

# Planning and Development Control Committee

## Agenda

Monday 10 June 2019

7.00 pm

Small Hall - Hammersmith Town Hall

### MEMBERSHIP

Administration:	Opposition
Councillor Rachel Leighton (Chair) Councillor Matt Uberoi (Vice-Chair) Councillor Colin Aherne Councillor Wesley Harcourt Councillor Natalia Perez Councillor Asif Siddique	Councillor Alex Karmel Councillor Matt Thorley

**CONTACT OFFICER:** Charles Francis  
Committee Co-ordinator  
Governance and Scrutiny  
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### Public Notice

Members of the press and public are welcome to attend this and all other Council meetings. Should exempt information need to be discussed the committee will pass a resolution requiring members of the press and public to leave.

For details on how to register to speak at the meeting, please see overleaf.

Deadline to register to speak is 4pm on Wednesday 5 June 2019

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

The open part of this agenda is available for public inspection at the Town Hall and may be viewed on the Council's website [www.lbhf.gov.uk/committees](http://www.lbhf.gov.uk/committees)

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Rights of access to meetings are subject to the provisions of the Local Government Act 1972 and the Local Government (Access to Information) Act 1985.

## **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](mailto: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

10 June 2019

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<p>To approve as an accurate record, and the Chair to sign, the minutes of the meeting of the Committee held on 2 April 2019.</p>	
<b>2. APOLOGIES FOR ABSENCE</b>	
<b>3. DECLARATION OF INTERESTS</b>	
<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>	
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**London Borough of Hammersmith & Fulham  
Planning and Development Control Committee  
Minutes**



**Tuesday 2 April 2019**

## **PRESENT**

**Committee members:** Councillors Rachel Leighton, Matt Uberoi, Colin Aherne, Wesley Harcourt, Natalia Perez, Rowan Ree and Matt Thorley

## **MINUTES**

The minutes of the meetings of the Committee held on 30 January 2019 and 12 February 2019 were agreed as an accurate record.

## **APOLOGIES FOR ABSENCE**

Apologies for absence were provided by Councillor Alex Karmel.

## **DECLARATION OF INTERESTS**

There were no declarations of interest.

## **DECISION TO RE-ORDER THE AGENDA**

In view of members of the public present for particular applications the Chair proposed that the agenda be re-ordered, with which the Committee agreed, and the minutes reflect the order of the meeting.

### **4i. Centre House, 56 Wood Lane, London W12 7SB – 2018/03058/FUL**

Please see the Addendum attached to the minutes which made minor changes to the report.

The Committee heard one representation in support from the Applicant. A number of points were raised and included: Centre House was owned by Imperial College. The development sought to become the gateway to the new campus. The design had evolved over a number of years and a considerable amount of public consultation had been conducted. St James had undertaken additional sunlight and daylight tests to allay local residents' concerns.

The proposal would provide 527 residential homes and a mix of private and affordable accommodation. This included 185 affordable homes which equated to 35% (by habitable rooms and homes). It was envisaged that the affordable units would provide affordable intermediate rent properties for employees/key workers of Imperial College.

The proposal incorporated the erection of two buildings with basement level, comprising 1 x part 11/ part 22 storey building and 1 x part 11/part 32 storey building with ancillary residential facilities, including flexible commercial, community and leisure floorspace. The design incorporated public realm, amenity space, landscaping, and other associated infrastructure works including creation of basement level access to the adjoining White City Living site and works to the site's western boundary. The proposal would also create local employment opportunities.

During the course of discussions, the Committee explored a number of issues including eastern access to White City Station, piling, construction techniques and the effect this would have on Wood Lane residents. In addition, the Committee considered the height of the proposal and the daylight and sunlight implications, as well as the views in and out of the area.

Further issues included the viability of the proposed commercial spaces, construction traffic, the design principles and nomination rights to the affordable properties. Finally, access to amenity space, disabled parking and the mix of residential properties was also considered.

The Committee voted on application 2018/03508/FUL and whether to agree the officer recommendations of approval. This was put to the vote and the result was as follows:

Officer Recommendation 1:

For:

6

Against:

0

Not Voting:

1

Officer Recommendation 2:

For:

7

Against:

0

Not Voting:

0

**RESOLVED THAT:**

Planning Application 2018/03508/FUL be approved, subject to:

- 1) There being no contrary direction from the Mayor for London that the Committee resolve that the Strategic Director, Growth and Place be authorised to determine the application and grant permission upon the completion of a satisfactory legal agreement and subject to the conditions listed in the report.

- 2) To authorise the Director for Strategic Director, Growth and Place in consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make any minor modifications to the proposed conditions or heads of terms or any subsequent minor changes arising out of detailed negotiations with the applicant which may necessitate the modification, which may include the variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions.

**Brook House, 229-243 Shepherd's Bush Road, London W6 7AN – 2018/02776/FUL**

Please see the Addendum attached to the minutes which amended the report.

There were no representations. During the course of discussions, the Committee explored a number of issues including the net employment gain and the reduction in carbon emissions. Further issues included the consultation discussions with the Design Review Panel and the ease/viability of converting the building to a hotel rather than new office space.

The Committee voted on application 2018/02776/FUL and whether to agree the officer recommendations of approval, and the changes set out in the addendum. This was put to the vote and the result was as follows:

Officer Recommendation 1:

For:  
7  
Against:  
0  
Not Voting:  
0

Officer Recommendation 2:

For:  
7  
Against:  
0  
Not Voting:  
0

**RESOLVED THAT:**

Planning Application 2018/02776/FUL be approved, subject to:

- 1) That the Strategic Director, Growth and Place be authorised to determine the application and grant permission up on the completion of a satisfactory legal agreement and subject to the condition(s) listed below.

- 2) To authorise the Strategic Director, Growth and Place, after consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make any minor changes to the proposed conditions or heads of terms of the legal agreement, any such changes shall be within their discretion.

Meeting started: 7:00 pm  
8:20 pm

Chair .....

Contact officer: Charles Francis  
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Tel 020 8753 2062  
E-mail: [charles.francis@lbhf.gov.uk](mailto:charles.francis@lbhf.gov.uk)



**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**Addendum 02.04.2019**

<u>Reg. No:</u>	<u>Site Address:</u>	<u>Ward</u>	<u>Page</u>
2018/02776/FUL	Brook House, 229-243 Shepherds Bush Road	Hammersmith Broadway	20

Page 29 Delete condition 24, Replace with: 24) Works to the elevations of the building shall not commence until details and samples of all materials to be used on the external faces of the building, including walls, roof coverings, windows and doors, have been submitted to and approved in writing by the Council. No part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details.

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

Page 29 Delete condition 25, Replace with: 25) Prior to commencement of works to the front façade of the building, a sample panel of a bedroom window module to the front elevation, including surrounding brickwork, shall be constructed on site and then subsequently inspected and approved in writing by the Council. The development shall only be carried out in accordance with the details approved and it shall thereafter be permanently retained as such.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, to preserve the character and appearance of the adjacent conservation area in accordance with Local Plan (2018) Policies DC1 and DC4.

Page 30 Delete condition 26, Replace with: 26) The relevant part of the development shall not commence until detailed drawings in plan, section, and elevation at a scale of no less than 1:20, have been submitted and approved by the council with regards to the following elements:

- Typical ground floor shopfront;
- Front bedroom window module;
- Ground floor front entrance bays;
- Front dormer windows;
- Lift overrun;
- Rear projecting bay box.

No part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details.

To ensure a satisfactory external appearance and prevent harm to the street scene, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

Page 30 Delete condition 27, replace with: 27) Prior to commencement of works to the elevations of the building, a study investigating the potential for all or part of the flat roof of the main building and/or the lift overrun to contain a green roof shall be submitted to, and approved in writing by the council. Details of any area of green roof shall also be submitted for approval, including system type, planting schedule and a maintenance plan. The approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interest of air quality, visual amenity and sustainable drainage, to comply with the requirements of the NPPF, Policies 7.14 a-c of The London Plan (2016) and Policy CC10 of the Local Plan (2018).

Page 34

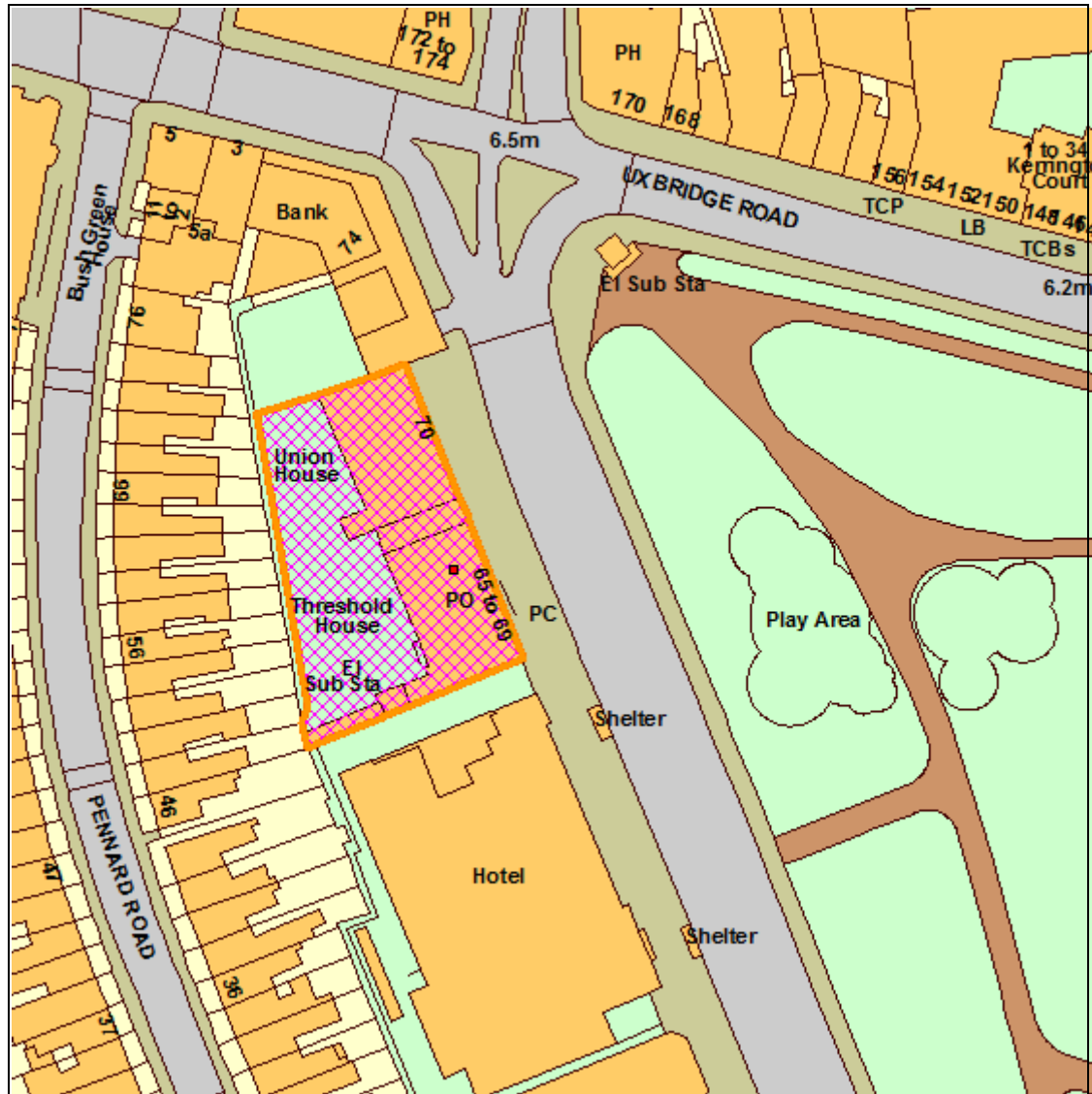
Para 2.1, line 8: Delete `(Class C3)` and replace with `(Class A3)`

Para 4.52, Line 9 Delete `details of a green roof on the flat roof of the main building` and Insert `a study investigating the potential for all or part of the flat roof of the main building and/or the lift overrun to contain a green roof.`

**Ward:** Shepherd's Bush Green

**Site Address:**

Threshold And Union House 65 Shepherd's Bush Green London W12 8TX



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

**Reg. No:**  
2017/01898/FUL

**Case Officer:**  
Grace Harrison

**Date Valid:**  
08.05.2017

**Conservation Area:**  
Constraint Name: Shepherds Bush Conservation  
Area - Number 21

**Committee Date:**  
10.06.2019

**Applicant:**

Newco 8915 Ltd  
159 St John Street London EC1V 4QJ

**Description:**

Demolition of existing buildings and erection of part 7, part 8 storey plus basement building for use as Class C1 Hotel with ancillary restaurant and bar; new retail unit (Class A1), and supporting facilities, ancillary plant, servicing, cycle parking, plus highway, public realm and landscaping improvements.

Please note: This additional reconsultation follows the submission of revised information, in response to the quashing of the original planning approval following the recent judicial review.

Drg Nos: 10383-EPR-00-GF-TP-A-0100, 00-GF-TP-A-0101 Rev3, 01-BA-TP-A-0199 Rev2, 01-GF-TP-A-0200 Rev3, 01-01-TP-A-0201 Rev. 2, 01-02-TP-A-0202, 01-03-TP-A-0203, 01-04-TP-A-0204, 01-05-TP-A-0205, 01-06-TP-A-0206, 01-07-TP-A-0207, 01-RF-TP-A-0208, 01-NO-TP-A-401, 01-WE-TP-A-402, 01-EA-TP-A-403, 01-SO-TP-A-404, 01-EA-TP-A-407, 01-EA-TP-A-410, 01-AA-TP-A-0501, 01-BB-TP-A-0502, 01-CC-TP-A-0503, 01-DD-TP-A-0504, 00 XX DR SK07, 17072-05 Rev A; 10383-EPR-01-GR-DR-A-9525; Site Logistics Plan (John F Hunt, Rev 02, 09.04.2018); Demolition Method Statement (John F Hunt, Rev 04); Demolition Environmental Management Plan (Second Issue, 18.04.2018).

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

That the Committee resolve that the Strategic Director, Growth and Place be authorised to determine the application and grant permission up on the completion of a satisfactory legal agreement and subject to the condition(s) listed below

To authorise the Strategic Director, Growth and Place, after consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make any minor changes to the proposed conditions or heads of terms of the legal agreement, any such changes shall be within their discretion.

- 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 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 following approved drawing nos:

10383-EPR-00-GF-TP-A-0100, 00-GF-TP-A-0101 Rev3, 01-BA-TP-A-0199 Rev2, 01-GF-TP-A-0200 Rev3, 01-01-TP-A-0201 Rev2, 01-02-TP-A-0202, 01-03-TP-A-0203, 01-04-TP-A-0204, 01-05-TP-A-0205, 01-06-TP-A-0206, 01-07-TP-A-0207, 01-RF-TP-A-0208, 01-NO-TP-A-401, 01-WE-TP-A-402, 01-EA-TP-A-403, 01-SO-TP-A-404, 01-EA-TP-A-407, 01-EA-TP-A-410, 01-AA-TP-A-0501, 01-BB-TP-A-0502, 01-CC-TP-A-0503, 01-DD-TP-A-0504, 00 XX DR SK07

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, 7.6, and 7.21 of the London Plan and Policies DC1 and DC2 of the Local Plan (2018).

- 3) Prior to the commencement of the demolition phase of the development hereby permitted a detailed Demolition Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. These shall include details of the delivery locations, restriction of hours of work. The details shall also include the numbers, size and routes of demolition and construction vehicles, any vehicle holding areas and access arrangements, delivery locations on the site, use of on-road Ultra Low Emission Zone compliant Vehicles e.g. Euro 6 and Euro VI, provisions within the site to ensure that all vehicles associated with the demolition works, and matters relating to traffic management to be agreed. The Construction Logistics Plan shall be implemented in accordance with the approved details throughout the relevant project period.

To ensure that demolition works do not adversely impact on the operation of the public highway, in accordance with Policy T7 of the Local Plan (2018).

- 4) Prior to the commencement of the demolition phase of the development hereby permitted a detailed a Demolition Management Plan shall be submitted to and approved in writing by the Local Planning Authority. These shall include details of the proposed control measures and monitoring for 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. The details shall also include the use of on -road Ultra Low Emission Zone compliant Vehicles e.g. Euro 6 and Euro VI; 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. The Demolition Management Plan and Construction Management Plan shall be implemented in accordance with the approved details throughout the relevant 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 CC11 and CC13 of the Local Plan (2018).

- 5) Prior to the commencement of the construction phase of the development hereby permitted a detailed Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. These shall include details of the delivery locations, restriction of hours of work. The details shall also include the numbers, size and routes of demolition and construction vehicles, any vehicle

holding areas and access arrangements, delivery locations on the site, use of on-road Ultra Low Emission Zone compliant Vehicles e.g. Euro 6 and Euro VI, provisions within the site to ensure that all vehicles associated with the demolition and construction works, and matters relating to traffic management to be agreed. The Construction Logistics Plan shall be implemented in accordance with the approved details throughout the relevant project period.

To ensure that construction works do not adversely impact on the operation of the public highway, and ensure impacts on air quality are not adversely affected in accordance with policies CC11, CC13 and T7 of the Local Plan (2018) and London Plan Policy 7.14.

- 6) Prior to the commencement of the construction phase of the development hereby permitted, a Construction Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. These shall include details of the proposed control measures and monitoring for 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. The details shall also include the use of on-road Ultra Low Emission Zone compliant Vehicles e.g. Euro 6 and Euro VI; 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. The Construction Management Plan shall be implemented in accordance with the approved details throughout the relevant 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 CC11 and CC13 of the Local Plan (2018) and London Plan (2015) Policy 7.14.

- 7) The demolition works hereby permitted shall not be undertaken before:
- (i) approval by the Council of a valid and enforceable building contract and agreed demolition plan for redevelopment of the site in accordance with in accordance with this listed building consent, or approval by the Council of an alternative means of ensuring that it is satisfied that redevelopment of the site will take place within 6 months of the discharge of contamination conditions attached to this planning permission, and that such redevelopment will be carried out without interruption;
  - (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 neighbouring listed buildings and to protect the building of merit, in accordance with policies DC1, DC4, and DC8 of the Local Plan (2018).

- 8) 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.

- 9) 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.

- 10) 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.

- 11) The development (save demolition and site clearance) 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 DC2 of the Local Plan (2018).

- 12) The development hereby permitted shall not commence (save for demolition and site clearance) 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 details shall aim to achieve greenfield run-off rates, with a minimum target of reducing flows by 50% compared to the pre-development situation. 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 2016 and Policy CC3 of the Local Plan (2018).

- 13) The development hereby permitted shall not commence (save for demolition and site clearance) until a maintenance programme for all sustainable drainage systems, including timeframes for the planned maintenance measures and confirmation of the maintenance provider, have been submitted to, and approved in writing by, the Council. The sustainable drainage systems maintenance scheme shall be implemented in accordance with the approved details prior to occupation/use of the development hereby permitted, and thereafter be 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 2016 and Policy CC3 of the Local Plan (2018).

- 14) Prior to use/occupation of the development hereby permitted, 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/use of the development and thereafter be permanently retained.

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

- 15) Prior to commencement of the development (excluding site clearance and demolition), a noise assessment shall be submitted to the Council for approval of external noise levels incl. reflected and reradiated noise and details of the sound insulation of the building envelope, orientation of habitable rooms away from major noise sources and of acoustically attenuated mechanical ventilation as necessary to achieve internal room- and (if provided) external amenity noise standards in accordance with the criteria of BS8233:2014. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site is not adversely affected by noise from transport [industrial/ commercial noise sources], in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 16) Prior to occupation/use of the development hereby permitted, 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 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 Policy CC13 of the Local Plan (2018).

- 17) Neither music nor amplified voices emitted from the development shall be audible at any residential/noise sensitive premises.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, in accordance with Policies TLC5, CC11 or CC13 of the Local Plan (2018).

- 18) The uses hereby permitted shall not commence until all external doors to the premises have been fitted with self-closing devices, which shall be maintained in

an operational condition; and at no time shall any external door be fixed in an open position.

To ensure that the amenity of occupiers of the development site/surrounding premises is not adversely affected by noise /odour /smoke /fumes, in accordance with Policies TLC5, CC11 and CC13 of the Local Plan (2018).

- 19) Prior to occupation/use of the relevant part of the development hereby permitted, details shall be submitted to and approved in writing by the council of the hours of use of each commercial part of the development. The uses hereby approved shall only operate as per the details approved.

To ensure that the amenity of the occupiers of the development site/surrounding premises is not adversely affected by noise from activities or people at or leaving the site, in accordance with Policies TLC5, CC11 and CC13 of the Local Plan (2018).

- 20) No removal of refuse nor bottles/cans to external bins or external refuse storage areas shall be carried out other than between the hours of 08:00 to 20:00 on Monday to Friday and 10:00 to 18:00 on Saturdays; and at no time on Sundays and Public/Bank Holidays.

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

- 21) Prior to commencement of the development (save demolition and site clearance) hereby permitted, 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. (2013).

- 22) Prior to the commencement of each of the demolition and construction phases of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) in order to mitigate air pollution shall be submitted to and approved in writing by the Local Planning Authority. The AQDMP must include an Air Quality Dust Risk Assessment (AQDRA) that considers sensitive receptors off-site of the development and is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and the identified measures recommended for inclusion into the AQDMP. The AQDMP submitted must comply with the Mayor's SPG and should include: Inventory and Timetable of dust generating activities during demolition and construction; Site Specific Dust

mitigation and Emission control measures in the table format as contained within Appendix 7 of Mayor's SPG including for on-road and off-road construction traffic; Detailed list of Non-Road Mobile Machinery (NRMM) used on the site. The NRMM should meet as minimum the Stage IV emission criteria of Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NO<sub>x</sub> and PM. An inventory of all NRMM for the demolition phase shall be registered on the NRMM register <https://nrmm.london/user-nrmm/register> prior to the commencement of demolition works; use of on-road Ultra Low Emission Zone (ULEZ) compliant Vehicles in accordance with the emission hierarchy (1) Electric (2) Hybrid (Electric-Petrol) (3) Petrol, (4) Hybrid (Electric-Diesel) (5) Diesel (Euro 6 and Euro VI); Details of Air quality monitoring of PM<sub>10</sub> where appropriate and used to prevent levels exceeding predetermined Air Quality threshold trigger levels. Developers must ensure that on-site contractors follow best practicable means to minimise dust and emissions at all times. Approved details shall be fully implemented and permanently retained and maintained during the demolition and construction phases of the development

In the interest of air quality, to comply with the requirements of the NPPF, Policies 7.14 a-c of The London Plan (2016) and Policy CC10 of the Local Plan (2018).

- 23) Prior to commencement of above ground works in the development a Ventilation Strategy Report to mitigate the impact of air pollution shall be submitted to and approved in writing by the Local Planning Authority. The report shall include the following information:
- a) Details and locations of the air intake locations for C1 use class at rear roof level
  - b) Details and locations of openable windows for C1 use class
  - c) Details and location of the air intakes for A1 use class at rear elevations
  - d) Details and locations of ventilation extracts, chimney/boiler flues, to demonstrate that they are located a minimum of 2 metres away from the fresh air ventilation intakes, openable windows, balconies, roof gardens, terraces
  - e) Details of the independently tested mechanical ventilation system for C1 use with Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>2.5</sub>, PM<sub>10</sub>) filtration to remove airborne pollutants. The filtration system shall have a minimum efficiency of 75% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM<sub>2.5</sub>, PM<sub>10</sub>) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016

The whole system shall be designed to prevent summer overheating and minimise energy usage. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications, and shall be the responsibility of the primary owner of the property. A post installation certificate of the approved ventilation strategy shall be submitted to the Council prior to the occupation/use of the development. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interest of air quality, to comply with the requirements of the NPPF, Policies 7.14 a-c of The London Plan (2016) and Policy CC10 of the Local Plan (2018).

- 24) Prior to occupation of the development hereby permitted a Low Emission Strategy for the operational phase of the development in order to mitigate the impact of air pollution shall be submitted to and approved in writing by the Local Planning Authority.. The Low Emission Strategy must detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. design solutions). This Strategy must make a commitment to implement the mitigation measures that are required to reduce the exposure of poor air quality and to help mitigate the development's air pollution impacts, in particular non-combustion energy generation sources the emissions of NO<sub>x</sub> and particulates from on-road vehicle transport by the use of Ultra Low Emission Vehicles in accordance with the emissions hierarchy (1) Cargo bike (2) Electric Vehicle, (3) Hybrid (non-plug in) Electric Vehicle (HEV), (4) Plug-in Hybrid Electric Vehicle (PHEV), (5) Alternative Fuel e.g. CNG, LPG. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interest of air quality, to comply with the requirements of the NPPF, Policies 7.14 a-c of The London Plan (2016) and Policy CC10 of the Local Plan (2018).

- 25) Prior to the occupation of the development hereby permitted, a report with details of the combustion plant in order to mitigate air pollution shall be submitted to and approved in writing by the council. The report shall include the following:
- a) Details to demonstrate that the termination height of the shared Flue stack for the combustion Plant has been installed a minimum of 2 metres above any openable window and/or roof level amenity area of the development plot and meet the overriding minimum requirements for Chimney heights memorandum of the third edition of the 1956 Clean Air Act.
  - b) Details of emissions certificates, and the results of NO<sub>x</sub> emissions testing of each CHP unit, Ultra Low NO<sub>x</sub> gas boiler and Emergency Diesel Generator Plant to demonstrate that all the CHP Plant, Ultra Low NO<sub>x</sub> Gas fired boilers, Emergency Diesel Generator Plant and associated abatement technologies shall meet a minimum dry NO<sub>x</sub> emissions standard of 25 mg/Nm<sup>3</sup> (at 5% O<sub>2</sub>), 30 mg/kWh (at 0% O<sub>2</sub>) and 95 mg/Nm<sup>3</sup> (at 5% O<sub>2</sub>) respectively by an MCERTS accredited laboratory shall be provided following installation and thereafter on an annual basis to verify compliance of the relevant emissions standards in part b). Where any combustion plant does not meet the relevant emissions Standards in part b) above, it should not be operated without the fitting of suitable secondary NO<sub>x</sub> abatement Equipment or technology as determined by a specialist to ensure comparable emissions.
  - c) Details to demonstrate where secondary abatement is used for the Emergency Diesel Generator the relevant emissions standard in part b) is met within 5 minutes of the generator commencing operation. During the operation of the emergency Diesel generators there must be no persistent visible emission. The maintenance and cleaning of the systems shall be undertaken regularly in

accordance with manufacturer specifications. The diesel fuelled generators shall only be used for a maximum of 48 hours when there is a sustained interruption in the mains power supply to the site, and the testing of these diesel generators shall not exceed a maximum of 12 hours per calendar year.

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

In the interest of air quality, to comply with the requirements of the NPPF, Policies 7.14 a-c of The London Plan (2016) and Policy CC10 of the Local Plan (2018).

- 26) Prior to commencement of any above ground works, details of the hard and soft landscaping of all areas external to the building, including replacement tree planting and paving, detailed drawings at a scale of not less than 1:20 shall be submitted to and approved in writing by the Council, and the development shall not be occupied or used until such landscaping as is approved has been carried out. This shall include planting schedules and details of the species, height and maturity of any trees and shrubs and proposed landscape maintenance and management. Any landscaping removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

To ensure a satisfactory external appearance and biodiversity in accordance with policies OS4, DC2 and DC8 of the Local Plan (2018) and in the interest of air quality, to comply with the requirements of the NPPF, Policies 7.14 a-c of The London Plan (2016) and Local Plan (2018) Policy CC10.

- 27) The development hereby permitted shall not be occupied or used until a Refuse Management Plan, including for recycling, has been submitted to and approved in writing by the council. The development shall thereafter be permanently occupied/used in accordance with the approved plan.

To ensure that there is sufficient waste and recycling management provision, in accordance with Policy CC7 of the Local Plan (2018).

- 28) No demolition or construction shall commence prior to the temporary enclosure of the site being erected in accordance with approved drawing no. 17072-05 Rev A. 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 policies DC1, DC2 and DC8 of the Local Plan (2018).

- 29) Details of methods proposed to identify any television interference caused by the proposed development, including during the construction process, and the measures proposed to ensure that television interference that might be identified is remediated in a satisfactory manner shall be submitted to and approved in writing by the council prior to the commencement of the development (excluding site clearance and demolition) hereby permitted. The approved remediation measures shall be implemented immediately that any television interference is identified.

To ensure that television interference caused by the development is remediated, in accordance with Policy 7.7 of The London Plan 2016 and Policies DC2 and DC10 of the Local Plan (2018).

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

In order to ensure that the Council can fully consider the effect of telecommunications equipment upon the appearance of the building, in accordance with Policies DC1 and DC2 of the Local Plan (2018).

- 31) Prior to the commencement of the development (excluding site clearance and demolition) hereby permitted, a further BREEAM Assessment shall be submitted to show how the scheme will meet the `Very Good` rating (including CO2 reduction targets). The development hereby permitted shall only be carried out in accordance with the recommendations set out in the Sustainability Statement prepared by Hoare Lea Rev 02. Within 6 months of first occupation/use of the premises, confirmation that the development meets the requirements of the agreed BREEAM rating shall be submitted (in the form of a post-construction BREEAM assessment), to the council for its written approval.

To ensure that sustainable design is implemented, in accordance with Policy 5.3 of The London Plan 2016 and Policies CC1 and CC2 of the Local Plan (2018).

- 32) No water tanks, water tank enclosures or other structures shall be erected upon the flat roofs of the building hereby permitted, without having first been submitted to and approved in writing by the council. The development shall only be carried out in accordance with the details hereby approved. The development shall be permanently maintained as such thereafter.

To ensure a satisfactory external appearance, in accordance with Policies DC1 and DC2 of the Local Plan (2018).

- 33) Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Details including samples of all external materials to be used in the development including brick colour, bond, pointing style, mortar colour and mix; and roofing material;

and

b) A brick sample panel shall be erected on site for the inspection and approval of the Council's conservation officer;

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, to preserve the character and appearance of the

conservation area; and the setting and special architectural and historic interest of the neighbouring listed building in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2016) and policies DC1 and DC2 of the Local Plan (2018).

- 34) Prior to commencement of the development hereby permitted (save for demolition and site clearance), detailed bays of relevant building sections in plan and elevation at scale of no less than 1:20 shall be submitted to, and approved in writing by, the Council. The development shall be carried out and permanently retained in accordance with the approved details.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, to preserve the character and appearance of the conservation area; and the setting of the neighbouring listed building in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2016) and Policies DC1, DC2 and DC8 of the Local Plan (2018).

- 35) No advertisements shall be displayed on the external faces of the development hereby permitted, or within the site, unless full details of the proposed signage have been previously submitted to and approved in writing by the Council.

To ensure a satisfactory external appearance and to preserve the integrity of the design of the building in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018), and to ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting, in accordance with Policy CC12 of the Local Plan (2018).

- 36) The development hereby permitted shall only be carried out in accordance with the submitted Flood Risk Assessment, including the implementation of the identified flood resilient design measures it contains.

To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CC4 of the Local Plan (2018) and policies 5.11, 5.13, 5.14 and 5.15 of the London Plan (2016) and part 10 of and the Technical Guidance to the National Planning Policy Framework (2012).

- 37) The development (excluding site clearance and demolition to slab) hereby permitted shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. No foul or surface water from the site shall be discharged into the public system until the drainage works referred to in the strategy as approved have been completed.

To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CC3 of the Local Plan (2018), policies 5.11, 5.13, 5.14 and 5.15 of the London Plan (2016) and part 10 of and the Technical Guidance to the National Planning Policy Framework (2012).

- 38) The development hereby permitted shall not be occupied or used until the Low & Zero Carbon (LZC) Technologies and renewable energy options, as identified within the Energy Assessment, prepared by Hoare Lea, dated 27/11/18 Revision R3, submitted with the application, have been implemented. The development shall thereafter be permanently retained in this form. Any revised energy strategy

for the development site shall be submitted to and approved in writing by the Local Planning Authority and shall result in carbon reductions which would not be less than 39.2%.

To ensure that the development is consistent with the Mayor's carbon emissions objectives in accordance with Policies 5.5, 5.6, 5.7, 5.8 and 5.9 of the London Plan (2016) and in accordance with Policies CC1 and CC2 of the Local Plan (2018).

- 39) All trees to be retained on this and adjoining the development site shall be protected from damage in accordance with BS5837:2012. No construction shall take place until any such trees are adequately protected as per BS5837:2012.

To ensure that trees on site are retained and to prevent harm during the course of construction, in accordance with policy OS5 of the Local Plan (2018).

- 40) Prior to the commencement of work on the relevant part of each Development Plot, details of green/brown roofs, including planting and maintenance schedules, and ecological enhancement measures for that Development Plot shall be submitted to and approved in writing by the Local Planning Authority. Development shall accord with the details as approved.

To ensure the provision of green and brown roofs in the interests of sustainable urban drainage and habitat provision, in accordance with policies 5.11, 5.13 and 7.19 of the London Plan 2016 and Policies CC3 and OS4 of the Local Plan (2018).

- 41) The rear outside terrace at ground floor level to the west of the building shall only be used between 0900 and 18:00 hours Mondays to Sundays, including Bank holidays.

To ensure that control is exercised over the use of these terraces so that undue harm is not caused to the amenities of the occupiers of neighbouring residential properties as a result of noise and disturbance, particularly in the quieter night time hours, in accordance with policy CC11 of the Local Plan (2018).

- 42) 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 the development site/ surrounding premises is not adversely affected by cooking odour, in accordance with Policy CC13 of the Local Plan (2018).

- 43) The permitted use shall not commence until the parking spaces for use by disabled persons (which shall be clearly marked out as such) as detailed on drawing no. 01-GF-TP-A-0200 Rev. 3, have been provided. This arrangement shall thereafter be retained permanently.



To ensure the provision and permanent retention of space for parking purposes for disabled persons, in accordance with London Plan (2016) Policy 7.2, Policy T5 of the Local Plan (2018), and Key Principles DA1, DA2 and DA3 of the Planning Guidance Supplementary Planning Document (2018).

- 44) There shall be no access to the open areas to the rear (west) of the building at roof level, except for maintenance purposes.

To ensure that the amenities of the surrounding residential occupiers are not duly affected by overlooking and noise and disturbance, in accordance with policies DC2 and HO11 and Key Principle HS8 of the Planning Guidance Supplementary Planning Document (2018).

- 45) The hotel use hereby permitted shall have a maximum of 214 bedrooms as detailed on approved drawing nos: 01-BA-TP-A-0199 Rev2, 01-GF-TP-A-0200 Rev3, 01-01-TP-A-0201 Rev2, 01-02-TP-A-0202, 01-03-TP-A-0203, 01-04-TP-A-0204, 01-05-TP-A-0205, 01-06-TP-A-0206, 01-07-TP-A-0207, 01-RF-TP-A-0208.

To safeguard the amenities of surrounding neighbours from noise disturbance, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 46) The development shall not be occupied until the cycle storage arrangements indicated on approved drawing 01 GF TP-A-0200 Rev. 3, which shall include no less than 16 bicycle parking spaces to serve staff and guests of the hotel 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 policy 6.9 of The London Plan 2016 and Policy T3 of the Local Plan (2018).

- 47) Prior to the first use or occupation of the retail unit hereby approved, 14 short stay cycle parking spaces shall be created in accordance with the details shown on approved drawing no. 10383-EPR-01-GR-DR-A-9525. Thereafter all of the cycle parking spaces shall be permanently retained in this form thereafter.

To ensure the satisfactory provision of cycle parking, in accordance with policy 6.9 of The London Plan 2016 and Policy T3 of the Local Plan (2018).

- 48) Prior to the occupation of the basement hereby approved, a non return valve and pump device should be installed to prevent sewage 'back-surfing' into the basement in times of heavy rain and to allow the property's sewage to continue to flow properly into the sewer network.

To protect the new units from flooding, as recommended by Thames Water and in accordance with Policies DC11 and CC4 of the Local Plan (2018).

- 49) The development (excluding site clearance and demolition to slab) hereby permitted shall not commence until impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should

determine the magnitude of any new additional capacity required in the system and a suitable connection point.

To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand, in accordance with Part 10 of the NPPF.

- 50) No 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 water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

- 51) Prior to the occupation of the development hereby permitted, details of the construction of green infrastructure (including details of planting species and maintenance) in order to mitigate air pollution for public and private amenity area's on the site boundaries with Shepherds Bush Green (A219) shall be submitted to and approved in writing by the Council. The green infrastructure shall be constructed and planted in full accordance with 'Using Green Infrastructure to Protect People from Air Pollution', Mayor of London, GLA, April 2019 guidance document within the first available planting season following completion of Buildings. Any plants which die, are removed, become seriously damaged and diseased within a period of five years from completion of these buildings shall be replaced in the next planting season with others of similar size and species. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interest of air quality, to comply with the requirements of the NPPF, Policies 7.14 a-c of The London Plan (2016) and Policy CC10 of the Local Plan (2018).

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

- 1) Land Use: The principle of the proposed hotel development is considered to be appropriate in land use terms. The loss of office is considered acceptable under Policy E2 of the Local Plan (2018). The loss of the college is considered acceptable under Policy CF2 of the Local Plan (2018). The proposed development would promote the vitality and viability of Shepherd's Bush Town Centre. The new hotel use together with the ancillary retail, restaurant and bar use is considered to be an appropriate use for this town centre location, which is highly accessible by public transport. Section 1 of the NPPF (2012), London Plan (2016) Policies 4.5, and 4.7, and policies

2) Design and heritage: The proposal would use innovative design principles to redevelop this site. The proposal would respect the local architectural and townscape importance and the setting of the adjacent listed buildings and buildings of merit. The visual amenities of the area would be enhanced through improved aesthetics. The proposal would use contemporary yet acceptable materials, that would preserve and enhance the appearance, character and views of the conservation area. Policies DC1, DC2 and DC8 of the Local Plan (2018) and Policies 7.6 and 7.9 of The London Plan 2016 are thereby satisfied.

3) Highways matters: There would be no adverse impact on traffic generation and the scheme would not result in congestion of the primary road network. No general car parking would be provided and the development is not considered to contribute significantly towards pressure on on-street parking, subject to satisfactory measures to discourage the use of the private car which would be contained in a Travel Plan, secured by legal agreement. Subject to the completion of a satisfactory legal agreement preventing coach party bookings, the development would not generate congestion or disturbance as a result of coach parking. Acceptable provision would be made for cycle parking. The public transport accessibility level of the site is high. Acceptable provision for servicing and the storage and collection of refuse and recyclables would be provided. The proposal is thereby in accordance with policies CC7, T1, T3, T4 and T7 of the Local Plan (2018).

4) Sustainability: The application proposes a number of measures to reduce CO2 emissions from the baseline using passive design measures. Any shortfall would be off-set by a developer contribution towards off-site carbon reduction measures. Renewable technologies would also be included as part of the development. The proposal would seek to reduce pollution and waste and minimise its environmental impact. Policies CC1 and CC2 of the Local Plan (2018) and Policies 5.2, 5.5, 5.6 and 5.7 of The London Plan 2016 are therefore satisfied.

5) Amenity: On balance, the impact of the proposed development upon adjoining occupiers is not considered unacceptable. Measures would be secured by conditions to minimise noise and disturbance to nearby occupiers from the development. In this regard, the development would respect the principles of good neighbourliness, and thereby satisfy Policies DC1, DC2 and HO11 of the Local Plan (2018).

6) Safety and Access: The development would provide a safe and secure environment for all users in accordance with London Plan Policy 7.3 and Local Plan (2018) Policy DC2. The proposal would provide ease of access for all people, including disabled people, in accordance with London Plan Policy 4.5, Core Strategy Policy H4 and Key Principles DA1, DA22 and DA3.

7) Land Contamination: Conditions would ensure that the site would be remediated to an appropriate level. The proposed development therefore accords with policy 5.21 of The London Plan, and Policy CC9 of the Local Plan (2018).

