zone 3, which indicates a high level of flood risk from the Thames River. However, a high level of protection is provided by the Thames Barrier and local wall defences. The site is not in an area where rapid inundation is expected to occur if flood defences failed/breached.

3.80 The H&F Surface Water Management Plan shows that part of the site could be susceptible to surface water flooding during an intense storm. The site is currently all hard, impermeable surfaces. The FRA states that surface water from the site would be attenuated to 5 l/sec before draining to the public sewers. Preliminary calculations show a storage volume of 25 m³ is required to attenuate surface water to 5 l/sec for the 1 in 100 year plus 30% (climate change) storm event. The FRA states that this could be provided in below ground attenuation tanks or permeable paving systems. In terms of local plan policy, if the latter is feasible then this should be implemented in preference to storage tanks. The plans show external courtyard areas where permeable paving and soft landscaping would be feasible. The implementation of the measures outlined in the FRA is secured by condition 31.

3.81 Local Plan Policy DM H3 also requires the development to include water efficient appliances. Further opportunities to reduce water use are encouraged at the site, which could include rainwater harvesting which is discussed in the FRA. As such condition 12 is attached requiring the submission of further details of the sustainable drainage strategy, including maintenance details. Subject to this no objection would be raised under policy DM H3, and London Plan policy 5.13 on sustainable drainage.

Contamination

3.82 London Plan Policy 5.21, Core Strategy Policy CC4 and Policies DM H7 and DM H11 of the DM LP 2013 states that 'The Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place'.

3.83 Potentially contaminative land uses, past or present, are understood to occur at, or near to, this site. In order to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works further conditions are recommended covering the assessment and remediation of contaminated land (12-17).

OTHER MATTERS

Secure by Design

3.84 London Plan Policy 7.3 requires new development to incorporate crime prevention measures to provide a safe and secure environment. The Design and Access statement submitted with this application states that the proposed scheme has

been designed with attention and consideration to the principles of Secure by Design, which would incorporate the following minimum standards:

- Entrance doors to meet PAS 23 PAS 24
- External doors to meet PAS 23 PAS 24
- Ground floor and all Accessible windows to meet BS7950 with one pane of 6.4mm laminated glass (BS EN 356 2000 rating 2A)
- External lighting on dusk/dawn/PIRs
- Boundary treatment consistent with New Homes 2010 guide.
- Utility meters to be external to the building or smart/intelligent meters

3.85 Full details of how the proposed development would achieve Secured by Design standards would be secured by condition 9 if permission were granted.

PLANNING OBLIGATIONS

CIL

3.86 Mayoral CIL (Community Infrastructure Levy) came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. CIL Regulations (2010) state that in dealing with planning applications, local planning authorities consider each on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise. It has been calculated that the CIL for this scheme would be in the region of £21,020. The Mayor's CIL calculation would contribute towards the funding of Cross rail. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy 8.3.

3.87 One neighbour objected regarding the impact the proposal would have on local services. This would be addressed through Borough CIL. An estimate of the Borough CIL has been calculated at £39,000.

PLANNING OBLIGATIONS

3.88 The council is obliged to assess planning proposals against the policies and standards contained within the Development Plans for the area and to consider any other material planning considerations. In some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable, through the use of planning conditions or, where this is not possible, through planning obligations.

3.89 If the application were considered acceptable in all other respects than the applicant would be expected to agree to enter into a legal agreement with the council with respect to the following heads of terms.

- (i) Reinstating the footway between 43A and 45 Goldhawk Road, following removal of the crossover which would be rendered redundant by the development taking place.
- (ii) Payment to make good any damage caused to the footway on Goldhawk Road during the demolition/construction works.
- (iii) Residential units to be car permit free
- (iv) A Demolition Management Plan (DMP), a Construction Management Plan (CMP), a Demolition Logistics Plan (DLP) and a Construction Logistics Plan (CLP) to be provided and implemented.

4.0 CONCLUSIONS and RECOMMENDATION

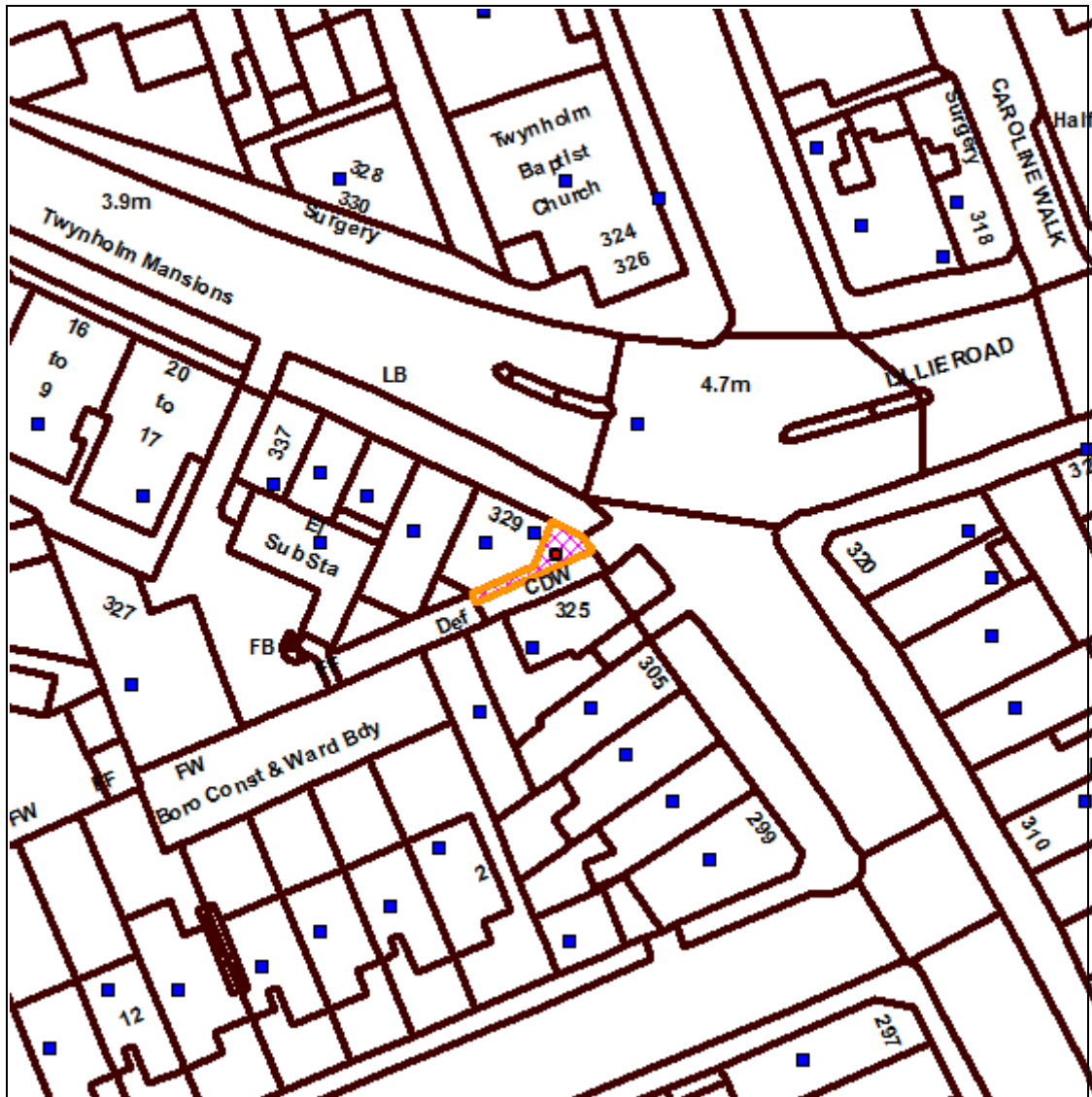
4.1 Officers consider that the proposed development would be appropriate in terms of land use, design and scale, and that it would not cause demonstrable harm to the amenities of neighbouring residents. The principle of the mix of uses within Shepherd's Bush Town Centre and within the White City Opportunity Area is considered to be in accordance with land use policies and the development would make efficient use of this previously developed site, by optimising the residential element and providing an office unit at ground floor level, within a well-designed scheme that is in keeping with the character and appearance of the street scene and the surrounding area. The proposal would preserve the setting of the adjacent Building of Merit. The development would not have a detrimental impact on the highway network or local parking conditions. Other matters including flood risk and contaminated land matters are also considered to be acceptable.

4.2 It is recommended that planning permission be granted, subject to conditions and the completion of a satisfactory legal agreement.

Ward: Fulham Reach

Site Address:

327A Lillie Road London SW6 7NR



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For identification purposes only - do not scale.