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

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

Application form received: 5th May 2017  
Drawing Nos: see above

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

**Consultation Comments:**

<b>Comments from:</b>	<b>Dated:</b>
Hammersmith & Fulham Historic Buildings Group	03.08.17
The Hammersmith Society	06.09.17
Thames Water - Development Control	09.06.17
Historic England London Region	30.05.17
Hammersmith And Fulham Disability Forum	27.07.17
Thames Water - Development Control	27.12.17

**Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
45A Stanlake Road London W12 7HG	06.06.17
54 Pennard Road London W12 8DS	11.06.17
Dorsett Shepherds Bush 58 Shepherds Bush Green W12 8QE	16.06.17
Kemp House 152 City Road London EC1V 2NX	06.09.17
68 Pennard Road London W12 8DS	15.06.17
202 Uxbridge Road London W12 7JP	17.04.19
202 Uxbridge Road London W12 7JP	05.04.19
62 Pennard Road London W12 8DS	05.03.19
64 Pennard Road London W12 8DS	05.03.19
70 Pennard Road London W12 8DS	05.03.19
45 Pennard Road London W12 8DW	05.03.19
72 Pennard Road London W12 8DS	15.02.18
Bush Theatre 7 Uxbridge Road London W12 8LJ	09.10.17
56 Pennard Road London W12 8 DS	13.02.18
FLAT 3, BUSH GREEN HOUSE, PENNARD RD SHEPHERDS BUSH GREEN LONDON W12 8LL	10.07.17
45 Stanlake Road London W12 7HG	13.02.18
45 Stanlake Road London W12 7HG	08.02.19
45 Stanlake Road London W12 7HG	22.03.19
74 pennard road London w12 8ds	13.02.18
2 Bellridge Place Knotty Green Beaconsfield HP9 2DN	13.02.18

Flat 2, Bush Green House Pennard Road London W12 8LL	14.06.17
2 Library Mansions Pennard Road London W12 8DR	19.06.17
70 Pennard Road United Kingdom London W12 8DS	13.02.18
70 Pennard Road London W12 8DS	14.06.17
Flat B 52 Pennard Road London W12 8DS	04.02.19
Flat B 52 Pennard Road London W12 8DS	01.02.19
70 Pennard Road London London W12 8DS	08.02.19
72 Pennard Road London W12 8DS	08.02.19
70 Pennard Road London W12 8DS	14.03.19
7 Uxbridge Road	13.02.19
Flat B 52 Pennard Road London W12 8DS	31.01.19
56 Pennard Road London W12 8DS	06.02.19
56 Pennard Road London W12 8DS	18.03.19
72 Pennard Rd London W12 8DS	08.02.19
56 Pennard Road London W12 8DS	06.02.19
56 Pennard Road London W12 8DS	18.03.19
41 Stanlake Road London W12 7hg	26.03.19
45 Stanlake Road London W12 7HG	11.02.19
52B Pennard Road London W12 8DS	14.02.19
44 Warbeck Road London W128NT	22.05.19
55 Pennard Road London LONDON W12 8DW	18.01.19
Flat B 52 Pennard Road London W12 8DS	14.02.19
Flat 3, Bush Green House Pennard Rd London W12 8LL	21.03.19

## OFFICER REPORT

This application was previously reported to Planning and Development Control Committee in October 2017. A S.106 legal agreement was signed in February 2018.

(i) Following a successful claim for Judicial Review by a local resident, the High Court quashed the original planning permission. The Judge found that the daylight and sunlight report, prepared by GIA, misinterpreted the BRE guidance, and that the presentation of the results were significantly misleading and that this was reflected in the Officer's report, with the result that Members of the Committee were misled with regards to the true impact of the proposed development on neighbouring properties on Pennard Road. For this reason, the Judge found that the decision to grant planning permission was unlawful and that the planning permission granted by the Council was quashed.

(ii) In her written judgement, the Judge clearly sets out why she considered that Councillors were significantly misled, namely:

- a) They were not told that a reduction in the distribution of daylight is a separate distinct reason why daylight may be affected;
- b) They were not informed that the No Sky Line (NSL) results were indicating losses in daylight distribution in the Pennard Road properties, some of which appear significant, although much might depend on the use of the rooms in question.
- c) In contrast, where it existed, NSL compliance was drawn to their attention as a reason for them to take comfort in the overall reduction in amount of daylight at the relevant properties;

d) Councillors were not therefore in a position to form a judgement on the impacts of daylight distribution at properties on Pennard Road or aware that they needed to do so.

(iii) The judge notes that none of this appeared to be the fault of the Planning Officer, who simply repeated the analysis put before him in the GIA report.

(iv) What should have happened, in the Judge's view, was that Councillors should have been informed about the NSL exceedances but advised that much might depend on the use of the rooms in question.

(v) To address these matters, the applicants have submitted a revised daylight and sunlight report, again prepared by GIA, which seeks to address the errors of interpretation of the BRE guidance and the misleading presentation of the results. The Council has also commissioned an independent review of this document by an expert specialist daylight and sunlight surveyor.

(vi) In addition, Officers have also assessed the proposals in accordance with the Local Plan (2018) and Planning Guidance Supplementary Planning Document (2018) as the original application was first determined under the superseded Core Strategy (2011) and Development Management Local Plan (2013).

## 1.0 BACKGROUND

1.1. The site is currently occupied by a pair of commercial buildings, Threshold House and Union House, of matching design dating from the late 1950s. Both buildings comprise mostly low specification vacant office floorspace, which has in recent times been subdivided in an ad-hoc manner to suit temporary occupiers. The ground floor also accommodates some retail units with generally poor replacement shop frontages.

1.2. The buildings have reached the end of their useful life and site has been identified as a future development opportunity by the Council. Neither buildings are able to offer the size or flexibility of floorplate which is desired by prospective companies looking to move into the area.

1.3. The site lies on the west side of Shepherds Bush Green in Shepherds Bush town centre, and lies within the wider White City Opportunity area. It is Council Policy to strengthen the historic town centre by encouraging commercial and leisure based development that will help regenerate and establish a long-term viability for the town centre and links with the wider opportunity area.

1.4. The immediate neighbour to the north is Lawn House which is a red-brick commercial building from the 1980s, and to the south is Dorsett Hotel, a successful refurbishment of the former Odeon grade II listed building, which forms the centrepiece to the west side of the Green. To the west, the scale of the built form reduces considerably and the site adjoins the rear boundaries of the rear gardens of the terraced properties in Pennard Road.

1.5. The site faces the heavily-trafficked Shepherds Bush gyratory around the Green. The perimeter of the Green is lined by several mature London Plane trees giving a soft screen through which the buildings are viewed from around the open space. The Green has a varied character to each of its three sides. The west side consists primarily of individual stand-alone buildings, and was the focus for leisure and entertainment use.

1.6. The site lies within the Shepherds Bush conservation area and there a number of heritage assets in the wider area, including the neighbouring Dorsett Hotel (Grade II listed), the Odeon cinema 60 Shepherds Bush Green (Grade II listed) and the Walkabout, identified as a Building of merit by the Council.

1.7. The area is well served by public transport with a Public Transport Accessibility Level (PTAL) of 6a, on a scale of 1-6a/b where 1 is 'poor' and 6 being rated as 'excellent'. The Hammersmith and City Line Stations at Goldhawk Road and Shepherd's Bush Market are both approximately 300m from the site and the Central Line station at Shepherd's Bush is approximately 450m away. There are also numerous bus routes which stop outside the property on Shepherd's Bush Green.

Relevant planning history:

1.8. The planning history of the existing buildings on site date back to the 1950s and 1960s. The Council's planning records indicate that the operative planning consent for Threshold House was granted in 1954, when permissions were secured for "the erection of a five-storey building with a two storey back addition and space for car parking with access" (1954/00450/HIST) and "the erection of an office building" (1954/00451/HIST). The operative planning consent for Union House appears to date back to 1960, when planning consent was granted for "the erection of a six-storey office building" (1960/00555/HIST).

1.9. Historically, the office floorspace within both buildings was used as overspill BBC office accommodation until the year 2000. Between 2000 and 2016 the office accommodation was crudely sub-divided into ad-hoc spaces for short term licenses (typically 12-month terms). All office tenancies expired at the end of 2016.

1.10. Grafton College (a higher education institution offering courses in London, Dublin and Islamabad) also previously occupied floorspace at ground, first and second floor levels. In 2012, the College obtained planning permission for the use of 400sqm of the ground and first floor for use as an education centre and training college (ref. 2012/03184/FUL) for use by no more than 150 students at any one time. Although the second floor was also used by the College, it is not clear that planning permission was ever obtained for use of the second for as an education centre and therefore the use of this floorspace is likely to remain within office use.

1.11. The ground floor level of Threshold House was most recently occupied by the Post Office, Dessertz café and a hair and beauty salon. The building is now completely vacant and internal strip out works have begun.

1.12. Until 2017, the Post Office occupied 3,400 sq ft (316sq m net) of retail floorspace. During 2016 the Post office undertook statutory consultation on a proposed relocation of the facility as part of a nationwide reconfiguration of PO counter services. In March 2017, the Post Office issued a public notice that, having considered over 200 representations, it decided to relocate the service into a branch of WH Smith in Westfield White City Shopping Centre.

## Proposal:

1.13 The current application seeks planning permission for demolition of the existing buildings and erection of a part 7, part 8 storey plus basement building for use as a hotel (Class C1) containing 214 rooms, with an ancillary restaurant and bar; a new retail unit (Class A1), and supporting facilities, ancillary plant, servicing, cycle parking, plus highway, public realm, and landscaping improvements.

## Pre-application engagement and community involvement:

1.14 In respect of community involvement, the applicants undertook a continuous programme of engagement with local stakeholders throughout a pre-application period of approximately 13 months.

1.15 This included pre-application meetings with officers; two full-day exhibitions of the scheme proposals held on site (November 2016 and March 2017); engagements with the Hammersmith Society and Hammersmith & Fulham Historic Buildings Group and other local amenity groups; councillor briefings; meetings with tenants and residents representatives; the Shepherds Bush Town Centre Forum; meetings with the Bush Theatre; the Dorsett Hotel; and two presentations to the council's Design Review Panel.

1.16 The emerging proposals were first presented to the Design Review Panel on 23 November 2016. The panel welcomed the prospect of a new Hoxton hotel, which would strongly support the further regeneration of the Green. It was noted that the Dorsett had been a benefit to the area and it was considered that the Hoxton would be a valuable addition to the activity along the west side of this space.

1.17 The Panel supported the active frontage and outdoor dining along the building frontage that would be possible. The panel felt the scheme did not yet meet the architectural opportunities of its site and that the facade design was somewhat underwhelming, and over-scale in relation to the Dorsett Hotel. It was felt that there should be 'a winner' between the three pavilion elements proposed within the front elevation, and that this most prominent element should relate more directly to the main entrance, thus focussing this more clearly.

1.18 In response to the comments received from the DRP and other interested parties, the emerging proposals were comprehensively reviewed and a number of significant improvements and amendments were made to the scheme. The key amendments made were as follows:

- Height and massing of the scheme was revised so as not to challenge the Dorsett. The overall height of the scheme was reduced and special quality to upper floors introduced through façade details.
- A 'winner' pavilion was introduced to the centre through height and alternative window style, providing a strong connection between tallest element and main entrance and a beacon for way-finding.
- Lighter brickwork was introduced to address the 'heaviness'. The base was also toned down to better integrate with the upper floors.



1.19 The revised pre-application proposals were presented for a second time to the Council's Design Review Panel on 21 February 2017, who welcomed the revised massing strategy. The moving of the focus of height /mass and centre of gravity away from the listed Dorsett Hotel (to a more balanced relationship centred on the central bay) was considered to be positive, providing the building with more confidence, integrity and individual identity whilst remaining a polite neighbour.

1.20 The Panel welcomed the change in brick colour at the base of the building to a lighter tone, and the proposed programme to engage with the public realm along the important street frontage of Shepherd's Bush Green, taking advantage of the opportunity to provide much needed animation. The Panel welcomed the scheme in principle and advised recommended that the detailed design continue to be developed to address to address the following comments:

1. The central portion should read more strongly and be more confident;
2. The central top part of the building could be better articulated and break the cornice line;
3. The top of the building should have an aspirational quality;
4. More depth and richness could be added to the front facade;
5. An improved hierarchy between the top, middle and base of the building should be established;
6. Stronger immediate and detailed scales should be explored;
7. Windows could benefit from a finer grain to assist with the facade scale;
8. The ground floor space could be more permeable visually and physically;
9. Servicing strategies should avoid compromise to the boundary tree amenity for residents;
10. The southern and northern elevations should celebrate their visual prominence;
11. The handover between elevations should be reviewed.

1.21 In response to further consultation exercises and the above DRP comments, the applicants introduced a number of detailed design measures prior to the submission of the application.

1.22 The applicant has also continued an ongoing dialogue with interested parties throughout the application period with interested parties including residents of Pennard Road and the proposals have been revised in response to application consultation feedback.

## 2.0 PUBLICITY AND CONSULTATION RESPONSES

Consultation on original application, September 2017:

2.1 When the application was first received, it was advertised as a major development and was publicised by way of a press notice and site notices. 698 residential owners/occupiers and commercial operators in the neighbourhood were also notified by letter advising of the planning application.

2.2 In total, 8 objections were received, from neighbouring properties in Bush Green House, Library Mansions, Pennard Road and the Dorsett Hotel. The objections received can be summarised as follows:

- Concerns regarding noise and disturbance associated with building works, following building works at Dorsett Hotel and Bush theatre.

- Objection to another hotel in Shepherds Bush next to the Dorsett. The existing building should be reused by an existing business.
- Loss of privacy.
- Loss of daylight, sunlight, and overshadowing.
- This is a densely populated area with no parking, so building another hotel is a bad idea.
- The proposed development would have a dominating impact, and our right to the quiet enjoyment of our properties, as per Article 8 of the Human Rights Act.
- Concerns regarding the height and bulk of the new building which exceeds the existing building.
- With respect to Landscaping and trees the current proposal is vague in relation to the existing trees between the rear of the residential properties on Pennard Road and the new development which contribute to the privacy for residents. Concerns regarding the loss of these trees which would result in loss of privacy. Also concerns regarding harm to biodiversity and character of the area associated with the loss of these trees. The planting of young trees will not provide the same benefits as described above.

2.3 The Dorsett Hotel objected to the proposal and raises the following concerns:

- Concerns regarding the impact the development would have on the operation the Dorsett Hotel.
- The proposed development would result in an impact to the surrounding residential area and our hotel. Currently we have not been fully consulted by the applicant on their scheme and more specifically on how they are proposing to deal with the impact to our operation.
- Concerns regarding the proposed transport and servicing to the new hotel.
- Concerns regarding loss of daylight and sunlight.
- How the proposed hotel will be built and what measures are proposed to be implemented to have minimal impact on our operation.

2.4 Four responses were received in support of the application from neighbouring properties, including neighbours in Pennard Road and Bush Theatre. Comments can be summarised as follows:

- Great news to see an uninteresting building go away and for something new which enhances the area. Hope the same awaits other monstrosities which have spoilt the green over time.

2.5 The following groups and statutory bodies were also consulted: Hammersmith and Fulham Historic Buildings Group, Hammersmith Society, Pennard Neighbourhood Watch, Greenside Residents Action Group, Grampians Residents Association, Granville Mansions Association; Shepherd's Bush Town Centre Manager, Crime Prevention Design Advisor, Environment Agency, Historic England; Thames Water, Transport for London, London Fire and Emergency Planning Authority.

2.6 The Hammersmith and Fulham Historic Buildings Group also responded in support of the proposal. They stated:

- We consider that the current proposals are much more acceptable than earlier pre-application versions.

- We are pleased to note that the two wings have been set back giving the central section more prominence and breaking the building line. This distinction is increased by the differing pattern of the glazing bars.
- We note that the windows on the rear elevation are smaller, resulting in an overall reduced percentage of glazing compared to the existing building.
- Given the reduced height and the stepping back of the southern wing, the building now sits more comfortably next to the Dorsett Hotel which we consider should be the dominant structure at this end of the Common.
- We are pleased to note that the plant and machinery on the roof will be behind occluded glazing on the front elevation.
- We feel the success of the scheme will be dependent on the tone of the brickwork, therefore we request that we can view brick samples prior to approval.

2.7 The Hammersmith Society also responded objecting to the proposal. They stated:

- We were initially invited by the development team in November 2016 to a joint viewing of preliminary proposals together with members of the Hammersmith and Fulham Historic Buildings Group.
- We wrote a response on 1 December and welcomed the community aspects of the proposed Hoxton Hotel, and supported the Change of Use. We also welcomed the ground floor 'retail plinth' and the choice of brick as the overall material, which we felt should be empathetic with that used on the Dorsett Hotel. We expressed concerns about the height and bulk specifically in relation to the adjoining Dorsett Hotel: We were also concerned at the overbearing effect onto the residential properties in Pennard Road, particularly at the northern end of the site. We thought that the three block elements of the design should be more articulated in a symmetrical overall elevation onto the Green, with lower sections at each end.
- We were sent some draft revised coloured drawings of the east elevation in February of this year. These appeared to largely overcome our concerns about the bulk and form of the proposals.
- We have studied the latest revisions which now form the basis of this application. We are pleased to note that the elevations have been further revised in their bulk and articulation, and that the two bookends of the composition are both lower and set back from the central section. The introduction of a largely glazed clerestory upper floor treatment is welcome as an effort to reduce the bulk of the scheme, although we still feel that the overall height is still too dominant in its relationship with the Dorsett Hotel.
- We are disappointed that nowhere in the documentation could we find an east elevation (or front on visualisation) showing the two buildings in context. We also note that despite the stepping back of the rear west elevation in section, there is still infringement of the daylight angles from the properties on Pennard Road: This is hardly acceptable for a new building.
- We still find the overall design is mediocre and uninspired and in our opinion, should aspire to be better. We note that the styling of the brickwork is described in the documentation (eg. The Planning Statement) as 'warehouse/industrial', apparently welcomed by Council officers and the Design Review Panel. This aspiration is in itself laudable and there many excellent examples of the type (eg. The Dimco and DunnHumby buildings locally) where simple design and assured detailing around windows and elsewhere lift them above the ordinary and provide suitable dignity. This building requires similar uplifting in its detail design.
- In our initial response in December, we also commented on the importance of the choice of brickwork. Early proposals indicated a colouring similar to the Dorsett Hotel, which we would welcome. However, the latest colour renderings indicate a much paler

reddish yellow brick for the main areas which we feel would be less suitable. We agree with the HBG that before the colour of this and the grey brickwork for the ground floor are chosen that there should be further consultation based on a large-scale sample panel on site.

- We are pleased to note that the existing trees on the Green are to be protected as part of the proposals. There is limited opportunity for soft landscaping on the site but we welcome the new trees proposed at the rear of the site to assist with screening to the Pennard Road properties. We would emphasise the importance of consultation with the residents affected.

- While we welcome the principle of a Hoxton hotel and the retail element in this location, and its potential community benefits, we are disappointed with its architectural expression which we feel could be further improved. We are also concerned at the overbearing nature of the proposed building on the residents of Pennard Road. We therefore suggest that a decision is refused or deferred while the design is reconsidered.

2.8 Planning matters raised by residents, businesses and consultees not commented on above will be discussed in the body of the report.

2.9 Historic England raised no objection.

2.10 Thames Water raised no objection subject to conditions.

Consultation on amended application, January 2019:

2.11 Following receipt of the updated daylight and sunlight study in December 2018, further notifications were carried out, giving residents the further opportunity to comment on the revised information.

2.12 In response, 4 support comments were received from 3 properties (55 and 56 Pennard Road, and the Bush Theatre at 7 Uxbridge Road), making the following comments:

- The site currently blights Shepherd's Bush Town Centre, and every effort must be made to accelerate the development proposals to ensure a high-quality operator can progress to reignite the local area
- The Hoxton is a tremendous supporter of local culture and plays a vital role in enhancing the offer in the northern wards of Hammersmith and Fulham
- Two of the support comments registered did not contain any specific comments.

2.13 In addition 5 objection comments were also received from 4 properties (52B, 70 and 72 Pennard Road and 45 Stanlake Road) making the following comments:

- The proposed building is significantly higher than the existing and does not meet the tests set out in Local Plan Policy DC3
- Development does not meet the tests set out in Local Plan Policy DC8 with regards to heritage and conservation
- Will result in inconvenience, noise, and pollution for those who live on Pennard Road
- Tree removal will cause heave and subsidence of properties on Pennard Road
- Project remains unchanged and therefore the same concerns are raised as per comments to the original planning application

- Massive breaches of residential amenity in terms of openness, daylight, privacy, outlook, and noise
- No effort to adapt the supporting documentation to the 2018 Local Plan, no mention of updated policy principles
- Council urged to reassess the proposals in their entirety, on the basis that the developers misled residents and council officials
- NSL method that has been added to the report show significant losses to Pennard Road properties
- Noise disturbance from restaurant of ground floor.

2.14 A further revised version of the Daylight and Sunlight Report was received dated 28.02.2019, and as a result new neighbour letters were sent out (7th March 2019) giving residents opportunity again to comment on the updated information.

2.15 In response two support comments were received from one property (56 Pennard Road). The support comments did not give any specific reasons for supporting the development.

2.16 7 objection comments have been received from 5 properties (62, 64, and 70 Pennard Road, 45 Stanlake Road, and Flat 3, Bush Green House). No new matters have been raised in previous consultation responses.

- Extra traffic on Pennard Road, e.g. for trucks for the development
- How many brand new developments do we need from Wood Lane to Shepherd's Bush Green, surely the market is over-saturated by now

2.17 In addition, Officers received emails from three residents requesting additional time to respond to the latest consultation in order to commission their own daylight and sunlight assessments. (Officer Comment: We have not been provided with any daylight/sunlight assessment as commissioned by residents).

2.18 It was also advised that some of the letters had not clearly stated response dates. Accordingly, a further round of letters was sent on the 29th March 2019. This generated 1 objection and 1 letter of support, neither of these raised any new issues.

### 3.0 PLANNING CONSIDERATIONS

3.1 The main planning considerations to determine the merit of the proposed development are: land use and acceptability of a hotel use in this location; the scale, bulk, design and appearance of the proposed building; the impact of the development on the street scene and character and appearance of the conservation area and setting of adjacent listed buildings and buildings of merit; impacts on the existing amenity of the neighbouring properties in terms of noise, light, privacy, outlook and glare; traffic generation, servicing and parking; accessibility; energy efficiency and sustainability; and environmental impacts.

#### + PRINCIPLE

3.2 The NPPF supports the delivery of mixed and balanced communities, with the key focus being on growth, regeneration, and development. It supports the effective use of land by reusing land that has been previously developed (brownfield land).

3.3 The site is located within the historic core of Shepherd's Bush Metropolitan Centre where hotel and leisure uses are supported in strategic terms by both the GLA and LBHF.

3.4 The site is also located within the White City Opportunity Area (London Plan 2016 designation, translated into the White City Regeneration Area designation in the Local Plan 2018). Strategic Policy WCRA applies. Shepherd's Bush Town Centre is the key location for arts, cultural and leisure facilities in the regeneration area, as well as for related hospitality and tourism. It has a longstanding reputation for a vibrant night-time economy, with venues such as Shepherd's Bush Empire, Bush Theatre, two cinemas, the Ginglik (now closed), and numerous other pubs, restaurants, and bars. Strategic Policy WCRA states that development proposals should sustain regeneration of the historic town centre, and promote its vitality. Local Plan Policy E3 states that permission will be granted for new visitor accommodation and other facilities in the borough's three town centres and opportunity areas subject to certain criteria being met. The London Plan seeks 40,000 additional hotel bedrooms by 2031 located primarily in town centres and opportunity areas.'

3.5 The Hoxton hotel proposals will strongly assist in meeting the council's aspirations to reinvigorate the historic town centre of Shepherd's Bush. Unlike usual hotel models with an inward focus, The Hoxton looks outwards, actively seeking interaction with local residents, businesses and creatives. In addition to welcoming and publicly accessible bars and restaurants, The Hoxton also runs 'Hoxtown', an events platform ranging from pop up shops and exhibitions to yoga and performances. These are open to the local community, typically free or good value and are run by The Hoxton as a social investment with no direct financial profits made by the hotel.

3.6 The application comprises the demolition of two unremarkable 1950s commercial buildings and their replacement with an enhanced building of a more appropriate use. The Hoxton proposals will provide a vibrant and creative place with a stimulating and high-quality building where people will want to live, work, shop and spend their leisure time.

3.7 The synergy and connections between The Hoxton and other existing venues such as the Bush Theatre will help to revive Shepherd's Bush town centre as a thriving destination, as well as an increasingly attractive place to live work, in turn attracting further major investment opportunities to Shepherd's Bush.

3.8 The council's Urban Design and Conservation Officers have advised that the demolition of the existing buildings is considered to be acceptable, subject to appropriate redevelopment proposals.

3.9 Pre-application proposals were also presented to Economic Development Officers, the Shepherd's Bush Town Centre Forum and the Council's Design Review Panel, who all welcomed the prospect of a new Hoxton hotel, which would strongly support the further regeneration of Shepherd's Bush Town Centre.

## LAND USE

### Hotel:

3.10 The applicant owners acquired the site in late 2015 after it had been marketed for sale unsuccessfully for at least five years. They hope, through this application and subsequent redevelopment, to ensure a smooth transition into the permanent hotel use within a new building that makes a positive contribution to the economy, setting and life of Shepherd's Bush Town Centre.

3.11 In addition to strongly supporting the regeneration of Shepherd's Bush town centre, the proposals will also assist London in meeting the London Plan (2016) aim of 40,000 additional hotel bedrooms by 2031 located primarily in London's town centres and opportunity areas (such as the White City Opportunity Area and Shepherd's Bush Metropolitan Centre), as well as the London Plan's targets for a greater dispersal of accommodation outside London's central area, an improvement in the range and quality of provision and for accommodation that meets the needs of businesses.

3.12 The proposed development will also adhere to criteria that new hotel development within the town centre is expected to meet under Local Plan Policy E3 as follows:

- The site is well located in relation to public transport.
- As detailed within this planning statement and other technical reports submitted in support of the application, the development and its associated uses will not have a detrimental impact on the local area. Further details on the operation of the hotel are provided below.
- There will be no loss of permanent housing. The principle of the loss of office, retail and education floorspace is considered further below.
- Provision of adequate off-street servicing will be provided, which has been developed in consultation with LBHF Highway Officers.
- At least 10% of the hotel bedrooms are designed as wheelchair accessible (see below for further details).
- the facility being of a high standard of design. The scheme was taken twice to Hammersmith and Fulham's Design Review Panel during pre-application design development. This process was fundamental to securing a design that reflects local pride in the location and responsiveness to the prevailing character of the area as expressed in the materiality and architecture of the buildings that surround the Green.
- The scheme will add to the variety and quality of visitor accommodation available locally.

3.13 The applicant owners have also advised that Hoxton hotel proposals will provide the following benefits:

- It's redevelopment to provide a Hoxton Hotel will help the Council meet one of its key aims of extending the range and quality of facilities available to employment, leisure and the arts to the western side of the Green.
- Hoxton's London hotels are designed to serve the needs of the whole population who live, work and visit the area. Hoxton hotels contains extensive facilities that are fully publicly accessible, as well as programmable spaces that are used by community, business and arts groups for meetings, events, launches, performances and exhibitions.
- The public facing aspects of the proposed hotel will provide facilities throughout the day and until late. It will serve as a destination for local people and the area's increasing numbers of visitors. In so doing it will help to connect movement across the Green, so

reducing the perceived separation of Goldhawk Road/Uxbridge Road and Shepherd's Bush Market from the transport and retail facilities within the Westfield scheme.

- The Hoxton Hotel will act as a platform for local creative business, art and community groups. Hoxtown events within existing hotels range from pop up shops, event launches and exhibitions to yoga and theatrical performances. All events will be open to the local community (typically fewer than 5% of attendees are hotel guests) and will typically be free or good value. In respect of Shepherd's Bush, contact has already been made with the Bush Theatre to discuss possible future collaborations with Hoxtown.

- In addition to 'Hoxtown' events, Hoxton hotels provide a hub for local entrepreneurs at any time of day. All day hospitality and free wi-fi make the Hoxton an ideal destination for entrepreneurs and start-ups, as well as media and creative businesses, offering informal work space, meeting areas and networking opportunities.

- The Hoxton Hotel also will bring additional employment to the Shepherd's Bush area including full time skilled hotel and hospitality staff. Based on projected requirements, the scheme will provide circa 151 Hoxton employees, plus a further 40 agency jobs. 40% of who will reside within the local area. Typically, the average length of service within a Hoxton Hotel is 3 years versus industry norm of only 1 year and contract work accounts for only 16% of total staff numbers. 2.4.7 As well as being a major employer of local people in its own right Hoxton will also act as a catalyst for business growth within the regeneration area by addressing unmet demand for destination café/bar/restaurant facilities, all of which are important considerations for relocating businesses.

3.14 The proposed hotel development therefore accords with London Plan (2016) Policy 4.5 for providing additional accommodation within town centres (and Opportunity Areas) and also the criteria outlined in Policy E3 of the Local Plan (2018).

Retail (including hotel restaurants and bar):

3.15 The application site is located within Shepherds Bush town centre which is designated as a metropolitan centre in the London Plan.

3.16 The three complementary retail 'anchors' of Westfield shopping centre, West 12 shopping centre and Shepherd's Bush Market serve as the main retail destinations in the town centre. Retail frontages along Goldhawk Road and Uxbridge Road connect the 3 anchors with smaller retail activities.

3.17 In contrast the site itself is located within a non-prime retail frontage within the historic centre of Shepherd's Bush Town Centre, within which the growth of retail, arts, cultural, leisure and night time economy is a land-use priority of the Council. The 'historic' town centre has started to adapt to capitalise on the growth of the centre (brought about by increased footfall to Shepherd's Bush from Westfield).

3.18 Accordingly, Local Plan Policy TLC1 confirms the Council's priority will be to strengthen the historic town centre by encouraging commercial and leisure based development and uses that will help regenerate town centre functions and link with the White City Regeneration Area.

3.19 With regard to site specific development proposals Local Plan Policy TLC1 supports proposals that enhance the viability and vitality of the town centres, seeks to ensure a range of accessible shopping and other town centre uses to meet the needs of local residents, workers and visitors, and seeks a mix of retail units in major developments.



3.20 The proposed retail and mixed uses are also supported by Policy TLC1 which encourages diversity and distinctiveness in the shopping mix in the Boroughs town centres. The Strategic Policy for White City Regeneration Area encourages the regeneration of the White City and adjacent estates. In addition, the proposed mixed use, especially the bar and restaurant use, is further supported by Strategic Policy WCRA as the council aim to maintain and encourage Shepherds Bush's role as a centre for entertainment and, to create a vibrant and creative place with a stimulating and high-quality environment where people will want to live, work, shop and spend their leisure time.

3.21 With regard to the loss of existing A classes within non-prime retail town centre frontages, Local Plan Policy TLC2 states that within non-prime retail frontages such as Shepherd's Bush Green, the following criteria (3-6) of the policy will apply and that changes of use from A1 will be considered on the following basis:

- The nature and characteristics of the proposed use are complementary to the shopping frontage;
- The proposed use contributes to the function of the centre in terms of the size of the unit, the length of its frontage and the location of the unit within the centre;
- Planning conditions will be imposed in any permission for such changes of use to secure provision of a shop style fascia, and window display at street level, and to control the hours of opening of class A3-A5 uses; and
- Consent will not be granted for residential use within the ground floor frontage.

3.22 The nature and characteristics of the proposed ground floor uses will fully accord with the non-prime retail requirements of Policy TLC2. They are complementary to the shopping frontage and the town centre, providing publicly accessible restaurant, bar and coffee shop facilities at ground level and shop style active frontage.

Loss of office and college floorspace:

3.23 With regard to the loss of existing office use on site, Local Plan Policy E2 states permission for the loss of employment floorspace will only be granted where:

1. continued use would adversely impact on residential areas; or
2. an alternative use would give a demonstrably greater benefit that could not be provided on another site; or
3. it can be evidenced that the property is no longer required for employment purposes.

3.24 Where the loss of employment use is proposed in line with sub para.3 above, the council will have regard to:

- The suitability of the site or premises for continued employment use with or without adaptation;
- Evidence of unsuccessful marketing over a period of at least 12 months; the need to avoid adverse impact on established clusters of employment use; and
- The need to ensure a sufficient stock of premises and sites to meet local need for a range of types of employment uses, including small and medium sized enterprises, in appropriate locations.

3.25 Paragraph 6.74 of Local Plan advises that where accommodation is poorly suited to meet the requirements of modern occupiers and where the cost of modernisation

cannot be justified, the council may grant change of use. Robust evidence will be required to support change of use on this basis in the absence of marketing information.

3.26 In respect of community uses, Local Plan Policy CF2 seeks to protect existing community facilities and services where there is an identified need. Existing community uses should be retained or replaced, unless there is clear evidence that there is no longer an identified need for a particular facility.

3.27 The site is presently occupied by two conjoined buildings constructed in or around the late 1950's/early 1960's as speculative offices. After a period of occupation by the BBC the building underwent a very basic conversion into low-grade serviced office use. That use of the upper floors declined from 2015 onwards and ceased entirely during 2016.

3.28 The existing low specification office floorspace has reached a point of functional and economic redundancy. Its original specification was basic and its amenities, layout and dimensions are distant from modern office requirements. In addition, its services and installations were all dysfunctional prior to closure.

3.29 The upper office floors are vacant, having been previously tenanted on short term licenses. This includes floorspace previously tenanted Grafton College of Management Sciences, who relocated from the in October 2016, moving to a new Campus at Illford House on Oxford Street, City of Westminster.

3.30 Ashdown Phillips commenced management of Threshold and Union House, following purchase of the building by Newco 8915 Ltd in January 2016, the Site having been previously marketed unsuccessfully for at least five years. They have confirmed that the previous management of the building was poor, with no current statutory compliance and no periodic maintenance. In particular:

- There was no evidence of any regular electrical maintenance or a recent 5 year fixed wire testing (a statutory compliance). Given the amount of works required, serious consideration was given to close the building. To resolve the defects, Capitol Engineering had 2 engineers working 12 hour shifts for 8 weeks to make the building safe for the occupants. Approximately 30 vacant units where the electrics were isolated, in order that the areas are safe. These office suites are currently not able to be occupied.
- The fire risk assessor found around 30 faults related to the fire safety in the building. The faults were rectified in the short term and the risk of fire has contained, however the only long term solution would be to take all the partitions down and re-wire the building which is a major and costly thing to do.
- There was an incident of a section of external concrete falling onto a vehicle. A subsequent structural survey of the area highlighted the external concrete is in a poor condition and requires further monitoring. Following advice from the structural surveyor, we will be installing netting to the Threshold House side elevation, as a temporary solution/protection. Following installation of the netting, the area will require further investigation after 2 years.
- A fascia panel to front of building above ground level windows, had fallen adjacent to the car park entrance. Wooden battens fixings for all panels are rotten. All fascia's were subsequently removed.
- The heating system is obsolete and inefficient and will require replacing in the short term.

- The air-conditioning within the building is not working efficiently, again this requires replacement in the short term.

3.31 With regard to the loss of existing office building, it is clear existing office accommodation in the building has reached the end of useable life span and unlikely to attract occupation without significant major refurbishment, the cost of which cannot be justified.

3.32 In comparison, the Hoxton hotel proposals will achieve the aims of Strategic Policy WCRA to reinvigorate this historic part of the town centre within a single building, providing a vibrant and creative meeting place and an important link between the surrounding attractions such as Shepherd's Bush Market, The Bush Theatre and Westfield White City. It would generate a demonstrably greater benefit to Shepherd's Bush, helping to revive the historic centre as a thriving destination, better achieve the strategic objectives of the regeneration area and attracting further major investment opportunities to the area.

3.33 The proposals will not lead to the displacement of office or educational use occupiers, as the upper floors are vacant and previous tenants relocated. While the design of the development is such that it's not possible to provide new office or community use floorspace on site, the proposals will provide a number of employment and community benefits that are inherent to the Hoxton and Hoxtown.

3.34 A particular interest for the council and the applicant is the potential of Hoxton Hotel to support the borough's Arts and Cultural Strategy. Shepherds Bush is being increasingly recognised as an area of national and metropolitan scale importance for arts and creativity. The area has a long history of artistic and musical creation and performance. From the BBC to The Bush Theatre and including Bush Hall, the Shepherds Bush Empire, Bush Studios and London College of Fashion - amongst many other locally-base institutions - Shepherds Bush has the potential to continue to attract an increasingly large cluster of creative agencies and a growing audience from across London and beyond.

3.35 Hoxton's own events brand - 'Hoxtown' - is a very strong fit with this aspiration. As well as providing new venues for events, launches, performances and exhibitions the proposed Hoxton Hotel will provide new food and drink offers and increase the appeal of Shepherds Bush as a visitor destination in its own right.

3.36 The applicant has confirmed its enthusiasm for becoming a fully committed partner in the Council's Arts and Cultural programmes and has already stressed its openness to support plans for a local festival. There have also been very encouraging discussions with the Bush Theatre about opportunities for joint marketing and shared performances. Ennismore has already provided support to the theatre and we have discussed long-term arrangements to encourage and promote its further success. Performance promotions and possibly ticket sales alongside hotel bookings are one option being considered alongside the potential for readings, promenade and festival performances, and even live screening relays into the Hoxton's public spaces.

3.37 The proposals also have the potential to create new jobs for local people. Hotels run day and night and therefore create 3 cycles of employment in each 24 hour period. Hoxton is a committed local employer with a market-leading record for average length of stay in post - close to 3 years as compared to a market norm of only 12 months. Hoxton

seek to recruit locally to their hotels wherever possible. Not only does this help to embed each hotel in its own neighbourhood - with obvious benefits for all of our guests and customers - it also minimises travel to work issues and improves our efficiency. With circa 190 jobs likely to be created in the new hotel, Hoxton wish to work with the borough and local training, employment and education agencies to maximise local take up of these positions. With a planning consent in place it will be possible to use the approximately 24 months prior to opening to help encourage local job seekers into training in readiness for the commencement of operations.

3.38 The principle of the loss of the office, education, and A1 retail floorspace in this location is therefore considered acceptable and in accordance with the NPPF and local plan policies given the nature of the proposed use.

3.39 The main planning issues arising out of this proposal therefore relate to the design and form of the proposed new build and whether the development would impact unacceptably on the amenities of neighbouring properties and the local area or impact significantly on the highway network and the generation of traffic which is further examined below.

## TREES

3.40 London Plan Policy 7.19 'Biodiversity and Access to Nature' and Policy 7.21 'Trees and Woodland' are concerned with protecting biodiversity and trees. The policies requires that if a tree is to be removed, it should be replaced following the principle of 'right tree, right place'. 3.19 Local Plan Policy OS5 'Greening the Borough' seeks to protect existing trees and maximise planting; and Key Principle BD9 of the Planning Guidance SPD also encourages the planting of additional trees.

3.41 A total of 20 trees (on and adjacent to the site) with the potential to be affected by the proposals were surveyed as part of the application. Of the 20 surveyed trees none are A category \*(High Quality), 5 are B category \*(Moderate Quality), 5 are B/C category \*(Moderate / Low Quality), 8 are C category \*(Low Quality), 1 is C/U category \*(Low Quality / Unsuitable for Retention) and 1 is U category \*(Unsuitable for Retention).

3.42 The tree species on site comprise Norway maple, Leyland cypress, common lime, mimosa, sycamore, and common ash. Lime trees T7-13 have an approved history (e.g. 2006/03035/TREE) of hard pruning (cyclical removal of canopies) to mitigate nuisance to neighbours.

3.43 The principal impact of the application proposals comprises the removal of T7-T13 pollarded limes. 5 of these trees were assessed as being of moderate / low quality with the remaining being of low quality.

3.44 The applicant's design team has confirmed that alternative means of retaining these trees (with e.g. no-dig construction access) is not considered to be viable. In addition, the cyclical removal of their canopies has been allowed in the past to mitigate nuisance complaints from neighbours. The net fossil fuel consumption of routinely removing the leafy character of these trees outweighs any environmental benefit they would otherwise accrue and therefore the benefit of these trees relates solely to the visual amenity and screening that they provide between the rear of the site and the Pennard Road rear gardens.

3.45 The applicant's arboriculturalist has advised that replacing the 7 pollarded limes with the principle of right plant: right place (as endorsed in the London plan) would be more environmentally responsible, reduce nuisance associated with existing sticky deposits and maintain long term visual amenity provided by tree canopies over the long term.

3.46 Accordingly, during the course of the application, a replacement tree planting strategy is proposed, which has been developed in consultation with the Council's tree officer and residents of Pennard Road. Adjoining residents on Pennard Road were re-notified in writing with regards to these changes. Following this further consultation no further comments were received from neighbours.

3.47 The tree replacement proposals comprise the planting of 8 x *Carpinus betulus* Frans Fontaine to be planted as specimen trees, wire root balled or containerised with approximately 150cm spread, a height between 700 - 900cm and 35/40cm girth. *Carpinus betulus* Frans Fontaine is an attractive and tidy columnar Hornbeam which is ideal for restricted spaces. It grows to a height of approximately 10 meters, but only 3 meters wide. The foliage is a bright green in spring, turning to gold and orange in the autumn time. Unlike the more ubiquitous 'Fastigiata' form, Frans Fontaine preserves the attractive lateral boughs of the species and retains its columnar habit throughout its life.