Reg. No:
2015/03455/FUL

Case Officer:
Alison Lavin

Date Valid:
27.07.2015

Conservation Area:

Committee Date:
09.12.2015

Applicant:

Mr Ashok Patel
35/37 Ludgate Hill London EC4M 7JN

Description:

Demolition of the existing two storey dwelling and erection of new four storey building to create a self contained three bedroom dwelling flat at first, second and third floor levels; creation of a terrace at third storey level; installation of gated entrance at ground floor level.

Drg Nos: 151-200-115 Rev-E; 151-200-116 Rev-E; 151-200-119 Rev- D;151-200-116 Rev-D; 151-200-117 Rev- E; 151-200-113 Rev-E;151-200-114 Rev-D; 151-200-103 Rev-D; 151-200-121 Rev-A;151-200-120 Rev-C.

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 not be erected otherwise than in accordance with the following approved drawings:

151-200-120 Rev-C; 151-200-114 Rev-D; 151-200-103 Rev-D; 151-200-121 Rev-A; 151-200-116 Rev-D; 151-200-117 Rev- E; 151-200-113 Rev-E;151-200-115 Rev-E; 151-200-116 Rev-E; 151-200-119 Rev- D.

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 BE1 of the Core Strategy 2011 and Policy DM G1 of the Development Management Local Plan 2013.

- 3) Prior to commencement of the development hereby approved, a demolition method statement and construction management plan shall be submitted to and approved in writing by the Council. Details shall include length of time for the obstruction of the Lillie Road footway and control measures for pedestrian safety, including match days, control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works and details of temporary site fencing/means of enclosure to be erected prior to any demolition works take place. Approved details shall be implemented throughout the project period.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies DM H9, H10 and H11 of the Development Management Local Plan 2013.

- 4) The development hereby permitted shall not commence until particulars and samples of materials to be used in all external faces of the new building at 327A Lillie Road (which shall include details of the bonding and pointing of the external facing brickwork) and details of all paving and external hard surfaces, boundary walls, railings, gates, fences and other means of enclosure have been submitted and approved in writing by the Council. The development shall be carried out in accordance with the approved details.

In order that the Council may be satisfied as to the details of the development in the interests of visual amenity of the area in accordance with policy DM G1 of the Development Management Local Plan (2013) and policy BE1 of the Core Strategy (2011).

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

To ensure a satisfactory external appearance and to prevent harm to the streetscene, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G1 of the Development Management Local Plan 2013.

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

To ensure a satisfactory external appearance and so that the use of the buildings does not harm the amenities of the existing neighbouring residential properties and future residential occupiers of the development as a result of overlooking, loss of privacy and noise and disturbance, in accordance with Policy DM H9, DM A9 and DM G1 of the Development Management Local Plan 2013, and SPD Housing Policy 8 of the Planning Guidance Supplementary Planning Document 2013.

- 7) No part of the development at 327A Lillie Road hereby approved shall be occupied prior to the provision of cycle storage for two bicycles for the residential development hereby approved, as indicated on the approved drawings and such storage facilities shall be permanently retained thereafter in accordance with the approved details.

In order to promote alternative, sustainable forms of transport, in accordance with Policy DM J5 of the Development Management Local Plan 2013 and Policy 6.9 and Table 6.3 of the London Plan 2011.

- 8) No part of the development at 327A Lillie Road hereby approved shall be occupied prior to the provision of the refuse storage enclosures, as indicated on the approved drawings.

To ensure that the use does not give rise to smell nuisance and to prevent harm to the street scene arising from the appearance of accumulated rubbish, in accordance with Policy CC3 of the Core Strategy 2011 and Policy DM H5 of the Development Management Local Plan 2013.

- 9) Pursuant to Article 3(1) and the provisions of Article 3(2) of the Town and Country Planning (General Permitted Development) Order 1995, as amended 2008 (or any future order amending, revoking and re-enacting that Order) Part 1 of Schedule 2 of the said Order (being development within the curtilage of the dwellinghouse) shall not apply to the dwellinghouse at 327A Lillie Road to which this planning permission relates, and no such development within the curtilage of the dwellinghouse shall take place without planning permission first being obtained.

Due to the limited size of the site and the proximity to neighbouring residential properties the Council wish to exercise future control over development which may affect residential amenity or the visual amenity, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G1 and DM A9 of the Development Management Local Plan (2013) and SPD Housing Policy 7 and 8 of the Planning Guidance Supplementary Planning Document (2013).

- 10) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value DnT,w of at least 5dB above the Building Regulations value, for the wall structures separating different types of rooms in adjoining dwellings, namely the adjoining rooms of No's 325 and 329 Lillie Road. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

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

To appropriately mitigate the impact of the development during construction in terms of noise, vibration, dust, lighting or other emissions from the building site, in accordance with policies DM J1, H5, H8, H9, H10 and H11 of the Development Management Local Plan (2013), Core Strategy 2011 Policy CC4 and London Plan (2015) Policy 7.14.

- 12) Prior to commencement of the development hereby approved, a Construction and Demolition Logistics Plan shall be submitted to and approved in writing by the Council. The details shall include the numbers, size and routes of demolition and construction vehicles, provisions within the site to ensure that all vehicles associated with the construction works are properly washed and cleaned to

prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. Approved details shall be implemented throughout the project period.

To ensure that construction works do not adversely impact on the operation of the public highway, and that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with policies DM J1, J6, H5, H8, H9, H10 and H11 of the Development Management Local Plan (2013).

- 13) Any refuse/recycling generated by the residential units hereby approved shall be stored in the refuse stores forming part of the details approved pursuant to Condition 10 and shall not be stored on the pavement or street.

To ensure that the use does not give rise to smell nuisance and to prevent harm to the street scene arising from the appearance of accumulated rubbish, in accordance with Policy DM H5 of the Development Management Local Plan 2013.

- 14) 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 plans, 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, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G1 and DM G7 of the Development Management Local Plan 2013.

- 15) The party walls hereby approved shall be constructed in second hand London stock brickwork.

To ensure a satisfactory external appearance, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G1 and DM G7 of the Development Management Local Plan 2013.

- 16) No water tanks, water tank enclosures or other structures shall be erected upon the roof of the works hereby permitted.

To ensure a satisfactory external appearance, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G1 of the Development Management Local Plan 2013.

- 17) The development hereby permitted shall not commence until detailed drawings of the Lillie Road elevation in plan, section and elevation at a scale no less than 1:20 showing details of :-

- a] fenestration
- b] brickwork, including the detail of the parapet and junction of the two bays of the front elevation
- c] entrance gate
- d] junctions with adjoining buildings;

are submitted to, and approved in writing by the Council.

To ensure a satisfactory external appearance, in accordance with Policy BE1 of the Core Strategy 2011 and Policy DM G1 and DM G7 of the Development Management Local Plan 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 19) No development shall commence until a site investigation scheme is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

- 20) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks

posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks

are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Borough Wide Strategic Policy CC4 of the Core Strategy and policies DM H7 and H11 of the Development Management Local Plan 2013.

Justification for Approving the Application:

- 1) 1. It is considered that the proposal would not have significant effect on the residential amenity of adjoining occupiers and would be of an acceptable visual appearance. The proposal would not have an unacceptable impact on street parking in surrounding streets. The proposed houses would be of an acceptable standard of accommodation. In this respect the proposal complies with policies BE1, CC1, CC2, H3 and T1 of the Core Strategy 2011, policies DM A1, A2, A9, G1, J1, J3, J5, H5 and H9 of the Development Management Local Plan 2013, SPD Housing policies 1, 5, 7 and 8, SPD Sustainability policy 1, and SPD Transport policies 5, 7 and 12 of the Planning Guidance Supplementary Planning Guidance 2013.
2. Design: The proposed development would be a high quality development which would make a positive contribution to the urban environment in this part of the Borough. The proposed development would be compatible with the scale and character of existing development and its setting. The proposal would preserve and enhance the character and appearance of the adjacent conservation area and the conservation of which it forms a part of. The development would therefore be acceptable in accordance with the NPPF (2012), London Plan Policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.8, Core Strategy Policy BE1 and Policy DM G1 of the Development Management Local Plan (2013) and SPD Design Policies 44 and 48 of the Planning Guidance SPD (2013), which seek a high quality in design and architecture, requiring new developments to have regard to the pattern and grain of existing development.
3. Residential Amenity and Impact on Neighbouring Properties: The impact of the proposed development upon adjoining occupiers is considered acceptable with no

significant worsening of noise, overlooking, loss of sunlight or daylight or outlook to cause undue detriment to the amenities of neighbours. In this regard, the development would respect the principles of good neighbourliness. The development would therefore be acceptable in accordance with Policies DM G1, H9, H11 and A9 of the Development Management Local Plan (2013) and SPD Housing Policy 8 of the Planning Guidance SPD (2013).

4. Safety and Access: The development would provide a safe and secure environment for all users in accordance with London Plan (2011) Policy 7.3 and Policy DM G1 of the Development Management Local Plan 2013 (2013). The proposal would provide ease of access for all people, including disabled people, in accordance with London Plan (2011) Policy 3.8, Core Strategy (2011) Policy H4, Policy DM A4, DM A9, DM G1 of the Development Management Local Plan (2013) and SPD Design Policies 1 and 11 of the Planning Guidance SPD (2013).

5. Transport: Subject to conditions there would be no adverse impact on traffic generation and the scheme would not result in congestion of the road network. Conditions will secure satisfactory provision cycle and refuse storage. The development would therefore be acceptable in accordance with the NPPF (2012), London Plan (2011) Policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13, Core Strategy Policies T1 and CC3 (2011), Policies DM J1, DM J2, DM J3, DM J5, DM A9 and DM H5 of the Development Management Local Plan (2013), and SPD Transport Policies 5 and 12 and SPD Sustainability Policies 3, 4 and 7 of the Planning Guidance SPD (2013).

6. Flood Risk: A Flood Risk Assessment (FRA) has been submitted and has considered risks of flooding to the site and adequate preventative measures have been identified. Details of SUDS will be secured by a condition. In this respect the proposal is therefore in accordance with the NPPF (2012), London Plan (2011) Policies 5.11, 5.12, 5.13, 5.14 and 5.15, Core Strategy Policies CC1 and CC2 (2011), Policy DM H3 of the DM LP (2013) and SPD Sustainability Policies 1 and 2 of the Planning Guidance SPD (2013).

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by Andrew Marshall (Ext: 3340):

Application form received: 21st July 2015

Drawing Nos: see above

Policy documents: National Planning Policy Framework 2012
The London Plan 2011 and Revised Early Minor Alterations to The London Plan, 2013
Core Strategy 2011
The Development Management Local Plan 2013
Planning Guidance Supplementary Planning Document July 2013

Consultation Comments:

Comments from:

Dated:

Neighbour Comments:

Letters from:

159 Becklow Road London W12 9HH

Dated:

02.08.15

1.0 BACKGROUND

1.1 The application relates to a site on the southern side of Lillie Road close to the junction with Munster Road. At present the application property is arranged as a self contained one-bedroom flat at first floor level, whilst the ground floor contains an entrance access to properties at the rear as well as internal access to the flat above. The application property is sandwiched between two distinct terraces; to the south a row of five two storey properties comprised of commercial use at ground floor level and residential above, while to the north the terrace is comprised of three storey buildings occupied by commercial use at ground floor level and residential use on the upper floors. The site is not located within a conservation area. The property is within Flood Risk Zone 2 and 3.

1.2 Relevant Planning History:

1982/01990/FUL (Application approved)

Description: Continued use as architect's office .

Drg. No: Site Plan.

1984/02450/FUL (Application approved)

Description: Change of use from office to art shop with gallery.

2004/01199/FUL (Application approved)

Description: Erection of a two storey extension on top of existing building; alterations to front elevation.

2009/00604/FUL (Application approved)

Description: Erection of an additional floor; installation of new entrance door to front elevation at ground floor level; replace existing windows to front elevation at first floor level; installation of bi-folding doors to replace existing windows to rear elevation at first floor level.

2012/01288/EFUL Extension of time application (Application approved)

Description: Erection of an additional floor; installation of new entrance door to front elevation at ground floor level; replace existing windows to front elevation at first floor level; installation of bi-folding doors to replace existing windows to rear elevation at first floor level.

2014/01842/FUL (Approved)

Description: Demolition of existing office buildings (Class B1) and the erection of 8 x two storey plus-basement single family dwelling houses (Class C3) with roof terraces at first floor level; formation of refuse and cycle storage; installation of two new access gates fronting Lillie Road elevation; replacement of existing power sub-station and formation of a new underground power sub-station in between properties 17-20 and 337 Lillie Road.

2015/00420/FUL (Application withdrawn)

Description: Erection of two additional floors at second and third floor levels including the formation of a roof terrace at third floor level; alterations to the external facades at first floor level to include installation of new windows to replace the existing to the front and rear elevation; associated external alterations.

1.3 The current applications for planning permission for the demolition of the existing two storey dwelling and erection of new four storey building to create a self contained three bedroom dwelling flat at first, second and third floor levels; creation of a terrace at third storey level and installation of gated entrance at ground floor level. The dwelling will become part of the Lillie Mews development, approved in December 2014 (ref: 2014/01842/FUL), which would be located to the rear of the application site.

2.0 PUBLICITY AND CONSULTATION

2.1 Individual notification letters (22) were sent to occupiers adjoining the site. There was one objection received in relation to the application, which can be summarised as follows:

- The new building will be out of keeping with neighbouring adjacent buildings. The design of the building will not sit well and will be highly visible when approaching from the eastern side.
- Officer Response: The above matters will be dealt with in the body of the report below.

3.0 PLANNING CONSIDERATIONS

3.1 The main planning considerations to be considered in light of the Council's adopted Core Strategy 2011, the Development Management Local Plan 2013 (hereafter referred to as DM LP) and the Planning Guidance Supplementary Planning Document 2013, include the quantum and intensity of development in terms of the height, scale and massing; and, the potential impact on surrounding uses particularly on the existing amenities of occupiers of neighbouring residential properties in terms of noise, outlook, light and privacy.

DESIGN AND APPEARANCE:

3.2 In respect of design, among the core planning principles of the NPPF are that development always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 58 of the NPPF requires planning decisions to ensure that development will function well and add to the overall quality of the area, to respond to local character and history and reflect the identity of local surroundings and materials while not preventing or discouraging appropriate innovation, and that developments are visually attractive as a result of good architecture and appropriate landscaping.

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

3.4 Core Strategy Policy BE1 (Built Environment) states 'that all development within the borough, including in the regeneration areas should create a high quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places.' Policy DM G1 of the DM LP states 'that new build development will be permitted if it is of a high standard of design and compatible with the scale and character of existing development and its setting.

3.5 This is supported by SPD Design Policy 44 where new buildings must be carefully conceived to achieve harmonious relationship with their neighbours. New buildings should contribute to the visual quality of the area, and preserve or enhance the character and appearance of the area. The scale, proportion, massing, height, alignment and use of materials must be carefully conceived along with the finer grain detailing to achieve a harmonious relationship with neighbouring buildings.

3.6 In order to satisfy the policy context and integrate the scheme into its surroundings, it is necessary for the proposal to take account of the character of the existing area and draw inspiration from it: to be part of it rather than distinct from it.

The site and surrounding townscape context:

3.7 The application site is currently in use as an apartment at first floor level with vehicular access to the mews workshops behind via a gate at ground floor level. To the rear, the site includes vacant two storey Class B1 design studios / workshop spaces. There is an existing electricity sub-station on the site.

3.8 To the north of the site. The surrounding buildings are four storeys above ground along Lillie Road with a basement level. To the south of the site, the buildings along the terrace are two storey, with a commercial parade at ground floor level.

Proposal:

3.9 It is proposed to demolish the existing two storey property and erect a replacement four storey property within the footprint of the site. The proposed level of demolition is acceptable given that the parts of the building being demolished are not of architectural merit, not located in conservation area or listed.

3.10 The proposed replacement building will incorporate a three bedroom self contained dwelling arranged over three floors. Overall, the proposed new building will be similar to a three storey traditional building in height even though it will contain four floors. The building will line through with the parapet of its northerly neighbour which is four storeys with mansard roof included and it will step down towards the two storey terrace on its south side. Access to the dwelling will be from inside the Munster Road gate to the new Lillie Mews development (ref: 2014/01842/FUL).

3.11 The proposed new building would be limited to the foot print of the existing property and would extend further to the rear or the front of the site. The front façade of the new building will incorporate facing brick slips of yellow stock brick design. The overall building height will match the parapet height of the adjoining building, No. 329 Lillie Road. At first, second and third floor levels, the fenestration will comprise polyester power coated (PPC) windows and cills. The left hand side windows will incorporate an inward opening style connected to a fixed glazed non openable window pane. The right

hand side windows will be dark grey composite single pane windows which will be non openable. The windows will be set in 200mm with an angled brickwork reveal to meet the main front elevation. This adds depth and a modern character to the front façade.

3.12 The roof line will be defined by the front parapet which will be 150mm higher than the main flat roof. A valley gutter will be installed between 327A Lillie Road and 329 Lillie Road. A set of 4 glazed rooflights will be installed into the main flat roof to allow an additional amount of daylight into the kitchen/diner at third floor level. An additional rooflight will be installed into the roof near to the party wall with No. 329 Lillie Road.

3.13 Viewed from the southern approach on Munster Road, the flank wall will comprise an uninterrupted brick work façade which, with the mansard of No. 329 Lillie Road visible beyond.