3.48 The tree species has been selected for its columnar habit and limited growth. As such, the trees should not require any pruning to restrict growth. Rather than blocking the views altogether with a green wall of canopy that can be oppressive and cast dense shade, the replacement trees will break up / punctuate the view with clear daylight between each tree, but provide enough individual screening for privacy. The overall effect of these measures will be to provide an attractive screen which breaks up views in and out of site without becoming overbearing and repeating the mistakes of the previous planting scheme.

3.49 The full potential of the impacts of the development on trees to be retained can be largely mitigated through design and precautionary measures. These measures can be elaborated in Method Statements in the discharge of planning conditions.

3.50 The Council's Arboricultural officer has assessed the proposals and considers that the replanting proposals will re-provide the visual amenity that will be lost. In this respect the proposal complies with the above policies.

## HERITAGE AND DESIGN

3.51 The proposals are for the demolition of Union and Threshold House, and the removal of the open car park to the rear. To be replaced by a 200-bed hotel with bar restaurant and meeting rooms. The Hotel would be run by the Hoxton chain where the aim is to locate in distinctive areas in order that they can contribute to the general regeneration and uplift in areas. In this sense, Hoxton are outward looking and actively seek interaction with the local community and have an open-door policy to events held at the Hotel.

#### Location and heritage context:

3.52 The site lies on the west side of Shepherds Bush Green in Shepherds Bush town centre, and lies within the wider White City Regeneration Area. It is Council Policy to strengthen the historic town centre by encouraging commercial and leisure based development that will help regenerate and establish long term viability for the town centre and links with the wider opportunity area.

3.53 The site faces the heavily-trafficked Shepherds Bush gyratory around the Green. The perimeter of the Green is lined by several mature London Plane trees giving a soft screen through which the buildings are viewed from around the open space. The Green has a varied character to each of its three sides. The west side consists primarily of individual stand-alone buildings, and was the focus for leisure and entertainment use.

3.54 The immediate neighbour to the north is Lawn House which is a red-brick commercial building from the 1980s, and to the south is Dorsett Hotel a successful refurbishment of the former Odeon grade II listed building, which forms the centrepiece to the west side of the Green.

3.55 To the west, the scale of the built form reduces considerably and the site adjoins the rear boundaries of the rear gardens of the terraced properties in Pennard Road.

3.56 The site lies within the Shepherds Bush conservation area and there are a number of heritage assets in the wider area. However, of most significance in relation to the development of this site, would be:

- Odeon cinema 60 Shepherds Bush Green - grade II listed
- Former BBC Television Theatre Shepherds Bush Green - grade II listed
- War memorial Shepherds Bush Common - grade II listed

And the following Buildings of merit:

- Former Cinematograph Theatre & Odeon II
- Former Bush Hotel PH
- Former Shepherds bush library [now Bush theatre]
- Nos 1-5 Uxbridge Road
- Nos 134- 142 Uxbridge Road
- Nos 156-162 Uxbridge Road

#### History:

3.57 Up until the mid-19th century the area was largely open fields. The Common area was used by shepherds for pasture on their way to Smithfield Market. With the arrival of the railways, residential development in the form of dense terraced housing began to spread in the areas around the Green. By 1916, Pennard Road had been laid out and its junction with Uxbridge Road was flanked by a fire station and the library in recognition of its municipal importance as a local centre. The Empire and Picture Theatre had been built either side of Rockwood Place and the entertainment focus was later enhanced by the construction of the Odeon in 1923. Threshold and Union House replaced the last of the houses on the west side of the Green in the 1960s.

#### Existing buildings:

3.58 The site is currently occupied by a pair of commercial buildings, Threshold House and Union House, of matching design dating from the late 1950s. The buildings are set back from the street edge creating a wide paved footpath which accommodates five mature trees along the frontage. The buildings rise to six storeys with a common parapet.

3.59 The ground floor accommodates some retail units with generally poor replacement shop frontages. The main part of the elevation has a predominantly horizontal architectural expression with horizontal proportioned windows alternating with brick bands. The strong horizontal emphasis is counterbalanced to some extent by narrow stone piers which divide the façade into vertical bays.

3.60 Both office buildings have reached the end of their useful life as neither is able to offer the size or flexibility of floorplate which is desired by prospective companies looking to move into the area. The buildings have in recent times been subdivided in an ad-hoc manner to suit temporary occupiers.

3.61 Both buildings have an outdated design and have limited architectural quality, having a negative impact in the group of buildings along this edge of the Green.

#### Townscape and surrounding context:

3.62 The townscape around the application site is varied in character and this is typified by the distinct architectural characters to the three edges of the common. The western edge contains the large entertainment palaces whose scale addresses the open space at their frontage but is in stark contrast to the residential terraced streets to the rear. In this sense the new development would take its place amongst a group of individual and unique pavilion-style buildings which despite their differing architectural characters form a coherent piece of townscape defining the edge of the Common. The successful integration of the new design into this group would mean that the heritage assets would remain unharmed with the opportunity to enhance this part of the conservation area.

3.63 In addition to respecting the group on the frontage, the proposal would need to be mindful, in terms of massing and design, of the terraced properties to the rear in Pennard Road.

#### Urban design:

3.64 The successful integration of the site with its surroundings is key to any development on this site. The design of the new hotel building would need to respect its setting on the west side of Shepherds Bush Green, be of high quality and contribute to the fine group of buildings along this edge. The proposal is described in further detail below.

3.65 The National Planning Policy Framework (NPPF, 2019) seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The NPPF also requires that proposals should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

3.66 The NPPF states that good design is a key aspect of sustainable development, and should contribute positively to making places better for people. Part 12 of the NPPF outlines the requirement for good design and sets out that development should:

- 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
- Be visually attractive as a result of good architecture and appropriate landscaping.

3.67 Chapter 7 of the London Plan sets out the Mayor's policies on a range of issues regarding places and space, setting out fundamental principles for design. Policy 7.1 - Lifetime Neighbourhoods states that the design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood. Policy 7.2 - An Inclusive Environment requires all new development in London to achieve the highest standards of accessible and inclusive design. Policy 7.3 - Designing Out Crime seeks to ensure that developments reduce the opportunities for criminal behaviour and contribute to a sense of security, without being overbearing or intimidating.

3.68 Policies 7.4 (Local Character), 7.5 (Public Realm) and 7.6 (Architecture) of the London Plan are all relevant and promote the high quality design of buildings and streets. Policy 7.4 states that development should have regard to the form and function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings whilst policy 7.6 states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings. Policy 7.8 - Heritage Assets and Archaeology states that development affecting heritage assets and their setting should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.

3.69 Local Plan DC1 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.

3.70 The policies contained within Section 12 of the Local Plan sets out to preserve and enhance the quality, character and identity of the borough's natural and built environment. Policy DC2 builds on the above-mentioned policies and other design and conservation policies. It 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. Policy DC8 seeks to protect, restore or enhance the quality, character, appearance and setting of the borough's heritage assets.

3.71 This is a significant piece of redevelopment, which due to its scale will be visible from various locations in the surrounding townscape. The acceptability of the proposed



building then needs to be judged on the impact that it would have on views from the surrounding townscape and in particular the impact on the setting of the surrounding heritage assets. A series of visual studies have been prepared in order to assess the impact. A detailed analysis of these is carried out in the Townscape Assessment.

Design evolution:

3.72 The design sets out to achieve several objectives. It needs to accommodate the capacity required for the hotel without causing significant harm to the surrounding townscape. It also must be of the highest architectural quality, positively contributing to the townscape of this edge of Shepherds Bush Green and providing a cohesive design which gives positive identity to such a prominent site in the Borough.

3.73 The key aims for the frontage were identified and agreed with the applicants at the outset. Most importantly, the new building should integrate into the frontage of rich diverse and confident individual buildings forming their unique setting to the Green. The façade should be equally confident with a civic quality, which acknowledges its prominent position and visibility from across the Green. The design should provide an active frontage taking advantage of the opportunity afforded by the wide expanse of footway fronting the site.

3.74 At the rear, the massing needs to respond to the terraced housing on Pennard Road whilst respecting privacy and providing an improved outlook for residents.

3.75 The proposed design has been developed from these initial aims and adjusted in response to comments received.

3.76 During the development of the proposed design, comments were received both from the public consultation exercises carried out and the scheme reviews at the Design Review Panel in November 2016 and February 2017. All comments have assisted the applicants in developing the proposal and have been adopted where possible.

Design:

3.77 The architects sought to bring together the key objectives in the architectural design for the site.

3.78 Various options were explored for the massing along the frontage. The proposed massing is a symmetrical composition with increased height in the central pavilion with lower end wings. The massing at the upper levels is recessed back from the flank walls. The symmetrical composition is a direct response to the broad vistas afforded to the development across the Green and that it enables the massing to be stepped away from the neighbouring listed Dorsett Hotel to the south.

3.79 The elevation adopts a clear expression of base, middle and top which is assisted by the change in materials in each part. The main body of the elevation is composed in red brick with deeply recessed dark-grey metal framed windows which on the outer bays have a more vertical proportion set within full height brick piers giving the façade articulation and interest, and a finer grain and variation from the central bay where the brick façade is simpler and the windows balanced in proportion.

3.80 The central pavilion is 7 bays wide and above the consistent alignment at the base of the building, sets itself forward of the end wings. The central block is expressed with a more regular grid and larger window openings than the two end wings. Brick on the central pavilion is taken through the brick-corbelled cornice to strengthen this component in the frontage. Here, the brickwork would be complemented by castellated glazed brick creating a distinct top to the building which will contribute to the skyline silhouette of the buildings along this edge of the Green.

3.81 The architects have been developing the detailed design of the elevation, in particular the depth and modelling to the façade, which has now given officers comfort that the proposed scheme will result in high quality elevations.

3.82 The design acknowledges that the return elevations would be visible in oblique views along the street. Brickwork on these elevations would be detailed by channelling into vertical bays of a scale similar to the window bays on the main elevation.

3.83 On the rear elevation, the massing steps down to respect the residential terraces. The hierarchical composition and materiality is repeated with simpler detailing and smaller windows in response to the neighbouring residential properties in Pennard road.

3.84 The majority of plant equipment would be located in the basement. Only essential roof top plant such as a/c units would be housed at roof level in a discrete screened enclosure that would be barely visible in views.

3.85 The building would be L-shaped in plan with the main entrance located centrally on the Shepherds Bush Green elevation. The ground floor would provide restaurant bar and meeting room functions taking advantage of the wide pavement and accessible to the public as well as hotel guests. The upper floors would contain the bedrooms with larger rooms at the upper levels taking advantage of the views across the Green.

#### Public realm and landscaping:

3.86 The design utilises the wide pavement to the front of the site, enlivening it with seating as an extension to the bar and restaurant, whilst also ensuring that the frontage is as permeable and welcoming to both hotel guests and the general public visiting the facilities provided. All existing trees along the street frontage would be retained.

3.87 At the rear of the new development a replacement 2.5m boundary brick wall would be provided to those properties where greater security and privacy would be required. This would assist in providing acoustic and visual screening. A landscaped strip against the boundary wall would comprise of low level planting as well as retained and replacement trees which would provide a setting for the rear of the new development as well as a soft screen for the residential properties in Pennard Road.

#### Design Review Panel:

3.88 The scheme was presented to the Council's Design Review Panel in November 2016 and again in February 2017 following further development of the design. The Panel raised comments on the following topics and encouraged the design team to ensure that they are carefully considered so that the design fulfils its potential:

- To pursue the revised massing strategy which moves the focus and centre of gravity away from the listed Dorsett hotel
- To consider greater depth and more generous modelling to the facade to help it read more strongly and engage in views across the Green
- To pursue the option of taking the brick through the cornice line engaging the middle portion with the top in a calmer more coherent manner
- To explore lightening and celebrating the top of the building

3.89 The Panel welcomed the proposal to bring the hotel and associated uses to the Green, and considered that the proposals would bring the much-needed animation to this side of Shepherds Bush green. The applicants have addressed the points raised by the Design review panel in their development of the design.

## HERITAGE ASSETS

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

3.91 It is key to the assessment of this application that the decision-making process is based on the understanding of specific duties in relation to the listed buildings and conservation areas required by the relevant legislation, particularly the Section 66 and 72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 together with the requirements set out in the NPPF.

3.92 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.

3.93 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.

3.94 Paragraph 193 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.

3.95 Paragraph 200 of the NPPF states that: Local Planning authorities should look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Proposal 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.

3.96 Paragraph 201 then recognises that: not all elements of a conservation area will necessarily contribute to its significance.

3.97 These paragraphs require the local authority to in the first instance make a judgement on the existing building both in terms of its contribution to the significance of the conservation area and then in relation to the setting of the adjoining listed building.

3.98 The existing buildings have been described in paragraphs 1.1-1.2 and 3.31-3.35 of this report. The buildings are of limited architectural quality in stark contrast to architecturally rich buildings that make up most the group on the west side of the Green. Overall the buildings contribution to the significance of the conservation area is minimal and in relation to the setting of the adjoining listed Dorset Hotel it can be assessed as neutral at best. In the event of an acceptable replacement being secured the loss of the existing buildings would not cause harm to the heritage assets.

3.99 In order to assess the impact of the proposed replacement building, officers agreed areas for assessment and detailed viewpoint locations with the applicants. The applicant's statement submitted with the application seeks to identify the significance of surrounding heritage assets impacted upon by the proposed development.

3.100 Key views were tested along Wood Lane to the north, from viewpoints on the Shepherds Bush Green, and the more local views along the west side of the Green where its impact on the setting of the adjoining buildings could be assessed. Views from the west are limited, the scheme would be largely hidden from view or only minimal areas of the top of the building would be seen over the roof tops of the foreground buildings.

Wood Lane views:

3.101 As the development is approached from the north. It would become visible as the termination of the vista along Wood lane. Due to the angled nature of the street it is the application site alone which is visible in these views. The adjoining Lawn House and Dorset Hotel are largely unseen.

3.102 These mid distance views indicate the importance of the reduced massing at the top of the building together with the detailing on the central bay.

Shepherds Bush Green views:

3.103 These views demonstrate that the building would have a comfortable relationship with group of buildings on the west side of the Green and in particular the neighbouring Dorset Hotel. In summer the buildings are heavily screened by trees on the common but the symmetrical form articulation to the facade and silhouette to the top of the building would all bring a positive contribution to this part of the conservation and the setting of the listed building.

Shepherds Bush Green local street views:

3.104 The views close to the site reveal the importance of the depth and layering to the vertical bays. The clear sense of order and rhythm to the façade is noticeable. As the viewpoint moves closer to the site the open permeable nature of the ground floor and its contribution to the street scene becomes apparent.

Impact on heritage assets:

3.105 The view studies enabled officers to assess the impact of the proposed development. It is considered that the proposed development would not result in any harm to the significance of the surrounding heritage assets and would indeed bring significant enhancement to the character and appearance of the conservation and improvements to the surrounding townscape.

3.106 The submitted scheme has responded to its immediate townscape setting and indicates high quality detailed design of the elevations and the public realm. The proposal is in line with both national guidance in the Planning Policy framework and strategic and local policies on design of new buildings in a heritage context. Officers consider that in design terms the proposal would add a significant new piece of high quality townscape to the borough.

Design conclusions:

3.107 The scheme accords with urban design and conservation policies of the council. It would enhance the quality of the townscape in this part of the Shepherds Bush conservation area and would not harm the setting of the neighbouring listed Dorset Hotel. Not only would it provide a destination hotel for this part of the borough it would also contain extensive facilities for the local community to engage with including programmable spaces for the use by local creative businesses and community groups for event launches exhibitions classes performances etc.

3.108 The proposed scheme represents an opportunity to regenerate this part of the town centre. In this respect it meets the aims of the Council's Local Plan. Currently, this site presents a poor aspect in the local built environment. Development of this site provides an opportunity for significant enhancement of the area.

3.109 The submitted scheme would connect the site with the surrounding townscape. The proposed built form has a massing which responds to the adjoining built form. The elevations have an architectural character and materiality which responds to the adjoining group of buildings and provides interest across the frontage. The relationship between this building and its neighbours would assist in the creation of a sense of place.

3.110 Officers have assessed the impact of the proposal on the heritage assets and consider that it is compliant with Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also in line with national guidance in the NPPF and strategic local policies on the historic environment and urban design.

## ACCESSIBILITY

3.111 London Plan Policy 7.2 'An Inclusive Environment', Local Plan Policy DC2 'Design of New Build' and Key Principles SD1, SD2 and SD3 all relate to access to buildings, requiring that buildings should be accessible and inclusive both internally and externally.

3.112 Access to and within the new building has been designed to be wheelchair accessible and is achieved by the following:

- The proposal provides 11 no. (5%) wheelchair accessible rooms, plus an additional 14 large standard rooms (over 5%) that have the facility for future adaptations to be made;
- All entrances from the street would be level and internally there would be no changes in level on any one floor (with the exception of maintenance only access);
- A wheelchair accessible lift is provided to basement level and upper floors, corridor widths are designed to accommodate wheelchair users, and fire lobbies and doors are designed to comply with Building Regulations Approved Document M;
- Back of house facilities have been designed to be accessible and female and male changing areas will include accessible shower and changing facilities.

3.113 The applicant and their design team also met with the Council's Disability Planning Forum Group who confirmed that they were really pleased with the dimensions and layouts of the wheelchair accessible and wheelchair adaptable bedrooms layouts.

3.114 In response to Forum recommendations the proposals were further amended to include further access improvements as follows:

- The basement washroom area has been amended to provide a dedicated accessible WC, with a wider corridor and better designed approach to it;
- The upper floor bedroom layouts have been reviewed and the following additions have been made:
  - Storage zones within accessible and adaptable bedrooms have been identified
  - Wheelchair parking zones have been identified within accessible rooms
  - Wheelchair charging points have been included within accessible rooms
  - Interconnecting doors between some of the accessible rooms and the adjacent bedroom have been provided.
- At ground level the baby change functions will now be separate from the accessible WC to address the Forum's key concern that the accessible WC could be rendered unusable by people leaving the baby change unit in the down position.
- Clarification has been provided with regard to hotel guests that may have a need for "blue badge: car parking (see highway matters below for further details).

3.115 Officers are satisfied that the access arrangements of the proposal are in accordance with London Plan Policy 7.2 'An Inclusive Environment', Local Plan Policy DC2 and Key Principles SD1, SD2 and SD3.

## CRIME PREVENTION

3.116 Policy 7.3 of The London Plan advises that new development should seek to create safe, secure, and appropriately accessible environments. Local Plan DC2 requires new development to respect the principles of Secure by Design.

3.117 Full details of how the proposed development would incorporate crime prevention measures to provide a safe and secure environment would be secured by a condition (no.11).

## HIGHWAY MATTERS

3.118 The NPPF requires that developments which generate significant movement are located where the need to travel would be minimised, and the use of sustainable

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

3.119 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.

3.120 Policy T1 of the Local Plan states that all development proposals will be assessed for their contribution to traffic generation and their impact on congestion. Policy T4 of the Local Plan set out vehicle parking standards, which brings them in line with London Plan standards and circumstances when they need not be met. These are supported by Key Principles TR4 and TR5 of the Planning Guidance SPD.

3.121 The site is very well served by public transport and has a Public Transport Accessibility level (PTAL) of 6a, which is classified as 'excellent' in terms of its proximity to the public transport networks, service availability and walking time to public transport. There are a variety of shops and services locally, with easy access to central London and links to major transport nodes. Shepherd's Bush Green is classified as a Borough Distributor Road. There are bus lanes and bus stops immediately outside the site with no parking at any time. To the rear, Pennard Road is a residential street within a CPZ (Zone G, operating between 9am and 10pm Monday-Sunday).

#### Trip Generation:

3.122 In order to assess the relative traffic impact of the development proposals, the applicant has estimated the number of trips that would be generated by the proposed development and compared this with that generated by the existing office land use.

3.123 It is stated that the existing vacant office floorspace comprises 3,615 square metres floor area and has the capacity to accommodate up to 713 person arrivals and departures each day between the hours of 07:00 and 19:00, predominantly by walking and public transport.

3.124 The peak of the previous use would be during the AM (08:00-09:00) and during the PM (17:00-18:00), which would have resulting in approximately 99 and 98 total person movements respectively.

3.125 The proposed hotel accommodation incorporates restaurant and bar use facilities; the proposed hotel operator will be "The Hoxton", which currently operates similar hotels in Shoreditch (Great Eastern Street) and Holborn (High Holborn). Trip rate information for The Hoxton Hotel, Shoreditch is available within the TRICS database, and, as such, it is considered an appropriate site for comparison to the proposed hotel use on Shepherd's Bush Green. Given the town centre location, the small scale of the unit, and the expectation that footfall will largely comprise of "passing trade" the assessment does not take specific account of the 20sqm retail unit/coffee bar.

3.126 The assessment indicates that the proposals are expected to generate a total of 152 and 199 two-way journeys within the AM and PM peak hours and over 900 people movements to and from the hotel each day.

3.127 Whilst the proposed hotel is expected to generate an increase in footfall activity when compared with the existing office floorspace it is not considered to be at a scale which would be problematic. For example an increase of 102 persons travelling during the evening peak hour would be distributed between walking, bus, tube rail and pick-up/drop-off modes. Given the frequency of public transport services the change in travel demand is unlikely to be noticeable and it is not considered that the development is likely to have an unacceptable impact on the highway.

#### Car Parking:

3.129 The London Plan sets no maximum parking standards for hotels, but notes that in PTAL 4-6 areas, on-site parking should be limited to operational needs, parking for disabled people and the needs for servicing and coach parking (para. 6A.8) as necessary, it is considered consistent with the aim of The London Plan and the NPPF to achieve sustainable development, that no additional parking is provided.

3.130 No general off-street parking spaces would be provided as part of the proposed development (30 exist in association with the building currently). However, the development would provide one on-site disabled car parking space at ground floor level, which would be secured in the legal agreement.

3.131 The use and management of the delivery area is expected to be subject to monitoring and review under the Delivery and Servicing Plan (to be secured by legal agreement), which is part of a wider Hotel Management Plan which will include the monitoring and review of the arrangements for disabled persons to bring a vehicle to the hotel.

#### Access and Pedestrian Safety:

3.132 The existing building has a vehicle entrance approximately midway along its frontage which serves the car park to the rear. However, retaining such an arrangement, with a required headroom for goods vehicles, would have the effect of severing the ground and first floor areas of the hotel in two, making it impractical to accommodate the Hoxton lobby area and ancillary informal meeting spaces, bar/ café areas, etc.

3.133 Relocating the vehicle access at the north end of the frontage is not practical due to the proximity to the traffic signals for the Uxbridge Road/Wood Lane junction and the safety implications of conflicting vehicle turning movements. Therefore the application proposes to create a new vehicle access toward the south end of the site frontage. The primary consideration for locating the access was to maintain a suitable distance along the footway between the proposed access and the existing vehicle access serving the Dorsett Hotel.

3.134 Highway Officers accepted the principle of the servicing and access strategy at pre-application stage subject to a Stage 1 Road Safety Audit being provided as part of the planning application. The Road Safety Audit was commissioned by the applicant prior to the submission of the application, which included the results of peak period



pedestrian count surveys along the footway in front of the site as well as a vehicle count to/from the adjacent Dorsett Hotel.

3.135 The Road Safety Audit identified very few matters with the proposals, all capable of resolution as the design develops, and no concerns which would suggest an in-principle objection. The main comment of the audit which needs to be accounted for as the scheme's design evolves is the need to treat the building elevation immediately adjacent to the vehicle access in a manner which allows for intervisibility between pedestrians potentially walking along the back edge of the footway and vehicles emerging from the hotel on to the footway. The Road Safety Audit is included within the Transport Assessment submitted in support of the application.  
Deliveries, servicing and refuse collection

3.136 Key Principle TR27 of the Planning Guidance SPD seeks off-street servicing for all new developments. Deliveries, servicing and refuse collection are proposed to take place predominantly on-site from a service bay to ease the transfer of delivered or collected goods and reduce the impact on the immediate highway network.

3.137 In addition to two refuse vehicles per day and four 7.5t box vans per day there is expected to be 6 to 8 regular daily light panel vans.

3.138 The service bay takes access from Shepherd's Bush Green. The proposed yard is designed to accommodate all activity for vehicles up to medium sized refuse vehicles, and all vehicles will be able to enter and exit the service area in forward gear. The significant majority of goods vehicle activity relating to the hotel and catering sectors is undertaken from vehicles of up to 7.5t. The most frequent vehicle attending the site which is larger than 7.5t will be the refuse collection vehicles.

3.139 Deliveries to the service area will be managed by a member of staff. Durations of stay will vary by activity but are not expected to extend beyond 10-minutes.

3.140 There are double yellow lines along the site frontage which prevent vehicles stopping Monday to Saturday between 08:00 and 09:30 and between 16:30 and 20:00. As such no deliveries will be undertaken on-street from Shepherd's Bush Green between these hours.

3.141 Refuse stores would be provided to the rear of the site adjacent to the service yard. Refuse will be transferred to the bins adjacent to the staff exit point into the servicing yard. These bins will be transferred into the larger refuse store and replaced when this is deemed necessary. Both bins stores are located adjacent to where the refuse vehicle will wait on-site and drag distances are in accordance with standards.

3.142 A Delivery and Servicing Plan (DSP) would be secured by legal agreement to mitigate the potential impacts of servicing activity associated with the development.

Cycle Parking:

3.143 Policy T3 and Appendix 8 of the Local Plan seek to ensure that satisfactory cycle parking is provided for all developments.

3.144 The applicant's Transport Assessment (TA) states that the cycle parking is proposed to be achieved through delivery of a secure cycle storage facility within the site. In total there will be 16 cycle parking spaces using two-tier Josta style racks. The London Plan standards require hotels to provide 1 space per 20 beds for staff and 1 space per 50 beds for visitors. Hence a minimum of 14 spaces are required. It is proposed that the store would be used by staff and any resident guests at the hotel who have cycled. A member of staff would accompany the guest to the cycle store. All short stay visitor cycle parking will rely on the public realm.

3.145 There are currently three Sheffield stands on-street along the site frontage, which allow for up to 6 bicycles. The TA talks about monitoring of future demand and confirms that the developer is also willing to fund additional short stay cycle parking for visitors on the footway along the site frontage, should it be considered necessary, thus encouraging more visitors to travel to the site using sustainable means.

Impact on public transport:

3.146 Whilst the proposed hotel is expected to generate an increase in footfall activity when compared with the existing office floorspace it is not considered to be at a scale which would be problematic. For example, an increase of 102 persons travelling during the evening peak hour would be distributed between walking, bus, tube rail and pick-up/drop-off modes. Given the frequency of public transport services the change in travel demand is unlikely to be noticeable.

Travel Plan:

3.147 A framework Travel Plan has been submitted, alongside the Transport Assessment. As part of any S106 agreement the applicants would be required to produce a more detailed Travel Plan for the different uses which would be subject to ongoing monitoring and review, to encourage users of the development to travel by modes other than the car. It is considered that there is capacity within the existing public transport network to accommodate the trips proposed from this development. Officers welcome the provision of a Travel Plan in support of the proposal for sustainable travel for occupiers of the development.

Demolition and Construction Logistic Plans:

3.148 A Construction Management Plan (including details of demolition and construction logistics) was submitted with the application. At this early stage the information has yet to be fully detailed, and the documents need to be developed. Officers consider this information needs to be provided in compliance with TfL guidelines. A satisfactory Demolition Logistics Plan (DLP) has been submitted, and compliance can be secured by condition. A Construction Logistics Plan (CLP) would still be required to 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 demolition/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 documents would need to be developed 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.

## Conclusions on highway matters:

3.149 Given the nature of the proposed uses and the highly accessible location, (and no parking) officers do not consider that it is likely that the proposals would have adverse impact on traffic generation or parking pressure. It is considered that the capacity of the existing highway network could sufficiently support the development without further detriment, and that the public transport capacity is sufficient to serve the trips that would be generated.

3.150 Off site highway improvement works to Shepherds Bush Green are proposed which would be secured via the s.106 agreement (and S278 notices). These proposals include upgrade the existing footways.

## + IMPACT ON RESIDENTIAL AMENITY

3.151 Policies DC1, DC3 and HO11 of the Local Plan require all proposals to be formulated to respect the principles of good neighbourliness. Key Principles HS6 and HS7 of the Planning Guidance SPD seek to protect the existing amenities of neighbouring residential properties, in terms of outlook, light, and privacy. Policy 7.6 of The London Plan states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind, and microclimate.

## Light:

3.152 The site's most immediate residential neighbours are to the rear on Pennard Road. Whilst other residential properties in the area would be able to see the proposed development, residents on the eastern side of Pennard Road have the greatest potential to be directly affected in terms of light, outlook, privacy, and noise/nuisance due to their proximity.

3.153 The applicants have submitted an updated Daylight and Sunlight Report to address the shortcomings of the previous version which led to the original planning permission being quashed. The amended report tests the impact of the proposed development in accordance with the Building Research Establishment (BRE) document "Site Layout Planning for Daylight and Sunlight: A Good Practice Guide' (2011)".

3.154 The council appointed an independent expert consultant to review the report. Officers asked the consultant to comment on the report's scope and methodology, to identify any anomalies or inconsistencies in the data presented, and to provide advice as to whether the conclusions drawn in the applicant's report were fairly and reasonably consistent with the technical data and analysis. Lumina were not asked to undertake their own data generation or analysis.

3.155 The council's independent expert is satisfied that GIA have adhered to the methodologies and recommendations in the BRE guidance. Extensive background information is provided demonstrating that GIA surveyed 10 properties internally; results are more reliable when they are based on known layouts and dimensions. Although the surveyors were not able to gain access to all properties, this is not unusual or erroneous. It is standard practice to use estimated and assumed internal layouts, and in this case GIA have made reasonable assumptions about unknown layouts. The final version of the report presents the results on a property-by-property basis in a consistent

way, setting out the percentage reductions and residual values for each test together. As such, both Officers and the council's independent expert are satisfied that the submitted final BRE report provides a robust assessment which has been carried out in full compliance with the BRE Guidance.

3.156 The impact of the proposed development on 44 neighbouring residential properties has been considered. The properties considered in the assessment are 28-76 (even) and 53-77 (odd) Pennard Road, Bush Green House, Library Mansions, 166-168 Uxbridge Road, 172-174 Uxbridge Road, 176 Uxbridge Road, and the Dorsett Hotel. Due to the existing spatial relationship between the Dorsett Hotel and the existing and proposed buildings on the site, even a modest new obstruction would have a disproportionately large effect when expressed as a percentage change of the current daylight and sunlight levels. The impact of the proposal on the Dorsett Hotel is not, however, of significant concern, because guests will be transient and only affected for a short period of time.

Daylight:

3.157 Existing and proposed daylight levels for affected windows and rooms have been analysed in accordance with the BRE's 'Vertical Sky Component' (VSC) test for individual windows and 'No-Sky Line' (NSL) test for whole rooms.

3.158 The VSC test measures the amount of sky that can be seen from the centre of an existing window and compares it to the amount of sky that would still be capable of being seen from that same position following the construction of a new building. The measurements assess the amount of sky that can be seen by converting it into a percentage. If the VSC value, with the new development in place, is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight.

3.159 Where room layouts are known (or can be reasonably assumed, as is the case here) the impact on daylight distribution in the existing building can be found by plotting the "no-sky line" in each of the main rooms. For houses this would include living rooms, dining rooms and kitchens; bedrooms should also be analysed although under the BRE guidelines they are not considered as important. The no-sky line divides points on the 'working plane' (taken as a horizontal line 0.85m above the finished floor level, approximately the height of a kitchen work surface) which can and cannot see the sky. If, following the construction of a new development, the no-sky line moves so that the area of an existing room which does receive direct skylight is reduced to less than 0.8 times its former value, then this will be noticeable to its occupants.

3.160 When assessing the proposed development's impact on daylight to a neighbouring property, both VSC and NSL are important and should be given equal weight. In summary, the BRE guidance advises that daylighting of an existing building that is relevant for analysis may be adversely affected if either:

- The VSC measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value
- The area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.

## Sunlight:

3.161 In houses, the main requirement for sunlight is within living rooms (and conservatories if any are present). It is less important in bedrooms and kitchens. If a living room of an existing dwelling has a main window facing within 90 degrees of due south, then sun lighting of the existing dwelling may be adversely affected by a proposed development if the centre of the window:

- Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours in the winter months between 21 September and 21 March;
- Receives less than 0.8 times its former sunlight hours during either period; and
- Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

## Flexibility in applying the guidance:

3.162 The numerical standards within the BRE guidance are based on a lower-density, suburban housing model. The guidance itself states that these are purely advisory and that much depends on the special circumstances of the development site and its location. Therefore, it is considered entirely appropriate to adopt a more flexible approach when dealing with a denser urban environment where the height and scale of buildings is generally greater. In addition, it is also acknowledged that existing buildings may have specific design features (such as projecting balconies, deep recesses, or bay windows) that already affect the amount of light they receive. It is valid to apply a degree of flexibility to take account of the effect of these design features.

## Results:

3.163 With the development in place, the GIA report states that 28 out of the 44 properties tested will still meet the VSC daylight criteria (in the case of all relevant windows), NSL daylight criteria (in the case of all relevant rooms) and the APSH sunlight criteria with the proposed development in place.

3.164 The remaining 16 properties tested have windows or rooms that will not meet one or more of the VSC, NSL and APSH criteria with the proposed development in place. These are Nos. 48, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72, 74 and 76 Pennard Road and Bush Green House, as well as the Dorsett Hotel. These 16 properties have a total of 478 windows that are relevant for consideration under the VSC criteria; and have a total of 162 rooms that are relevant for consideration under the NSL criteria. These properties have 68 rooms which are relevant for consideration under the APSH criteria.

3.165 Considering the VSC results in isolation, a relatively small proportion of windows (50 out of 478, or 10.5%) would not meet the BRE criteria. Of these 50 windows, 45 would experience a reduction of between 20-30% compared to their former value. Officers consider this to be a relatively minor reduction, and is within a range that might reasonably be expected in a built up urban environment such as this. Only Bush Green House and the Dorsett Hotel have windows that would experience a reduction in VSC of more than 30%. In Bush Green House, a first-floor window would experience a reduction of 31.2%, however it is noted that this window has an extremely low existing VSC value of 1.6%, which is likely to be caused by its position underneath an overhanging walkway/stairwell structure and directly adjacent to a three-storey wall.

3.166 Considering the NSL results in isolation, 58 of the 162 rooms would not meet the criteria (36.2%). Of these 58, most of the rooms will experience alterations of between 20.5%-48.5% compared to their former value, some of which are significant losses (the exception is the Dorsett Hotel, but as explained above, this is not of concern due to its use class). The houses on Pennard Road have traditional paired back additions, which result in a 'tunnel effect' within the side returns. One consequence of this is that a new development can have a disproportionate effect on daylight and sunlight on rooms within the 'tunnel'. The results for windows/ rooms located in between back additions should be taken in this context. The number of rooms/ windows which would experience more significant losses and do not appear to be overly constrained by existing building forms is small.

3.167 Considering the APSH results in isolation, 59 of the 68 relevant rooms (86.8%) meet the APSH criteria. 9 do not. Three are understood to be bedrooms where sunlight is viewed as being less important; and the six remaining rooms either have low existing sunlight levels or experience small alterations against the APSH criteria which are considered by Officers to be within acceptable limits for an urban development site.

#### Sun Hours On the Ground:

3.168 The BRE guidelines also provide a methodology for assessing light to outdoor amenity spaces surrounding a development site. The 'Sun Hours on the Ground' (SHOG) test specifies that at least half of a garden or amenity space should receive at least 2 hours of sunlight on 21st March. If, as a result of new development, an existing amenity space does not meet the 50% minimum requirement and the area which receives two hours of sunlight on 21st March is less than 0.8 times its former value, then loss of sunlight is likely to be noticeable for users.

3.169 GIA have carried out the BRE SHOG test for 16 private gardens to Pennard Road properties located to the west of the site. 12 of the 16 spaces tested will experience no change. Three spaces will experience minor reductions within the 20% threshold where the loss is unlikely to be noticeable. The remaining space, at 76 Pennard Road, will experience a loss of 28% compared to the existing situation, with a resultant 41.5% of the area experiencing at least 2 hours of direct sunlight on 21st March. Given the transgression of the BRE guidance in this instance affects only one property, and that more than a third of the affected amenity space will still receive direct sunlight on 21st March, no objections would be raised and the benefits of the scheme outweigh the limited extent of the harm.

3.170 In conclusion, Officers consider that the daylight and sunlight results demonstrate a very good rate of compliance. Most of the windows or rooms relevant for assessment show conformity with the BRE guidelines or relatively minor exceedances. Where more significant transgressions from the BRE guidance are noted, there are generally clear mitigating reasons for them, such as the form of the existing buildings (deep side returns, overhanging balconies). Only in a very limited number of instances are there significant losses for windows or rooms which are otherwise unobstructed. On balance, officers consider that the relatively limited losses outlined would not outweigh the benefit to the area of the proposed development and consider that, on balance, the scheme is acceptable in terms of its impact on sunlight to adjacent premises and no objections would be raised in terms of policies DC1 and DC2 of the Local Plan (2018).

## Outlook:

3.171 Key Principle HS6 of the Planning Guidance SPD states that 'The proximity of a new building or an extension to an existing building can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties' and prescribes a method for assessment of outlook: 'Although it is dependent upon the proximity and scale of the proposed development a general standard can be adopted by reference to a line produced at an angle of 45 degrees from a point 2 metres above the adjoining ground level of the boundaries of the site where it adjoins residential properties. If any part of the proposed building extends beyond these lines then on-site judgement will be a determining factor in assessing the effect which the extension will have on the existing amenities of neighbouring properties.' Where original rear gardens are less than 9 metres depth a measurement is taken from ground level at the boundary. Where there are existing circumstances, such as buildings which would be replaced in a redevelopment, it would be inappropriate not to have regard to these.

3.172 The properties which directly back onto the application site (nos. 48-72 Pennard Road) would be deemed to be most affected, as although the development would be visible from other properties, the impact on sense of enclosure decreases with greater distance.

3.173 The prevailing existing condition along the rear of the properties to Pennard Road is one of large meeting small, as the large volume civic architecture of the city fringe along The Green meets the suburban edge of the residential part of Shepherd's Bush. The proposed development is in keeping with this prevailing condition in the area.

3.174 The stand of existing and proposed trees will also help to preclude any view beyond the rear line of the gardens. Consequently, officers' assessment is that the application of the 45% degree sense of enclosure test becomes somewhat redundant, as in reality the new hotel building will not be visible at all from this position. As a result the applicants have submitted an image of a sight line from closer to the rear of the house, which is considered a more likely viewpoint. The image demonstrates that the sky view to the east will be limited by the tops of the trees - as is currently the case - meaning that the hotel will be obscured as the tree canopies grow and merge.

3.175 The impacts resulting from the proposed Hoxton Hotel are, in absolute terms, measurably less than those in relation to the Dorsett, the Walkabout or the Empire and are small in relation to precedent studies of residential properties enjoying such close proximity to all of the town centre facilities.

3.176 On balance, then, it is considered that the proposed building would not result in a significant loss of outlook to neighbouring properties, and as such it is considered that it complies with Policies DC1, DC2, HO11 and Key Principle HS6 of the Planning Guidance SPD.

## Privacy:

3.177 Key Principle HS7 states that new windows should normally be positioned so that they are a minimum of 18 metres away from existing residential windows as measured by an arc of 60 degrees taken from the centre of the proposed window.

3.178 The Design and Access Statement submitted in support of the application includes diagrams to demonstrate that the development is fully compliant with Key Principle HS7. Consequently, Officers are of the opinion that the proposal would not have an unacceptable impact on the privacy to neighbouring properties.

Noise and disturbance:

3.179 London Plan Policy 7.15 states that development proposals should seek to reduce noise by minimising the existing and potential adverse impacts of noise, separating new noise sensitive development from major noise sources through the use of distance screening, or internal layout and promoting new technologies and improved practices to prevent noise. Policy CC11 of the Local Plan advises that the Council would seek to minimise the impact of noise, by managing the development and distribution of noise sensitive development in the borough. Policy DC2 sets out that new development should respect the principles of good neighbourliness. Local Plan Policy CC13 relates to environmental nuisance and require all development to ensure that there is no undue detriment to the general amenities enjoyed by existing surrounding occupiers, particularly those of residential properties. Policy CC10 relates to light pollution. SPD Amenity Policy 25 states that outdoor uses will need to be assessed in regard to the frequency and times of use, and the noise level likely to be emitted from activities. Key Principle NN1 refers to noise and vibration and requires a survey and report for residential developments proposed near existing noise sources and for developments that have the potential to increase existing noise or vibration levels. Key Principle NN4 also sets out that need to protect residential and other noise sensitive amenity.

3.180 The site is located in the town centre, close to busy main roads and existing commercial activity (including late night activity associated with the Shepherd's Bush Empire), and is therefore in an area with a high level of background noise.

3.181 It is acknowledged that the proposed building and land uses could have its own noise/disturbance impacts, particularly with regard to operational noise breakout, deliveries and collection and the potential for noise from new plant and equipment.