3.14 The rear elevation will incorporate a stock brickwork façade with aluminium windows at first and second floor level. At third floor level, the rear elevation will be stepped in 1.6 metres from main elevation, in order to create a terrace. The south west facing terrace will be accessible from the kitchen/diner, measure 5.3 sqm and will be enclosed with a 1.7metre brick balustrade above floor level to the side and rear. A window in the balustrade will be installed will offer a view directly into the approved mews development (referred to above), while restricting side views into adjacent properties. When viewed from the rear elevation, the fenestration aligned in a symmetrical arrangement using fresh contemporary materials and textures, again reflecting the modern architecture of the proposed building and mews building behind.

3.15 The accommodation is arranged over three levels, with two bedrooms at first floor level, at second floor level a living room and third bedroom will be included, and the kitchen/dining room area and terrace space will be located at third floor level.

3.16 The cycle access will be provided through the mews gate at ground floor level with two cycle parking spaces provided at ground floor level directly through the entrance gate. Officers are satisfied that this element of the proposals would have no adverse impact on the street scene.

3.17 Officers consider that the proposed four storey dwelling with basements to be of a good standard of design in terms of scale, massing, footprint and materiality. The proposed new building would sit well between the surrounding two and four storey buildings, and is considered to incorporate contemporary elements without impeding the character of the area. Officers consider the recessed windows with splayed brick reveals to the front elevation offers visual interest to the streetscene. The proposal has been developed in discussion with Officers over a significant period of time and is considered sympathetic to the surrounding townscape.

3.18 The development would enhance the appearance of the existing site and locality. Subject to the imposition of condition 4 relating to materials, it is considered that the proposed design would make a positive contribution to the street scene, thereby complying with London Plan Policies 7.1, 7.2, 7.4, 7.5 and 7.6, policy BE1 of the Core Strategy and policy DM G1 of the Development Management Local Plan 2013.

4.0 QUALITY OF RESIDENTIAL ACCOMMODATION

4.1 Policy 3.5 and Table 3.3 of the London Plan, Core Strategy Policy H3, Local Plan Policies DM A1 and A9 expect all housing development to be of a high quality design and be designed to have adequate internal space, in this instance the dwelling contains three bedroom suitable for five persons, so the required minimum internal floor space must be at least 95sqm. SPD Housing Policy 8 (iv) states that "north facing (i.e. where the orientation is less than 50 degrees either side of north) should be avoided wherever possible."

4.2 The proposed new build at 327A Lillie Road would comply with the necessary internal floor space as prescribed in the London Plan, with the dwelling being approximately 108.6 sqm in size. The proposed floor space would be of an adequate size to provide an acceptable layout, outlook and sunlight and daylight levels to occupiers of the residential unit. The proposal would benefit from a dual orientation to the east and west.

4.3 SPD Housing Policy 1 requires all new dwellings should have access to an area of amenity space, appropriate to the type of housing being provided. The policy continues to state that all new family dwellings should have access to amenity or garden space of not less than 36sqm. SPD Housing Policy 3 ensures that where balconies and/or terraces are provided to meet amenity space requirements they should have a minimum depth and width of 1500mm.

4.4 The proposed unit would have access to a private terrace space measuring 5.3 sqm. Although this would fall short of the policy requirement for family sized units to have access to over 36sqm of amenity space. Although the unit would fall short of the 36sqm requirement, officers consider that the generous communal car-free courtyard, which the property would have access to, would provide amenity space which measures some 210 sqm. As such, this would make a significant contribution to the amenity space provision for this proposal. Furthermore the application site is in very close proximity to a public park accessed from Purcell Crescent. Officers consider that the proposed amenity space provision is appropriate to the housing being provided given the constraints of this site and the car free nature of the development.

4.5 In this case, the amenity space provided is considered to be an acceptable arrangement, and would not justify a refusal of planning permission. In view of the above, the proposed residential units would be of adequate size and layout to provide an acceptable outlook and sunlight and daylight levels, and external space to occupiers of the new dwelling.

RESIDENTIAL AMENITY:

3.34 Policy DM G1 of the DM LP states all proposals must be formulated to respect the principles of good neighbourliness. SPD Housing Policies 7 and 8 seek to protect the existing amenities of neighbouring residential properties in terms of light, outlook, privacy and noise and disturbance.

Sunlight/Daylight:

3.35 The Council has regard to the guidance set out in Building Research Establishments' (BRE) Report 2011 "Site Layout Planning for Daylight and Sunlight - A

guide to good practice". This guidance sets out advice on site layout planning to achieve good sunlighting and daylighting within buildings and in the open spaces between them. Although it provides numerical guidelines, these should be interpreted flexibly because natural lighting is only one of many factors in site layout design. If any or part of a new building in a vertical section breaches an angle of more than 25 degrees to the horizontal, then the daylight and sunlight to an existing building may be adversely affected.

3.36 The applicant has not provided a BRE assessment, but has provided diagrams within the Design and Access statement which demonstrate that the building sits to the North East of the surrounding lower buildings. Officers did raise concerns regarding the impact of the development on the habitable room dormer windows to the adjoining property No. 329 Lillie Road. The originally submitted design may have resulted in a loss of daylight to the dormer windows on the southern side of No. 329 at roof level. Officers requested that the building height be reduced by 300mm to ensure no loss of daylight to these rooms occurred. Officers consider that the habitable rooms and windows in these adjoining properties would have sufficient access to daylight and sunlight after the proposed residential development has been constructed. Therefore overall the daylight assessment shows the envelope is fully compliant. As the proposed new building will remain within the footprint of the existing building, it is not considered there would be any significant adverse impact on the surrounding residents in terms of loss of daylight and sunlight.

Outlook

3.38 Policy DM A9 of the DM LP states that to achieve a high standard of design the protection of existing residential amenities will be taken into account especially in densely built areas. SPD Housing Policy 8 respectively require that there is no significant loss of outlook to existing residential amenities.

3.39 Further to the comments above, following negotiations with officers, the applicants have reduced the height of the development by 300mm to ensure no loss of outlook to the habitable room windows at roof level to No. 329 Lillie Road. It is not considered there would be any significant adverse impact on the surrounding residents in terms of loss of outlook.

Privacy

3.40 SPD Housing Policy 8 (ii) states that 'new windows should normally be positioned so that the distance to any residential window is not less than 18metres as measured by an arc of 60 degrees taken from the centre of the proposed new window.' If this standard cannot be met then windows should be designed to ensure that no loss of privacy will occur. SPD Housing Policy 3 states 'where balconies and/or terraces are provided they must be designed to respect the amenity of neighbours. SPD Housing Policy 8 (ii) continues '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 terrace/balcony.

3.5 The proposed development will include windows at second and third floor levels at the depth as the first floor windows of the existing building. As such, the new windows at second and third floor levels to the rear of the property would be no closer to habitable

room windows than the existing arrangement of the residential flat on site. While the proposed development will have a terrace at the third floor level, this has been designed to be enclosed with 1.7metre high brick balustrade to the side and rear. A window will be inserted into the rear elevation of the terrace, but this has been designed in such a way that the outlook will be directly into the shared yard of the residential mews development behind. An existing terrace is visible to the rear of No. 331 Lillie Road at first floor level, which has no attached planning history. The terrace is not enclosed by obscure glazed screening. By nature of the site constraints and large amounts of habitable room windows to the rear of the properties directly adjacent to the application site, it is considered that a certain degree of mutual overlooking occurs between properties in this location. As such, the design of the terrace is considered to appropriate and acceptable in this context. The proposed development would not result in an additional opportunity for overlooking and would therefore comply with SPD Housing Policies 8(ii) and (iii).

Noise and Disturbance

3.41 Policy DM H9 of the DM LP considers noise levels both inside the dwelling and in external amenity spaces. Policy DM H11 of the DM LP deals with environmental nuisance and states requires all developments to ensure that there is no undue detriment to the general amenities at present enjoyed by existing surrounding occupiers of their properties. Whilst SPD Housing Policy 8 (iii) states `planning permission will not be granted for roof terraces or balconies if the use of the terraces or balconies is likely to cause harm to the existing amenities of neighbouring properties by reason of noise and disturbance.

3.42 Each house would have a terrace at first floor. It is difficult to predict with any accuracy the likely level of noise/disturbance that would be generated by the use of the proposed balcony/terrace areas, however, on balance, having regard to the size of the proposed terrace space (maximum of 5.3 sqm) together with the location and the relationship with adjoining properties, it is not considered that the terraces would be likely to harm the existing amenities of adjoining occupiers as a result of additional noise and disturbance.

3.43 Officer's consider that the proposed development would have no significant adverse impact on residential amenity in accordance with Policy DM A9, H9 and H11 of the DM LP and SPD Housing Policy 3 and 8.

TRAFFIC GENERATION, CAR PARKING, CYCLE PARKING AND ACCESS:

3.51 The NPPF requires developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised; and development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people.

3.52 Policy 6.1, 6.3, 6.10, 6.11 and 6.13 of the London Plan sets out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards.