3.182 A preliminary Acoustic Assessment has been submitted with the application. This has undertaken an assessment of the existing background noise, in order to understand both the requirements for limiting noise in relation to neighbouring properties and the requirement for the treatment of the building envelope to preserve good noise conditions within the proposed development.

Operational noise breakout:

3.183 Hoxton Hotel's Operator requirements for indoor noise level are more stringent than the requirements of the Local Planning Authority.

3.184 Daytime noise levels have been assessed against the BS 8233 guidance for noise levels within external amenity areas and all assessments show that ambient noise levels will remain within the BS 8233 guideline limits.

3.185 At night-time the limit should ensure noise does not give rise to sleep disturbance for neighbouring residents. In order to achieve this the following measures will be adopted:



- Music noise levels will be controlled to 85 dB(A) internally through the installation of a hardwired electronic noise limiter device (ENLD) that can monitor music levels and cut off power to the sound system above a predefined noise level threshold;
- Guests/customers will be prevented from accessing the rear external areas of the hotel after 18:00 hours and hotel employees will access these areas using doors that do not open out from areas playing music.

3.186 These matters could also be controlled by planning condition which could ensure, amongst other things, that windows are kept shut, tables are not placed outside and music is not audible from outside the premises. A condition (no.19) is recommended to limit the hours of use for the ancillary bar and restaurant areas. It is therefore considered that with suitable conditions, the development could be adequately controlled to ensure that there is no harmful impact on local amenity in terms of noise and disturbance.

Noise from deliveries and collections:

3.187 Servicing and deliveries would take place within an off-street service area to the rear of the hotel. The assessment of noise from deliveries and collections shows that overall there will be no material increase in noise level at the residential dwellings of Pennard Road (the closest noise sensitive receptor). A Delivery and Service Management Plan, to be secured in the legal agreement, would also ensure that the times for servicing and deliveries are restricted to reasonable daytime hours.

Plant:

3.188 Noise from new mechanical plant will be designed to be capable of achieving compliance with the Council's noise standards (i.e. ensuring that the noise is at least 10dB below background noise). Officers concur that noise and vibration from mechanical plant could be adequately controlled by planning condition (see conditions 14 - 17).

Demolition and Construction:

3.189 The disruption of demolition and construction works and the noise and disturbance to nearby residents and businesses is acknowledged to be a key local concern. Whilst it would be unreasonable to refuse planning permission for a development scheme based on the temporary impact of demolition/construction works, it would be sensible to ensure that disruption and noise/disturbance are minimised as far as possible in the redevelopment. A satisfactory Demolition Management Plan has already been submitted and compliance is to be secured by condition. A construction management plan and an Air Quality Dust Management Plan would be required to be submitted and agreed by planning conditions, and these documents would be required to take into account the impacts and logistics any existing nearby construction sites.

3.190 For the reasons given above, it is considered that the development, subject to suitably worded conditions, would not give rise to unacceptable harm from noise and disturbance to neighbouring occupiers and that the proposal therefore complies in these respects with the relevant sections of policies DC1, DC2, CC11 and CC13 of the Local Plan, and Key Principles NN1 and NN4.

Light pollution:

3.191 The number of window openings proposed in the rear elevation of the building where it directly faces neighbouring properties is minimal/limited. The applicant has also submitted a Lighting Design strategy as part of the application, including an obtrusive lighting analysis. The Lighting Design strategy confirms that illumination to the front facade will be sensitively considered and will focus on key architectural elements, rather than illumination as a singular object. This will ensure its night time visibility is within keeping with its surroundings, rather than trying to dominate.

3.192 The lighting to the rear of the building will generally take the form of wall mounted luminaires arranged at ground floor level. The final style of these fittings is yet to be defined, however these will be generally low output units, lighting the immediate surrounding area with a controlled lighting distribution to ensure there is no spill light or light trespass onto neighbouring properties. Lighting to the service area will be by discrete wall mounted bulkheads, with controlled light distribution. Above ground floor level no external lighting is proposed and windows would be stepped back from the neighbouring properties in Pennard Road, further reducing their impact. Consequently, it is not considered that properties would be adversely affected by light spillage from this element. As such no objections are raised in this regard.

Odour:

3.193 The scheme proposes a restaurant at ground and basement levels of the development, which necessitate the use of commercial grade kitchen ventilation systems. Accordingly, an Odour Assessment has been provided as part of the application, which proposes a number of mitigation measures including ultraviolet (UV) filtration to remove grease from the extracted airstreams prior to the main ductwork to roof level, at which point it will connect to packaged extract air handling units. Subject to an appropriate condition (42) requiring further details relating to the installation, operation and maintenance of the odour abatement equipment, the development would meet the Council's requirements.

## ENVIRONMENTAL MATTERS

Carbon reduction:

3.194 Policy CC2 of the Local Plan is concerned with promoting sustainable design and construction and states that sustainable measures should be included in developments and sustainability statements are required for all major developments to ensure that a full range of sustainability uses are taken into account. Key Principle SDC1 requires all developments to implement the London Plan's sustainable design and construction policies to ensure developments incorporate sustainability measures.

3.195 As required, an Energy Statement has been submitted with the application. This outlines the energy efficiency and low/zero carbon measures proposed to be implemented in the scheme. The baseline energy use of the development, if designed only to meet the minimum requirements of the Building Regulations, is calculated to produce just over 533.6 tonnes of CO<sub>2</sub> a year (from regulated energy use). Passive design and energy efficiency measures are calculated to reduce energy use sufficiently to cut CO<sub>2</sub> emissions by 11.4 tonnes a year. Greater CO<sub>2</sub> savings would be provided by utilising a gas fired CHP engine and incorporating a very high efficiency VRF heating

and cooling system. This would reduce CO2 emissions by a further 197.9 tonnes a year.

3.196 Overall, the energy strategy is calculated to reduce annual CO2 emissions by 209.3 tonnes - equivalent to 39.2% compared to The London Plan CO2 reduction target of 35%. No objection is therefore raised under the above mentioned policies. These details would be secured by condition 38.

Sustainable design and construction:

3.197 A Sustainability Statement has been submitted, alongside the Energy Statement, which includes information on wider sustainable design and construction issues. The assessment shows that the new building would be designed to implement a range of measures such as water efficient fittings and appliances, use of environmentally friendly materials, promotion of sustainable waste behaviour and recycling, reducing pollution impacts, promoting sustainable transport etc.

3.198 A BREEAM Pre-assessment was carried out and submitted which showed that the development would achieve a 'Very Good' rating. A condition (no.31) is recommended requiring the submission of a revised BREEAM assessment to show how the scheme will meet the 'Very Good' rating.

3.199 Officers consider that these levels of performance would demonstrate compliance with the Council's sustainability requirements in Local Plan Policy CC2. Integration of the proposed sustainable design and construction measures would be conditioned within an acceptable development.

Flood Risk/SuDS:

3.200 The site is in the Environment Agency's Flood Zone 1 which indicates a low risk to flooding from the Thames. A Flood Risk Assessment (FRA) and Drainage Strategy have been submitted which refer to potential SUDS measures that could help mitigate surface water run-off from the site. In consultation with the Council's Environmental Policy Team during the course of the application, revisions have been made to the drainage strategy to improve surface water management.

3.201 The proposed measures would be through managing surface water run off through the implementation of the following measures:

- Permeable paving, within the hardstanding areas to the rear of the building;
- 146 sq m of green roofs provided at roof and rear first floor roof levels;
- A rainwater harvesting system serving the non-potable requirements of the basement and ground floor public and back of house areas;
- Permeable landscaping and new trees; and,
- Below ground cellular storage systems.

3.202 As a result of these measures the proposed run-off rates for the development have increased from 50% to over a 70% reduction to existing site runoff. While a greenfield run-off rate has not been achieved Officers are satisfied that SUDs measures have been maximised as far as practicable. The exact nature of the proposals are subject to further detailed design work, and as such conditions are proposed (12 and 13) for the submission of further details of the SUDS measures, including maintenance information for our approval prior to commencement of the development.

## Contamination:

3.203 Policy 5.21 of The London Plan, and Policy CC9 of the Local Plan state that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place. Key Principles LC1-LC7 of the Planning Guidance SPD relate to contamination. Policy 16 sets out the common submission requirements for planning conditions relating to contamination and policy 17 deals with sustainable remediation.

3.204 A Preliminary Geo-Environmental Risk Assessment and site investigation scheme has been submitted and agreed as part of this application. Potentially contaminative land uses, past or present, are understood to occur at, or near to this site. Further details covering remediation and long term monitoring would need to be carried out during and following any redevelopment works, to ensure that no unacceptable risks would be caused to humans, controlled waters or the wider environment Conditions to this effect (8 1- 10) have been attached, in accordance with Local Plan Policy CC9.

## Air quality:

3.205 The entire borough was designated as an Air Quality Management Area (AQMA) in 2000 for two pollutants - Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>10</sub>). The main local sources of these pollutants are road traffic and buildings (gas boiler emissions).

3.206 Policy 7.14 of The London Plan seeks that development proposals minimise pollutant emissions and promote sustainable design and construction to reduce emissions from the demolition and construction of the buildings and also to minimise exposure to poor air quality. Policy CC10 of the Local Plan (2018) explains that the Council will reduce levels of local air pollution and improve air quality in line with the national air quality objectives. This policy is supported by Key Principles AQ1-AQ4 of the Planning Guidance SPD.

3.207 An air quality assessment has been carried out. This assesses the development's potential impacts on local air quality and also considers the issue of exposure to pollution for occupiers within the new scheme. The assessment takes account of the potential temporary impacts during the construction phase and the operational impacts caused by increase in traffic flows and emissions from the plant on the site. The air quality assessment indicates that the general sources of air pollution (construction activities, road traffic and space heating) emission arising from the proposed development would be during the construction phases and on completion of the development the assessment predicts the development to have negligible effect on air quality.

3.208 In terms of exposure of new occupiers to poor air quality, the applicants report concludes that there is a risk of exceedances of the 1-hour NO<sub>2</sub> objective at the front façade on the ground and first floor. Mitigation, in the form of mechanical ventilation, is recommended.

3.209 Accordingly, officers consider that subject to appropriate conditions (26-30), the development would meet policy requirements.

## Planning obligations:

3.210 In dealing with planning proposals, local planning authorities consider each on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused. However, in some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable, through the use of planning conditions or, where this is not possible, through planning obligations. London Plan policy 8.2 recognises the role of planning obligations in mitigating the effects of development and provides guidance on the priorities for obligations in the context of overall scheme viability.

## Community Infrastructure Levy:

3.211 Mayoral CIL (Community Infrastructure Levy) came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. Under the London-wide Mayoral CIL the development, according to the figures provided in the applicant's mayor CIL form, is estimated to be liable for £169,600 (plus indexation) payment. This would contribute towards the funding of Crossrail. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy 8.3.

3.212 The borough's own community infrastructure levy came into effect on 1st September 2015. The proposed charge for this part of the borough would be £80 per sqm for other uses including class A1 uses, but a nil charge for hotel (Class C1) use. This would entail a contribution of approximately £1,600 + Indexation for local CIL.

3.213 Site-specific contributions would be included in the S106 agreement and would include the following:

- Development to be 'Coach free'
- Provision of a Travel Plan, plus review with monitoring fees to be met by the applicant. Monitoring cost at £3000 per review and review will be carried out in year 1, 3 and 5.
- Provision of a Servicing and Deliveries Management Plan (including refuse collection).
- A S278 agreement towards highways works including improving surface treatments in the vicinity of the site.
- Provision of an apprenticeship/training scheme in construction and hospitality, including a contribution of £76,450.
- Fund liaison with Local Contractor Monitoring Group associated with monitoring of the demolition and construction process at a cost of £2000 per year for the duration of the construction/demolition activities.
- Management Plan for the disabled parking space, and
- Commitment to meet the costs of the Council's Legal fees.

3.214 Overall, the proposed development is considered to be acceptable subject to conditions and s106 obligations.

## 4.0 CONCLUSION and RECOMMENDATION

4.1 The proposed hotel development is considered to be an appropriate use for this town centre location, which is highly accessible by public transport. Section 1 of the NPPF (2012), London Plan (2016) Policies 4.5, and 4.7 and Local Plan (2018) Policies E2, E3, TLC1, TLC2 and CF2.

4.2 The scheme accords with urban design and conservation policies of the council. It would enhance the quality of the townscape in this part of the Shepherds Bush conservation area and would not harm the setting of the neighbouring listed Dorset Hotel. Not only would it provide a destination hotel for this part of the borough it would also contain extensive facilities for the local community to engage with including programmable spaces for the use by local creative businesses and community groups for event launches exhibitions classes performances etc.

4.3 The proposed scheme represents an opportunity to regenerate this part of the town centre. In this respect it meets the aims of the Council's Local Plan. Currently, this site presents a poor aspect in the local built environment. Development of this site provides an opportunity for significant enhancement of the area.

4.4 The submitted scheme would connect the site with the surrounding townscape. The proposed built form has a massing which responds to the adjoining built form. The elevations have an architectural character and materiality which responds to the adjoining group of buildings and provides interest across the frontage. The relationship between this building and its neighbours would assist in the creation of a sense of place.

4.5 Officers have assessed the impact of the proposal on the heritage assets and consider that it is compliant with Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also in line with national guidance in the NPPF and strategic local policies on the historic environment and urban design. Policies DC1, DC2 and DC8 of the Local Plan (2018) are thereby satisfied.

4.6 There would be no adverse impact on traffic generation and the scheme would not result in congestion of the primary road network. No general car parking would be provided and the development is not considered to contribute significantly towards pressure on on-street parking, subject to satisfactory measures to discourage the use of the private car which would be contained in a Travel Plan, secured by legal agreement. Subject to the completion of a satisfactory legal agreement preventing coach party bookings, the development would not generate congestion or disturbance as a result of coach parking. Acceptable provision would be made for cycle parking. The public transport accessibility level of the site is high. Acceptable provision for servicing and the storage and collection of refuse and recyclables would be provided. The proposal is thereby in accordance with policies CC7, T1, T3, T4 and T7 of the Local Plan (2018).

4.7 The application proposes a number of measures to reduce CO2 emissions from the baseline using passive design measures as well as a Combined Heat and Power (CHP) system. The proposal would seek to reduce pollution and waste and minimise its environmental impact. Policies CC1 and CC2 of the Local Plan (2018) and Policies 5.2, 5.5, 5.6 and 5.7 of The London Plan 2016 are therefore satisfied.

4.8 On balance, the impact of the proposed development upon adjoining occupiers is not considered unacceptable. Measures would be secured by conditions to minimise noise and disturbance to nearby occupiers from the development. In this regard, the development would respect the principles of good neighbourliness, and thereby satisfy policies TLC5, DC2, HO11, CC11 and CC13 of the Local Plan (2018).

4.9 The development would provide a safe and secure environment for all users in accordance with London Plan Policy 7.3 and Local Plan Policy DC2. The proposal would provide ease of access for all people, including disabled people, in accordance with London Plan Policy 4.5, Local Plan Policy DC2, and the Council's Adopted Supplementary Planning Document (SDP) 'Access for All'.

4.10 Conditions would ensure that the site would be remediated to an appropriate level. The proposed development therefore accords with policy 5.21 of The London Plan 2016, and Policy CC9 of the Local Plan (2018).

4.11 It is therefore recommended that planning permission be granted, subject to conditions and a satisfactory legal agreement being entered into.

4.12 In view of the fact the Section 106 agreement will be the subject of negotiations, officers consider that circumstances may arise which may result in the need to make minor modifications to the conditions and obligations (which may include the variation, addition, or deletion). Accordingly, the second recommendation has been drafted to authorise the Director of Regeneration, Planning and Housing Services in consultation with the Chair of the Planning Applications Committee, to authorise the changes he/she considers necessary and appropriate, within the scope of such delegated authority.

# Agenda Item 5

**Ward:** Ravenscourt Park

**Site Address:**

2 Hyde Mews 163 Dalling Road London W6 0ES



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

**Reg. No:**

2018/03985/FUL

**Case Officer:**

Grace Harrison

**Date Valid:**

08.01.2019

**Conservation Area:**

Constraint Name: Bradmore Conservation Area -  
Number 25

**Committee Date:**

10.06.2019



**Applicant:**

Mr Liam Beatty  
2 Hyde Mews London W6 0ES

**Description:**

Enlargement of the existing basement in connection with the creation of new lightwells and formation of an indoor swimming pool at basement level; demolition of the first floor rear back addition and the creation of a plant room at ground floor level; alterations to the external glazing at ground and first floor level.

Drg Nos: Proposed Basement Floor Rev. A; Proposed Ground Floor Rev. A; Proposed First Floor Rev. C; Proposed Roof Plan Rev. B; Proposed Front Elevation; Proposed Rear Elevation Rev. C; Section A Rev. B; Section B Rev. A; Section C Rev. A.

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

That the Committee resolve that the Strategic Director, Growth and Place, be authorised to determine the application and grant permission subject to the condition(s) listed below:

To authorise the Strategic Director, Growth and Place, after consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make any minor changes to the proposed conditions which may include the variation, addition or deletion of the conditions, any such changes shall be within their discretion.

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

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

- 2) The development shall be carried out and completed only in accordance with the following drawings hereby approved:

Proposed Basement Floor Rev. A;  
Proposed Ground Floor Rev. A;  
Proposed First Floor Rev. C;  
Proposed Roof Plan Rev. B;  
Proposed Front Elevation;  
Proposed Rear Elevation Rev. C;  
Section A Rev. B;  
Section B Rev. A;  
Section C Rev. A;

In order to ensure a satisfactory external appearance and to ensure that there is no harm to the residential amenities of neighbouring properties, in accordance with policies DC1, DC4, DC8, DC11 and HO11 of the Local Plan (2018).

- 3) All excavation beneath the current ground level, within 1.5m of the western perimeter of the house and down to a depth of 1.5m, shall be excavated by hand and any roots discovered severed cleanly with a sharp saw. All work shall be carried out in accordance with the tree protection measures set out in the Arboricultural Impact Assessment (Tamla Trees October 2018) and in accordance with BS3998:2010 Recommendations for Tree Work.

To prevent mutilation or damage to trees on the subject site and within the gardens of neighbouring properties, in accordance with Policy OS5 of the Local Plan (2018).

- 4) The development shall be carried out in accordance with the details contained within the Flood Risk Assessment (FRA) submitted with this application. All flood prevention and mitigation measures should be installed in accordance with the approved details prior to the occupation of the development.

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, and to reduce the impact of flooding to the proposed development and future occupants, in accordance with Policy CC3 and CC4 of the Local Plan (2018).

- 5) Prior to commencement of the development hereby approved, a Construction Logistics Plan shall be submitted to, and approved in writing by, the Council. This must be in accordance with Transport for London (TfL) requirements and should seek to minimise the impact of construction traffic on nearby roads and restrict construction trips to off-peak hours only. Thereafter the approved details shall be implemented throughout the project period.

To ensure that construction works do not adversely impact on the operation of the public highway, in accordance with Policies T1 and T7 of the Local Plan (2018).

- 6) Prior to commencement of the development hereby approved, a Demolition Method Statement and a Construction Management Plan shall be submitted to and approved in writing by the Council. Details shall include 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. Thereafter the 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 CC11 and CC13 of the Local Plan (2018).

- 7) The floor space at basement level hereby approved shall only be used in connection with, and ancillary to, the use of the remainder of the building as a single family dwelling. The basement accommodation shall not be occupied as a self-contained flat that is separate and distinct from the use of the remainder of the application property as a residential dwelling.

The use of the lower ground floor accommodation as a self-contained flat, separate from the use of the remainder of the application property as a dwelling, would raise materially different planning considerations that the Council would wish to consider at that time, in accordance with Policies HO1, T4, CC11 and CC13 of the Local Plan (2018).

- 8) The dimension of the lightwells at ground floor levels shall not exceed the dimensions shown on drawing "Proposed Ground Floor Rev. A" and shall be fitted with metal grille that is flush with ground level, as shown on drawing "Proposed Front Elevation". The lightwell shall be carried out and completed in accordance with the approved details. At no time shall railings or any other vertical element be constructed around the lightwell.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policies DC1, DC8 and DC11 of the Local Plan (2018) and SPD Key Principles BL1 and BL2 of the Planning Guidance Supplementary Planning Document (2018).

- 9) Prior to the commencement of work to construct the single storey plant room, a sample of the timber cladding shall be submitted to, and approved in writing by, the local authority. Thereafter the development shall be carried out in accordance with the details as approved.

To ensure a satisfactory external appearance, in accordance with policies DC1, DC4 and DC8 of the Local Plan (2018).

- 10) The external sound level emitted from plant, machinery or equipment at the development hereby approved shall 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.

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

- 11) Prior to use, machinery, plant or equipment, extract/ ventilation system and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

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

- 12) The new roof window in the flat roof of the existing single storey rear addition shall be non-openable and fixed shut at all times.

To prevent noise disturbance to neighbouring properties from sound escaping from the proposed pool area, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

- 13) Prior to occupation of the development, details of the Ultra-Low NO<sub>x</sub> Gas fired boilers to mitigate air pollution shall be submitted to and agreed in writing by the council. The Ultra-Low NO<sub>x</sub> Gas fired boilers to be provided for space heating and hot water shall have dry NO<sub>x</sub> emissions not exceeding 30 mg/kWh (at 0% O<sub>2</sub>). Where any installations do not meet this emissions standard, it should not be operated without the fitting of suitable NO<sub>x</sub> abatement equipment or technology as determined by a specialist to ensure comparable emissions. Following installation, emissions certificates will need to be provided to the council to verify boiler emissions. The approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To ensure the development has an acceptable impact in terms of air quality, in accordance with Policy CC10 of the Local Plan (2018).

- 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 approved drawings, without planning permission first being obtained. Any such changes shall be carried out in accordance with the approved details.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with policies DC1, DC4 and DC8 of the Local Plan (2018).

- 15) 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.

- 16) 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.

- 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, 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.

- 18) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, 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.

- 19) 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.

- 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 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. Basement: The proposed basement excavation is considered to comply with all of the relevant criteria of Policy DC11 of the Local Plan (2018) and would be acceptable in terms of its footprint and depth. Subject to the recommended conditions, all other relevant matters including tree protection, flood risk, land contamination and construction logistics have been satisfactorily addressed in accordance with Policies OS5, CC3, CC9 and T7 of the Local Plan (2018).
2. Visual amenity: The proposed extensions and alterations would be of a satisfactory appearance, and would preserve the character and appearance of the Bradmore Conservation Area, and would therefore comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, Section 16 of the National Planning Policy Framework (2019) and Policies DC1, DC4 and DC8 of the Local Plan (2018).
3. Residential amenity: The proposed extensions and alterations would not cause any significant harm to the amenities of any neighbouring properties in terms of loss of light, outlook, or noise and disturbance, and therefore the proposal complies with Policies DC4, HO11, CC11 and CC13 of the Local Plan (2018).
4. Trees: Subject to the recommended conditions, the proposed works are not likely to cause significant harm to any trees on the application site or within the gardens of neighbouring properties, such that would cause them to die or be removed, and therefore no objections are raised in terms of Policy OS5 of the Local Plan (2018).
5. Highways and transportation: Subject to the recommended condition for a Construction Logistics Plan (CLP) to be submitted prior to commencement of the development, it is considered that the development would have an acceptable impact upon the highway, in accordance with Policy T7 of the Local Plan (2018).

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

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

Application form received: 10th December 2018  
Drawing Nos: see above

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

**Consultation Comments:**

**Comments from:**  
Thames Water - Development Control

**Dated:**  
15.01.19

**Neighbour Comments:**

**Letters from:**

**Dated:**

3 Brackenbury Gardens London W6 0BP	25.02.19
23 Wingate Road London W6 0UR	17.02.19
29 Wingate Road London W6 0UR	05.02.19
27 Wingate Road London W6 0UR	22.02.19
25 Wingate Road London W6 0UR	25.02.19
38 Wingate Road LONDON W6 0UR	14.02.19
16 Wingate Road London W6 0UR	15.02.19
263 Goldhawk Road London W12 8EU	25.02.19
263 Goldhawk Road London W12 8EU	07.02.19

OFFICER'S REPORT

1.0 BACKGROUND

1.1 Hyde Mews is a warehouse-style brick building which has been converted into two dwellings (1 and 2 Hyde Mews). The mews is set back from the street off Dalling Road and is accessed principally via a private gate and driveway in between Nos. 159 and 165 Dalling Road, which leads to small garden in front of the building. No. 2 Hyde Mews, to which this application relates, also has pedestrian access from Wingate Road via a private driveway shared with Cressy Court.

1.2 There have been buildings on the site from the late 19th Century, appearing on an Ordnance Survey map for the first time in 1896. The rear yards to these buildings appear to have been infilled in the early 1950s. Planning permission for conversion of the buildings, which were in long-standing industrial use, to provide two live/work units was granted in 1996.

1.3 The site is within the Bradmore Conservation Area, but the buildings are not statutorily or locally listed.

1.4 None of the trees on the site are subject to a Tree Preservation Order (TPO). There are no TPOs in any of the neighbouring gardens.

1.5 The site is located within the Environment Agency's Flood Zone 3.

1.6 Relevant planning history:

1996/01308/CAC - Demolition of single storey part of former joinery works. Approved.



1996/01307/FUL - Conversion of existing two storey building and erection of two storey side extension to provide two live/work units. Erection of two storey building at rear of boundary with 165 Dalling Road to provide garage/studio accommodation. Approved.

2009/02485/FUL - Erection of a glazed roof to enclose the rear courtyard. Approved.

2011/01929/FUL - Erection of a first-floor extension to the rear elevation, including the creation of a roof terrace; enclosure of existing rear courtyard; replacement of 3no. rooflights at ground and first floor levels; excavation of the front garden to form a lightwell in connection with the creation of a new basement. Approved.

2011/01931/FUL - Erection of a first-floor extension to the rear elevation, including the creation of a roof terrace; enclosure of existing rear courtyard; replacement of 3no. rooflights at ground and first floor levels.

1.7 The current application seeks permission for enlargement of the existing basement, including the creation of new lightwells and formation of an indoor swimming pool at basement level; demolition of the first-floor rear back additional and the creation of a plant room at ground floor level; alterations to the external glazing at ground and first floor level.

## 2.0 PUBLICITY AND CONSULTATION RESPONSES

2.1 A site notice and press advert were published to advertise the application and 27 notification letters were sent to the occupants of surrounding properties. Objection comments have been received from the following addresses:

3 Brackenbury Gardens  
16, 17, 21B, 23, 25, 27, 29, 38 Wingate Road  
263 Goldhawk Road on behalf of Cressy Court Management and Brackenbury Residents Association.

2.2 Objection comments may be summarised as follows:

- Basement excavation could cause harm to trees in neighbouring gardens on Wingate Road (residents have also commissioned and submitted their own tree report prepared by Bartlett Consulting).

Case Officer Response: This matter is dealt with in Section 4.19 of this report. The council's Arboricultural Officer advises that, given the subject property's existing rear extension adjoining the party wall, it is unlikely that any trees close to the boundary have significant roots underneath it. A condition is recommended requiring excavation by hand down to a depth of 1.5m on the boundary, so that any roots that are encountered can be cleanly severed, thus preventing damage to the trees.

- The retractable glass roof over the swimming pool will allow noise to escape from the pool area and may require neighbours' trees to be pruned more heavily.

Response: Following negotiations with the applicant, the glass roof over the swimming pool will now be fixed and non-openable, overcoming concerns about noise escaping

from the pool area. A non-openable roof should not require excessive pruning of neighbouring trees.

- The construction phase will result in noise, dust and traffic disruption. Increased traffic movements are a hazard to pedestrians and schoolchildren.

Response: This matter is dealt with in Section 4.14 of this report. Conditions are attached requiring the submission of a Construction Logistics Plan and a Construction Management Plan prior to commencement of the development, which will set out measures to mitigate the impact of the construction phase on neighbouring properties and the highway.

- The proposed single storey plant room should not be visible from the Cressy Court side of the boundary wall and should not cause noise, smell or vibration outside the site.

Response: The drawings show that the proposed single storey plant roof will not be visible above the northern boundary wall which adjoins the access road to Cressy Court. Conditions are recommended to mitigate the noise levels from the equipment and machinery which the plant room will house.

- Excavation will exacerbate the risk of flooding.

Response: This matter is dealt with in Section 4.21-4.22 of this report.

- Development of a large swimming pool is undesirable and inappropriate in a residential community, would result in a loss of existing and potential accommodation, and could be used as a precedent by future developers.

Response: Each planning application is to be assessed on its own individual planning merits. The council's policies allow for basement development and basement swimming pools, and there is nothing inherently unacceptable about the proposal in planning terms. The plans are assessed against the council's basement policy in Section 4.9-4.15 of this report.

- The creation of a large basement swimming pool would adversely affect the ethos of the conservation area.

Response: The impact on the character and appearance of the conservation area is dealt with under Section 4.5-4.8 of this report. Officers consider that the development will have a negligible impact on the conservation area, as the only elements visible from outside would be the lightwells, they are modest and not visible from the street. The intangible ethos of the conservation area is much more difficult to identify and is not a planning consideration.

- Structural risks associated with new basement adjacent to and below the wall at the bottom of the gardens of 23, 25 and 27 Wingate Road.

Response: This is not a material planning consideration, but is dealt with under the Building Regulations. Party wall matters are usually dealt with by way of an agreement under the Party Wall Act (1996), and is a matter for the parties concerned.

- Destruction of basement space in favour of light voids to the pool, which runs counter to the huge housing needs in the borough

Response: This concern is noted, however internal alterations are not development and could be undertaken without requiring planning permission.

2.3 One comment was also received neither objecting to nor supporting the application:

- The design largely respects the character of the area but if the council is minded to approve the application, conditions should be attached requiring a basement impact assessment; noise proofing to the pool area; and a construction transport management plan.

Response: Conditions are recommended requiring a construction logistics plan to mitigate the impact of the construction phase on the local highway network. The glazed roof over the pool area will now be fixed shut, helping to mitigate any noise escaping from that area, and it is considered that additional noise-proofing is not required. The council's policies do not require a basement impact assessment, but the impact of the basement is assessed against the relevant Policy DC11 in the report.

2.4 Thames Water - Requested standard informatives be attached to the decision.

### 3.0 RELEVANT PLANNING POLICIES

3.1 The development will be assessed in accordance with the policies and standards contained within the National Planning Policy Framework (NPPF, 2019); the London Plan (2016); and the council's Local Plan (2018) and Planning Guidance Supplementary Planning Document (2018). Of these, the following policies are particularly relevant:

London Plan (2016):

Policy 7.4 Local Character

Policy 7.8 Heritage Assets and Archaeology

Local Plan (2018):

DC1 Built Environment

DC4 Extensions and alterations

DC8 Heritage and conservation

DC11 Basements

CC3 Minimising flood risk and reducing water use

CC4 Minimising surface water run-off with Sustainable Drainage Systems

CC11 Noise

CC13 Control of Potentially Polluting Uses

Planning Guidance Supplementary Planning Document (2018) Key Principles:

CAG3 New Development in Conservation Areas

CAG6 Open Spaces, Trees and Streets in Conservation Areas

BL1 Assessment of Lightwells

BL3 Front Lightwells

NN4 Noise-generating development

NN6 Construction and Demolition works

## 4.0 PLANNING CONSIDERATIONS

4.1 The main planning considerations in this case are:

- Principle of basement excavation and compliance with council basement policy;
- Visual amenity, including the impact on the character and appearance of the conservation area;
- Impact on residential amenity of neighbours;
- Potential damage to trees on the application site and in neighbours' gardens;
- Other environmental matters including flood risk and land contamination.

Visual amenity and impact on conservation area

Policy context:

4.2 The NPPF (2019) states that the creation of high- quality buildings and places is fundamental to what the planning and development process should achieve. Being clear about design expectations, and how these will be tested, is essential for achieving this (para 124).

4.3 In accordance with these principles, Local Plan (2018) Policy DC1, all development in the borough should help to create a high-quality urban environment that respects and enhances its townscape context and heritage assets. Policy DC4 requires a high standard of design will be required for all extensions and alterations to existing buildings, which should be compatible with the scale and character of existing development, neighbours and their setting. Specifically, this will be tested by taking 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) impact on skyline silhouette (for roof top additions)
- g) relationship to existing building, spaces between buildings, and gardens
- h) good neighbourliness
- i) the principles of accessible and inclusive design.

4.4 When considering any planning application that affects a conservation area, a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Similarly, the NPPF requires local authorities to consider the impact of a proposal on the significance of a designated heritage asset (in this case, the conservation area), great weight should be given to the asset's conservation, in proportion to its importance. Any harm that is identified should require clear and convincing justification and should be weighed against its public benefits. In accordance with these principles, Local Plan Policy DC8 states that applications affecting designated heritage assets, including alterations and extensions to buildings will only be permitted if the significance of the heritage asset is conserved or enhanced.

#### Assessment:

4.5 The main visual change to the external appearance of the building will be the replacement of the existing timber windows with slim-framed steel glazing, powder-coated in a paint finish. One new double-height window opening will be created to the new living room at ground and first floor level, by amalgamating two existing openings. Officers consider that these 'Crittall'-style, metal windows would be an appropriate addition which would be in keeping with the style and history of the building. The new windows would likely be an improvement compared to the existing stained timber windows.

4.6 On the rear (west) elevation of the property, part of the existing first floor addition would be demolished, thereby reducing the bulk of the building close to the boundary with the properties on Wingate Road, particularly Nos. 23 and 25, which would result in material improvement to their outlook compared to the existing relationship. Two new windows would be created in the main rear elevation of the building at first floor level above the internal void area, and situated in line with the other windows in this wall. These will be of the same style (slim-framed steel glazing). The result would be a more visually coherent rear elevation and no objections are raised. A new non-openable roof window would be created in the flat roof of the existing ground floor extension, which would open into the triple-height void down to the basement swimming pool area below.

4.7 The proposals also include a modest new "plant room" to the side of the main house, which would be located between the main building and the tall boundary wall, which separates the site from Cressy Court. The roof of the new plant room would not be visible above this wall, and Officers consider that it represents an unobtrusive infill development that would not be visible from any public areas, and only minimally visible from neighbouring properties.

4.8 Owing to the site's position set back from the street, with views mostly concealed by the surrounding buildings, the proposed external alterations stand to have a negligible impact on the character and appearance of the conservation area, the significance of which lies primarily in its historical street pattern and architectural styles and details. Officers note residents' concerns about the impact of the new basement on the 'ethos' or atmosphere of the area, but this much more difficult to identify in objective terms, and conservation area status is related primarily to the physical characteristics of the built environment. For the reasons explained above, it is considered that the proposal would preserve the character and appearance of the conservation area, and would therefore comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, Section 15 of the NPPF (2019) and Policies DC1, DC4 and DC8 of the Local Plan (2018).

#### Basement

##### Policy context:

4.9 The Local Plan (2018) permits basements underneath existing buildings, subject to the criteria set out in Policy DC11 being met. This states that new basements may occupy an area underneath the footprint of the host building plus up to 50% of the garden but not exceeding 50% of the depth of the host building. Only one storey below ground will be allowed, but a small extra allowance for proposals with a swimming pool may be permitted. Flood risk must be satisfactorily addressed, as must the impacts of the excavation on neighbouring amenity and the local highways network, in terms of traffic management. The council also requires the submission of a Subterranean

Construction Method Statement as a validation requirement for all applications, which is to be prepared by a qualified civil or structural engineer (in this case by JME Structural Consultants Ltd.) and made available to residents. This has been provided.

4.10 The other key consideration for basements is the visual impact of any lightwells. It is very important to minimise the visual impact of lightwells, which are usually a basement's only external feature. Lightwells must be sensitively designed and sited, respecting the existing character and appearance of the building, streetscape and gardens in the vicinity, in accordance with Key Principles BL1-BL3 of the Planning Guidance SPD (2018). Where a new front lightwell is acceptable, it should be as discreet as possible and allow the scale, character and appearance of the property, street or terrace to remain largely unchanged.

Assessment:

4.11 The proposed basement would occupy the area underneath the footprint of the existing building, and would not extend beyond it, save for a modest lightwell on the front (east) side of the house. Therefore the basement enlargement complies with criteria (a)-(c) of Policy DC11. The main basement floor would be 2.7m below the current ground level, with a small amount of additional depth (1.1m) to accommodate the lane pool, which is considered to be in accordance with Criterion (d). Flood risk and construction logistics are also considered to be acceptable subject to conditions, and are dealt with in more detail below.

4.12 The new lightwell would be located on the eastern (garden) side of the house and would run almost the entire length of the building with a walkway over to the main entrance. The drawings indicate that it would be covered with a metal grille over. Although the council's model lightwell designs do not apply to this unusual building, Officers consider the lightwell to be of a size that is proportionate to the size and style of the building. It would also not be visible from any public areas, and only minimally visible from neighbouring properties in glimpsed views. For these reasons, Officers consider that the proposed lightwell is acceptable in visual amenity terms.

4.13 Criterion (e) of Policy DC11 states that basements shall not result in an unacceptable impact on the amenities of neighbours either during or post-construction. To ensure potential nuisances are satisfactorily mitigated as far as possible, Officers recommended a condition for a Construction Management Plan (CMP) to be submitted and agreed prior to the commencement of the development. This would include control measures for dust, noise, vibration, lighting delivery locations and work hours.

4.14 Residents have also raised concerns about the impact of the construction on the local highways network, in terms of the significant number of lorry movements that would be required. Officers recommend a condition for a Construction Logistics Plan (CLP) to be submitted and agreed prior to the commencement of the development in accordance with Policy T7 of the Local Plan (2018). Some residents have raised concerns about pedestrian safety, particularly of schoolchildren, when construction vehicle movements are taking place. The aim of the CLP will be to ensure that the most sensible routing and timing of vehicles are implemented which provides the most reasonable safeguard of pedestrian safety near to any construction site.

4.15 For these reasons, Officers recommend that the proposed basement excavation is acceptable in terms of Policy DC11, subject to the recommended conditions.

## Residential amenity

### Policy context:

4.16 Policies DC4 and HO11 of the Local Plan both reference the impact of new development on the existing amenities of neighbouring properties. Policy HO11 states that proposals for extensions will be considered acceptable where it can be demonstrated that there is no detrimental impact on privacy, daylight and sunlight, outlook and the sense of openness enjoyed by neighbours in adjoining properties. Policy DC4 reiterates that the principles of good neighbourliness will be a key consideration in the assessment of proposals for extensions and alterations.

### Assessment:

4.17 The demolition of the first floor rear addition is likely to increase outlook and light for neighbours to the rear (on Wingate Road) albeit by a small amount. The new rear first floor windows would be in line with other windows at that level, and would not create new or increased views or opportunities for overlooking, as they are located above the internal void area. The new large roof window to be created in the flat roof of the first floor addition would let light into a three-storey void to the new basement. Following negotiations, this window would be fixed shut, to mitigate against any noise or chlorine odour escaping from the pool towards the Wingate Road properties. Similarly, on the opposite side, the new double-height opening would simply amalgamate two existing openings and there would be no loss of privacy for No. 165 Dalling Road. Conditions are attached with regards to the new equipment proposed for the plant room, to make sure no residents are disturbed through noise or vibration, in accordance with Policies CC11 and CC13 of the Local Plan.

4.18 For these reasons Officers are satisfied that there would be no significant harm caused to the amenities of any neighbouring properties, and therefore the proposal complies with Policies DC4, HO11, CC11 and CC13 of the Local Plan (2018).

### Trees

4.19 Concerns have been raised by neighbours about the possible impact of the development, particularly the proposed basement excavation, on trees belonging to residents in the rear gardens of Nos. 25 and 27 Wingate Road. These trees are protected by virtue of their being within the conservation area, although they are not subject to a Tree Preservation Order (TPO). Policy OS5 of the Local Plan (2018) seeks to prevent removal or mutilation of protected trees, and seeks retention of existing trees on development sites. The council's Arboricultural Officer has reviewed the application and advised that, given the existence of the single storey rear extension abutting the boundary wall with the Wingate Road gardens, it is highly unlikely that any of the trees on that side of the boundary have important roots extending underneath the subject site. As such no objections are raised on these grounds subject to a condition stipulating that all excavation on the boundaries of the new basement to a depth of 1.5m is carried out by hand, with any roots encountered to be severed cleanly with a sharp saw to prevent damage to the trees.

4.20 There are also trees on the application site, including a line of mature Lime trees close to the boundary with No. 165 Dalling Road. The amount of the trees Root Protection Area (RPA) that would be infringed by the proposed basement and lightwell excavation is relatively small, and the Arboricultural Officer has no objection subject to the same condition that excavation of the lightwell should be carried out by hand to a

depth of 1.5 metres, with any roots encountered to be severed cleanly with a sharp saw to prevent damage to the trees. There is also one medium-sized Himalayan Birch tree, planted close to the existing building, that would need to be removed in order to facilitate the proposal. This tree is not readily visible from the street and consequently does not provide significant visual amenity value. No objections are raised to its removal.