3.53 Core Strategy Policy T1 supports the London Plan. Policy DM J4 of the DM LP requires new development to incorporate ease of access by disabled people and people with mobility impairment. Policy J1 states that all development proposals will be assessed for their contribution to traffic generation and their impact on congestion. Policy DM J2 of the DM LP requires new development to accord with the car parking standards set out in the London Plan. SPD Transport Policy 3 requires compliance with the Council's car parking standard except in exceptional circumstances. SPD Transport Policy 6 provides detailed guidance on expectations for the overall layout of a car parking area and the dimensions of each space.

Car Parking:

3.54 The site is has a PTAL 3 and therefore policy DM J2 states that 3 bedroom dwellings should have 1 to 1.5 parking spaces per dwelling. However Policy DM J3 allows for reduced parking including car free development in certain circumstances to avoid increased competition with existing residents for scarce on street parking spaces.

3.55 The dwelling will become part of the Lillie Mews development to the rear of the site, granted permission in 2014 and referred to elsewhere in this report. The site does not have on site parking and no new provision will be created. Parking stress (overnight weekday parking) on the surrounding streets is relatively high (Purcell Crescent -83.3%, Bayonne Road - 100%, Strode Road - 74.1% and Chaldon Road 97.3%). However, as the existing residential flat on site would be entitled to parking permit, no additional restrictions are appropriate in this instance.

Cycle Parking:

3.57 Cycle parking should be provided in line with London Plan 2011 Policy 6.9 and Table 6.3. Policy DM J5 of the DM LP encourages increased cycle use by seeking the provision of convenient and safe cycle parking facilities. This is supported by SPD Transport Policy 12.

3.58 The dwelling will be provided with 2 cycle spaces at ground floor level in line with DMLP Policy J5 which are located in the existing access off Lillie Road behind a secure gated entrance. The proposals would therefore accord with Policy DMJ5 of the DMLP and these details would be secured by condition.

Pedestrian and Cycle Access

3.59 The existing vehicular access points would only be used by pedestrians rather than shared vehicles. As was previously approved with application ref: 2014/01842/FUL, that the pedestrian footpath in front of these access points be reinstated and this would be secured by s106 legal agreement as part of this application.

Refuse Storage and Servicing

3.60 London Plan Policy 5.16 outlines the Mayors approach to waste management. Core Strategy Policy CC3, Policy DM H5 of the DM LP and SPD Sustainability Policies 3 (Residential Waste Storage) and 6 (External storage), sets out the Councils Waste Management guidance, requiring development to incorporate suitable facilities for the storage and collection of segregated waste.

3.62 An individual waste container of 175 litres will be provided, located behind the new gated entrance below the dwelling house. Recycling waste will be kept individually inside the dwelling. Normal refuse and recycling waste bags will be then put out onto Munster Road after 9pm the day prior to collection or before 6am the day of collection. Full details of refuse collection and recycling arrangements will be secured by condition.

3.64 To minimise the construction impact on the highway and road users, a Demolition and Construction Logistic Plan in compliance with TfL guidance together with a scaled Demolition and Construction Management drawings in accordance with Chapter 8 of the Traffic Signs Manual with signage should be submitted to LPA prior to the construction works. This detail will be secured by condition.

ENVIRONMENTAL QUALITY:

Flood Risk and Sustainable Urban Drainage Systems (SUDs):

3.66 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. London Plan Policy 5.11, 5.12, 5.13, 5.14 and 5.15 requires new development to comply with the flood risk assessment and management requirements of National Policy, including the incorporation of sustainable urban drainage systems, and specifies a drainage hierarchy for new development. Policy CC1 requires that new development is designed to take account of increasing risks of flooding. Policy CC2 states that new development will be expected to minimise current and future flood risk and that sustainable urban drainage will be expected to be incorporated into new development to reduce the risk of flooding from surface water and foul water. This is supported by Policy DM H3 of the DM LP.

3.67 The site is in the Environment Agency's Flood Zone 3 which indicates a high risk of flooding from the Thames. However, this does not take account of the high level of flood protection provided by the Thames Barrier and the local river wall defences. As required, a Flood Risk Assessment (FRA) has been submitted with the application.

3.68 The flood Risk assessment uses hydraulic modelling provided by the EA and within the SFRA to confirm the site is not within an area at risk of flooding from a breach scenario of in an overtopping scenarios with allowance for climate change. The new dwelling will not increase the footprint of the building nor will it increase the area of impermeable surface. Therefore it is not considered that the development will increase flood risk to this site.

3.71 In terms of surface water drainage, Policy DM H3 of the DMLP requires developments to reduce the use of water and minimise current and future flood risk by implementing a range of measures such as Sustainable Drainage Systems (SuDS) and also the use of water efficient fittings and appliances. A condition would be attached to any permission requiring the submission of details of the surface water management measures to be implemented. Subject to appropriate conditions the proposals are acceptable in terms of complying with London Plan policy 5.3 and Core Strategy policy CC2 and DM Local Plan policy DM H3, which cover sustainable drainage issues.

3.47 As the proposed development is not classified as a major development, carbon saving measurements are not a policy requirement.

4.0 CONCLUSION and RECOMMENDATION

4.1 The proposed development would create a well-designed replacement dwelling unit that would complement its setting. The proposed level of demolition is acceptable given that the parts of the building being demolished are not of architectural merit, not located in conservation area or listed. The proposal would improve the appearance of the site and the surrounding area. The proposal would have an acceptable impact on local services and employment. The proposal would have an acceptable impact on neighbouring living and working conditions. The impact of the development subject to conditions would not have a significant impact on the highway, parking, flooding or the environment. As such the proposal is considered to be in accordance with relevant national guidance, London Plan policies, the Core Strategy, DM LP and Planning Guidance Supplementary Planning Document Policies.

4.2 It is recommended that planning permission be granted, subject to conditions.

DATE: 9th DECEMBER 2015

PLANNING AND DEVELOPMENT CONTROL COMMITTEE

SUBJECT:

CONFIRMATION OF TREE PRESERVATION ORDER T396/07/15

LAND AT 485 FULHAM ROAD, SW6

WARD/S:

PARSONS GREEN AND WALHAM

CONTRIBUTORS:

PLANNING & GROWTH
TRANSPORTATION & HIGHWAYS

RECOMMENDATION:

The Committee resolve that the Tree Preservation Order T396/07/15 be confirmed without modification.

1 DOCUMENTATION

1.1 Location plan. Photograph of Tree of Heaven taken from Fulham Road.

2 BACKGROUND

2.1 On 21st July 2015 delegated authority was given to make a Tree Preservation Order covering one Tree of Heaven within the front garden of a house in the Moore Park Conservation Area. The Order was made under Section 201 of the Town and Country Planning Act 1990 and became effective for a period of six months from 22nd July 2015.

2.2 The Order was made following receipt of a Conservation Area Tree Works Notice (2015/02656/TREE) to fell the tree.

2.3 Under the Tree Regulations the Council is obliged to consider any objections or representations to the Order, made within 28 days of its service before confirming it. One letter of objection dated 15th August was received from the owner/occupier of 487B Fulham Road. Various emails were received from the owners/occupiers of 485 Fulham Road culminating in a letter of objection dated 30th October.

2.4 The tree is highly visible from Fulham Road. The Council's Arboricultural Officer has stated that the tree is a specimen which appears to be in good condition. The tree is considered to make a positive contribution to the character and appearance of the Conservation Area and to amenity within the local area. The tree acts as a green foil to the surrounding development.

2.5 Policy DM E4 of the Council's adopted Development Management Local Plan states that:

"The council will seek to enhance biodiversity and green infrastructure in the borough by:

- Protecting back gardens from new development and encouraging planting in both back and front gardens; and
- Seeking to prevent removal or mutilation of protected trees and seeking retention of existing trees..."

3 CONSULTATION RESPONSES TO THE ORDER

3.1 Letter dated 15th August 2015 from owner/occupier of 487B Fulham Road

"An abnormal quantity of falling leaves falls into our property and the council owned entrance. Pathways extremely dangerous and slippery at that time and at times of pollen falling to both 487A and 487B Fulham Road. Access to 487B is down 9 steep black steps which become quite treacherous daily, and I do scrub these steps monthly. The elderly couple living in 487A, a council owned property, have walking difficulties. The yellow sap from this tree, with abundant branches over our property, secretes a yellow sap, staining our exterior white walls paintwork which I have to re-paint because of this tree.

The excess size of this tree hugely darkens both the basement and ground floor of 487B, and the further two floors of 487A. I am a nature lover, greatly appreciating London trees and greenery (which I regularly volunteer to attend to), but this particular tree is a massive inconvenience to immediate neighbours, particularly ourselves and the neighbours above. The workload is daily, but more important, the danger to ourselves is constant. If the tree is not to be cut down, then please request heavy pollarding, certainly all branches over our property.”

3.2 Email 1 dated 13th August from owner/occupier of 485 Fulham Road

“Thank you for your email and deadline extension. I would just like to register our formal objection to the TPO and I look forward to discussing this in detail with you and Mark on 5th October.”