## Flood Risk

4.21 Policy CC3 of the Local Plan (2018) states that a site specific Flood Risk Assessment (FRA) will be required for all development's in the Environment Agency's Flood Zone 2 and 3, and for all new proposals which include a subterranean element in areas defined as being at risk of elevated groundwater levels. All subterranean developments must provide details in the FRA of structural waterproofing measures to be integrated to prevent any increase in on or off-site groundwater risk. Policy CC4 states that all proposals must manage surface water run-off as close to the source as possible and on the surface where practicable, in line with the London Plan drainage hierarchy.

4.22 The site is within the Environment Agency's Flood Zone 3. As required, a Flood Risk Assessment has been submitted which confirms that there will be structural waterproofing will be incorporated into the new basement, and that non-return valves will be fitted to all new plumbing to prevent sewer surcharge flooding. These measures are considered to be satisfactory and a condition has been attached to ensure compliance with the submitted FRA. An informative has also been attached advising the applicant that water efficient fixtures and appliances should be used throughout the development in accordance with Policy CC3.

## Land contamination

4.23 Where development is proposed on or near a site that is known to be (or there is good reason to believe it may be) contaminated, or where a sensitive use is proposed, an applicant should carry out a site assessment and submit a report of the findings in order to establish the nature and extent of the contamination. Development will not be permitted unless practicable and effective measures are taken to treat, contain or control and contamination. In relation to this site, the council's Environmental Protection Officers have advised that potentially contaminative land uses are understood to have occurred at this site, given its historical use as a joiner's workshop. It is therefore recommended that the council's standard suite of land contamination conditions, regarding ground investigation and remediation are required to ensure that no unacceptable risks are caused to people, controlled waters or the wider environment, in accordance with Policy CC9 of the Local Plan (2018).

## 5.0 CONCLUSION AND RECOMMENDATIONS

5.1 Officers consider that the proposed development would be appropriate in terms of the extent of basement excavation, the design and scale of the proposed external alterations, and the impact on the residential amenities of neighbours. Subject to conditions, the development (including the construction phase) would not have a detrimental impact on the highway network, and tree protection, flood risk and contaminated land matters are also considered to be acceptable.



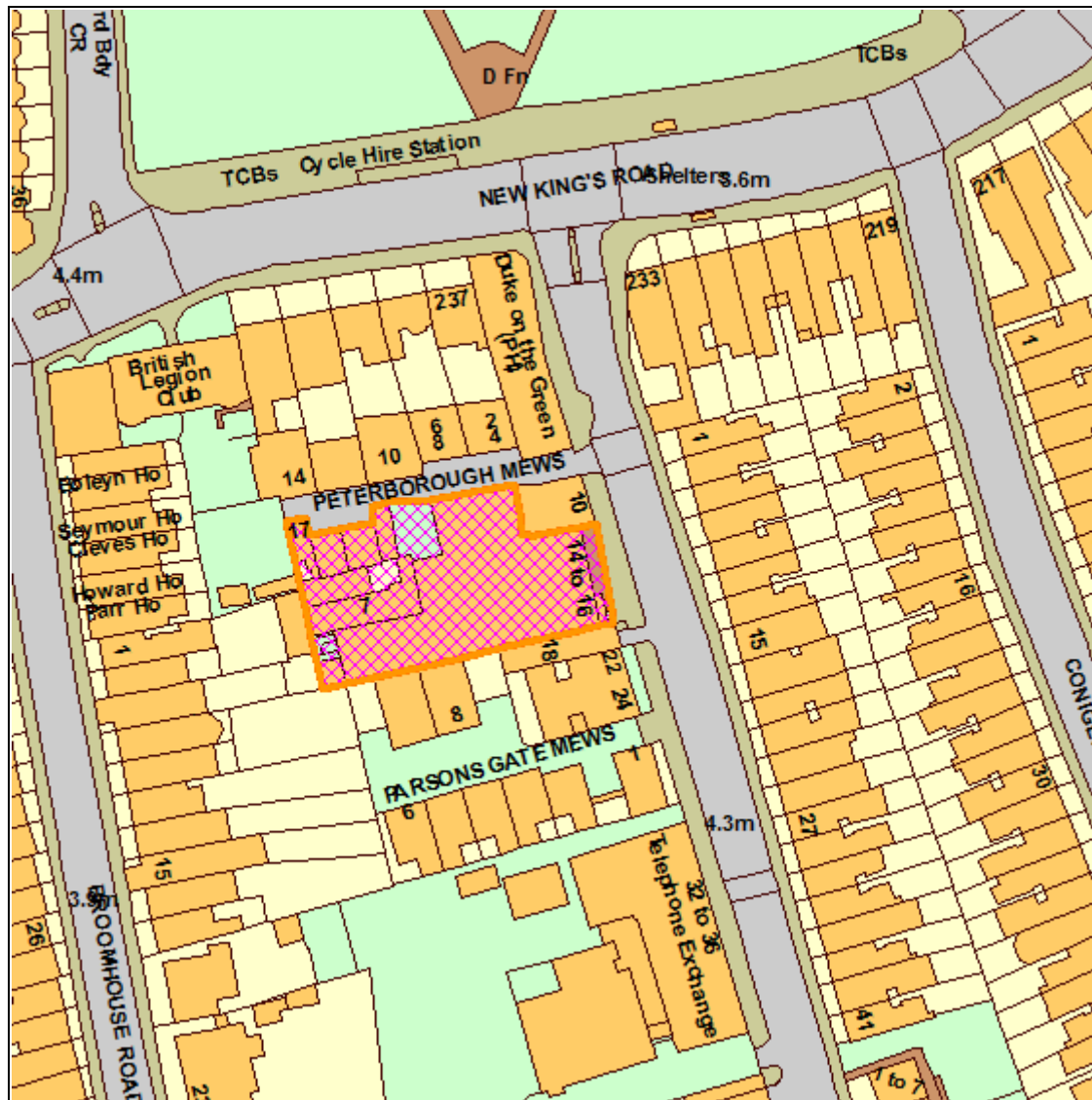
5.2 It is recommended that planning permission be granted, subject to conditions.

# Agenda Item 6

**Ward:** Parsons Green And Walham

**Site Address:**

14 - 16 Peterborough Road London SW6 3BN



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

**Reg. No:**  
2017/01837/FUL

**Case Officer:**  
Graham Simpson

**Date Valid:**  
07.06.2017

**Conservation Area:**

**Committee Date:**  
10.06.2019

**Applicant:**

Mr Martin  
C/O Agent

**Description:**

Demolition of 17 Peterborough Mews and 14-16 Peterborough Road and the erection of a replacement part two, part three, part four, part five storey building comprising of B1 office floor space and two new residential units accessed from Peterborough Mews (1 x 2 bed and 1 x 3 bed), including excavation in connection with the enlargement of the existing lower ground floor level.

Drg Nos: AH-PW-XX-LG-DR-A-1100 R1;AH-PW-XX-00-DR-A-1101 R1;AH-PW-XX-01-DR-A-1102 R1;AH-PW-XX-02-DR-A-1103 R3;AH-PW-XX-03-DR-A-1104 R1;AH-PW-XX-RF-DR-A-1105 R3;AH-PW-XX-XX-DR-A-1303 R2;AH-PW-XX-XX-DR-A-1300 R2;AH-PW-XX-XX-DR-A-1301 R2;AH-PW-XX-XX-DR-A-1302 R1;AH-PW-XX-XX-DR-A-1304;AH-PW-XX-XX-DR-A-1305 R2;AH-PW-XX-XX-DR-A-1202 R4;Structural Engineer's Desk Study November 2018 Issue 2Structural Engineer's Desk Study November 2018 Issue 2;LBHF4412 fra Ver 2.0 date 8 December 2017;Sustainability Statement ref. P17-119 Alexander House issue 2;AH-PW-XX-XX-DR-A-1205;AH-PW-XX-XX-DR-A-1310 R1;AH-PW-XX-XX-DR-A-1201 R4;

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

That the Committee resolve that the Strategic Director, Growth and Place be authorised to determine the application and grant permission up on the completion of a satisfactory legal agreement and subject to the condition(s) listed below:

To authorise the Strategic Director, Growth and Place, after consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make any minor changes to the proposed conditions or heads of terms of the legal agreement, any such changes shall be within their discretion.

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

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

- 2) The development shall not be erected otherwise than in accordance with the following approved drawings: AH-PW-XX-LG-DR-A-1100 R1; AH-PW-XX-00-DR-A-1101 R1; AH-PW-XX-01-DR-A-1102 R1; AH-PW-XX-02-DR-A-1103 R3; AH-PW-XX-03-DR-A-1104 R1; AH-PW-XX-RF-DR-A-1105 R3; AH-PW-XX-XX-DR-A-1303 R2; AH-PW-XX-XX-DR-A-1300 R2; AH-PW-XX-XX-DR-A-1301 R2; AH-PW-XX-XX-DR-A-1302 R1; AH-PW-XX-XX-DR-A-1304; AH-PW-XX-XX-DR-A-1305 R2; AH-PW-XX-XX-DR-A-1202 R4; Structural Engineer's Desk Study Noveber 2018 Issue 2; LBHF4412 fra Ver 2.0 date 8 December 2017;

Sustainability Statement ref. P17-119 Alexander House issue 2; AH-PW-XX-XX-DR-A-1205; AH-PW-XX-XX-DR-A-1310 R1; AH-PW-XX-XX-DR-A-1201 R4; Structural Engineer's Desk Study November 2018 Issue 2.

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 DC1, DC2, and DC8 of the Local Plan 2018.

- 3) The development hereby permitted shall not commence (including demolition and site clearance works) until a Demolition Method Statement and Construction Management Plan have been submitted to and approved in writing by the Local Planning Authority. These shall include details of the proposed control measures and monitoring for 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. The details shall also include the numbers, size and routes of construction vehicles, any vehicle holding areas and access arrangements, delivery locations on the site, use of Ultra Low Emission Zone (ULEZ) compliant Vehicles e.g. Euro 6 and Euro VI, 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 Demolition Method Statement and Construction Management Plan shall be implemented in accordance with the approved details throughout the relevant 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 CC11 and CC13 of the Local Plan 2018.

- 4) The development hereby permitted shall not commence until a detailed Construction Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. This shall be in accordance with Transport for London Guidance on Construction Logistics Plans and shall include the demolition phase of the development. The Construction Logistics Plan shall be implemented in accordance with the approved details throughout the relevant project period.

To minimise the impacts of construction-related vehicle movements and facilitate sustainable construction travel to the site in accordance with policies T1 and T6 of the Local Plan 2018.

- 5) The development hereby permitted shall not commence (save for demolition and site clearance works) until detailed drawings in plan, section and elevation at a scale of no less than 1:20 of a typical bay of each elevation, and details of the junction with No 18-20 Peterborough are submitted to and approved in writing by the Council. The development shall be carried out in accordance with such details as have been approved and thereafter permanently retained in this form.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, to preserve the character and appearance of the area; and the setting and special architectural and historic interest of the neighbouring

listed building in accordance with Policies 7.1 and 7.6 of the London Plan (2016) and Policies DC1, DC2 and DC8 of the Local Plan (2018).

- 6) Prior to commencement of the development hereby permitted (save for demolition and site clearance), details of all new external materials (including samples of plant enclosures, external ground and upper level surfaces where considered appropriate by the Council) to be used in the development shall be submitted to be viewed on site, and approved in writing by, the Council. The development shall be carried out in accordance with the approved details; and permanently retained as such.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, to preserve the character and appearance of the area; and the setting and special architectural and historic interest of the neighbouring listed building in accordance with Policies 7.1 and 7.6 of the London Plan (2016) and Policies DC1, DC2 and DC8 of the Local Plan (2018).

- 7) No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

In order to ensure the preservation or protection of any archaeological interests that may be present on the site, in accordance with Policy DC8 of the Local Plan 2018 and Policy 7.8 of the London Plan 2016.

- 8) If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI. The planning application lies in an area of archaeological interest.

In order to ensure the preservation or protection of any archaeological interests that may be present on the site, in accordance with Policy DC8 of the Local Plan 2018 and Policy 7.8 of the London Plan 2016.

- 9) No alterations shall be carried out to the external appearance of the building, including the installation of air-conditioning units, ventilation fans or extraction equipment not shown on the approved drawings, without planning permission first

being obtained. Any such changes shall be carried out in accordance with the approved details.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

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

In order to ensure that the Council can fully consider the effect of telecommunications equipment upon the appearance of the buildings in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

- 11) Prior to the use 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. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise, in accordance with Policies CC11 and CC13 of the Local Plan 2018.

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

In order that any advertisements displayed on the building are assessed in the context of an overall strategy, to ensure a satisfactory external appearance and to preserve the integrity of the design of the building, in accordance with Policies DC1, DC2, DC8 and DC9 of the Local Plan 2018.

- 13) No external roller shutters shall be attached to the commercial frontages to the Peterborough Road elevation.

To ensure a satisfactory external appearance, in accordance with Policies DC1, DC2, DC8 and DC9 of the Local Plan 2018.

- 14) The extent of demolition shall not exceed that shown on the approved drawings AH-PW-XX-LG-DR-A-00\_10; AH-PW-XX-GF-DR-A-00\_11; AH-PW-XX-01-DR-A-00\_12; AH-PW-XX-02-DR-A-00\_13; AH-PW-XX-03-DR-A-00\_14; AH-PW-XX-RF-DR-A-00\_15.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, to preserve the character and appearance of the area; and the setting and special architectural and historic interest of the adjoining

locally listed building in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2016) and Policies DC1, DC2, and DC8 of the Local Plan 2018.

- 15) Prior to the use 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/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise, in accordance with Policies CC11 and CC13 of the Local Plan 2018.

- 16) Save for demolition and site clearance, prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of sound insulation of the building envelope and other mitigation measures, as appropriate. Details shall demonstrate that noise from uses and activities is contained within the building/ development site and shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/ habitable rooms and private external amenity spaces. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise, in accordance with Policies CC11 and CC13 of the Local Plan 2018.

- 17) Save for demolition and site clearance, prior to the commencement of the development details of the proposed measures to ensure that the development achieves "secured by design" status shall be submitted to and approved in writing by the Council. No part of the development thereby effected shall be used or occupied prior to the implementation of the approved details.

To ensure that the development incorporates suitable design measures to minimise opportunities for, and the perception of, crime, in accordance with Policies 7.3 and 7.13 of the London Plan (2011) and policies DC1 and DC2 of the Local Plan 2018.

- 18) All ground floor entrance doors hereby approved shall not be less than 1 metre wide and the threshold shall be at the same level as the adjoining ground level fronting the entrances.

To ensure suitable entry into the building for disabled people. In accordance with Policies DC1, DC2 and HO6 of the Local Plan 2018.

- 19) With the exception of the private roof terrace areas shown on approved drawings, no part 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 due to overlooking, loss of privacy and noise and disturbance, in accordance with Policies DC1, DC2 and HO11 of the Local Plan 2018.

- 20) No part of the development hereby approved shall be occupied prior to the provision of the cycle storage for the residential and commercial development hereby approved, as indicated on the approved drawing no. AH-PW-XX-LG-DR-A-1104 R1 and such storage facilities shall be permanently retained thereafter in accordance with the approved details.

To promote alternative, sustainable forms of transport, in accordance with Policy 6.9 and Table 6.3 of the London Plan (2016), and Policy T3 of the Local Plan 2018.

- 21) No part of the development hereby approved shall be occupied prior to the provision of the refuse storage enclosures, as indicated on the approved drawing no. AH-PW-XX-LG-DR-A-1104 R1.

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 Policies DC8, CC6 and CC7 of the Local Plan 2018.

- 22) The development shall be implemented in accordance with the recommended flood mitigation measures as proposed in the Flood Risk Assessment (LBHF4412 fra Ver 2.0 date 8 December 2017), otherwise agreed in writing by the local planning authority. In line with advice from Thames Water, a non-return valve or other suitable device shall be installed to avoid the risk of the sewerage network surcharging wastewater to basement/ground level during storm conditions. The recommended mitigation measures shall be permanently retained thereafter.

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

- 23) The development hereby permitted shall be implemented in accordance with the approved details of the revised Sustainable Drainage Strategy, (LBHF4412 fra Ver 2.0 date 8 December 2017), 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 5.13 of The London Plan (2016), and Policies CC3 and CC4 of the Local Plan 2018.



- 24) The development hereby permitted shall not be occupied before implementation of the measures detailed in the submitted Sustainability Statement (ref. P17-119 Alexander House Issue 2). All details shall be implemented prior to occupation/use of the development hereby permitted, and thereafter be permanently retained.

To ensure a satisfactory external appearance and the integration of energy generation from renewable sources, consistent with the Mayor's sustainable design objectives in accordance with Policies 5.1, 5.2, 5.3 and 5.7 of The London Plan (2016), and Policies DC1, DC2, DC8, CC1 and CC2 of the Local Plan 2018.

- 25) Prior to the commencement of each of the demolition and construction phases of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) in order to mitigate air pollution shall be submitted to and approved in writing by the council. The AQDMP must include an Air Quality Dust Risk Assessment (AQDRA) that considers sensitive receptors off-site of the development and is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and the identified measures recommended for inclusion into the AQDMP. The AQDMP submitted must comply with the Mayor's SPG and should include: Inventory and Timetable of dust generating activities during demolition and construction; Site Specific Dust mitigation and Emission control measures in the table format as contained within Appendix 7 of Mayor's SPG including for on-road and off-road construction traffic; Detailed list of Non-Road Mobile Machinery (NRMM) used on the site. The NRMM should meet as minimum the Stage IV emission criteria of Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NO<sub>x</sub> and PM. An inventory of all NRMM for the demolition phase must be registered on the NRMM register <https://nrmm.london/user-nrmm/register> prior to the commencement of demolition works; use of on-road Ultra Low Emission Zone (ULEZ) compliant Vehicles in accordance with the emission hierarchy (1) Electric (2) Hybrid (Electric-Petrol) (3) Petrol, (4) Hybrid (Electric-Diesel) (5) Diesel (Euro 6 and Euro VI); Details of Air quality monitoring of PM<sub>10</sub> where appropriate and used to prevent levels exceeding predetermined Air Quality threshold trigger levels. Developers must ensure that on-site contractors follow best practicable means to minimise dust and emissions at all times. Approved details shall be fully implemented and permanently retained and maintained during the demolition and construction phases of the development.

To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), and Policy CC10 of the Local Plan 2018.

- 26) Prior to occupation of the development hereby permitted a Low Emission Strategy for the operational phase of the B1 class use of the development in order to mitigate the impact of air pollution shall be submitted to and approved in writing by the Council. The Low Emission Strategy must detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. design solutions). This Strategy must make a commitment to implement the mitigation measures that are required to reduce the exposure of poor air quality and to help mitigate the development's air pollution impacts, in particular non-combustion

energy generation sources (Air Source Heat Pumps) the emissions of NOx and particulates from on-road vehicle transport by the use of Ultra Low Emission Vehicles in accordance with the emissions hierarchy (1) Cargo bike (2) Electric Vehicle, (3) Hybrid (non-plug in) Electric Vehicle (HEV), (4) Plug-in Hybrid Electric Vehicle (PHEV), (5) Alternative Fuel e.g. CNG, LPG, (6) Diesel (Euro 6 & Euro VI). Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), and Policy CC10 of the Local Plan 2018.

- 27) Prior to commencement of above ground works in the development a Ventilation Strategy Report to mitigate the impact of air pollution for the B1 and C3 class use shall be submitted to and approved in writing by the Council. The report shall include the following information:
- a) Details and locations of the clean air ventilation intake locations at rear roof level
  - b) Details of openable windows for habitable rooms (bedrooms, living rooms) for C3 use on rear elevations
  - c) Details and locations of ventilation extracts, chimney/bolier flues, to demonstrate that they are located a minimum of 2 metres away from the fresh air ventilation intakes, openable windows, balconies, roof gardens, terraces

The whole system shall be designed to prevent summer overheating and minimise energy usage. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications, and shall be the responsibility of the primary owner of the property. A post installation certificate of the approved ventilation strategy shall be submitted to the Council prior to the occupation/use of the development. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), and Policy CC10 of the Local Plan 2018.

- 28) 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 (LBH Wembley Desk Study and Initial Land Contamination Assessment Ref LBH4412 V1.0, dated 12th July 2016) 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. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and

following the development works, and in accordance with policy 5.21 of the London Plan (2016), and Policy CC9 of the Local Plan 2018.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with policy 5.21 of the London Plan 2016, and Policy CC9 of the Local Plan 2018.

- 30) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a remediation method statement, if deemed to be required in the approved quantitative risk assessment, is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. This statement will also include a plan to verify that the required remediation works are undertaken in line with the remediation method statement which will be compiled into a verification report. The remediation should then progress in accordance with the agreed remediation method statement. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with policy 5.21 of the London Plan (2016), and Policy CC9 of the Local Plan 2018.

- 31) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved remediation method statement has been carried out in full if required by the approved quantitative risk assessment, and a verification report confirming these works has been submitted to, and approved in writing, by

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with policy 5.21 of the London Plan (2016), and Policy CC9 of the Local Plan 2018.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with policy 5.21 of the London Plan (2016), and Policy CC9 of the Local Plan 2018.

- 33) The development hereby permitted shall not commence (save for demolition and site clearance works) until details of the green roof are submitted to and approved in writing by the Council. The development shall be carried out in accordance with such details as have been approved and thereafter permanently retained in this form.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, to preserve the character and appearance of the area; and the setting and special architectural and historic interest of the neighbouring

listed building in accordance with Policies 7.1 and 7.6 of the London Plan (2016) and Policies DC1, DC2 and DC8 of the Local Plan (2018).

- 34) Details of any proposed external artificial lighting, including security lights shall be submitted to and approved in writing by the Local Planning Authority and no occupation shall take place until the lighting has been installed in full accordance with the approved details. Such details shall include the number, exact location, height, design and appearance of the lights, together with data concerning the levels of illumination and light spillage and the specific measures, having regard to the recommendations of the Institution of Lighting Engineers in the `Guidance Notes for The Reduction of Light Pollution 2011 (or relevant guidance) to ensure that any lighting proposed does not harm the existing amenities of the occupiers of neighbouring properties. No part of the development shall be used or occupied until any external lighting provided has been installed in accordance with the approved details and shall thereafter be permanently retained in this form.

To ensure that lighting does not adversely affect the amenity of occupiers of the development site/surrounding premises and natural habitat, in accordance with policies 5.11, 7.3 and 7.13 of the London Plan (2016), and policy CC12 of the Local Plan 2018.

- 35) No part of the development hereby approved shall be used or occupied until a scheme for the control and operation of the proposed lighting within the office building, during periods of limited or non-occupation, has been submitted to and approved in writing by the Local Planning Authority, and the approved details have been implemented. The internal lighting shall be operated only in accordance with the approved details.

To ensure that the building does not cause excessive light pollution and to conserve energy when they are not occupied, in accordance with policy CC12 of the Local Plan 2018.

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

In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the new residential units hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policy HO2 and T4 of the Local Plan 2018.

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

In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high

level of on-street car parking stress in the area, in accordance with Policy HO2 and T4 of the Local Plan 2018.

- 38) The residential unit at second floor level hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the local planning authority to ensure that all occupiers, other than those with disabilities who are blue badge holders, have no entitlement to parking permits from the council and to ensure that occupiers are informed, prior to occupation, of such restriction. The new residential unit shall not be occupied otherwise than in accordance with the approved scheme unless prior written agreement is issued by the Council.

In order that the prospective occupiers of the residential unit concerned are made aware of the fact that they will not be entitled to an on-street car parking permit, in the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policy HO2 and T4 of the Local Plan 2018.

- 39) Prior to occupation of the commercial units, a Servicing and Deliveries Management Plan shall be submitted to and approved in writing by the Council. Details shall include times and frequency of deliveries and collections, vehicle movements, silent reversing methods, location of loading bays and quiet loading/unloading measures. The measures/scheme shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently complied with and maintained in line with the agreed plan.

To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic in accordance with policies T1 and T6 of the Local Plan 2018.

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

1. Land Use: It is considered that the proposed land use is acceptable. The demolition of the existing Class B1 floorspace and creation of a mixed development comprising Class B1 premises and residential are acceptable and in accordance with the NPPF (2018), Policies 4.2 and 4.3 of the London Plan (2016), and Local Plan Policy E1 and E2.

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. The proposal would preserve the setting of the Conservation Area and would preserve the setting for the adjacent Listed Buildings at 235 - 249 New Kings Road. The development would therefore be

acceptable in accordance with the NPPF (2018), 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.8 of the London Plan (2016) and Local Plan 2018 Policies DC1, DC2 and DC8.

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 HO11 and DC2 of the Local Plan 2018, and Key Principles HS7 and 8 of the Planning Guidance Supplementary Planning Document (2018).

4. Safety and Access: The development would provide a safe and secure environment for all users in accordance with London Plan (2016) Policy 7.3 and Policy DC1 Local Plan 2013 (2018). The proposal would provide ease of access for all people, including disabled people, in accordance with Policy 3.8 of the London Plan (2016), and Policies DC1, DC4 and HO6 of the Local Plan 2018.

5. Transport: There would be no significant adverse impact on traffic generation and the scheme would not result in congestion of the road network. Conditions will secure provision of cycle and refuse storage. The development would therefore be acceptable in accordance with the NPPF (2018), Policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13 of the London Plan (2016), and Local Plan 2018 policies T2, T3, T4, T5 and T7.

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. Implementation of the submitted details will be secured by condition. Details of SUDS will be secured by a condition. In this respect the proposal is therefore in accordance with the NPPF (2018), Policies 5.11, 5.12, 5.13, 5.14 and 5.15 of the London Plan (2016), and policies CC3 and CC4 in the Local Plan 2018.

7. Land Contamination: Conditions will ensure that the site would be remediated to an appropriate level for the sensitive residential and open space uses. The proposed development therefore accords with Policy 5.21 of the London Plan (2016), and policy CC9 in the Local Plan 2018.

8. Air Quality: Subject to additional air quality, mechanical ventilation and fresh air intake details, the proposal will ensure neutral air quality outcomes in accordance with Policies 3.2, 5.3 and 7.14 of the London Plan (2016) and Policy CC10 of the Local Plan 2018.

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

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

Application form received: 3rd May 2017

Drawing Nos: see above

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

**Consultation Comments:**

<b>Comments from:</b>	<b>Dated:</b>
Historic England London Region	06.07.17
Thames Water - Development Control	20.06.17
Environment Agency - Planning Liaison	15.06.17
Hammersmith & Fulham Historic Buildings Group	05.07.17
Historic England London Region	24.04.19

**Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
32 Bradbourne Street London SW6 3TE	30.06.17
40 bowerdean street London Sw63tw	04.07.17
9 Peterborough Road London SW6 3BT	28.06.17
14 Peterborough Mews London SW6 3BL	29.06.17
12 Broomhouse Road London SW6 3QX	27.06.17
18 Broomhouse Road London SW6 3QX	27.06.17
8 Parsons Gate Mews Fulham London SW6 3BF	27.06.17
69 Studdridge street london sw6 3TD	29.06.17
Rosslyn House 237 New Kings Rd London SW6 4XG	29.06.17
Rosslyn House 237 New Kings Rd London SW6 4XG	14.05.19
broomhouse road london sw63qx	29.06.17
24 Chiddingstone street london SW6 3tg	30.06.17
2 Parsons Gate Mews London SW63BF	26.06.17
2 Parsons Gate Mews London SW63BF	26.06.17
Parr house Broomhouse road London SW6 3QU	28.06.17
Belgrave House 245 New Kings Road London SW6 4XG	29.06.17
40 Broomhouse Road London SW6 3QX	29.06.17
Albyn House 239 New Kings Road London SW6 4XG	29.06.17
Top Floor Flat London SW6 3QX	10.07.17
10 Peterborough Mews London SW6 3BL	14.06.17
10 Peterborough Mews London SW6 3BL	14.06.17
1 Broomhouse Road London SW6 3QU	03.07.17
1 Broomhouse Road London SW6 3QU	14.05.19
5 Broomhouse Road London SW6 3QU	15.05.19
7 Peterborough Road London SW6 3BT	22.06.17
7 Peterborough Road London SW6 3BT	01.05.19
18 CHIDDINGSTONE STREET LONDON SW6 3TG	29.06.17
243 New Kings Road London SW64XG	30.06.17



30 Broomhouse Road LONDON SW6 3QX	30.06.17
7 Parsons Gate Mews London SW6 3 BF	25.06.17
5 Broomhouse Road London SW63QU	27.06.17
5 Broomhouse Road London SW63QU	14.05.19
22 Parsons Green Fulham London SW6 4UH	28.06.17
22 Parsons Green Fulham London SW6 4UH	05.05.19
24, Broomhouse Rd. London SW6 3QX	28.06.17
13 Broomhouse Road London SW6 3QU	28.06.17
13 Broomhouse Road London SW6 3QU	07.05.19
2-4 Peterborough Mews London SW6 3BL	28.06.17
243 new kings road london sw6 4xg	30.06.17
243 New Kings Road London sw6 4xg	30.06.17
243 new kings road london sw6 4xg	30.06.17
The Coach House King Henry Row Broomhouse Road London SW6 3QU	30.06.17
241 New King's Raod London SW6 4XG	28.06.17
30 PARSONS GREEN LONDON SW6 4UH	29.06.17
4 Broomhouse Road First Floor Flat London SW6 3QX	29.06.17
18 Broomhouse Road London SW63QX	29.06.17
The Coach House King Henry Row Broomhouse Road London SW6 3QU	30.06.17
18 Bradbourne St London SW6 3TE	05.07.17
Seymour House Broomhouse Road London SW6 3QU	14.06.17
20 Parsons Green London Sw64uh	28.06.17
48 Peterborough Road London SW6 3EB	30.06.17
21 Broomhouse Road London SW6 3QU	27.06.17
21 Broomhouse Road London SW6 3QU	30.04.19
12 Peterborough Mews London SW6 3BL	24.07.17
Cradley House 241 New King's Road London SW6 4XG	28.06.17
Cradley House 241 New King's Road London SW6 4XG	09.05.19
13 Parsons Green Lane London SW6 4HL	28.06.17
Broom Villa 27 Broomhouse Road London SW6 3QU	29.06.17
Broom Villa 27 Broomhouse Road London SW6 3QU	07.05.19
7 Broomhouse Road Parsons Green Fulham SW63QU	30.06.17
36 Broomhouse Road London SW6 3QX	28.06.17
59 Studdridge Street London sw6 3sl	30.06.17
30 Bradbourne Street London SW6 3TE	30.06.17
50 Broomhouse Road London SW6 3QX	27.06.17
1 Parsons Gate Mews Peterborough Road London SW6 3BF	28.06.17
141 Studdridge Street London SW63TD	29.06.17
23 Bradbourne Street London SW6 3TF	30.06.17
17 Broomhouse Road LONDON SW6 3QU	30.06.17
9 Broomhouse Road London Fulham SW6 3QU	29.06.17
4 Parsons Gate Mews Peterborough Rd London SW6 3BF	29.06.17
34 broomhouse road london sw63qx	29.06.17
12 Peterborough Mews London SW6	30.06.17
247/249 New Kings Road fulham sw64xg	30.06.17
33 Chiddingstone Street London SW63TQ	04.07.17
Ground Floor,Flat 2 11 Peterborough Road Fulham SW6 3BT	23.06.17
66 Peterborough Road London sw6 3eb	28.06.17
133 Studdriddge Street London SW6 3TD	28.06.17
26 Parsons Green London SW6 4UH	29.06.17

26 Parsons Green London SW6 4UH	01.05.19
9 broomhouse road parsons green london sw63qu	29.06.17
22 Broomhouse Road London SW6 3QX	26.06.17
42 Broomhouse Rd London SW63QX	29.06.17
1A Chiddingstone St London SW6 3TQ	30.06.17
243 New Kings Road London SW6 4XG	24.07.17
50 Bradbourne Street Fulham London SW6 3TE	29.06.17
Philippa Thorp 2-4 Peterborough Mews Sandown London PO36 0EY SW6 3BL	29.06.17
44 Rowallan Road Fulham Lodnon SW66AG	06.07.17
11 Broomhouse Road Parsons Green London. SW6 3QU	29.06.17
21 Peterborough Road London SW6 3PA	04.07.17
239 New King's Road London SW6 3BN	18.06.18
239 New King's Road London SW6 3BN	02.05.19
20 Parsons Green London Sw6 4uh	29.04.19
10 Peterborough Mews London SW6 3BL	02.05.19
C/O Aragon House PH	15.05.19
Ground Floor Flat 2 London SW63BT	06.05.19
77 Peterborough Road London SW6 3BT	04.05.19
2 Parsons Gate Mews Fulham London SW6 3BF	04.05.19
243 new kings road london sw6 4xg	09.05.19
243 new kings road london sw6 4xg	09.05.19
1 Linver Road Parsons Green Sw6 3ra	03.05.19
7 Parsons Gate Mews Peterborough Road London SW6 3BF	07.05.19
13 Broomhouse Road London SW6 3QU	07.05.19
79 Peterborough Road London Sw63bt	04.05.19
Ground Floor 57 Chiddingstone Street London SW6 3TQ	04.05.19
17 Broomhouse Road London SW6 3QU	06.05.19
9 Broomhouse Road London London SW6 3QU	05.05.19
First Floor 190/192 Sloane Street London SW1X 9QX	07.05.19
47 Coniger Road London Sw6 3tb	04.05.19
4 Hurlingham Road London SW6 3QY	07.05.19
46 bradbourn st London Sw63te	07.05.19
47 Coniger Road London SW6 3TB	04.05.19
31 Peterborough road London SW6 3BT	03.05.19
59 Peterborough Road London SW6 3BT	06.05.19
18 Peterborough Road London SW6 3BN	07.05.19
1A Chiddingstone Street London SW6 3TQ	03.05.19
90 Clancarty Rd London SW6 3AA	07.05.19
Boleyn House, Broomhouse Rd London SW6 3QU	12.05.19
85 Peterborough Road London SW6 3BU	07.05.19
22 Broomhouse Road London SW6 3QX	11.05.19
18 Linver Road Parsons Green LONDON SW6 3RB	06.05.19
Vikas Rosslyn House London SW6 4XG	14.05.19
6 - 8 Peterborough Mews Fulham SW63BL	07.05.19
Broomhouse Road LONDON SW63QX	03.05.19
6 Coniger Road London SW6 3TA	06.05.19
51 Chipstead St London SW6 3SR	03.05.19
79 Peterborough road London SW63BT	03.05.19
7 BROOMHOUSE ROAD LONDON SW63QU	14.05.19
59 Peterborough Road London SW6 3BT	06.05.19
10 Peterborough Mews London SW6 3BL	02.05.19

215 New Kings Road Fulham/London SW6 4XD	08.05.19
13 Linver Road London SW6 3RA	07.05.19
7 Doria Rd London SW6 4UF	03.05.19
81 Peterborough Road London sw63bu	04.05.19

## 1.0 SITE DESCRIPTION

1.1 The application relates to the part four, part five storey office building located on the corner of Peterborough Road and Peterborough Mews, near to the intersection with New Kings Road. The building ranges from four storeys in height at the front (including lower ground floor level) stretching into the centre of the site, down to two storeys towards the side and rear. Forming part of the same street block is no. 10 Peterborough Road - a four storey (including mansard roof) building to the north of the site which sits on the corner of Peterborough Road and Peterborough Mews. The subject building wraps around behind this and much of the side return runs along the southern side of Peterborough Mews. The site is not within Conservation Area but is in Flood Risk Zones 2 and 3.

1.2 The surrounding area is mixed in character; the northern end of the Peterborough Road has a number of commercial premises, while to the west is the mainly residential area of the Peterborough Estate. Opposite the application site on the corner of New Kings Road and Peterborough Road is the Grade II Listed public house at No. 235 New Kings Road (Duke on the Green), which forms part of a row of listed buildings fronting New Kings Road. Immediately to the south is the locally Listed Building of Merit and No. 22-24 Peterborough Road.

### 1.3 Relevant planning history:

No.s 14 - 16 Peterborough Road:

In 1987, planning permission was granted (1987/02544/FUL) for the erection of a conservatory at third floor level.

In 1988, planning permission was granted (1987/02544/FUL) for the erection of a conservatory at third floor level.

In 1988, planning permission was granted (1988/00401/FUL) for the installation of windows to the rear elevation at ground floor level.

In 1997, planning permission was granted (1997/00948/FUL) for alterations to the front elevation including the installation of a door and canopy onto Peterborough Road together with a replacement handrail and rendering of the existing brickwork.

In 1998, planning permission was granted (1998/01112/FUL) for the change of use of basement and ground floor from offices (Class B1) to a health and fitness club (Class D2).

In 2000, planning permission was granted (2000/01241/FUL) for the installation of two air handling units on the roof of the single storey extension on the northern side of the property at first floor level, together with ducting on the rear elevation; and the infilling of

four ventilation holes with glass on the northern elevation, at first floor level, and two extract grills to windows on the western elevation.

In 2010, planning permission was granted (2010/02846/FUL) for the Installation of 4 new air conditioning units at roof level.

In 2011, planning permission was granted (2011/03392/FUL) for the erection of a single storey rear extension (81.5 sq metres) at first floor level, facing Peterborough Mews for use as additional office floor space.

In 2014, prior approval was granted (2014/03684/PD56) for the change of use of basement, ground, first, second and third floor levels from offices (Class B1) into 16 self-contained residential flats (Class C3).

In 2017, prior approval was granted (2017/00462/PD56) for the change of use of the basement, ground, first and second floor level from offices (Class B1) into 16 x self-contained flats (Class C3).

No planning history for No. 17 Peterborough Mews.

1.4 Current proposal:

1.5 The development involves the following: demolition of 17 Peterborough Mews and 14-16 Peterborough Road and the erection of a replacement part two, part three, part four, part five storey building comprising of B1 office floor space and two new residential units accessed from Peterborough Mews.

2.0 PUBLICITY AND CONSULTATION:

2.1 The application has been advertised by means of a site notice and a press advert. Individual notification letters were sent to the occupiers of 193 neighbouring properties. A second consultation was carried out after amendments were made to the proposal.

79 objections have been received from the first round of consultation, and 57 from the second including letters from the Fulham Society and the Hammersmith and Fulham Historic Buildings Group. The grounds of objection can be summarised as follows:

- design and massing is out of keeping with the existing pattern of development
- Negative impact on Listed terrace and pub facing New Kings Road, and adjoining conservation area.
- Insufficient information submitted to assess impact on neighbours.
- Loss of the existing building
- loss of daylight/sunlight and insufficient assessment of offices
- Overshadowing, loss of outlook/overbearing
- Overlooking and loss of privacy
- Noise and disturbance from terraces, proposed plant, bar/lounge and construction
- Increased traffic, parking stress and no parking proposed
- congestion would result in additional pollution
- Health and safety concerns for school children from construction vehicles
- No need for new housing
- Inadequate refuse storage and servicing arrangements

- Construction would result in problems with access to Peterborough Mews
- Light pollution from office windows at night

2.2 Historic England: No objection subject to conditions regarding archaeology.

2.3 Environment Agency: No objection.

2.4 Thames Water: No objection subject to conditions.

### 3.0 CONSIDERATIONS

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

#### Draft London Plan

3.2 The new draft London Plan was published on 29 November 2017. The Plan's consultation ended on 2 March 2018. An Examination in Public (EiP) commenced in January 2019, and publication of the new Plan is expected in the autumn of 2019. It is therefore considered that the new draft London Plan should be given limited weight at this stage in determining this application. In the interim, consideration shall be given to the London Plan (Consolidated with Further Alterations 2016).

#### LAND USE:

3.3 London Plan Policies 4.2 and 4.3, which encourage the renewal and modernisation of existing office stock, and Policy E1, which supports the retention, enhancement and intensification of existing employment uses, are relevant in the proposal. The existing site accommodates a combination of dated office space and one residential units. The applicant has agreed to a contribution towards the Council's jobs and business employment strategy to maximise employment, training and business benefits of the development, which will be secured through a S106 agreement. Subject to this, it is considered that the proposal would comply with LP 2018 Policy E1.

3.4 The existing site is underused and outmoded. The proposed development would result in the retention of employment uses on site as well as provide an upgraded modern facility with additional net employment generating floorspace within the borough. The proposal accords with LP 2018 Policy E1, and as such there is no objection to the principle of the proposal in land use terms.

#### Residential use

3.5 London Plan Policy 3.3 B states that an annual average of 42,389 net additional homes should be delivered. Table 3.1 sets an annual target of 1,031 net additional dwellings for Hammersmith and Fulham. Policy HO1 of the Local Plan references this target, and seek the delivery of additional dwellings within the borough to achieve the

aim of London Plan Policy 3.3, on both identified and windfall sites, and as a result of change of use.

3.6 The proposal provides one net additional residential unit and would contribute towards the borough's housing targets. The proposal accords with London Plan Policy 3.3 and Local Plan (2018) Policy HO1.

#### Residential mix

3.7 Policy HO5 of the LP 2018 requires a mix of housing types and sizes in development schemes, especially increasing the proportion of family accommodation. The justification to Policy HO5 states 'there is a particular need in this borough for more family sized housing (3 or more bedrooms)'.

3.8 The proposed scheme includes a modest number of units. The proposed mix of 1 x 2 bed and 1 x 3 bed units is considered acceptable.

#### AFFORDABLE HOUSING

3.9 London Plan Policy 3.13 (Affordable Housing Thresholds) normally requires that affordable housing be provided on sites which include 10 or more homes and that negotiations should take account of development viability.

3.10 The proposed two unit scheme falls below the threshold for affordable housing and it would not be appropriate to include more units within the development to meet the affordable housing threshold.

#### QUALITY OF THE LIVING ENVIRONMENT

3.11 Policy 3.5 of London Plan 2016 states that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. To support this, the Mayor has prepared Supplementary Planning Guidance entitled 'Housing' (herein referred to as the Housing SPG).

3.12 Policy HO4 (Housing Quality and Density) of the LP 2018 necessitates all housing developments to respect the local setting and context, provide a high quality residential environment, be well designed and energy efficient, meet satisfactory internal and external space standards and provide a good range of housing types and sizes.

3.13 Policy HO11 (Detailed Residential Standards) of the LP 2018 requires that design and quality of all new housing, including new build, is of a high standard and will meet the needs of future occupants and respect the principles of good neighbourliness.

3.19 London Plan Housing SPG paragraph 2.3.31 recognises that a home with opening windows on at least two sides has many inherent benefits, including better daylight, a greater chance for direct sunlight for longer periods, natural cross ventilation, mitigating pollution, offering a wider choice of views, access to a quiet side of the building, greater flexibility in the use of rooms, and more potential for future adaptability by altering the use of rooms. The preference is therefore for dwellings to be dual aspect.

3.20 Key Principle HS2 (Standards) of the SPD 2018 also states that new north facing (i.e. where the orientation is less than 50 degrees either side of north) should be

avoided wherever possible. The supporting text (Paragraph 3.7) further points out that in respect of aspect, the reception of sunlight is important to the quality of life and therefore in designing new buildings the ability for at least one habitable room to receive sunlight should be priority.

Size of units .

3.18 The proposed residential units would comprise 1 x 2 bed at 84sq m (minimum of 70sq m) and 1 x 3 bed unit at 129sq m (minimum of 95sq m). The floorspace of each of these units all exceed the minimum standards comfortably.

Aspect and Outlook

3.21 The proposed dwellings are not exclusively north facing or are dual aspect and therefore would provide good levels of outlook, in accordance with the above development plan policies.

Amenity space:

3.22 The Housing SPG Baseline Standards 4.10.1, 4.10.2 and 4.10.3 relate to private amenity space in new dwellings. The supporting text recognises that private open space is highly valued and should be provided in all new housing developments. The standard is quantified as 5 sqm for 1 to 2 person dwellings and an extra 1 sqm should be provided for each additional occupant.

3.23 The Council's SPD Key Principle 1 requires all new dwellings should have access to an area of amenity space, appropriate to the type of housing being provided.

3.24 Adequate amenity areas have been provided for the two two-bed flats (7sqm and 9sqm respectively). Given the site constraints and the generous internal floor areas for the proposed flats the amenity space is satisfactory.

3.25 In conclusion, the proposal is considered to provide an acceptable quality of living condition to the occupiers of the proposed development. Site constraints in this instance make it impossible to provide any more amenity space for the first and second floors. The units are generous in size and it is considered that due to the particular site circumstances in this instance the proposed provision of amenity space would be acceptable.

## HERITAGE IMPACT, DESIGN AND EXTERNAL APPEARANCE

Streetscene Context:

3.26 The existing building is a 1960's office building with its 3-storey frontage featuring large horizontal window and Stock brick banding. The 4th floor is set back from the frontage, however, an additional 1.5 storey tall roof structure creates a bulky mass at roof level that is prominently visible in street views. The Peterborough Road building line is recessed behind that of several neighbours and slightly forward of the building line of the immediate neighbour to the north. The positions of all frontages in this stretch on the western side of the road vary considerably. The character of the building's frontage in terms of proportions and openings is also notably different to that of its neighbours, however, due to the diversity of the townscape on the western side of Peterborough

Road and the building's recessive massing the building is not considered to detract from the general townscape character. Its northern side elevation faces Peterborough Mews with a variety of forms and setbacks above the first floor and the elevation is not sympathetic to the mews character. The mews otherwise is lined by a mixture of historic and post-war 2-storey mews houses and overall has lost much of its historic character.

## Proposal

3.27 The proposed development includes the forward extension of the street elevation to align the new building line with that of the adjoining Building of Merit to the south, as well as the redevelopment and infill of the whole site with additional, towards the top recessing massing at the rear and side elevations including extending the 3rd floor. The residential, 2-storey end house in the mews would be replaced by a 2-storey, part 3-storey building element with apartments. Some existing roof level structures will be removed and new equipment and plant would be consolidated in new enclosures far set back from the frontage at roof level and on 3rd floor level at the rear.

3.28 The western Peterborough Road elevation in the vicinity of the application site is diverse, consisting of historic and modern, mostly 3-storey high brick facades of various styles, scales and brick types in addition to the irregular front building lines. The new frontage would match in scale the existing frontage and would have a modern, solid expression with punctured, large openings that would be subdivided by window framing and solid infill panels to relate to the scale and refinement of the windows in the neighbouring buildings in a contemporary way. The proposed facing brick would be in the tonal range of the existing elevations on the west side of Peterborough Road. The ground floor would have 5 large openings, the entrance and 4 glazed openings to allow views into the ground and lower ground floor to enliven the frontage. The relationship between the scale of the ground floor and upper floor openings and their proportions would relate to the façade hierarchy of the neighbouring historic building at No. 18-20 that adjoins the Building of Merit at No. 22-24, both former workshop buildings. The top floor would be recessed deeply into the plan from the frontage and would be clad with a bronze coloured metal panel rainscreen system to match the metal infill panels and window framing in the elevations. Solid panels would alternate with perforated metal and fully glazed sections to achieve an overall solid expression in all elevations to the top floor. The bronze metal elements would contrast with the lighter brickwork, reflecting the contrasting brickwork and window surround relationship of the neighbouring buildings in a contemporary manner.

3.29 The proposed 2-storey elevation in Peterborough Mews and the 3-storey rear elevation would be of related design and materials, with smaller scale openings at the rear. The recessed 2nd and 3rd floors of the rear and side elevations would be faced with the bronze metal rainscreen cladding system. The plain brick flank wall of the south elevation facing Parsons Gate Mews and the Buildings of Merit would be rebuilt using the new brickwork type, and the rainscreen cladding of the 2nd and 3rd floors above would be recessed and slope back away from the boundary wall.

3.30 At roof level, the new plant rooms (top roof and 3rd floor roof) would be fully enclosed by bronze coloured louvres and mesh across the top. Other structures such as lift overrun and photovoltaic panels would be of low height and not visible from the ground. The flat roof towards the frontage would have a green roof. Overall, the proposed roofscape has been much improved from the original application proposals,



reducing the number of enclosures and their visibility, adding screening across the top of new enclosures and incorporating the green roof.

#### Planning Policy Context:

3.31 London Plan Policy 7.1 requires that all new development is of high quality that responds to the surrounding context and, amongst other matters, improves access to social and community infrastructure. Policy 7.4 requires development to 'have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings.' Policy 7.6 relates to architecture and the design of developments, and seeks development of a high-quality 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. Policy 7.8(D) states that development affecting heritage assets and their settings should conserve their significance by being sympathetic to their form, scale, materials, and architectural detail.

3.32 Local Plan Policy DC1 requires all development within the borough to create a high-quality urban environment that respects and enhances its townscape context and heritage assets. Policy DC2 furthers the above, seeking that new build development be of a high standard of design, compatible with the scale and character of existing development and its setting. Development proposals must respect (a) the historical context of the site, (b) the scale, mass, form and grain of surrounding development, (e) good neighbourliness, (g) sustainability objectives, and, (h) the principles of accessible and inclusive design. Local Plan Policy DC8 seeks to protect, restore or enhance the quality, character, appearance and setting of the borough's conservation areas and its historic environment including listed buildings. Additional guidance in respect of proposals to Buildings of Merit within Chapter 6 of the Planning Guidance SPD.

#### Historic Environment Planning Policy Context:

3.33 It is key to the assessment of this application that the decision-making process is based on the understanding of the specific duties in relation to listed buildings required by the relevant legislation, particularly the principal statutory duties stated within Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act together with the requirements set out in the NPPF.

3.34 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...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.'

3.35 Local planning authorities are required to assess the significance of any heritage asset affected by development proposals, including effects on their setting. This assessment shall be taken 'into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal' (NPPF, para 190).

3.36 When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 193 of the NPPF states that "...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...any harm or loss should require clear and convincing justification.

3.37 Where a proposal would result in harm to the significance of a designated heritage asset it should be identified whether the harm is substantial or less than substantial. If the harm is substantial the proposed development should be considered in respect of paragraph 195 of the NPPF and if the harm is less than substantial the development should be considered in respect of paragraph 196 of the NPPF.

3.38 NPPF Paragraph 197 relates to the effect of an application on the significance of a non-designated heritage asset (i.e. Building of Merit) and states: "...In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".

3.39 Paragraph 198 adds that "Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred."

#### Heritage Assessment

3.40 The significance of each asset has been assessed in accordance with English Heritage's methodology for assessing "significance" as set out in 'Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment'.

#### Conservation areas

3.41 The site does not lie within a conservation area but is close to Studdridge Street Conservation Area to the east and to the north of the site. The edge of Studdridge Street Conservation Area facing the site in Peterborough Road is characterised by a uniform, 2-storey late Victorian terrace which is part of the development of the Peterborough Estate. To the north, the conservation area boundary runs behind the mews houses and includes a Grade II listed Georgian terrace and the Grade II listed public house Duke on the Green. The conservation area is significant for the historic development of park land into a high quality residential suburb in the late Victorian and early Edwardian period. It is considered to have high historical and aesthetic values and its setting would be affected by the proposals.

#### Listed buildings and buildings of merit

3.42 To the north, at the corner with New King's Road, lies the grade II listed building of the Duke on the Green public house with its one-storey extension on the corner with Peterborough Mews. Built in 1893 as The Dukes Head, it is a prominent, three storey brick building with baroque style elements and tall chimneys and attic dormers in a tall hipped slate roof behind a part balustraded parapet. It has strong aesthetic and historic values and its setting would be affected by the proposals.

3.43 The frontage of the adjacent grade II listed terrace of five Georgian houses in New King's Road, built in 1795, would only be indirectly visible in the context of the application site when viewed from New King's Road towards Peterborough Road. The

terrace is notable for its uniform frontage consisting of 3 bays each and its unique planform with a depth of only 1 room. There are direct views from the rear of the terrace towards the application site, however, the rear elevations are much altered with a variety of extensions. The relationship and hierarchy between the mews houses, the garden of the listed terrace and the rear of the terrace itself is traditional and contributes to the character and appearance of the conservation area.

3.44 To the west of the listed terrace lies the Grade II listed Aragon House which forms together with the terrace an important group of listed, Georgian buildings. The link between the terrace and Aragon House is formed by a 2-storey wing that potentially could allow views from Parsons Green towards the site above its roof line. This is an important view of the group of listed buildings on the southern side of New King's Road and the visibility of the proposed building may affect the setting of the listed buildings and the setting of Studdridge Street Conservation Area. Therefore a views study was submitted to assess whether the new building would be visible above the roof of Aragon House in views from Parsons Green.

3.45 Adjacent to the site to the south in Peterborough Road lie two 2 to 3-storeys high, small scale historic workshop buildings that are characteristic for the historically more commercial character of the area to the west of Peterborough Road. No. 22-14 is designated as Building of Merit, however, No. 18-20 Peterborough Road is of the same period (early 20th Century) with similar style elements and matching materials, and both buildings form an attractive group. No. 18-20 therefore is considered to be worthy of locally listing and will be treated as such for the purpose of this report. The buildings have historic and aesthetic values and their setting would be directly affected by the proposals.

3.46 When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 193 of the NPPF (2019) states that "...great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alterations or destruction, or from development within its setting), should require clear and convincing justification".

3.47 Paragraph 196 further requires 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, where appropriate, securing its optimum viable use."

3.53 With regard to the neighbouring Buildings of Merit, paragraph 197 is relevant: "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

#### Impact of the proposals on the heritage assets

3.48 A number of objections were received relating to the proposed bulk, the pulling forward of the building line towards the street, the lack of contextual design and the impact on the character and appearance of the conservation areas and on the setting of

the Building of Merit to the south and the listed public house to the north in relation to the originally submitted scheme in 2017.

3.49 The position of the 3rd floor at the Peterborough Road end of the site was renegotiated during the application process. It now would be set back from the frontage to a similar degree as the existing 3rd floor, and in addition, the existing large roof structure was removed. In the views along Peterborough Road, the proposed building's scale would be consistent with that of the neighbouring larger buildings, and the parapet height would only slightly exceed that of No. 18-20 to the south. The top floor is barely visible in this view and would no longer encroach on the setting of the historic group of buildings. When seen in context with the listed public house the proposed building's height would remain clearly below the height of the imposing chimneys and therefore the proposals are not considered to impact on the setting of the listed building.

3.50 The overall additional floorspace would be created by filling in the 1st, 2nd and 3rd floors at the rear part of the site while incorporating setbacks on each level. The Peterborough Mews elevation would be of a continuous 2-storey height, broken up in scale by recesses and varying window opening sizes, and would more positively address the south side of the mews. The setbacks at 2nd and 3rd floors would ensure a recessive appearance of the upper levels, and the use of more solid than glazed metal façade elements and perforated screens would limit light spill and the perception of overlooking of the residential terraces to the north, south and west, while giving the top floors a roof-like appearance. Overall, the height of the building on site would not increase. The proposed additional massing on the rear parts of the site would mostly be visible in views from the upper floors of the surrounding mews and terraces, and the visual impact would be appropriately reduced by the setting and sloping back of the 2 top floors. The set-backs would also avoid a visually distracting impact on the edge of Struddridge Conservation Area to the north in views between the site/the mews and the rear of the terrace.

3.51 The views study from representative viewing points in Parsons Green demonstrates that, after further consolidation of roof plant enclosures during the application process, no part of the proposed building would be visible, and therefore that there would be no impact on the setting of the group of listed buildings to the north of Peterborough Mews or of the conservation area in views from the north.

3.52 The façade design would be contemporary, but the type, textures and tonal range of materials as well as the façade proportions would be sympathetic to the context, clearly expressing the base, middle and top of the new building. In Peterborough Road the proportions of the openings would relate to the proportions of the facades of the Buildings of Merit, and the rear and side elevations would in texture and detail be of simple contemporary design with punctured window openings. The elevational design therefore is considered to be respectful to the townscape features and characteristics of the designated and undesignated heritage assets in the context of which the new building would be visible. In the context of the diversity of building forms and massing in vicinity of the site, the proposed building is not considered to be incongruous and would not harm the setting of the nearby designated and undesignated heritage assets in accordance with the principles of the NPPF (2018), Policies 7.1, 7.2, 7.4, 7.5 and 7.6 of the London Plan (2016), and Policies DC1, DC2 and DC8 of the Local Plan (2018).

## RESIDENTIAL AMENITY

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

3.54 There are residential properties on all three sides of the application site. To the north is Peterborough Mews (No.s 10, 12 and 14) and 10 Peterborough Road. To the south is Parsons Gate Mews and No. 18 Peterborough Road. To the west is the terrace of residential properties fronting Broomhouse Road. To the east, on the opposite side of the road are terraced properties in Peterborough Road.

### Outlook:

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

3.56 The proposal has been designed to reduce the impact on residential amenity. To the front and rear, the proposed extensions to the building have been set back 5m on the front and between 3m and 5m at the rear to reduce the bulk of the building mitigate any impact on neighbours on Peterborough Road to the front and Broomhouse Road to the rear. The two side elevations run along mews streets, Parson's Gate Mews and Peterborough Mews. Peterborough Mews has several non-residential uses located within, including offices and retail units with one residential building, whereas Parsons Gate Mews is mainly residential. To reduce any impact on neighbours the upper storey includes setbacks by sloping the roof at 45 degrees away from the height of the existing structure.

### Peterborough Mews

3.57 No.s 2-10 Peterborough Mews are in commercial use, and as such the proposed development would not have any significant impact in terms of outlook for these properties. No. 12 Peterborough Mews is in residential use, and within the same ownership and used as part of the larger house at 243 New Kings Road. The proposed building will increase the massing directly adjacent to the south facing habitable room windows of 12 Peterborough Mews. It is acknowledged that the development would result in a degree of loss of outlook, infringing SPD Housing Key Principle Policy HS6. However, given the location facing directly on the mews the blinds are normally drawn to the ground floor window, and the upper floor room is dual aspect with north facing windows. It is considered that, on balance, as the building is ancillary to the larger house which has additional living spaces, it would therefore be unreasonable to refuse planning permission on this reason alone.

## Broomhouse Road

3.58 No.s 1, 3 and 5 Broomhouse Road back onto the rear of the application site. No. 1 Broomhouse Road has a large rear garden with a building located at the end of the garden abutting the rear western boundary of the application site, including where No. 3's rear garden would have originally extended to. The western elevation of the replacement building has therefore been designed to step away from the shared western boundary with No. 1 Broomhouse Road to maintain the 45 degree line required by Key Principle Policy HS6. There is an existing tall wall abutting the rear garden of No. 5 Broomhouse Road. The setbacks on the upper floors of the proposed building will maintain the 45 degree line from the top of the existing wall on the shared boundary, complying with Key Principle Policy HS6. It is therefore considered that the proposal would not have any significant impact on the outlook from the neighbouring properties to the west in Broomhouse Road, complying with SPD Housing Key Principle Policy HS6.

3.59 The proposed residential units would replace an existing building in the same position at 17 Peterborough Mews. Planning permission has been granted for a single family dwellinghouse in the vacant site to the west of 17 Peterborough Mews (2013/01270/FUL). The permission has since expired, but in any case the previously approved scheme did not include any windows facing the application site. The proposal would therefore not have any significant impact in this regard.

## Parsons Gate Mews

3.60 The adjoining properties at 2-8 Parsons Gate Mews have habitable room windows and terraces abutting the southern shared boundary of the application site at first floor level. The proposal has therefore been revised to maintain the 45 degree line as required by Key Principle Policy HS6, taken from the height of the existing building height on the shared boundary. The proposed sloped roof on the southern elevation at second and third floor levels therefore ensures that the proposal has no significant impact in terms of outlook or sense of enclosure to the properties in Parsons Gate Mews, and complies with Key Principle Policy HS6.

## Peterborough Road

3.61 Two properties at No. 18 and No. 10 Peterborough Road abutt the application site on each side. The proposed sloped and set back elements of the second and third floor levels adjacent to the rear windows of 18 Peterborough Road ensure that there would be no significant impact in terms of outlook or sense of enclosure. In this regard the proposal is considered to comply with Key Principle Policy HS6. At No. 10 Peterborough Road there are a number of skylights at second and third floor level facing the application site, however the third floor level windows serve a kitchen area, which is not considered to be a habitable room. The rooflights at second floor level serve a bedroom, however the skylights are positioned at a very high level, and as such the proposed development would have no additional impact on the outlook from these rooflights. There are also a pair of double doors at third floor level to the west elevation leading out onto a terrace. The doors are secondary to a number of windows facing the front elevation. It is therefore not considered that the proposal would have any significant impact on outlook to No. 10 Peterborough Road. The properties on the opposite side of Peterborough Road to the application site, No.s 5, 7, 9 and 11, are 20m away, and as such it is considered that these would not be impacted significantly by the proposed replacement building.

#### Privacy:

3.62 SPD Housing Key Principle HS7 states that new windows should normally be positioned so that they are a minimum of 18 metres away from existing residential windows as measured by an arc of 60 degrees taken from the centre of the proposed window. In addition, it states that a roof terrace/balcony is unacceptable if it would result in an additional opportunity for overlooking and consequent loss of privacy.

3.63 The windows serving the office space will be fitted with a combination of obscure glass and perforated aluminium screens. Similarly, the windows to the residential windows facing opposing residential windows to the west in Broomhouse Road are to be obscure glazed with terraces enclosed by powder coated bronze screening. In this form, the proposal would not result in any significant loss of privacy or overlooking. The proposed development complies with Policies HO11 and DC1 and DC2 of the LP 2018, and SPD Housing Key Principle HS7.

#### Noise and disturbance:

3.64 Policies CC11 and CC13 of the LP 2018 relate to environmental nuisance and require all development to ensure that there is no undue detriment to the general amenities enjoyed by existing surrounding occupiers, particularly those of residential properties. SPD Key Principle HS8 adds that roof terraces or balconies likely to cause harm to the existing amenities of neighbouring properties by reason of noise and disturbance will not be supported.

3.65 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. Having regard to the modest size of most of the proposed terraces to the two units (7sqm and 9sqm respectively), together with their 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. The proposed office space does not include any outside roof terraces. There are no Environmental Protection objections to the proposals. It is not considered that the development would harm the existing amenities of adjoining occupiers in terms of noise and disturbance. The proposed development is therefore in accordance with Policies HO11, CC11 and CC13 of the LP 2018 and SPD Key Principle HS8 regarding noise.

#### Daylight and Sunlight:

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

## Daylight:

3.67 The BRE Guidance sets out three different methods of assessing daylight to or within a room, the Vertical Sky Component (VSC) method, the plotting of the no-sky-line (NSL) method and the Average Daylight Factor (ADF) method.

3.68 The VSC method measures the amount of sky that can be seen from the centre of an existing window and compares it to the amount of sky that would still be capable of being seen from that same position following the erection of a new building. The measurements assess the amount of sky that can be seen by converting it into a percentage. An unobstructed window will achieve a maximum level of 40% VSC. The BRE guide advises that if the VSC is greater than 27% then enough skylight should still be reaching the window of the existing window. If the VSC is both less than 27% and less than 80% of its former value, occupants of the existing building will notice the reduction in the amount of skylight. However, the Guidance makes clear that these values are advisory and para 2.2.1 states that 'Different criteria may be used based on the requirements for daylighting in an area viewed against other site layout constraints. Another important issue is whether the existing building is itself a good neighbour, standing a reasonable distance from the boundary and taking no more than its fair share of light.'

3.69 No Sky-Line NSL measures the distribution of daylight within a room. It indicates the point in a room from where the sky cannot be seen through the window due to the presence of an obstructing building. The NSL method is a measure of the distribution of daylight at the 'working plane' within a room. In houses, the 'working plane' means a horizontal 'desktop' plane 0.85 metres above floor level. This is approximately the height of a kitchen work surface. The NSL divides those areas of the working plane in a room which receive direct sky light through the windows from those areas of the working plane which do not. For houses, the rooms to be assessed should include living rooms, dining rooms and kitchens. Bedrooms should also be analysed, although in terms of NSL they are considered less significant in terms of receiving direct sky light. Development will affect daylight if the area within a room receiving direct daylight is less than 80% of its former value.

3.70 The Average Daylight Factor (ADF) involves values for the transparency of the glass, the net glazed area of the window, the total area of room surfaces, their colour reflectance and the angle of visible sky measured from the centre of the window. This is a method that measures the general illumination from skylight and considers the size and number of windows, room size, room qualities and room use. The BRE test recommends an ADF of 5% for a well day lit space or 2% for a partly day lit space. The minimum standards for ADF recommended by the BRE for individual rooms are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. However, the BRE guide (Appendix F) states that 'Use of the ADF for loss of light to existing buildings is not generally recommended' and Officers have therefore not taken account of the ADF assessment.

3.71 The application is supported by a Daylight and Sunlight Report which consider the impact of the development upon the daylight and sunlight amenities of 212 windows at No. 12 Peterborough Mews, 1, 3, 5, 7, 9, 10, 11, 13, 15, 18 and 22-24 Peterborough Road, 2-8 Parsons Green Mews, 1, 3, 5 and 9 Broomhouse Road, Parr House, Howard House, Cleves House, Seymour House, Boleyn House and The Coach House. Officers have assessed this report.



## 12 Peterborough Mews

3.72 It is acknowledged that four of the windows as a result of the proposals would fall short of the target of 80% of their former VSC values (63% and 62% for the bedroom at ground floor and 74% and 47% for the gym/games room).

3.73 However, as noted above, the BRE Guidance makes clear that these values are advisory and that 'Different criteria may be used based on the requirements for daylighting in an area viewed against other site layout constraints. The two most affected windows are to a secondary bedroom to the building which is ancillary to the main building fronting New Kings Road, and the other two affected first floor windows serve a gym/games room which are not considered primary habitable rooms. Given that the BRE recommends that guidance be used flexibly, on balance, taking account of this urban townscape setting, it is considered that it would be unreasonable in this instance to refuse permission on the impact on these windows alone given the overall daylight impact of the whole scheme.

## 10 Peterborough Road

3.74 Three skylight windows serving a first floor bedroom and three skylights serving a second floor kitchen/diner would fall short of the target of 80% of their former VSC values (between 46% and 57% for the first floor, and between 33% and 46% for the second floor). These windows have however been placed in very close proximity to an existing wall on the shared northern boundary of the application site. As acknowledged by the BRE guide, it is considered that these windows place an unfair burden on the development potential of the site by placing windows close to the boundary thereby taking more than their fair share of light. While it is acknowledged that there are VSC transgressions to these windows, the overall internal daylight provision to these spaces will continue to be good for an urban location, it is considered that it would be unreasonable in this instance to refuse permission on the impact on these windows alone given the overall daylight impact of the whole scheme.

## 22-24 Peterborough Road

3.75 One secondary window (of 24) would be 0.78% VSC and therefore falls just short of target of 80% VSC. It is considered that this small infringement would be imperceptible and would have no adverse impact.

3.76 In conclusion, with the exception of the above, the results of the submitted detailed technical assessments have demonstrated that the vast majority of habitable windows and rooms facing the site within the existing surrounding residential properties at 1, 3, 5, 7, 9, 11, 13, 15 and 18 Peterborough Road, 2-8 Parsons Green Mews, 1, 3, 5 and 9 Broomhouse Road, Parr House, Howard House, Cleves House, Seymour House, Boleyn House and The Coach House will satisfy the BRE guidelines for daylight with the proposal in place. On balance taking account of this urban townscape setting the overall daylight impact is considered acceptable.

## Sunlight:

3.77 To assess loss of sunlight to an existing building, the BRE guidance suggests that all main living rooms of dwellings, and conservatories, should be checked if they have a

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

3.78 A Daylight and Sunlight Report has been submitted by the applicant to assess the impact of the development on the surrounding properties. The Report assesses 180 neighbouring windows. The development meets the targets for annual probable sunlight hours (APSH) for all but six windows. These windows are the two ground floor bedroom windows to 12 Peterborough Mews, two second floor windows to 10 Peterborough Road, and 2 windows to 5 and 9 Peterborough Road. Officers have considered the report and concur with the conclusions that the proposal would on balance overall not have any significant impact on any neighbouring properties for the reasons given regarding daylight.

3.79 Officers consider that the habitable rooms, and neighbouring gardens would on the whole have sufficient access to daylight and sunlight after the development has been constructed complying with Policies HO11, DC1 and DC2 of the LP 2018, SPD Housing Key Principle HS7 and guidance set out in the Building Research Establishments' (BRE) Report 2011 "Site Layout Planning for Daylight and Sunlight - A guide to good practice".

#### Light pollution

3.80 Policy CC12 of the LP 2018 seeks to control the adverse impacts of lighting arrangements including that from signage and other sources of illumination. The existing buildings would be replaced by up to four storey building with additional windows to the north, west and south elevations. However, officers do not consider the level of illumination likely to be harmful or out of character with the location. A condition requiring a strategy securing how internal lights to be turned off when not required is recommended to mitigate against unnecessary harm to sensitive receptors (Condition ??). In addition, further details are sought for approval of all proposed external illumination to secure a positive environment without harmful impacts upon adjacent residents or harm to the character of the area (Condition ??). As such officers consider that the proposal accords with the requirements of Policy CC12 of the LP 2018.

#### HIGHWAYS

3.81 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.

3.82 Policy T1 of the LP 2018 supports The London Plan. Policy DC2 of the LP 2018 requires new development to incorporate ease of access by disabled people and people with mobility impairment. Policy T2 of the LP 2018 states that all development proposals will be assessed for their contribution to traffic generation and their impact on congestion. Policy T4 of the LP 2018 requires new development to accord with the car parking standards set out in the London Plan. Policy T6 of the LP 2018 relates to development affecting the borough's road network. These are supported by SPD Transport Key Principles TR1, TR2, TR3, TR15, TR17, TR21 and TR27.

#### Car Parking:

3.83 The site benefits from good level of accessibility as reflected by its 3 PTAL rating enabling employees to access the site by a range of public transport facilities. Bus routes (22, 424 and N22) operate along New Kings providing regular services to central London. Parsons Green Tube Station is 360m to the north of the site providing regular services to central London and Wimbledon. Both bus stops and the station are within walking distance of the site for commuters.

3.84 The submitted transport assessment concludes that the new offices will be unlikely to impact on the parking situation in the area as most employees will either use public transport or bicycles to get to work. The transport assessment has provided a trip generation assessment which has found that there will be a small increase in vehicle trips, but this will relate only to servicing and deliveries only, and the existing arrangements for these are to be retained. In this case the development would be car free. No parking on site is proposed and the site is within a CPZ with a single yellow line opposite part of the application site. The additional residential unit would be car free, secured by either condition or S106 agreement.

#### Cycle:

3.85 Cycle parking should be provided in line with London Plan 2011 Policy 6.9 and Table 6.3. Policy T3 of the LP 2018 encourages increased cycle use by seeking the provision of convenient and safe cycle parking facilities.

3.86 The proposed 66 parking spaces of the office space, and 6 cycle parking spaces for the flats meet London Plan standards. The plans indicate provision of cycle parking would be made at basement level accessed via a cycle lift from ground floor level. The number of cycle spaces is considered satisfactory and is secured by Condition 20.

#### Refuse:

3.87 London Plan Policy 5.16 outlines the Mayor's approach to waste management. Policy CC6 and CC7 of the LP 2018 requires development to incorporate suitable facilities for the storage and collection of segregated waste. The plans indicate the provision of refuse storage and recycling facilities at basement and ground floor level. Condition 21 ensures the provision of these arrangements. For the office use, the bins will be located in the lower ground floor area, with a lift to enable them to be raised to ground level. The refuse operatives can then drag the bins to the lorry which will be waiting on Peterborough Road. Details for the residential units are to be secured by

condition (Condition 21).

#### Servicing and Delivery:

3.88 In terms of deliveries, currently the front of the building is used for loading and unloading activities. This will remain the case. The Council's Highways team have reviewed this information and are satisfied that there are no grounds for objection.

3.89 The delivery and servicing plan document would be secured through condition (Condition 41). In addition, the Travel Plan and monitoring fees for reviewing the travel plan would be secured through S106 agreement.

3.90 Overall, subject to conditions and S106 obligations, the development is not expected to adversely impact on the local highway network. It is therefore considered that the proposed development would not give rise to any material impact on the surrounding highway network. It is considered that the proposal would therefore not conflict with Policies T2 and T6 of the LP 2018 in this regard.

## ENVIRONMENTAL QUALITY

### Flood Risk

3.91 A Flood Risk Assessment (FRA) has been provided with the application. The application relates to the provision of office and residential uses on the site. The FRA states that the new development will incorporate basement waterproofing and sewer flood protection measures, the Council's Environmental Policy Team are satisfied with the details and which would be secured by Condition 22.

### Sustainable Urban Drainage Systems (SUDs):

3.92 The SuDS Strategy proposes an area of green roof in addition to the underground attenuation tank. Maintenance information has been provided for these. The final discharge rate for surface water run-off will be at greenfield rate and adequate attenuation storage can be provided by the green roof and tank to cope with a 1 in 100 year storm event plus climate change impacts.

3.93 The SuDS Strategy element of the FRA is now accepted and its implementation can be conditioned (Condition 23).

### Air Quality:

3.95 London Plan Policy 7.14 and Policy CC12 of the LP 2018 seek to reduce the potential adverse air quality impacts of new major developments by requiring all major developments to provide an air quality assessment that considers the potential impacts of pollution from the development on the site and on neighbouring areas and requiring mitigation measures to be implemented to reduce emissions where assessments show that developments could cause a significant worsening of local air quality or contribute to exceedances of the Government's air quality objectives.

3.96 The Council's Environmental Quality team have considered the proposal and have recommended conditions relating to air quality, namely in relation to Air Quality Dust

Management Plan, Low Emissions Strategy, and Mechanical Ventilation (Conditions 25-27).

#### Carbon Reduction

3.98 In terms of the submitted Energy Strategy, the London Plan Energy Hierarchy has been used to guide the approach to integrating energy efficiency and low/zero carbon measures. Building materials with high insulation performance, use of low energy light fittings, improved air permeability levels and use of heat recovery on the ventilation system will be used, as will Air Source Heat Pumps (ASHPs), supplemented by solar PV panels mounted on the roof. The overall improvement in annual CO2 emissions is 36% when compared against the minimum requirements of the Building Regulations 2013. This is in line with the 35% target set in the London Plan. The Energy Strategy is therefore satisfactory and its implementation can be conditioned (Condition 24).

#### Contaminated land

3.99 Policy 5.21 of the London Plan and Policy CC9 of the LP 2018 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.

3.100 Potentially contaminative land uses, past or present, are understood to occur at, or near to, this site. To ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works conditions would be attached covering the assessment and remediation of contaminated land if the application were to be approved (Conditions 28-32).

### COMMUNITY INFRASTRUCTURE LEVY

#### Mayoral CIL

3.101 Mayoral CIL came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. This development will be subject to a London-wide community infrastructure levy. This will contribute towards the funding of Crossrail, and further details are available via the GLA website at [www.london.gov.uk](http://www.london.gov.uk). The GLA expect the council, as the collecting authority, to secure the levy in accordance with London Plan policy 8.3. An estimate of £ 278,867.24 plus indexation, based on the additional floorspace has been calculated.

#### Local CIL:

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

## Planning obligations

3.103 In dealing with planning proposals, local planning authorities consider each on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused. However, in some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable, using planning conditions or, where this is not possible, through planning obligations. London Plan policy 8.2 recognises the role of planning obligations in mitigating the effects of development and provides guidance on the priorities for obligations in the context of overall scheme viability.

3.104 Site-specific contributions would be included in the S106 agreement and would include the following:

- A S278 agreement towards highways works including improving surface treatments in the vicinity of the site, including repaving the footway along the frontage of the site.
- Travel Plan review and monitoring fees (£3000 per review for Year 1, Year 3 and Year 5)
- Contribution to economic development (£41,300) including the following:
  - Construction phase (£28,000)
    - 2 apprentices
    - 3 work placement (paid)
    - 3 unpaid work placements
    - Target of 10% local labour
  - Operational phase (£13,300)
    - Skills development for 3.8 unemployed people
    - Target of 20% local labour
  - Local Procurement (£3,375)
  - Affordable workspace
    - One month's rent free period per 12 month term (190sqm office space)
- Commitment to meet the costs of the Council's Legal fees.

3.105 The proposed development is considered acceptable subject the above s106 obligations.

## 4.0 CONCLUSION

4.1 The proposed development create a well-designed scheme that would preserve the setting of the Conservation Area would preserve the setting of the adjacent Grade II listed building. The design, height and massing of the development would be compatible with the surrounding development. The development has 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 Local Plan, and Planning Guidance Supplementary Planning Document Key Principles.

## 5.0 RECOMMENDATION:

5.1 That the Committee resolve that the Strategic Director of the Economy Department be authorised to determine the application and grant permission upon the completion of a satisfactory Deed of Variation to the s106 legal agreement securing the heads of terms contained within this report and subject to conditions.

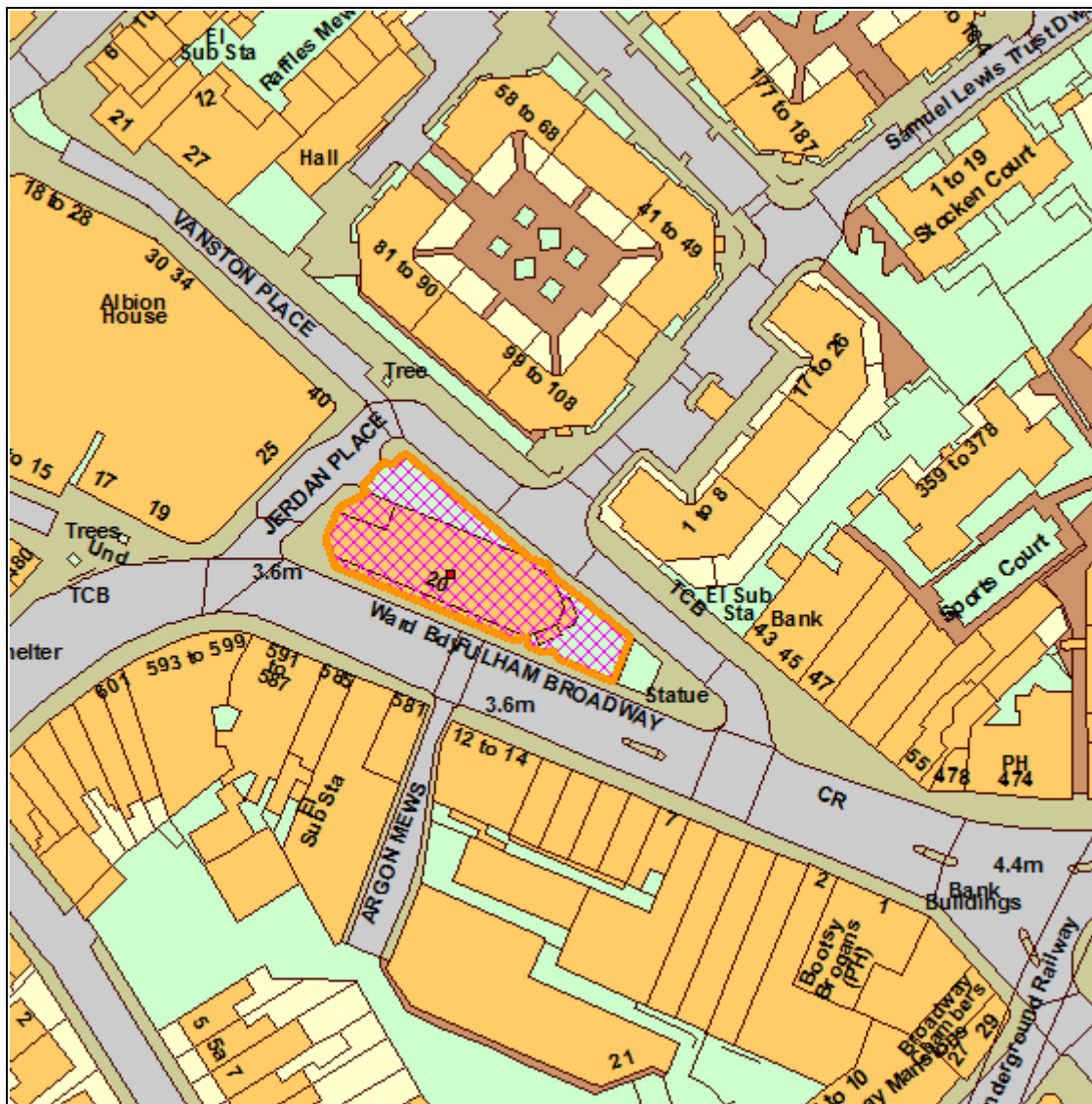
5.2 To authorise that the Strategic Director of The Economy Department in consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make any minor modifications to the proposed conditions or heads of terms or any subsequent minor changes arising out of the detailed negotiations with the applicant which may necessitate the modification, variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions.