3.3 Email 2 dated 3rd October from owner/occupier of 485 Fulham Road

“In preparation for our meeting on Monday. Please find attached our high-level arboriculturalist’s report for your review and consideration, we can discuss in more detail when we meet. One of the other freeholders will also bring some further documentation for discussion. Many thanks and we look forward to meeting with both of you.”

3.4 Emails 3 and 4 dated 6th and 9th October from owner/occupier 485 Fulham Road enclosing various photographs showing damage to boundary treatment

“As discussed with Adam yesterday, we want to replace the tree with something more suitable, that will be in keeping with the Council’s vision, prevent further damage to the land/properties in close proximity, and be a long term solution of the Area. Can you advise?”

3.5 Letter dated 30th October from owner/occupier 485 Fulham Road enclosing one arboricultural consultant’s report and one arboricultural report

“The Council placed a temporary TPO T396/07/15 on the Tree of Heaven, ‘T1’ outside our home on 22 July 2015. We wish to object to the TPO being confirmed and be granted permission to remove the tree and replace it with a tree more suitable to the area. For this purpose we submit an application for tree works with this letter. We commissioned Dr David Brown, one of the country’s leading arboricultural consultants, and independent arboriculturalist Mr Simon Pryce to examine the tree for us. Their reports are attached. The reports are unambiguous and describe numerous problem aspects of the Tree of Heaven that makes it unsuitable to a site close to homes and a public pavement. The reports state that the tree is already too large for its built setting and is likely to become much larger. It is yet to achieve maturity and is capable of growing to a height of at least 25 meters with a trunk of over 1 meter.

As confirmed in the reports, the tree has caused structural damage to the low front garden wall and pavement for some years as a result of the growth of the trunk and the roots. The trunk base and main roots are pushing the low front wall outwards and some roots have grown through the wall and are lifting it. If the tree is retained, its continuing growth will worsen the damage to the front wall and in time the trunk will encroach on the pavement. The front garden has recently had to be repaved due to the damage caused to the paving by the excessive root growth.

Both arboriculturalists note that there is insufficient space for the roots of this tree species to grow and spread naturally. The tree is growing on top of a coal cellar and next to a light well which inhibits root spread. Mr Pryce warns that this can affect the stability of the tree and lead to snapping at the base in storms.

According to Dr Brown, the Tree of Heaven has been described as the 'Tree from Hell' and is now formally classified as an Invasive Alien Species by the European Union alongside species such as Japanese Knotweed. Dr Brown states that as an arboricultural consultant he now frequently comes across this species as a problem plant and in his opinion this species should no longer be considered an amenity but rather as a threat.

The tree's dense foliage and dominating size shade the front of the house and prevents daylight from entering the rooms in the building facing Fulham Road as shown in one of the photo's attached to Dr Brown's report. The neighbours at no. 487 have also complained about the excessive shade. Further they [sic] neighbours have complained about heavy leaf fall in their garden and sap staining the walls of the house as well as interference with telephone and radio reception.

According to both arboriculturalists, the solution proposed by the Council some time ago of pruning the tree is unsuitable as it will make the tree and its roots grow even more profusely and exacerbate the problem behaviour of the tree. Indeed, since the tree was last pruned, the tree has sprouted and regrown vigorously and, according to the two arboriculturalists, pruning is not an effective means of alleviating the problems caused by the tree. Further, as pointed out by Mr Pryce, heavy pruning will make the tree look less natural which will limit its contribution to the street scene.

Both experts are explicit that not only should this tree not have TPO designation but that it ought to be removed and replaced by a smaller tree. A replacement tree better suited to the location would make a better contribution to the local amenity and the conservation area without the problems associated with keeping the Tree of Heaven. Proposals for replacement trees are set out in our application for tree works and include:

- Prunus subhirtella 'Autumnalis' (rosebud cherry) planted as an Extra Heavy Standard*
- Acer Campestre 'Elsrijk' (Field Maple) planted as an Extra Heavy Standard*
- Magnolia Grandiflora Galissoniere (Evergreen Magnolia)*
- Sorbus Aucuparia (Rowan or Mountain Ash)*

We will of course be prepared to consider the Council's proposals for a suitable replacement tree, including Mr Mark Waters' proposal for a Betula Pendula (Silver Birch) or Betula Pubescens (Downy Birch)."

3.3 Officer's comment

Under s.198 of the Town and Country Planning Act 1990 local planning authorities have the power to make provision for the preservation of trees in their area if it is considered expedient in the interests of amenity. The tree is highly visible from the street in Fulham Road and is considered to make a positive contribution to the streetscene and the character and appearance of the Conservation Area. There are other large trees in the front gardens of properties on the south side of Fulham Road which have been subject to a Tree Preservation Order since the 1960s. The Tree of Heaven is of a similar size and prominence to the other TPO trees in the vicinity.

The tree does not appear to have been pruned for 5 years as the last Conservation Area tree works notice to prune was received in 2010 (2010/01601/TREE). Pruning of the tree would reduce any impact of shading on residential windows and the Council's Arboricultural Officer advises that this should be repeated on a regular basis, usually every 3 to 4 years. Furthermore the Environment Agency has not registered Ailanthus (Tree of Heaven) as an invasive species in this country because, unlike the warmer climate of the USA or southern Europe, Ailanthus does not exhibit this problem in the UK.

Officers have noted the contents of the reports submitted by the owners of the tree in support of their objection including the potential for further damage to the side boundary wall with No. 483 and front railings and brick pier adjacent to No. 487. However it appears that works to repair the wall and railings as a result of historic damage would be required in any event. A structural engineer's report would be required in order to ascertain whether any existing damage to the side boundary wall or coal cellar is actually as a result of root growth from the Tree of Heaven, however no such report has been received.

The Council's Arboricultural Officer has commented that pruning can initially appear to exacerbate the growth of a tree but that it would actually slow down the expansion of the crown, the growth of the trunk and reduce the growth and activity of the tree's roots.

It is considered that the Tree Preservation Order is necessary to ensure that the amenity value of the tree is retained and as such will prevent any unnecessary reduction in the quality of the environment in the local area. The Council would use its powers to safeguard the amenity value of the tree and to ensure that any works to the tree are not detrimental to its health or appearance.

If confirmed the Tree Preservation Order would not prevent works such as pruning from being carried out to the tree in the future; it only requires that consent be obtained from the Council before such works are carried out. The Tree Preservation Order would enable the Council to control such works so that they are not detrimental to the health or appearance of the tree.

If the Tree Preservation Order is not confirmed then the Council would have no control over whether or not the tree is felled and no power to require the planting of a replacement tree in the event of the tree being felled.

4 OPTIONS

4.1 The Council could allow the Tree Preservation Order to lapse.

4.2 Alternatively, the Council is empowered to confirm the Tree Preservation Order without modification. Officers recommend this option in order to protect the tree and control future works to it.

5 ARGUMENTS FOR THE RECOMMENDED ACTION

5.1 The Tree Preservation Order was stimulated by a Conservation Area Tree Works Notice to fell the tree. The tree has significant amenity value, which would be preserved by the confirmation of the Order. The presence of the tree is one of a number of factors, which make a positive contribution to the character and appearance of the Conservation Area.

6 IMPLICATIONS

6.1 There are no major financial, legal or staffing implications relating to the confirmation of a Tree Preservation Order. The Order will ensure that the amenity value of the tree is retained and as such will prevent an unnecessary reduction in the quality of the environment in this part of the Borough.

7 CONCLUSION

7.1 The Tree Preservation Order is justified, as it will contribute to the protection of amenity, the character and appearance of the Conservation Area and the quality of the environment within the local area.

8 RECOMMENDATION

8.1 Confirm the Tree Preservation Order without modification.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 BACKGROUND PAPERS

Brief Description of Background Paper – Tree Preservation Order T396/07/15
Name/Ext. of holder of file/copy - Adam O'Neill x3318
Department/ Location of file/copy - Planning & Growth, 5th Floor, HTHX

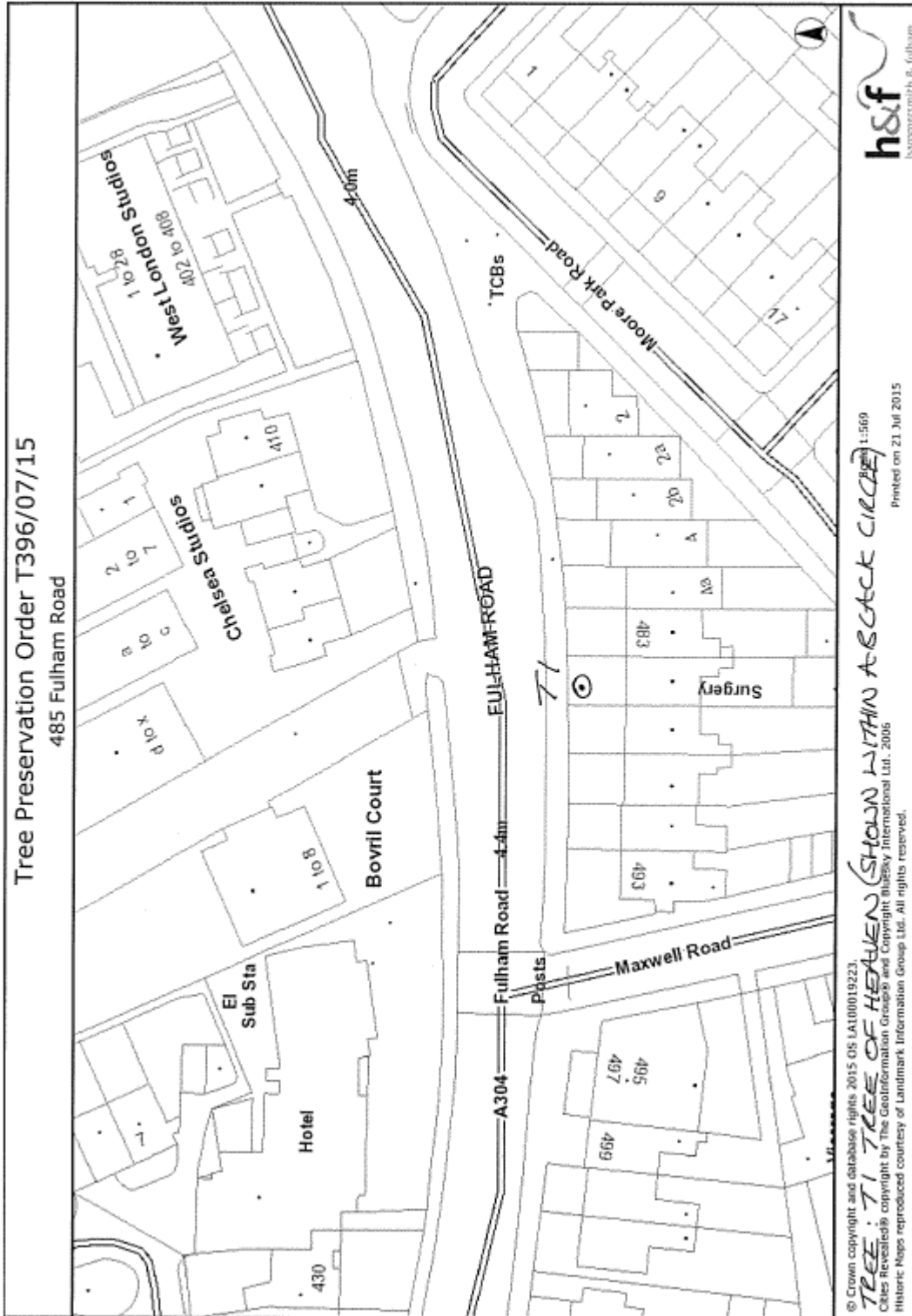


Figure 1: Location plan.

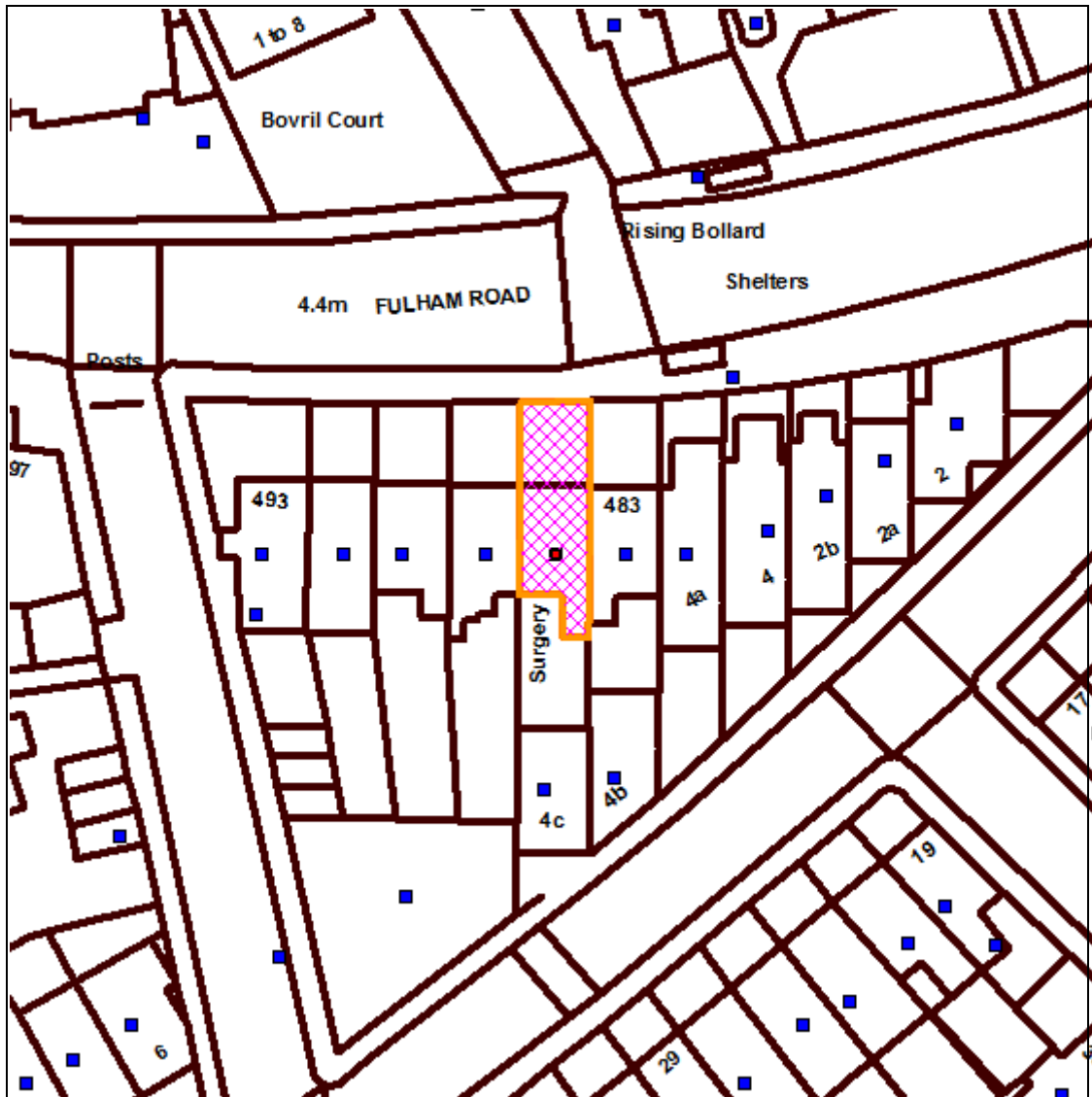


Figure 2: Photograph of Tree of Heaven taken from Fulham Road.

Ward: Parsons Green And Walham

Site Address:

485 Fulham Road London SW6 1HJ



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For identification purposes only - do not scale.

Reg. No:
2015/05334/TPO

Case Officer:
Joshua Howitt

Date Valid:
02.11.2015

Conservation Area:
Moore Park Conservation Area - Number 30

Committee Date:
09.12.2015

Applicant:

Mrs Pia Damgaard
Flat 4 Magnolia House 485 Fulham Road London SW6 1HJ

Description:

Felling of Tree of Heaven in front garden, subject to Tree Preservation Order TPO/396/07/15 (T1).
Drg Nos: Tree Location Plan; Simon Pryce (1st October 2015); David Brown of Landscape Design (2nd October 2015).

Application Type:

Tree Preservation Order Works

Officer Recommendation:

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

- 1) The proposed felling of the tree (T1) subject to Tree Preservation Order TPO/396/07/15 is considered to be unacceptable in the interests of visual amenity and biodiversity. The tree is considered to provide significant amenity value to the surrounding area and contributes positively to the character of the conservation area; such that in the absence of an acceptable reason to allow its felling the proposal is considered to be contrary to the aims of section 11 of the NPPF (2012), Policy 7.21 of The London Plan (2015), Policy BE1 of the Core Strategy (2011), Policies DM E4 and DM G7 of the Development Management Local Plan (2013) and SPD Design Policy 56 of the Planning Guidance SPD (2013). Furthermore, the proposal would not preserve or enhance the character and appearance of the Moore Park Conservation Area as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

All Background Papers held by Andrew Marshall (Ext: 3340):

Application form received: 30th October 2015
Drawing Nos: see above

Policy documents: National Planning Policy Framework 2012
The London Plan 2011 and Revised Early Minor Alterations to The London Plan, 2013
Core Strategy 2011
The Development Management Local Plan 2013
Planning Guidance Supplementary Planning Document July 2013

Consultation Comments:

Comments from:

Dated:

Neighbour Comments:

Letters from:

Dated:

1.0 BACKGROUND

1.1 The application relates to a Tree of Heaven in the front garden of 485 Fulham Road, which is located on the southern side of Fulham Road. The site is within in the Moore Park Conservation Area.