# Agenda Item 7

**Ward:** Fulham Broadway

**Site Address:**

20 Fulham Broadway London SW6 1AH



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

**Reg. No:**

2019/00664/VAR

**Case Officer:**

Marsha Kange

**Date Valid:**

06.03.2019

**Conservation Area:**

Constraint Name: Walham Green Conservation Area - Number 14

**Committee Date:**

10.06.2019



**Applicant:**

Mr Jody Bishop  
10 Maynard Close London SW6 2DB

**Description:**

Variation of Condition 2 to allow material amendments to the approved drawings of planning permission reference: 2017/04094/FUL dated 15th May 2018 for the "Material amendment to planning permission reference: 2015/00670/FUL granted 13th October 2016 for the 'Partial demolition of existing building facades to enable the erection of a double-height lobby extension to the existing forecourt of the building and a part five part six storey extension fronting Vanston Place to provide enlarged A2 uses at ground floor level and office use (Class B1) on the floors above; formation of a roof terrace at fifth floor level; proposed change of colour of external render of the existing building and re-cladding of external walls at ground floor level; re-glazing of external lift to the east elevation; erection of additional plant structure at roof level.' Amendments sought to include: a reduction of double-height lobby extension fronting Fulham Broadway; increasing public realm area in front of main entrance from 82 m2 (consented scheme) to 122 m2; relocation of existing lift; additional floor area of 1st floor and upper floors at east elevation; refinement of facade design at ground level fronting Vanston Place; replacement of finishes to ground level fronting Fulham Broadway with curtain walling; and reduction of total roof plant area." Amendments sought are a change in the Vanston Place frontage from a 'stepped geometry' to a flush facade; enclosure of the approved roof terrace on the fifth floor of the building fronting Vanston Place and an extension to the north western corner of the building to 'square off' the currently chamfered corner.

Drg Nos: 1409\_PL\_0001; 1100 Rev C; 1101 Rev C; 1102 Rev C; 1103 Rev C; 1104 Rev C; 2101 Rev C; 2100 Rev C; 2102 Rev C; 2103 Rev C; 3100 Rev C; 3101 Rev C;

**Application Type:**

Vary or Delete Conditions Full/Outline

**Officer Recommendation:**

That the Committee resolve that the Strategic Director, Growth and Place, be authorised to determine the application and grant permission subject to the condition(s) listed below:

To authorise the Strategic Director, Growth and Place, after consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make any minor changes to the proposed conditions which may include the variation, addition or deletion of the conditions, any such changes shall be within their discretion.

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

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

- 2) The development shall not be erected otherwise than in accordance with the following approved drawings:  
1409\_PL\_0001; 1100 Rev C; 1101 Rev C; 1102 Rev C; 1103 Rev C; 1104 Rev C; 2101 Rev C; 2100 Rev C; 2102 Rev C; 2103 Rev C; 3100 Rev C; 3101 Rev C;

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 DC1, DC2, and DC8 of the Local Plan 2018.

- 3) The development hereby permitted shall not commence until a Demolition and Construction Management Plan have been submitted to and approved in writing by the Local Planning Authority. These shall include details of the proposed control measures and monitoring for 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. The details shall also include the use of on -road Ultra Low Emission Zone compliant Vehicles e.g. Euro 6 and Euro VI; provisions within the site to ensure that all vehicles associated with the demolition and construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway. The Demolition Management Plan and Construction Management Plan shall be implemented in accordance with the approved details throughout the relevant 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 CC11 and CC13 of the Local Plan 2018.

- 4) Prior to the commencement of any works above ground, details and samples of all materials to be used on the external faces of the new building and all surface treatments, and of boundary walls, railings, gates and fences shall be submitted to and approved in writing by the Council. No part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, to preserve the character and appearance of the area; and the setting and special architectural and historic interest of the locally listed building in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2016) and Policies DC1, DC2, and DC8 of the Local Plan 2018.

- 5) The window glass of the shopfronts on the Vanston Place frontage and new and replacement glass of the shopfronts on the Fulham Broadway frontage shall not be mirrored, painted or otherwise obscured.

To ensure a satisfactory external appearance and to prevent harm to the streetscene, in accordance with Policies DC1, DC2, DC8 and DC9 of the Local Plan 2018.

- 6) None of the new shopfronts on the Vanston Place and Jerdan Place, nor the altered / new shopfronts on the Fulham Broadway frontages, shall be fitted with external roller shutters.

To ensure a satisfactory external appearance, in accordance with Policies DC1, DC2, DC8 and DC9 of the Local Plan 2018.

- 7) No plant, water tanks, water tank enclosures or other structures, that are not shown on the approved plans, shall be erected upon the roofs of the building hereby permitted.

To ensure a satisfactory external appearance, in accordance Policies DC1, DC2, and DC8 of the Local Plan 2018.

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

To ensure a satisfactory external appearance, in accordance Policies DC1, DC2, and DC8 of the Local Plan 2018.

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

In order to ensure that the Council can fully consider the effect of telecommunications equipment upon the appearance of the buildings in accordance with Policies DC1, DC2, and DC8 of the Local Plan 2018.

- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no extensions or other form of enlargement to the development hereby permitted, nor erection of porches, outbuildings, hardstandings, storage tanks, gates, fences, walls or other means of enclosure, shall take place without the prior written permission of the Council.

Due to the proximity to neighbouring properties and proposed design of the building on the site, the Council would wish to exercise future control over development which may affect residential amenity or appearance of the area, in accordance with Policies DC1, DC2, and DC8 of the Local Plan 2018.

- 11) No advertisements shall be displayed on or within the shopfronts on the Vanston Place frontage, or on the front Fulham Broadway frontages of the building itself, without details of the advertisements having first been submitted to and agreed in writing by the Council.

In order that any advertisements displayed on the building are assessed in the context of an overall strategy, so as to ensure a satisfactory external appearance and to preserve the integrity of the design of the building, in accordance with Policies DC1, DC2, DC8 and DC9 of the Local Plan 2018.

- 12) Prior to the commencement of any works above ground, a statement of how "Secured by Design" requirements are to be adequately achieved shall be 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 that the development incorporates suitable design measures to minimise opportunities for, and the perception of, crime, in accordance with Policies 7.3 and 7.13 of the London Plan (2016), and Policies DC1 and DC2 of the Local Plan 2018.

- 13) No burglar or fire alarms shall be mounted on the front elevation of the building or any key architectural features.

To ensure a satisfactory external appearance, in accordance Policies DC1, DC2, and DC8 of the Local Plan 2018.

- 14) With the exception of those indicated on the approved drawings, no new windows, doors or other openings shall be created in the external elevations of any part of the development hereby approved.

To ensure a satisfactory external appearance and so that the use of the buildings does not harm the amenities of the existing neighbouring residential properties and future residential occupiers of the development as a result of overlooking, loss of privacy and noise and disturbance, in accordance with Policies DC1, DC2 and HO11 of the Local Plan 2018.

- 15) The entrance doors hereby permitted shall have a level threshold at the same level as the area fronting the entrance. The entrance doors shall not be less than 800mm wide.

To ensure suitable entry into the building for disabled people. In accordance with Policies DC1 and DC2 of the Local Plan 2018.

- 16) With the exception of the roof terrace area shown on the 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. The roof terrace hereby approved shall not be enlarged prior to approval from the Council. No walls, fences, railings or other means of enclosure shall be erected around the roofs (other than those shown on approved drawings), and no alterations shall be carried out to the approved building / extensions to form access onto the roofs (other than those shown on approved drawings).

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 and loss of privacy in accordance with Policies DC1, DC2 and HO11 of the Local Plan 2018.

- 17) Prior to commencement use 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/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise, in accordance with policies CC11 and CC13 of the Local Plan 2018.

- 18) Before the relevant parts of work are commenced, 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 the development site/surrounding premises and natural habitat is not adversely affected by lighting, in accordance with policies 5.11, 7.3 and 7.13 of the London Plan 2016, and policy CC12 of the Local Plan 2018.

- 19) Before the relevant parts of work are commenced, details of suitable façade glazing lighting periods within side extension fronting Vanston Place and mitigation measures to minimise light trespass, 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 occupation of the development and thereafter be permanently retained.

In order to ensure that the building does not cause excessive light pollution and in order to conserve energy when they are not occupied, in accordance with policy CC12 of the Local Plan 2018.

- 20) 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 the development site/ surrounding premises is not adversely affected by cooking odour, in accordance with Policies DC1, DC2, and DC8 of the Local Plan 2019.

- 21) The development hereby permitted shall be completed in full accordance with the details approved under application 2018/04112/DET relating to Temporary Fencing

To ensure that the site remains in a tidy condition during and after demolition works and during the construction phase and to prevent harms to the street scene and character and appearance of the Walham Green conservation area, in accordance with Policies DC1, DC2, and DC8 of the Local Plan 2018.

- 22) No part of the development hereby approved shall be occupied prior to the provision of the refuse storage enclosures, have been submitted to and details approved by the Council, and such storage facilities shall be permanently retained thereafter in accordance with the approved details.

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 Policies DC8, CC6 and CC7 of the Local Plan 2018.

- 23) The extended premises shall not be occupied until details of a servicing and delivery plan for the extended office space on the upper levels and the two A2 units at ground floor level hereby approved have been submitted to and approved by the council. Approved details shall be implemented throughout the lifetime of the development unless otherwise agreed by the Council.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, in accordance with Policies T1, T2, CC11, CC13 and OS2 of the Local Plan 2018.

- 24) The commercial (A2) floorspace hereby approved at ground floor level on the Vanston Place frontage shall be provided in the form of at least 2 separate units, as indicated on the approved drawings. The floorspace shall thereafter be retained in this form and shall not be amalgamated or occupied as one larger single unit.

The use of the retail floorspace as a single shop unit could raise materially different considerations which the Council would wish to have an opportunity to consider at that time, in accordance Policy T1 of the Local Plan 2018.

- 25) No part of the development hereby approved shall be occupied prior to the provision of 24 cycle storage for the development hereby approved, have been submitted to and details approved by the Council, 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 T3 of the Local Plan 2018.

- 26) All external entrance doors hereby approved shall be designed and installed so that they only open inwards (with the exception of the existing fire exit door on Jerdan Place) and thereafter shall be retained in this form.

To ensure pedestrian flow is not unduly affected, in accordance with Policy T3 of the Local Plan (2018).

- 27) No tables and/or chairs shall be set outside the premises on the Vanston Place frontage for use in connection with the ground floor commercial floorspace hereby approved.

In order that the use of the commercial floorspace does not give rise to conditions detrimental to the amenities of the occupiers of neighbouring properties, in terms of noise and disturbance, and so as not to impede pedestrian flow, in accordance with Policies CC9 , CC13 and T3 of the Local Plan 2018.

- 28) The development shall not be occupied prior to the submission and approval in writing by the Council of a satisfactory Travel Plan, which shall include information on how alternative methods of transport to and from the development, other than by car, will be encouraged by the applicants. No part of the development shall be used or occupied prior to the implemented of the Travel Plan in accordance with the approved details, and the Travel Plan shall thereafter continue to be fully implemented.

To ensure that the use does not generate an excessive number of car trips which would be contrary to the Council's policies of car restraint set down in T2 and T4 of the Local Plan 2018.

- 29) No persons shall be on the premises in connection with the operation of the ground floor commercial (A2) floorspace hereby approved between 21:00 hours and 07:00 hours the following day.

To ensure that the amenities of the occupiers of surrounding residential properties are not unduly affected as a result of noise and disturbance, in accordance with Policies CC11 and CC13 of the Local Plan 2018.

- 31) The development hereby permitted shall not be occupied before implementation of the sustainable design and construction measures detailed in the submitted Sustainability and Energy Statement. All details shall be implemented prior to occupation/use of the development hereby permitted, and thereafter be permanently retained.

To ensure a satisfactory external appearance and the integration of energy generation from renewable sources, consistent with the Mayor's sustainable design objectives in accordance with Policies 5.1, 5.2, 5.3 and 5.7 of The London Plan (2016), and Policies DC1, DC2, DC8, CC1 and CC2 of the Local Plan 2018.

- 32) The development hereby permitted shall be completed in full accordance with the details approved under application 2018/03535/DET relating to Sustainable Urban Drainage System (SUDs)

To prevent any increased risk of flooding and to ensure the satisfactory storage of/disposal of surface water from the site in accordance with Policy 5.13 of The London Plan (2016), and Policy CC3 of the Local Plan 2018.

- 33) The development shall be implemented in accordance with the recommended flood mitigation measures as proposed in the submitted Flood Risk Assessment

otherwise agreed in writing by the local planning authority. The recommended mitigation measures shall be permanently retained thereafter.

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

- 34) The development hereby permitted shall be completed in full accordance with the details approved under application 2018/03535/DET relating to the Drainage Strategy.

To ensure that sufficient 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 (2016), and Policy CC3 of the Local Plan 2018.

- 35) The development hereby permitted shall be completed in full accordance with the details approved under application 2018/03535/DET relating to Preliminary Risk Assessment.

To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with policy 5.21 of the London Plan (2016), and Policy CC9 of the Local Plan 2018.

- 36) The development hereby permitted shall be completed in full accordance with the details approved under application 2018/03535/DET relating to Site Investigation Scheme.

To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with policy 5.21 of the London Plan (2016), and Policy CC9 of the Local Plan 2018.

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



Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with policy 5.21 of the London Plan 2016, and Policy CC9 of the Local Plan 2018.

- 38) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a remediation method statement, if deemed to be required in the approved quantitative risk assessment, is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. This statement will also include a plan to verify that the required remediation works are undertaken in line with the remediation method statement which will be compiled into a verification report. The remediation should then progress in accordance with the agreed remediation method statement. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with policy 5.21 of the London Plan (2016), and Policy CC9 of the Local Plan 2018.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and

following the development works, and in accordance with policy 5.21 of the London Plan (2016), and Policy CC9 of the Local Plan 2018.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with policy 5.21 of the London Plan (2016), and Policy CC9 of the Local Plan 2018.

- 41) Before the relevant parts of work are commenced, detailed drawings in plan, section and elevation at a scale of no less than 1:20 of a typical bay of each elevation shall be submitted to and approved in writing by the Council. The development shall be carried out in accordance with such details as have been approved and thereafter permanently retained in this form.

To ensure a satisfactory external appearance, in accordance with Policies DC1, DC2, and DC8 of the Local Plan 2018.

- 42) Prior to commencement of above ground works in the development a Ventilation Strategy Report to mitigate the impact of air pollution shall be submitted to and approved in writing by the Local Planning Authority. The report shall include the following information:
- a) Details and locations of the air intake locations for B1 use class at rear roof level
  - b) Details and locations of openable windows for B1 use class
  - c) Details and location of the air intakes for A2 use class at rear elevations
  - d) Details and locations of ventilation extracts, chimney/boiler flues, to demonstrate that they are located a minimum of 2 metres away from the fresh air ventilation intakes, openable windows, balconies, roof gardens, terraces
  - e) If part a) is not implemented details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>2.5</sub>, PM<sub>10</sub>) filtration to remove airborne pollutants and ventilation intakes located on

the rear elevation. The filtration system shall have a minimum efficiency of 75% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM2.5, PM10) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016

The whole system shall be designed to prevent summer overheating and minimise energy usage. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications, and shall be the responsibility of the primary owner of the property. A post installation certificate of the approved ventilation strategy shall be submitted to the Council prior to the occupation/use of the development. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

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

- 43) Prior to the commencement of each of the demolition and construction phases of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) in order to mitigate air pollution shall be submitted to and approved in writing by the Local Planning Authority. The AQDMP must include an Air Quality Dust Risk Assessment (AQDRA) that considers sensitive receptors off-site of the development and is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and the identified measures recommended for inclusion into the AQDMP. The AQDMP submitted must comply with the Mayor's SPG and should include: Inventory and Timetable of dust generating activities during demolition and construction; Site Specific Dust mitigation and Emission control measures in the table format as contained within Appendix 7 of Mayor's SPG including for on-road and off-road construction traffic; Detailed list of Non-Road Mobile Machinery (NRMM) used on the site. The NRMM should meet as minimum the Stage IV emission criteria of Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NO<sub>x</sub> and PM. An inventory of all NRMM for the demolition phase shall be registered on the NRMM register <https://nrmm.london/user-nrmm/register> prior to the commencement of demolition works; use of on-road Ultra Low Emission Zone (ULEZ) compliant Vehicles in accordance with the emission hierarchy (1) Electric (2) Hybrid (Electric-Petrol) (3) Petrol, (4) Hybrid (Electric-Diesel) (5) Diesel (Euro 6 and Euro VI); Details of Air quality monitoring of PM10 where appropriate and used to prevent levels exceeding predetermined Air Quality threshold trigger levels. Developers must ensure that on-site contractors follow best practicable means to minimise dust and emissions at all times. Approved details shall be fully implemented and permanently retained and maintained during the demolition and construction phases of the development.

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

- 44) Prior to occupation of the development hereby permitted a Low Emission Strategy for the operational phase of the B1 and A2 class use of the development in order to mitigate the impact of air pollution shall be submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy must detail the remedial action and mitigation measures that will be implemented to protect

receptors (e.g. design solutions). This Strategy must make a commitment to implement the mitigation measures that are required to reduce the exposure of poor air quality and to help mitigate the development's air pollution impacts, in particular non-combustion energy generation sources the emissions of NOx and particulates from on-road vehicle transport by the use of Ultra Low Emission Vehicles in accordance with the emissions hierarchy (1) Cargo bike (2) Electric Vehicle, (3) Hybrid (non-plug in) Electric Vehicle (HEV), (4) Plug-in Hybrid Electric Vehicle (PHEV), (5) Alternative Fuel e.g. CNG, LPG, (6) Diesel (Euro 6 & Euro VI). Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

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

- 45) The details of the green roof on top of the entrance lobby hereby approved shall be submitted to and approved by the Council prior to the occupation of the extended building.

In order that the Council can be satisfied as to the details of the proposals, and to ensure the maximum ecological potential is achieved from these enhancements while being in keeping with the locality, in accordance with Policy OS5 of the Local Plan 2018.

- 46) The development hereby permitted shall not commence until a detailed Demolition and Construction Logistics Plan have been submitted to and approved in writing by the Local Planning Authority. These shall include details of the delivery locations, restriction of hours of work. The details shall also include the numbers, size and routes of demolition and construction vehicles, any vehicle holding areas and access arrangements, delivery locations on the site, use of on-road Ultra Low Emission Zone compliant Vehicles e.g. Euro 6 and Euro VI, provisions within the site to ensure that all vehicles associated with the demolition and construction works, and matters relating to traffic management to be agreed. The Demolition and Construction Logistics Plan shall be implemented in accordance with the approved details throughout the relevant project period.

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

- 47) The development hereby permitted shall not commence until a detailed Construction Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. This shall be in accordance with Transport for London Guidance on Construction Logistics Plans and shall include the demolition phase of the development.

The Construction Logistics Plan shall be implemented in accordance with the approved details throughout the relevant project period.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise and disturbance, in accordance with Policies T1, T6, and T7 of the Local Plan 2018.

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

1. Land use: The extension of the building to provide additional commercial floorspace is considered acceptable in land use terms. The proposed development would increase office space and improve facilities that support Fulham Town Centre, in accordance with the NPPF (2018), Policies 2.15, 4.2 and 4.7 of the London Plan (2016), and Local Plan 2018 Policy E1
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. Further the proposal would not harm the character or appearance of the conservation area. The development would therefore be acceptable in accordance with the NPPF (2018), Policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.8 of the London Plan (2016), and Local Plan 2018 Policies DC1, DC4 and DC8.
3. Residential Amenity and Impact on Neighbouring Properties: The impact of the proposed development upon adjoining occupiers is considered acceptable in terms 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 in accordance with Policies HO11 and DC4 of the Local Plan 2018.
4. Safety and Access: A condition will ensure the development would provide a safe and secure environment for all users in accordance with Policy 7.3 of the London Plan (2018), and Local Plan 2018, Policy DC4. Conditions will also ensure the proposal would provide ease of access for all people, including disabled people, in accordance with Policy 3.8 of the London Plan (2016), Policy DC4 of the Local Plan 2018.
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 also secure satisfactory provision cycle and refuse storage. The development would therefore be acceptable in accordance with the NPPF (2018), Policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13, and 6.16 of the London Plan (2016), Local Plan 2018 policies T2, T3, T4, T5 and T7.
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 (2018), Policies 5.11, 5.12, 5.13, 5.14 and 5.15 of the London Plan (2016), policies CC3 and CC4 in the Local Plan 2018.
7. Land Contamination: Conditions will ensure that the site would be remediated to an appropriate level for the sensitive residential use. The proposed development therefore accords with Policy 5.21 of the London Plan (2016), and Policy CC9 in the Local Plan 2018.

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

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

Application form received: 5th March 2019  
Drawing Nos: see above

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

**Consultation Comments:**

<b>Comments from:</b>	<b>Dated:</b>
Transport For London - Land Use Planning Team	28.03.19

**Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
109 Samuel Lewis Trust Vanston Place London Sw6 1BU	01.04.19
109 Samuel Lewis Trust, Vanston Place London Sw6 1BU	01.04.19
8 Farm Close 12 Farm Lane London SW6 1PS	14.03.19

**1.0 SITE DESCRIPTION:**

1.1 The application site relates to 20 Fulham Broadway which comprises a 6-storey building in use as A2 and B1 uses, located on the 'triangular piece of land' at the junctions of Vanston Place, Fulham Broadway and Jerdan Place. The building is located within the Walham Green Conservation Area and forms part of the North Fulham Regeneration Area.

1.2 To the north of the site, on the opposite side of Vanston Place is the residential Mansion Blocks of the Samuel Lewis Trust. These buildings are 4-storey brick buildings. To the south of the site, on the opposite side of Fulham Broadway are 4-storey terraced buildings comprising predominantly commercial uses with some residential on the upper floors. To the east of the site, is Jaden Place which is occupied by commercial and office uses and to the east is Fulham Broadway Station, Town Hall and Fulham Town Centre.

1.3 The site does not have any buildings that are subject to locally or statutory listing however is located within the Walham Green conservation area.

1.4 The application site benefits from very good public transport accessibility (PTAL 6a according to the Transport for London methodology) and is within the Environment Agency's Flood Zones 2 and 3.

## 2.0 RELEVANT PLANNING HISTORY:

2.1 In 2016, planning permission was granted (ref 2015/00670/FUL) for 'Partial demolition of existing building facades to enable the erection of a double-height lobby extension to the existing forecourt of the building and a part five part six storey extension fronting Vanston Place to provide enlarged A2 uses at ground floor level and office use (Class B1) on the floors above; formation of a roof terrace at fifth floor level; proposed change of colour of external render of the existing building and re-cladding of external walls at ground floor level; re-glazing of external lift to the east elevation; erection of additional plant structure at roof level'.

2.2 In 2018, a Material Amendment application (ref 2017/04094/FUL) was approved for changes to the above planning permission (ref: 2015/00670/FUL) which included the following amendments: a reduction of double height lobby extension fronting Fulham Broadway; increasing public realm area in front of main entrance from 82 m<sup>2</sup> (consented scheme) to 122m<sup>2</sup>; relocation of existing lift; additional floor area of 1st floor and upper floors at east elevation; refinement of facade design at ground level fronting Vanston Place; replacement of finishes to ground level fronting Fulham Broadway with curtain walling; and reduction of total roof plant area'.

## 3.0 PROPOSAL

3.1 Following the approval of the 2016 planning permission for an five/ six storey mixed use B1 office and A2 office and the 2018 approval of Minor Material Amendments , the proposals seek to vary Condition 2 to allow minor material changes to the approved drawings (ref 2017/04094/FUL) to include amendments to the Vanston Place frontage from a stepped geometry to a flush facade; the enclosure of the approved roof terrace on the fifth floor of the building fronting Vanston Place to form an enlarged fifth floor; and an extension to the north western corner of the building to square off the currently chamfered corner.

## 4.0 CONSULTATION RESPONSES (INTERNAL AND EXTERNAL):

4.1 The planning application has been advertised by means of Site Notice and Press Advert and 433 individual notification letters have been sent to the occupiers of neighbouring properties. 3 objections have been received and can be summarised as follows:

- Out of keeping with Conservation Area
- The proposed "straight" line is less attractive than the approved "stepped" elevation
- the 5th floor enclosure is perceived as higher than the approved scheme
- the approved chamfered corner is better than the proposed square corner
- adverse light Impact on to windows in Samuel Lewis Trust buildings
- Loss of trees
- pollution

- Increased parking
- congestion from construction works to Jerdan Place and Vanston Place
- Increased pedestrian flow, noise and litter from the new business

- Issues regarding pollution, construction noise and litter are matters which are outside of planning control.
- The design aspects of the proposal and impact on residential amenity will be discussed throughout the body of the report.

## 5.0 PLANNING CONSIDERATION:

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 The main planning considerations to be considered during the assessment of this proposal, in accordance with the NPPF (2018), London Plan (2016), the Hammersmith and Fulham Local Plan (2018) and the Hammersmith and Fulham Planning Guidance, Supplementary Planning Document (SPD) (2018) are: the principle of development in land use terms; design and visual amenity; impact on residential amenity of existing neighbouring properties; transport impact on the highways network and environmental quality matters.

5.3 Officers consider that the consented schemes, applications 2015/00670/FUL and 2017/04094/FUL shall be given weight and shall form a material consideration in the assessment of this application.

## LAND USE:

5.4 The principle of the development has already been established by the previous planning approvals and this application does not propose any changes in land use terms, the proposals comply with the Local Plan 2018.

## DESIGN AND APPEARANCE:

5.5 The London Plan Policies 7.1, 7.2, 7.4, 7.5 and 7.6 requires good a quality environment that is designed to reinforce or enhance the character, legibility, permeability and accessibility of the neighbourhood. It requires developments to be designed to be of the highest quality, inclusive to have regard for the pattern and grain of the existing space, scale and mass and to make a positive contribution to a coherent public realm. Policy 7.8 D states development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

5.6 Local Plan Policies DC1 and DC4 state that all development within the borough should create a high-quality urban environment that respects and enhances its



townscape context and heritage assets. The council will require a high standard of design in all alterations and extensions to existing buildings.

5.7 Local Plan Policy DC8 goes on to state that the Council will conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets.

5.8 The design of the application proposal has changed from that of the most recently consented scheme (2017/04094/FUL). Notably the changes involve the enclosure of the consented fifth floor terrace area along the Vanston Place elevation. The resulting height of the proposed building would be no higher than the overall height of the existing or approved building on site, it would increase the height along the approved Vanston Place elevation. The proposals also involve the removal of the 'stepped' façade and its replacement with a straight-line façade along the Vanston Place elevation and the extension to and removal of the chamfered corner fronting Fulham Road/Broadway and its replacement with a 'squared off' corner.

#### Townscape:

5.9 The site relates to 20 Fulham Broadway, an existing 6-storey building comprising A2 uses at ground floor with B1 office uses on the upper floors. The site is located within the Fulham Town Centre, North Fulham Regeneration Area and the Walham Green Conservation Area. It is situated on a triangular shaped piece of land enclosed by Vanston Place, Fulham Broadway and Jerdan Place.

5.10 To the north of the site, on the opposite side of Vanston Place, is located the residential Samuel Lewis Trust Dwellings Mansion Blocks (attractive 4 storey red brick buildings). To the south of the site, on the opposite side of Fulham Broadway is located 4 storey terrace of buildings that are mainly in commercial use (with some properties containing residential units on the upper floors). To the west of the site, on the opposite side of Jerdan Place, is located the former Marks and Spencer store with office use on the upper floors (a light blue rendered building). To the east is located a Phillip King sculpture and beyond that lies Fulham Town Hall, Fulham Broadway Station and shopping centre.

#### Height, Scale and Massing:

5.11 As noted above, this proposal seeks amendments to an already approved scheme and therefore consideration will be given to that which has already been granted planning permission.

5.12 The proposal is for the enclosure of the consented fifth floor terrace area, resulting in the creation of an additional floor at sixth floor level. This will allow the building to marry-up with its existing heights along the Fulham Broadway and Jerdan Place elevations, maintaining a consistent elevational plane.

5.13 The consented stepped façade will be replaced with a straight-line façade, resulting in nominal increases in floor space across all levels. The straight-line façade will ensure the buildings alignment with the street and create a cleaner relationship for the units at ground floor level.

5.14 The proposed alterations to remove the consented chamfered corner fronting Fulham Broadway by extending the building and 'squaring off' the corner incorporating roof terrace with enlarged windows beneath, is not considered to have any significant impact on the visual amenity of the host building or wider site context. The design is considered a contemporary addition to the proposals resulting in visual interest when approaching from the south.

5.15 The overall height of the building will be no taller than the existing height and therefore is considered to respect the scale and massing of the host building and the wider site context. The proposals comply with Policies DC1, DC4 and DC8 of the Local Plan 2018.

#### Elevations and Materials:

5.16 The proposal is designed to provide an improvement to the setting of the building at the prominent corner of Fulham Broadway and Jerdan Place. The proposals have been designed to incorporate a glazed façade allowing for a contemporary facelift to the existing building. The glass curtain walling is sleek and calm and integrates well with the existing rendered facades. The glazing at the top of the building will be replaced with the new glazed curtain walling and will therefore retain a distinct, lightweight top to the building.

5.17 The use of full height glass curtain walling with expanded inserts applied to the Fulham Broadway elevation will allow for enough daylight and sunlight to the building. On the Vanston Place elevation, the extension will comprise full-height glazing panels with a combination of both opaque and transparent glazing. This combination of glazing has been designed to reduce any perception of overlooking Offices.

5.18 The proposal does not involve any changes to the height of the building, however does involve a small uplift to the proposed footprint of the building to take account of the re-delineation of the building line. This will involve the removal of the approved "stepped" elevation wall and replacing it with a "straight line" elevation wall along Vanston Place. The proposed increase in floor area across all floors of the building, as a result of the changes, will see an increase of 290sqm in total, which is a relatively minor uplift in floorspace to the overall scheme.

5.19 In conclusion, the proposed design of the development is acceptable within the local context and would not cause harm to the existing character and appearance of the surrounding area. The proposal would make a positive contribution to the urban environment and would not detract from the character and appearance of the conservation area. The development is therefore acceptable in accordance with the principles of the NPPF 2018, The London Plan 2016, Policies 7.1, 7.2, 7.4, 7.5 and 7.6 and Local Plan 2018, Policies DC1, DC4 and DC8.

#### RESIDENTIAL AMENITY:

5.20 Local Plan Policies HO11 and DC2 requires the Council to ensure that the design and quality of all new housing is of a high standard and that developments provide

housing that will meet the needs of future occupants and respect the principles of good neighbourliness and principles of residential amenity.

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

#### Privacy

5.22 SPD Housing Key Principle HS7 states that new windows should normally be positioned so that they are a minimum of 18 metres away from existing residential windows as measured by an arc of 60 degrees taken from the centre of the proposed window. If this standard cannot be met, then windows should be designed to ensure that no loss of privacy will occur.

5.23 Along the Vanston Place elevation, the proposals seek to change the consented 'stepped' elevation and replace it with a 'straight-lined' elevation. The proposed elevation will incorporate a mix of transparent and opaque glazing to minimise the opportunity for overlooking to the residential properties of Samuel Lewis Trust buildings. In this form, the proposal would not result in any significant loss of privacy or overlooking. The proposed development complies with Policies HO11 and DC1 and DC4 of the Local Plan 2018, and SPD Housing Key Principle HS7.

#### Outlook:

5.24 SPD Housing Principle Policy HS6 recognises that a building's scale and mass can have an impact upon the surrounding residential area. It states any proposed development and/or extensions to existing buildings should as a general rule not result in an infringing angle of more than 45 degrees. 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.

' Where original rear gardens are less than 9 metres depth a measurement is taken from ground level at the boundary.

5.25 The residential properties which would be deemed to be most affected would be those within the block of 81-107 Samuel Lewis Trust. The proximity of the existing building already infringes the line when drawn at a 45 degree angle and therefore on-site judgement is the deciding factor in this respect.

5.26 On balance, it is considered that the proposed building would not result in a significant loss of outlook to neighbouring properties, any greater than existing outlook and as such it is considered that the proposals comply with Policies DC1, DC4, HO11 and Key Principle HS6 of the Planning Guidance SPD 2018.

5.27 Along the Jerdan Place elevation, the proposed extension of the building essentially 'squaring off' the existing chamfered corner is not considered to have

significant impact on the amenities of those residential properties above the commercial units in terms of daylight and sunlight and overlooking.

#### 5.28 Daylight and Sunlight Impacts:

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

The methods for assessing daylight to or within a room are as follows: (i) the Vertical Sky Component (VSC) and (ii) the daylight distribution also known as the No-Sky-Line (NSL) and for assessing sunlight (iii) Annual Probable Sunlight Hours (APSH).

5.30 The applicant has submitted a Daylight and Sunlight Report. The report has been prepared based on the British Research Establishment (BRE) guidance. The report is based on the comparison in values between the existing development and the proposed scheme. BRE guidance states 'the guidelines need to be applied sensibly and flexibly'.

5.31 The assessment of the residential units above the commercial units in Fulham Broadway/Fulham Road and blocks 1-26 Samuel Lewis Trust, demonstrate compliance with all VSC, NSL and APSH guidelines.

#### 5.32 Vertical Sky Component (VSC):

5.33 The VSC test measures the amount of sky that can be seen from the centre of an existing window and compares it to the amount of sky that would still be capable of being seen from that same position following the construction of a new building. The VSC is measured at a point at the centre of a window, on the outer plane of the wall. The measurements assess the amount of sky that can be seen by converting it into a percentage.

If the VSC value, with the new development in place, is both less than 27% and less than 80% its former value, occupants of the existing building will notice the reduction in the amount of skylight.

5.34 The Report has identified no windows located within 81-107 Samuel Lewis Trust, as falling below the VSC guidelines.

#### 5.35 Daylight Distribution (NSL):

5.36 The NSL test is a measure of the distribution of daylight within a room. The test looks at where a room layout is known or can be reasonably assumed, the impact on the daylight distribution to the existing room can be found by plotting the "no-sky line (NSL)". For residential units, these rooms would include living rooms, dining rooms and kitchens. The BRE guidelines suggests that bedrooms are not as important.

The no-sky line divides point on the 'working plane' (taken as a horizontal line 0.85m above the finished floor level, approximately the height of a kitchen work surface) which can and cannot see the sky.

If after the development, the NSL shows that the area of an existing room which does receive direct skylight is reduced to less than 80% its former value, then this will be a noticeable reduction.

5.37 The BRE guidance advises that daylight to an existing building may be adversely affected if the VSC measured at the centre of an existing window is less than 27% and less than 80% its former value and if the area of the working plane within a room which receives existing direct sunlight is reduced to less than 80% its former value.

VSC Results:

5.38 An assessment of the report demonstrates that with the proposed development in place, of the 43 windows tested, all meet the BRE guidelines with the isolated exception of 7 windows (16%). These are located within the block 81-107 Samuel Lewis Trust, and they would see minor infringements to daylight distribution occurring between the first and third floors levels.

5.39 Of the affected windows, there are two windows with a variance below the guidelines and they stand at 79%.

A total of five windows within the block, a bedroom at first floor, a bedroom at second floor and a bedroom at third floor and a kitchen at second and third floors will receive values of between 65% to 71% daylight distribution.

5.40 The BRE guidance states that the guidance is purely advisory and numerical target values within it may be varied to meet the needs of the development and its location. Section 2.2.10 states 'the guidelines need to be applied sensibly and flexibly'. Given the urban context, Officers consider that minor infringements would not justify withholding planning permission in this respect.

5.41 Average Daylight Factor (ADF)

5.42 The test for Average Daylight Factor (ADF) is a measure of the overall amount of daylight in a space. The BRE test recommends that ADF of 5% for a well daylit space and 2% for a partly daylit space. The recommended minimum standards for individual rooms are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Although the guidance is not specifically for existing development, it does set parameters for considering light, taking account of the room, window dimensions and type of glass.

ADF Results:

5.43 In respect of the applicable affected rooms, measured against the NSL, identified as falling below the daylight distribution guidelines, the Applicant undertook a supplementary analysis in terms of ADF to assess the illumination from daylight within those specific rooms.

5.44 Of the 5 no. bedrooms, the results concluded that all bedrooms will meet the recommendation of 1% ADF for bedrooms. Of the remaining 2no. kitchens, these were found to fall below the recommended 2% ADF values, however given their relatively small sizes (13sqm-15sqm), this minor infringement of just two rooms (5%) within the

entire block and surrounding residential properties was considered by Officers, on balance to be acceptable, given its urban location.

#### 5.45 Sunlight:

5.46 The BRE test for sunlight to houses advises that sunlight within living rooms is most important and is less important in bedrooms and kitchens. If the living room of the existing dwelling has a main window facing within 90 degrees of due south, then sunlight to that room may be affected, if it receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours in the winter months (21st September to 21st March) and receives less than 80% its former sunlight hours or has a reduction in sunlight received for the whole year greater than 4% of annual probable sunlight hours.

The guidance recommends flexibility is applied in urban environments, where the height and scale of buildings is generally greater.

#### APSH Results:

5.47 An assessment of the report demonstrates that with the proposed development in place, the APSH for all rooms, including all rooms within the block 81-107 Samuel Lewis Trust will achieve the targets set out within the BRE guidance.

5.48 In conclusion, Officers consider the daylight and sunlight results demonstrate a very good level of compliance with BRE guidance. With the development in place, all neighbouring windows will achieve good VSC and APSH levels, with some minor infringements to daylight distribution levels occurring on the first to third floor levels of the block 81-107 Samuels Lewis Trust. Where levels fall below the BRE guidance, further assessment of ADF levels has been undertaken to the 7no. affected rooms, which concludes that 2no. kitchens will fall short of the recommended guidance. On balance however, given the relatively limited loss of daylight to 2no. kitchens and considering the constraints of the site within this urban location, the proposal is satisfactory in terms of its impact on daylight and sunlight to neighbouring residential properties.

#### TRAFFIC GENERATION AND CAR PARKING:

5.49 London Plan Policy 6.1 states that proposals should encourage the reduction in the need to travel, especially by car. Policy 6.11 seeks to smooth traffic flow and tackle congestion. Policy 6.12 states that proposals must demonstrate their impact on the road network and how any dis-benefits will be mitigated.

5.50 Local Plan Policy T2 states that all development will be assessed for their contribution towards traffic generation and their impact on congestion. Transport Assessments together with Travel Plans will be required as well as Delivery and Service Plans.

5.51 The application does not propose any changes to the approved scheme in relation to traffic generation and therefore all previous conditions relating to construction logistics, servicing and delivery will remain. (secured by 3, 21, 23, 28 and 47).

## Car Parking and Cycling:

5.52 London Plan Policy 6.13 and Local Plan Policy T4 state that proposals in areas with high PTAL 6a should be car-free developments (whilst still providing for disabled people).

5.53 London Plan Policy 6.9 (cycling) states that developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3 of the London Cycle Design Standards.

5.54 Local Plan Policy T2 states borough wide targets are to develop and promote a safe environment for cyclists and pedestrians to encourage residents and businesses to consider these modes. Policy T3 seeks to increase and promote opportunities for cycling and walking through the provision of convenient, accessible and safe secure cycle parking within the boundary of the site.

5.55 The application does not propose any changes to the approved scheme in relation to car parking or cycling and therefore all previous conditions relating to car parking and cycle parking will remain. (secured by condition 25)

## ENVIRONMENTAL QUALITY:

### Flood Risk and Sustainable Drainage Systems (SUDs)

5.56 London Plan Policies 5.11, 5.12, 5.13, 5.14 and 5.15 requires new development to comply with 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. Local Plan Policy CC3 and CC4 state that developments will be required to submit Flood Risk Assessments and Sustainable Drainage Strategies which demonstrate the reduction in the use of water and management of surface water run-off.

5.57 The site is located within the Environment Agency's Flood Zones 2 and 3 which indicates that the site would be at risk if there was a breach in the Thames Tidal defences. However, the existing Thames Tidal flood defences provide a high standard of protection up to a 1 in 1000 (0.1%) chance in any year. As required, a Flood Risk Assessment (FRA) has been submitted with the application.

5.58 The application does not propose any significant changes to risk or sustainable drainage or energy. The proposals have been reviewed by the Council's Environmental Policy Team who raise no objections to proposals. The previous conditions relating to flood risk/SUD's will remain. (secured by conditions 32, 33 and 34)

### Air Quality:

5.59 The London Plan Policy 7.14 and Local Plan Policy CC10 seeks to reduce the potential adverse air quality impacts of new developments. Mitigation measures to reduce emissions and exposure to poor air quality must be taken. The Council's Environmental Quality Team have considered to the application proposal and have recommended a number of conditions relating to air quality, namely regarding

compliance with emissions standards, low emissions strategy, mechanical ventilation and dust management. (secured by conditions 3,42,43,44 and 46).

#### Contamination:

5.60 London Plan Policy 5.21 and Local Plan Policy CC9 states that Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites, to ensure that mitigation measures are put in place.

5.61 The application does not propose any changes affecting land contamination and therefore all previous conditions relating to land contamination will remain. (secured by conditions 35, 26, 37, 38, 39 and 40)

#### Community Infrastructure Levy:

5.62 Mayoral CIL came into effect in April 2019 and is a material consideration to which regard must be had when determining this planning application. This development will be subject to a London-wide community infrastructure levy. An estimate of £23,200 based only on the additional floorspace has been calculated. This will contribute towards the funding of Crossrail, and further details are available via the GLA website at [www.london.gov.uk](http://www.london.gov.uk). The GLA expect the Council as the collecting authority to secure the levy in accordance with London Plan Policy 8.3.