1.2 The application proposes to fell the tree (T1), which is subject to a Provisional Tree Preservation Order (T396/07/15). The report recommending confirmation of the Tree Preservation Order is a separate item on the agenda.

1.3 A Conservation Area Tree Works Notice was received for works to the tree in 2010:

Application Reference: 2010/01601/TREE

Description: Front garden Tree of Heaven crown reduce by 30%.

1.4 Most recently, a Conservation Area Tree Works Notice was received to fell the tree which generated a request for a Tree Preservation Order from the Council's Arboricultural officer:

Application Reference: 2015/02656/TREE

Description: Front garden. T1) Tree of Heaven, fell.

1.4 On 21st July 2015 delegated authority was given to make a Provisional Tree Preservation Order covering the Tree of Heaven, following receipt of the Conservation Area Tree Works notice to fell the tree (ref: 2015/02656/TREE). The Order was made under Section 201 of the Town and Country Planning Act 1990 and became effective for a period of six months from 22nd July 2015.

1.5 The applicant states that she would like to fell the tree because of structural damage to the boundary and lightwell, because this tree species and this individual tree is overbearing in built settings, the tree lacks amenity value and is harmful to the applicant and neighbours. The applicant concludes that the issues arising from the tree cannot be dealt with in any other practical way other than felling.

2.0 PUBLICITY AND CONSULTATIONS

2.1 The application has been advertised by means of a site notice and a press advert, and individual notification letters which have been sent to neighbouring residents. One letter has been received in support of the application. In summary the residents supports the application for the following reasons:

- The tree impacts on light
- Debris from the tree impacts on neighbours gardens, in terms of safety and impact of pollen
- The tree impacts on boundaries and surfaces nearby
- The area benefits from other trees

Officer comment:

2.2 The above issues are addressed within the body of the report.

3.0 PLANNING CONSIDERATIONS

3.1 Pertinent to this application is whether the removal of the tree would be acceptable having regard to the impact its loss would have on visual amenity, the character and appearance of the conservation area and its impact in regard to biodiversity; or whether there is sufficient justification, in any event, to allow its felling and replacement.

3.2 The National Planning Policy Framework 2012 (NPPF) recognises within section 11 'Conserving and enhancing the natural environment', that trees play a very important role within the green infrastructure and great emphasis is placed on the retention of aged and veteran trees. The NPPF recognises that biodiversity is present within the existing tree stock, and that the retention of existing trees will enable the biodiversity to be retained and provide an underpinning to the net gain of biodiversity. It is stated that trees often play a significant role in ecological networks in providing corridors for wildlife; and the NPPF says that isolated trees need not be considered any less important as these are 'stepping stones'. (Paragraphs 109-125).

3.3 London Plan Policy 7.21 states that 'Trees and woodlands should be protected, maintained, and enhanced.....and that... 'existing trees of value should be retained'. The supporting text says that 'Trees play an invaluable role in terms of the natural environment, air quality, adapting to and mitigating climate change and contributing to the quality and character of London's environment'.

3.4 Core Strategy Policy BE1 states that all development within the borough should create a high quality urban environment that protects and enhance the character, appearance and setting of the borough's conservation areas.

3.5 DM Local Plan Policy DM G7 says that the council will protect, restore or enhance the quality, character, appearance and setting of the borough's conservation areas and its historic environment, including listed buildings, historic parks and gardens, buildings and artefacts of local importance and interest, archaeological priority areas and the scheduled ancient monument.

3.6 DM Local Plan Policy DM E4 says the council will seek to enhance biodiversity and green infrastructure in the borough by maximising the provision of gardens, protecting existing back gardens and seeking to prevent removal or mutilation of protected trees and seeking retention of existing trees and provision of new trees on development sites. Trees are recognised as making positive contributions to ecology.

3.7 SPD Design Policy 56 of the Planning Guidance SPD says that the council will protect trees in conservation areas and that additional tree planting is encouraged in appropriate locations. The supporting text says that owners are urged to look after trees on their land and plant new ones in order to ensure a continuing stock of mature trees for future generations and to provide an opportunity for biodiversity.

3.8 The applicant has submitted two arboricultural assessments with the application. One prepared by David Brown of Landscape Design (2nd October 2015) and a second prepared by Arboriculturalist Simon Pryce (1st October 2015). The arguments made in

these reports fall into five categories; allelopathy, invasive nature, disruption to property, shading of windows and low biodiversity value. Below, each issue is addressed:

Allelopathy:

3.9 This is the chemical inhibition of one species by another. The "inhibitory" chemical is released into the environment where it affects the development and growth of neighbouring plants. However, many if not most common trees exhibit this trait e.g. London plane, tree-of-heaven, sycamore, poplar, cherry, oak, Robinia, Celtis and elm, and it can be minimised by collecting leaf litter rather than letting it decompose into ground. It is also not a problem unless you are growing other plants underneath or immediately adjacent to the tree.

Invasive nature:

3.10 This is vegetation that spreads into the environment like a weed such as Japanese Knotweed, Buddleia or sycamore. However, The Environment Agency has not registered Ailanthus (tree of heaven) as an invasive species in this country because, unlike the warmer climates of the USA or southern Europe, Ailanthus does not exhibit this problem in the UK.

Disruption of surfaces, walls etc:

3.11 All trees in urban areas have the potential to do this, especially if they are only pruned once in their life. It is stated that the trunk will continue to expand and this will be the case if it is not pruned. However, the London plane street trees that line many of the borough's streets have faster growth rates but their trunks are kept relatively small by regular pruning (which reduces trunk expansion) so they can be retained for over a hundred years. Pruning can initially appear to exacerbate the growth of a tree but it actually slows down the expansion of the crown and reduces the growth and activity of the tree's roots.

Dense shading of windows:

3.12 All trees in urban areas have the potential to do this, especially if they are only pruned once in their life. According to our records this tree has only been pruned once, in 2010 when it's crown was reduced. Such work should normally be repeated on a regular basis, usually every 3 to 4 years. It is also stated that "very few of the nearby front garden beds have trees within them due to the proximity to the face of the building." Yet in the next sentence it's stated that "Nearby there are several Lime trees but these are quite heavily pruned in order to allow them to be retained." suggest that similar pruning would drastically reduce the problem of shading.

Low biodiversity value:

3.13 A species that is not native to the country may support lower numbers of invertebrates than something like oak or birch. However, this means that, as with a species such as Ginkgo, it can be quite a "clean" tree without the same degree of problems caused by large quantities of insects and birds attracted to a tree. Ailanthus (tree of heaven) like all urban trees does still have significant biodiversity value, and it has wider environmental benefits such as intercepting rainfall, removing air pollution, reducing wind speed and damping traffic noise.

3.14 Given the above, the tree clearly offers amenity to residents given its front garden location along Fulham Road. In addition, it is clear that this individual tree plays its, albeit small, part in greening the borough. It is not a young tree, and not an

especially common tree in the borough; so would also play its own part in sustaining biodiversity.

3.15 Officers are satisfied that the tree is in good health and that the concerns raised by the applicant, which principally relate to the size of the tree, could be overcome by regular pruning of the tree. This would also maintain the visual amenity and biodiversity value of the tree for the future. Furthermore, officers consider that the planting of a smaller replacement tree, as proposed by the applicant, would not provide the same level of amenity as the current tree. On balance, the proposed felling of the tree is therefore considered to be contrary to the NPPF, London Plan Policy 7.21, Policies DM G7 and DM E4 of the DM Local Plan and SPD Design Policy 56 of the Planning Guidance SPD.

4.0 CONCLUSION and RECOMMENDATION

4.1 The proposed felling of the tree is not considered to be acceptable on this occasion. Though the tree is large, it is not diseased nor considered to be dangerous. The impacts on the amenity of the applicant are recognised, but could be minimised by pruning the tree.

4.2 The proposed felling of the tree (T1) subject to Tree Preservation Order TPO/396/07/15, is considered to be unacceptable in the interests of visual amenity and biodiversity. The tree is considered to provide significant amenity value to the surrounding area and contributes positively to the character of the conservation area; such that in the absence of an acceptable reason to allow its felling the proposal is considered to be contrary to the aims of section 11 of the NPPF, Policy 7.21 of The London Plan (2015), Policy BE1 of the Core Strategy (2011), Policies DM E4 and DM G7 of the Development Management Local Plan (2013) and SPD Design Policy 56 of the Planning Guidance SPD (2013).

4.3 Furthermore, the proposal would not preserve or enhance the character and appearance of the Moore Park Conservation Area as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.4 It is recommended that the application be refused.