#### Local CIL:

5.63 The Council has also set a CIL charge. The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from the development, in order to fund infrastructure needed to support development in the area. The Council's CIL runs alongside Section 106 Agreements (s106) which will be scaled back but will continue to operate. The CIL Charging Schedule was presented to Council and approved on 20th May 2015 and formally took effect on 1st September 2015. An estimate of £5,400 based only on the additional floorspace has been calculated.

#### PLANNING OBLIGATIONS:

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

5.65 In the event that planning permission were to be acceptable, in accordance with Section 106 of the Town and Country Planning Act 1990 (as amended), the applicant would be required to enter into a legal agreement. The Legal Agreement will include the following clauses:

- Developer to pay the cost of the removal of 3 vehicular accesses to the north, south and west of the site



- Developer to pay a £5,000 contribution towards the cost of planting trees in the area.
- Travel Plan review and monitoring fees (£3,000 per review for Year 1, Year 3 and Year 5)

## 6.0 CONCLUSION:

6.1 The proposed development would create a well-designed commercial scheme that has been designed to complement the character and appearance of the locality and conservation area. The proposal would improve the existing site and the surrounding area and would result in an acceptable impact on the living conditions of neighbouring residential properties. The cumulative impact of the development, subject to conditions would not have a significant impact on the highway, parking or environment and as such the proposal is considered to be in accordance with relevant national guidance, London Plan (2016) policies, the Hammersmith and Fulham Local Plan (2018) and Supplementary Planning Guidance Supplementary Planning Document (2018).

## 7.0 RECOMMENDATION:

7.1 That the Committee resolve that the Strategic Director of the Economy Department be authorised to determine the application and grant permission upon the completion of a satisfactory Deed of Variation to the s106 legal agreement securing the heads of terms contained within this report and subject to conditions.

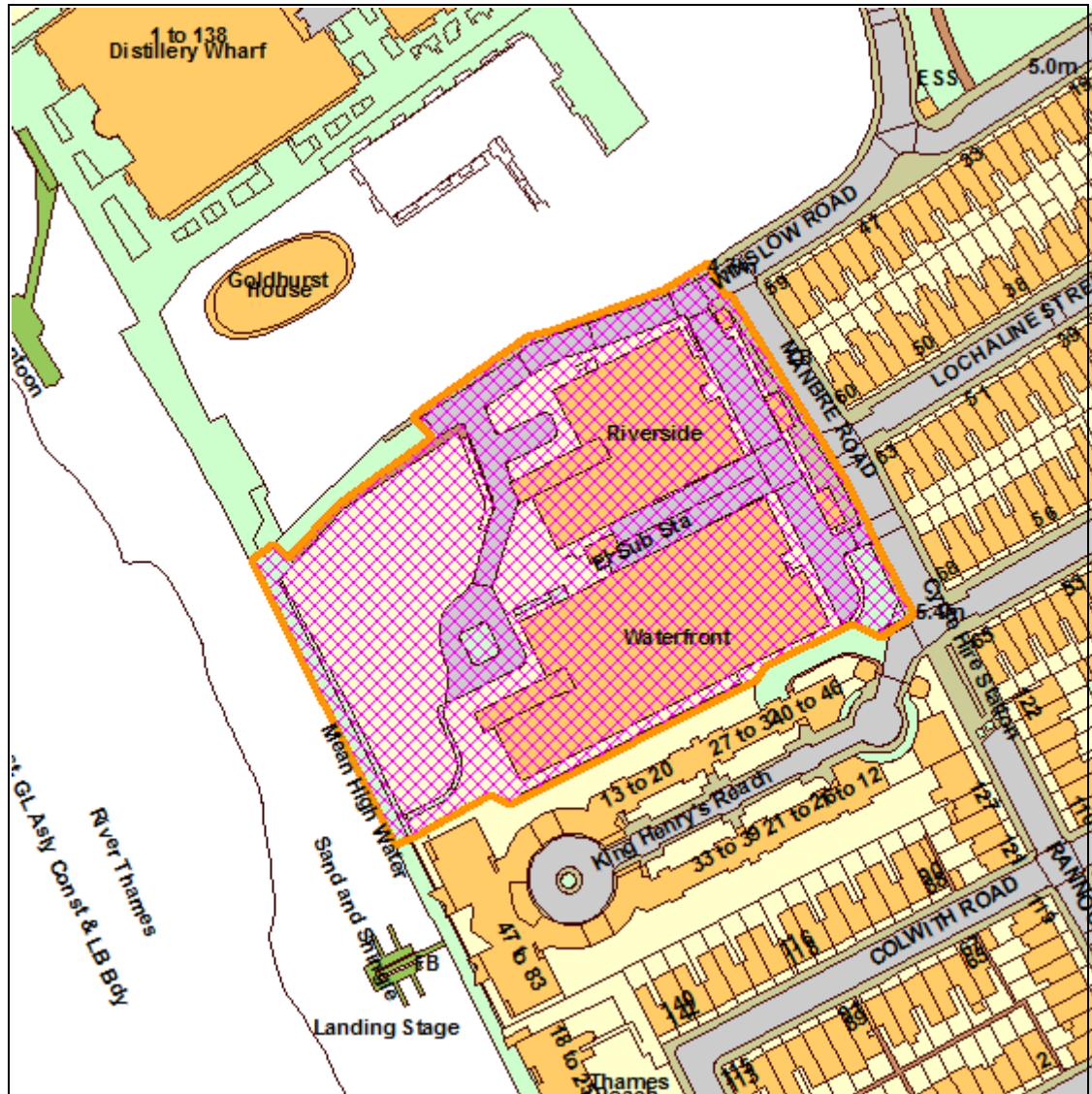
7.2 To authorise that the Strategic Director of The Economy Department in consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make any minor modifications to the proposed conditions or heads of terms or any subsequent minor changes arising out of the detailed negotiations with the applicant which may necessitate the modification, variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions.

# Agenda Item 8

**Ward:** Fulham Reach

**Site Address:**

Waterfront Hammersmith Embankment Chancellors Road  
London W6 9RU



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

**Reg. No:**  
2018/04016/FUL

**Case Officer:**  
Graham Simpson

**Date Valid:**  
13.12.2018

**Conservation Area:**  
Constraint Name: Fulham Reach Conservation  
Area - Number 39

**Committee Date:**  
10.06.2019

**Applicant:**

C/O Agent

**Description:**

Erection of a two storey extension to the Mabre Road elevation and a six storey extension to the riverside elevation, including infill roof level extensions at fourth and fifth floor levels in connection with the refurbishment and extension of existing B1 office building known as the 'Refinery' Building, incorporating ancillary uses (cafe / restaurant; co-working incubator space; and events space), a new green roof, comprehensive public realm improvements and associated works.

Drg Nos: 1299/PL/101D; 102D; 103E; 104D; 105D; 106D; 107D; 108D;109E; 110D; 111D; 112D; 113D; 114D; 115D;1186-010 P1; 1186-011 P1; 1186-012 P1; 1186-013 P1;1186-014 P1; 1186-015 P1; 1186-016 P1; 1186-017 P1;1186-018 P1; 1186-019 P1; 1186-201 P2; 1186-002 P2;186-SK002A; 186-SK004; 186-SK005; 186-SK006A;186-SK007; 186-401 P1; 186-402 P1;1186-SK007;

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

That the Committee resolve that the Strategic Director, Growth and Place be authorised to determine the application and grant permission up on the completion of a satisfactory legal agreement and subject to the condition(s) listed below:

To authorise the Strategic Director, Growth and Place, after consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make any minor changes to the proposed conditions or heads of terms of the legal agreement, any such changes shall be within their discretion.

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

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

- 2) The development shall not be erected otherwise than in accordance with the following approved drawings: 1299/PL/101D; 102D; 103E; 104D; 105D; 106D; 107D; 108D; 109E; 110D; 111D; 112D; 113D; 114D; 115D; 1186-010 P1; 1186-011 P1; 1186-012 P1; 1186-013 P1; 1186-014 P1; 1186-015 P1; 1186-016 P1; 1186-017 P1; 1186-018 P1; 1186-019 P1; 1186-201 P2; 1186-002 P2; 186-SK002A; 186-SK004; 186-SK005; 186-SK006A; 186-SK007; 186-401 P1; 186-402 P1; 1186-SK007.

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 DC1, DC4, and DC8 of the Local Plan 2018.

- 3) The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. These shall include details of the proposed control measures and monitoring for 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. The details shall also include the numbers, size and routes of demolition vehicles, any vehicle holding areas, access arrangements and delivery locations on the site, use of Ultra Low Emission Vehicles e.g. Euro 6 and Euro VI, 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. The Construction Management Plan shall be implemented in accordance with the approved details throughout the relevant 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 CC11 and CC13 of the Local Plan 2018.

- 4) The development hereby permitted shall not commence until a detailed Construction Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. This shall be in accordance with Transport for London Guidance on Construction Logistics Plans and shall include the demolition phase of the development. The Construction Logistics Plan shall be implemented in accordance with the approved details throughout the relevant project period.

To minimise the impacts of construction-related vehicle movements and facilitate sustainable construction travel to the site in accordance with policies T1 and T6 of the Local Plan 2018.

- 5) Prior to commencement of demolition, a method statement detailing the method of protection of the retained facades during the demolition and construction process and details of the all works to the retained Hurlingham Road façade of the Building of Merit including the method statement of paint removal to façade of Building of Merit shall be submitted to the Council for its approval and the works shall be carried out in accordance with such details as have been approved. The extent of demolition shall not exceed that shown on the approved drawings D\_01; 02; 03; 13; 14; 15; 16; 21; 22; 23; 24; 25; 26 and the Hurlingham Road facade shall be retained in accordance with the approved drawings (refer to drawing nos. of proposed elevations).

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, to preserve the character and appearance of the area; and the setting and special architectural and historic interest of the locally listed building in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2016) and Policies DC1, DC2, and DC8 of the Local Plan 2018.

- 6) The relevant parts of the development hereby permitted shall not commence until detailed drawings in plan, section and elevation at a scale of no less than 1:20 of:
- a.) typical bays, to include cladding details, soffits, balustrades, entrances, brise soleils, external light installations, plant room enclosures and separate bin store;
  - b.) detailed roof plan and typical sections showing all roof surfaces and installations including the green roof, plant, rooflights, railings, hatches, flues etc; and
  - c.) landscape plans and sections, planting schedules/tree specifications, hard landscaping material samples, and details of light installations are submitted to and approved in writing by the Council. The relevant parts of development shall be carried out in accordance with such details as have been approved and thereafter permanently retained in this form, unless otherwise agreed in writing with the local planning authority.

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

- 7) Prior to installation of the relevant parts of the development hereby permitted, details of samples of external materials including cladding mock-up panel(s) showing all main cladding material and junctions between them, to be viewed on site, shall be submitted to, and approved in writing by, the Council. The development shall be carried out in accordance with the approved details; and permanently retained as such.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, to preserve the character and appearance of the area; and the setting and special architectural and historic interest of the locally listed building in accordance with policies 7.1, 7.6 and 7.9 of the London Plan (2016) and Policies DC1, DC4, and DC8 of the Local Plan 2018.

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

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC4, and DC8 of the Local Plan 2018.

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

To ensure that the Council can fully consider the effect of telecommunications equipment upon the appearance of the buildings in accordance with Policies DC1, DC4, and DC8 of the Local Plan 2018.

- 11) Prior to use, machinery, plant or equipment, extract/ ventilation system and ducting at the development, details shall be submitted to and approved in writing by the Council, of:

a.) 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; and

b.) 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/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise, in accordance with Policies CC11 and CC13 of the Local Plan 2018.

- 12) The glass installed for the commercial frontage of Manbre Road shall be clear and shall be permanently retained and not obscured in any way.

To ensure a satisfactory external appearance, in accordance with Policies DC1, DC4, DC8 and DC9 of the Local Plan 2018.

- 13) The green infrastructure hereby approved shall be constructed and planted up in full accordance with the approved details within the first available planting season following completion of buildings. Any plants which die, are removed, become seriously damaged and diseased within a period of five years from completion of these buildings shall be replaced in the next planting season with others of similar size and species. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

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 OS5 of the Local Plan 2018.

- 14) With the exception of the terrace at fifth floor level, no part 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 due to overlooking, loss of privacy and noise and disturbance, in accordance with Policies DC1, DC4 and HO11 of the Local Plan 2018.

- 15) No part of the development hereby approved shall be occupied prior to the provision of the cycle storage for the commercial development hereby approved, as indicated on the approved drawing no. 1299/PL/102D and such storage facilities shall be permanently retained thereafter in accordance with the approved details.

To promote alternative, sustainable forms of transport, in accordance with Policy 6.9 and Table 6.3 of the London Plan (2016), and Policy T3 of the Local Plan 2018.

- 16) No part of the development hereby approved shall be occupied prior to the provision of the refuse storage enclosures, as indicated on the approved drawing 1299/PL/102D.

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 Policies DC8, CC6 and CC7 of the Local Plan 2018.

- 17) The development shall be implemented in accordance with the recommended flood mitigation measures in the Flood Risk Assessment as hereby approved by the local planning authority. In line with advice from Thames Water, a non-return valve or other suitable device (which may need to be a pumped device) shall be installed to avoid the risk of the sewerage network surcharging wastewater to basement/ground level during storm conditions. The recommended mitigation measures shall be permanently retained thereafter.

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

- 18) The development hereby permitted shall not be occupied until a revised Sustainable Drainage Strategy (SuDS Strategy), which details how surface water will be managed on-site in-line with the London Plan Drainage Hierarchy's prioritised SuDS measures, shall be submitted to and approved in writing by the Council, in consultation with the Environment Agency. Information provided in the SuDS Strategy shall include details on the design, location and attenuation capabilities of all proposed SuDS features. This includes provision of full details, including associated plans, of the proposed rainwater harvesting system, all soft landscaping features including the proposed swales and other permeable surfaces, including living roofs. The feasibility of managing run-off from impermeable surfaces by directing this into landscaped areas including tree pits

should be assessed and integrated where possible. The use of attenuation tanks to store stormwater below ground prior to discharge into the River should be avoided where possible, but if included full details, including location and drainage plans should be provided. Confirmation should be provided that no surface water is to be discharged into the sewer network and that surface water will only be discharged into the River Thames. Full maintenance information for all SuDS features should also be provided. The SuDS Strategy shall be implemented in accordance with the approved details, and thereafter all SuDS measures shall be retained and maintained in accordance with the approved details and shall thereafter be permanently retained in this form.

To prevent any increased risk of flooding and to ensure the provision of sustainable drainage measures in accordance with Policy 5.13 of The London Plan 2016; and Policy CC3 and CC4 of the Local Plan 2018.

- 19) The development hereby permitted shall not be occupied before implementation of the sustainable design and construction measures, energy efficiency, low carbon and renewable energy measures detailed in the submitted Energy Strategy and Sustainability Assessment. All details shall be implemented prior to occupation/use of the development hereby permitted, and thereafter be permanently retained.

To ensure a satisfactory external appearance and the integration of energy generation from renewable sources, consistent with the Mayor's sustainable design objectives in accordance with Policies 5.1, 5.2, 5.3 and 5.7 of The London Plan (2016), and Policies DC1, DC4, DC8, CC1 and CC2 of the Local Plan 2018.

- 20) Prior to the commencement of each of the demolition and construction phases of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) in order to mitigate air pollution shall be submitted to and approved in writing by the council. The AQDMP must include an Air Quality Dust Risk Assessment (AQDRA) that considers sensitive receptors off-site of the development and is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and the identified measures recommended for inclusion into the AQDMP. The AQDMP submitted must comply with the Mayor's SPG and should include: Inventory and Timetable of dust generating activities during demolition and construction; Site Specific Dust mitigation and Emission control measures in the table format as contained within Appendix 7 of Mayor's SPG including for on-road and off-road construction traffic; Detailed list of Non-Road Mobile Machinery (NRMM) used on the site. The NRMM should meet as minimum the Stage IV emission criteria of Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NO<sub>x</sub> and PM. An inventory of all NRMM for the demolition phase must be registered on the NRMM register <https://nrmm.london/user-nrmm/register> prior to the commencement of demolition works; use of on-road Ultra Low Emission Zone (ULEZ) compliant Vehicles in accordance with the emission hierarchy (1) Electric (2) Hybrid (Electric-Petrol) (3) Petrol, (4) Hybrid (Electric-Diesel) (5) Diesel (Euro 6 and Euro VI); Details of Air quality monitoring of PM<sub>10</sub> where appropriate and used to prevent levels exceeding predetermined Air Quality threshold trigger levels. Developers must ensure that on-site contractors follow best practicable means to minimise dust and emissions at all times. Approved



details shall be fully implemented and permanently retained and maintained during the demolition and construction phases of the development.

To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), and Policy CC10 of the Local Plan 2018.

- 21) Prior to occupation of the development hereby permitted a Low Emission Strategy for the operational phase of the B1 class use of the development in order to mitigate the impact of air pollution shall be submitted to and approved in writing by the Council. The Low Emission Strategy must detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. design solutions). This Strategy must make a commitment to implement the mitigation measures that are required to reduce the exposure of poor air quality and to help mitigate the development's air pollution impacts, in particular non-combustion energy generation sources the emissions of NO<sub>x</sub> and particulates from on-road vehicle transport by the use of Ultra Low Emission Vehicles in accordance with the emissions hierarchy (1) Cargo bike (2) Electric Vehicle, (3) Hybrid (non-plug in) Electric Vehicle (HEV), (4) Plug-in Hybrid Electric Vehicle (PHEV), (5) Alternative Fuel e.g. CNG, LPG, (6) Diesel (Euro 6 & Euro VI). Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), and Policy CC10 of the Local Plan 2018.

- 22) Prior to the occupation of the development hereby permitted, a report with details of the combustion plant in order to mitigate air pollution shall be submitted to and approved in writing by the council. The report shall include the following:
- a) Details to demonstrate that the termination height of the shared Flue stack for the combustion Plant has been installed a minimum of 2 metres above any openable window and/or roof level amenity area of the buildings
  - b) Details of emissions certificates, and the results of NO<sub>x</sub> emissions testing of each Ultra Low NO<sub>x</sub> gas boiler and Emergency Diesel Generator Plant to demonstrate that all the Ultra Low NO<sub>x</sub> Gas fired boilers, Emergency Diesel Generator Plant and associated abatement technologies shall meet a minimum dry NO<sub>x</sub> emissions standard of 30 mg/kWh (at 0% O<sub>2</sub>) and 95 mg/Nm<sup>3</sup> (at 5% O<sub>2</sub>) respectively by an accredited laboratory shall be provided following installation and thereafter on an annual basis to verify compliance of the relevant emissions standards in part b). Where any combustion plant does not meet the relevant emissions Standards in part b) above, it should not be operated without the fitting of suitable secondary NO<sub>x</sub> abatement Equipment or technology as determined by a specialist to ensure comparable emissions.
  - c) Details to demonstrate where secondary abatement is used for the Emergency Diesel Generator the relevant emissions standard in part b) is met within 5 minutes of the generator commencing operation. During the operation of the emergency Diesel generators there must be no persistent visible emission. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications. The diesel fuelled generators shall

only be used for a maximum of 48 hours when there is a sustained interruption in the mains power supply to the site, and the testing of these diesel generators shall not exceed a maximum of 12 hours per calendar year.

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

To comply with the requirements of the NPPF (2012), Policies 7.14a-c of the London Plan (2016), Policy CC10 of the Local Plan 2018.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with policy 5.21 of the London Plan (2016), and Policy CC9 of the Local Plan 2018.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with policy 5.21 of the London Plan 2016, and Policy CC9 of the Local Plan 2018.

- 25) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a remediation method statement, if deemed to be required in the approved quantitative risk assessment, is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. This statement will also include a plan to verify that the required remediation works are undertaken in line with the remediation method statement which will be compiled into a verification report. The remediation should then progress in accordance with the agreed remediation method statement. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with policy 5.21 of the London Plan (2016), and Policy CC9 of the Local Plan 2018.

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with policy 5.21 of the London Plan (2016), and Policy CC9 of the Local Plan 2018.

- 27) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until an onward long-term monitoring methodology report, is submitted to and approved in writing by the Council setting out where further monitoring is

required past the completion of development works (as identified in the approved site investigation scheme or the approved remediation statement or the approved verification report) to verify the success of the remediation undertaken. If required, a verification report of these monitoring works shall then be submitted to and approved in writing by the Council when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. The condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, and in accordance with policy 5.21 of the London Plan (2016), and Policy CC9 of the Local Plan 2018.

- 28) Prior to occupation of the commercial units, a Delivery and Servicing Plan shall be submitted to and approved in writing by the Council. Details shall include times and frequency of deliveries and collections, vehicle movements, silent reversing methods, location of loading area and quiet loading/unloading measures. The measures/scheme shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently complied with and maintained in line with the agreed plan.

To ensure that the resulting servicing arrangements are satisfactory in terms of their impact on highway safety and the free-flow of traffic in accordance with policies T1 and T6 of the Local Plan 2018.

- 29) External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011'. Lighting should be minimized and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

To ensure that lighting does not adversely affect the amenity of occupiers of the development site/surrounding premises and natural habitat, in accordance with policies 5.11, 7.3 and 7.13 of the London Plan (2016), and policy CC12 of the Local Plan 2018.

- 30) No part of the development hereby approved shall be used or occupied until a scheme for the control and operation of the proposed lighting within the office building, during periods of limited or non-occupation, has been submitted to and approved in writing by the Local Planning Authority, and the approved details have been implemented. The internal lighting shall be operated only in accordance with the approved details.

To ensure that the building does not cause excessive light pollution and to conserve energy when they are not occupied, in accordance with policy CC12 of the Local Plan 2018.

- 31) The relevant parts of the development hereby approved shall not commence prior to the implementation of an archaeological field evaluation in accordance of a written scheme of investigation previously submitted to and approved in writing by the local planning authority. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Council.

In order to ensure the preservation or protection of any archaeological interests that may be present on the site, in accordance with Policy DC8 of the Local Plan 2018 and Policy 7.8 of the London Plan 2016.

- 32) In the event that the results of the field evaluation required by condition 43 reveal the presence of archaeological interests on the site, the development shall not commence prior to the implementation in full of a programme of works to ensure that the archaeology is either preserved or fully excavated, in accordance with a written scheme previously submitted to and approved in writing by the local planning authority.

In order to ensure the preservation or protection of any archaeological interests on the site, in accordance with Policy DC8 of the Local Plan 2018 and Policy 7.8 of the London Plan 2016.

- 33) Prior to the occupation of the development hereby approved details of the proposed measures to ensure that the development achieves "secured by design" status shall be submitted to and approved in writing by the Council. No part of the development thereby effected shall be used or occupied prior to the implementation of the approved details and thereafter be permanently retained.

To ensure that the development incorporates suitable design measures to minimise opportunities for, and the perception of, crime, in accordance with Policies 7.3 and 7.13 of the London Plan (2011) and policies DC1 and DC4 of the Local Plan 2018.

- 34) There shall be no use of the roof terrace at fifth floor level between 9.00pm and 8am Monday - Friday or on bank holidays and that there will be no music, amplified or acoustic, played on the terrace.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, in accordance with Policies HO11 and CC11 and CC13 of the Local Plan (2018).

- 35) Prior to the occupation of the development details of riparian life saving equipment shall be submitted to and approved in writing by the Council. No part of the development thereby effected shall be used or occupied prior to the implementation of the approved details and thereafter be permanently retained.

To ensure that the development incorporates suitable design measures to ensure public safety, in accordance with Policies RTC1 and RTC2 of the Local Plan 2018.

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

1. Land Use: It is considered that the proposed land use is acceptable. The extension of the existing Class B1 use is acceptable and in accordance with the NPPF (2018), Policies 4.2 and 4.3 of the London Plan (2016), and Local Plan Policy E1 and E2.
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. The proposal would protect the character and appearance of Fulham Reach Conservation Area and the setting of the adjacent Crabtree Conservation Area. The development would therefore be acceptable in accordance with the NPPF (2018), 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.8 of the London Plan (2016) and Local Plan 2018 Policies DC1, DC4, DC8, RTC1, RTC2 and RTC3.
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 HO11 and DC4 of the Local Plan 2018, and Key Principles HS6, HS7 and 8 of the Planning Guidance Supplementary Planning Document (2018).
4. Safety and Access: The development would provide a safe and secure environment for all users in accordance with London Plan (2016) Policy 7.3 and Policy DC1 Local Plan 2013 (2018). The proposal would provide ease of access for all people, including disabled people, in accordance with Policy 3.8 of the London Plan (2016), and Policies DC1, DC4, HO6, RTC1, RTC2 and RTC3 of the Local Plan 2018.
5. Transport: There would be no significant adverse impact on traffic generation and the scheme would not result in congestion of the road network. Conditions will secure provision of cycle and refuse storage. The development would therefore be acceptable in accordance with the NPPF (2018), Policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13 of the London Plan (2016), and Local Plan 2018 policies T2, T3, T4, T5 and T7.
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. Implementation of the submitted details will be secured by condition. Details of SUDS will be secured by a condition. In this respect the proposal is therefore in accordance with the NPPF (2018), Policies 5.11, 5.12, 5.13, 5.14 and 5.15 of the London Plan (2016), and policies CC3 and CC4 in the Local Plan 2018.

7. Land Contamination: Conditions will ensure that the site would be remediated to an appropriate level for the sensitive residential and open space uses. The proposed development therefore accords with Policy 5.21 of the London Plan (2016), and policy CC9 in the Local Plan 2018.

8. Air Quality: Subject to additional air quality, mechanical ventilation and fresh air intake details, the proposal will ensure neutral air quality outcomes in accordance with Policies 3.2, 5.3 and 7.14 of the London Plan (2016) and Policy CC10 of the Local Plan 2018.

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

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

Application form received: 12th December 2018  
Drawing Nos: see above

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

### **Consultation Comments:**

<b>Comments from:</b>	<b>Dated:</b>
Thames Water - Development Control	15.01.19
Environment Agency - Planning Liaison	14.01.19
Fulham Society	13.02.19
Port Of London Authority	17.01.19
Historic England London Region	07.01.19
London Borough Of Richmond-upon-Thames	07.02.19
Hammersmith & Fulham Historic Buildings Group	07.02.19
Thames Water - Development Control	27.02.19
Environment Agency - Planning Liaison	01.04.19

### **Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
59 Lochaline street London W6 9SJ W6 9SJ	26.05.19
3 Disbrowe road London W68qg	26.05.19
16 Bowfell Rd London W6 9HE	18.01.19
40 Parfrey st Hammersmith W69en	12.01.19
25 Silverton road London w69ny	26.05.19

59 Boileau Road Barnes London SW13 9BN	27.05.19
34 C Cromwell Grove London W6 7RG	26.05.19
30 Ellaline Rd London W6 9NZ	27.05.19
33 Rosedew Road London W6 9ET	26.05.19
18 Livingstone Mansions Queens Club Gardens London W14 9RW	26.05.19
7 Sulgrave Road GFF London W6 7RD	27.05.19
16 Bowfell Road London W6 9HE	31.01.19
m.charalambides@imperial.ac.uk London W6 9SJ	26.05.19
39 Ellerby Street London SW6 6EX	28.05.19
33 Lochaline Street London W6 9SJ	12.01.19
10 Tournay Road Fulham SW6 7UF	27.05.19
53 Crabtree lane London Sw66lp	28.05.19
55 Crabtree Lane London SW6 6LP	28.05.19
73 King Henry's Reach Manbre Road W6 9RH	17.01.19
132 Harbord street London Sw6 6ph	27.05.19
13 south black lion lane london w69tj	26.05.19
24 A lochaline street London w69sh	14.01.19
2 Dryden Mansions, Queens Club Queens Club Gardens London W14 9RG	28.05.19
37 Cloncurry Street London sw6 6dr	27.05.19
71 King Henrys Reach Manbre Road London W6 9RH	26.05.19
52 Colehill Lane Fulham London SW6 5EG	26.05.19
47a Wardo Avenue London Sw66ra	26.05.19
438fulham palace road London Sw66hx	26.05.19
58 Lochaline Strret London w6 9sh w69sh	28.05.19
31 Mall Road London W6 9DG	28.05.19
39 Rosedew Road London W6 9ET	26.05.19
21 Silverton Road London W6 9NY	27.05.19
Flat B 65 Parfrey Street London W6 9EW	16.01.19
36 Lysia Street London SW6 6NG	26.05.19
74 bishops mansions Bishops park road London Sw6 6dy	27.05.19
1E Aviation House Gatwick Airport South Crawley RH6 0YR	24.01.19
1E Aviation House Gatwick Airport South Crawley RH6 0YR	24.01.19
19 bracken gardens London Sw13 9hw	26.05.19

## 1.0 SITE DESCRIPTION

1.1 The application relates to two large six storey office buildings (Riverside Building to the north and Waterfront Building to the south), facing Manbre Road, and an open landscaped area fronting the riverside. The Waterfront Building is multi-let to different tenants and the Riverside Building is currently vacant and unfurnished. The application only relates to the Riverside Building.

1.2 Vehicular access to the Site is achieved from a gated access point on Manbre Road and an access at the junction between Winslow Road and Manbre Road to the north of the Site. The site includes some 95 basement car parking spaces available across the two buildings.

1.3 The surrounding area is a mix of commercial and residential uses. To the north west in Fulham Reach and to the south east in Rainville Road there are several



commercial premises. To the north west are blocks of flats in Fulham Reach and to the north east are rows of two storey terraced houses in Winslow Road and Lochaline Street.

1.4 The site is within the Fulham Reach Conservation Area, and adjacent to the Crabtree Conservation Area which is on the opposite side of Manbre Road. The site is also within Flood Risk Zones 2 and 3.

1.5 Relevant planning history:

In 1989 permission was granted for the redevelopment of the site for 42,156 square metres of B1 Use Class accommodation on 75% of the site area and residential accommodation on 25% of the site (1989/01296/OUT).

In 1990 permission was granted for reserved matters for the submission of details (Phase A) in part compliance with condition 03 of planning permission dated 21st December 1989 (1990/00180/RES).

In 1990 permission was granted for a revised roof plan of Block A and associated alterations being revised details in part compliance with Condition 03 of planning permission dated 21st December 1989 (RN/89/01296) amending details approved on 22nd May 1990 (RN 90/00180), (1990/00946/FUL).

In 1997 permission was granted for revisions to previously approved design and external appearance of two office buildings, and submission of materials (1997/00860/RES).

In 2000 permission was granted for the erection of a radio antenna on the external roof screen (2000/03152/FUL).

In 2003 planning permission was refused for the erection of four 4.9 metre diameter satellite dishes on roof (2003/03009/FUL).

In 2004 planning permission was granted for the erection of four 3.7 metre diameter satellite dishes on roof; increase in height of plant screen by 1.9 metres around north wing of building (2004/00297/FUL).

In 2008 a certificate of lawfulness was granted for the installation of an additional generator within the lower ground floor car park (2008/01245/CLP).

In 2009 planning permission was granted for the installation of two generator extract flues to the north elevation, at roof level (2009/03061/FUL).

1.6 Current proposal:

1.7 The development involves the erection of a two storey extension to the Mabre Road elevation and a six storey extension to the riverside elevation, including infill roof level extensions at fourth and fifth floor levels in connection with the refurbishment and extension of existing B1 office building known as the 'Refinery' Building. The proposals also incorporate ancillary uses (cafe / restaurant; co-working incubator space; and events space), a new green roof, comprehensive public realm improvements and associated works.

## 2.0 PUBLICITY AND CONSULTATION:

2.1 The application has been advertised by means of a site notice and a press advert. Individual notification letters were sent to the occupiers of 1427 neighbouring properties.

Thirty-six objections have been received including letters from the Hammersmith, Fulham Historic Buildings Group and Fulham Society and Hammersmith Mall Residents Association, as well as one neutral response, and one letter of support. The grounds of objection can be summarised as follows:

- Proposed scale would have adverse impact on the character of the conservation area and surroundings
- Taller building would be harmful to views along the Thames
- Loss of light
- Loss of outlook
- Widening of Thames Path would increase conflict between pedestrians and cyclists.
- Additional traffic
- Increased air pollution
- Manbre Road pedestrian gate should be closed in the event of anti-social behaviour
- Loss of mature trees
- Noise and disturbance from building works, larger number of occupants and delivery and servicing vehicles
- A significant loss of open space
- The proposal should provide better access from Manbré and Winslow Roads to the Thames Path national trail and the riverside walk.
- Proposal fails to ensure the provision, or improvement and greening of the Thames Path National Trail (the riverside walk) or accessible and inclusive public access to the riverside, including through-site links when riparian development takes place and the provision and enhancement of riverside walk.

2.4 Historic England: No objection.

2.5 Environment Agency: No objection.

2.6 Thames Water: No objection subject to conditions.

2.7 Civil Aviation Authority: No objections subject to informatives.

2.8 London Borough of Richmond upon Thames: No objection.

2.9 Disability Forum: No objections following amendments to the proposal.

2.10 Port of London Authority: No objections subject to conditions.

### 3.0 CONSIDERATIONS

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

3.2 The new draft London Plan was published on 29 November 2017. The Plan's consultation ended on 2 March 2018. An Examination in Public (EiP) commenced in January 2019, and publication of the new Plan is expected in the autumn of 2019. It is therefore considered that the new draft London Plan should be given limited weight at this stage in determining this application. In the interim, consideration shall be given to the London Plan (Consolidated with Further Alterations 2016).

#### LAND USE:

3.3 London Plan Policies 4.2 and 4.3, and Policy E1 are relevant in the proposal. The existing site includes underused and outmoded office space. The applicant has agreed to a contribution towards the Council's jobs and business employment strategy to maximise employment, training and business benefits of the development, which will be secured through a S106 agreement. Subject to this, it is considered that the proposal would comply with LP 2018 Policy E1.

3.4 The proposed development would result in the retention of employment uses on site as well as provide an upgraded modern facility with additional net employment generating floorspace within the borough. The proposal accords with LP 2018 Policy E1, and as such there is no objection to the principle of the proposal in land use terms.

#### HERITAGE IMPACT, DESIGN AND EXTERNAL APPEARANCE

##### Site

3.5 The site comprises 2 large six storey office buildings, Refinery to the north (built 2000) and Waterfront to the south (built 1998), located between Manbre Road to the east and Riverside Walk. The proposals relates to the Refinery Building which is currently vacant and un-refurbished as well as the open areas of the whole site. The site faces the Riverside Walk to the west and shares boundaries with the residential developments at Fulham Reach to the north and King Henry's Reach to the south. To the east the site borders on Manbre Road, a street with a distinct lack of relationship to its built edges due to a lack of principal elevations facing the street and to overgrown landscaping on the western side that forms the site boundary.

3.6 The Refinery is arranged over 6 storeys with plant located at roof level behind recessed, louvred screens. The facades are composed of terracotta coloured concrete panels combined with large areas of glazing and solid white spandrel panels. The 4th floor below the plant floor is set back from the edges. The riverside frontage comprises 2 "fingers" of different depths, between which a glazed atrium is located in a recessed

position. The Waterfront building is of similar, related design. The development as a whole, including the access and servicing arrangements as well as the landscaping reflects very much the popular style and concepts of 1990's office buildings.

## Proposal

3.7 The application relates to the refurbishment and extension of the Refinery. The proposed alterations include reconfiguring the open spaces around the site and alterations to vehicular and pedestrian access and to open spaces and landscaping on site to create a contemporary, high quality office complex with amenity provision on the site and improved links into the neighbourhood. In more detail the development comprises:

- Extensions to the east and west elevations of the Refinery plus roof extensions and alterations
- Improvements to the relationship with the Riverside walk through hard and soft landscaping, improved views across the site, creating public access to the proposed onsite amenities
- Improvements to the relationship with Manbre Road by creating a better defined and welcoming urban edge with landscaping, activation of the proposed elevation and openings into the site.

## Heritage context

3.8 The site lies within Fulham Reach Conservation Area and borders Crabtree Conservation Area to the east. These are the only heritage assets potentially affected by the proposals. In more recent history, the site was part of the industrial area along the river that developed in the early Victorian period and was occupied by a sugar refinery, the Manbre and Garton Saccharine Works, which shut down in 1979. The extent of the site, along with that of its neighbours to the north and south, represents typical sizes of the original industrial plots, around which terraced housing for workers was developed.

3.9 With the exception of the low scale, Victorian terrace housing to the east, the site is surrounded by taller, up to 9 storey, modern residential blocks, some with design references to the historically relevant industrial and warehouse architecture. However, overall the area is without a strong, unified townscape character. The main historic relevance of the conservation area lies in the relationship between the river, the riverbank and foreshore, the former large industrial sites and the views along and across the river that provide the important characteristics of the conservation area. The contrast to the surrounding, small scale workers' terraced housing in the neighbouring conservation area provides further historic and townscape interest.

3.10 The site is clearly separated from the residential terraces by Manbre Road that forms a strong spatial and visual break between the different uses and the 2 adjacent conservation areas. The large scale office buildings Waterfront and Refinery are set back from the street edge and screened by a strip of landscaping to maintain a respectful distance to the small scale terraces. As a result, Manbre Road suffers from a lack of character and activation.

3.11 Towards the Riverside Walk, the current hard and soft landscaping obstructs a positive relationship to the river, and the narrow public walkway is contained by high fencing and hedging along the western boundary of the site.

3.12 The current development proposals offer opportunities to improve the relationships between the various building typologies and open spaces to become more cohesive, positive and open while retaining their distinct characters that are expressed in the 2 separate conservation area designations.

## Design and Appearance

### Extensions to the Refinery

3.13 The proposal is to extend the building westwards towards the river at full height, to add a 2-storey extension in the Manbre Road elevation and to infill the existing 2 top levels for additional office accommodation and plant enclosures.

3.14 The new river frontage would rake back from the southern return elevation to the northern one, following the main external route from the north-east to the entrances of both buildings in the river elevations. The new frontage would have a high proportion of glazing to maximise views across the river but would also feature horizontal brise soleils to limit solar gain. Ground and first floor would be set back behind a colonnade to provide a protected route with a welcoming character.

3.15 In Manbre Road, a 2-storey extension is added moving the development closer to the street. The extension is designed to engage the development with the street scene and to provide a more welcoming frontage to visitors approaching from eastern direction. The extension would contain co-working, incubator and event spaces at ground floor level with additional entrances which potentially could provide a more activated and positive relationship with the street frontage in tandem with improvements to the design of the external spaces facing the street. This extension has been limited to 2 storeys to reflect the scale of the terraces to the east and avoid visual intrusion on the breathing space between the residential and commercial uses.

3.16 The building's envelope would be replaced with a contemporary cladding system comprising vertical glazed (clear and back-painted) slots alternating with weathered metal cladding of a colour and finish that, while being sympathetic to the retained concrete cladding of the Waterfront building, would draw on the former industrial heritage and the exposed riverside nature of the site. Corten steel would be one of the possible material options. The new 2-storey base would be emphasised by externally exposed steel columns and framing. Further details of the design and materials will be considered under the conditions to the permission.

3.17 The new roofscape would feature biodiverse planted roofs, atrium lights, solid surfaces and lightweight screens to plant areas, and overall would have an improved appearance compared to the existing roof with open plant areas in views from any higher developments in the area (such as Fulham Reach and Charing Cross hospital).

3.18 The scale and massing of the proposals for the Refinery Building would increase, however, this increase cannot fully be appreciated in any one view of the development. The increases are divided into the western extension, the eastern extension, the infills of the 2 top floors and additional height resulting from plant, atrium roof lights and lift

overruns. Most of the additional half storey high structures at roof level would not be visible from the ground. The extensions would increase the plan form to a size similar to the Waterfront Building, and increase the bulk of the top 2 levels so that overall, the Refinery would become the slightly larger building of the 2 buildings on site.

#### Landscaping

3.19 The external proposals include significant changes to the open space levels. The landscape would be lifted up to the existing raised ground level of the building and layered down towards the Thames Path using individual sculpted landscape mounds separated by various paths and tree planting to improve the relationship of the site with the Riverside Walk. While this does involve the loss of a number of trees on site, the replacement planting scheme includes a net increase in the total number of trees provided on site. The main access from the Riverside Walk would be a wide and shallow paved ramp leading up to the hard landscaped space in front of the Waterfront Building and the Refinery Building with its proposed public café.

3.20 The quality of the Riverside Walk would be improved by providing terraced seating on the edge of the path along the entire length of the site boundary and by moving boundary treatment further into the site so that the path would appear less enclosed. The applicants propose to install railings and gates around the site to discourage access into the grounds at night in accordance with advice received from the police. The railings and gates would be made from weathered steel with a modern, industrial design in keeping with the overall design concept for the site, and the railings would be integrated with the landscaping of the site to soften their appearance.

3.21 The proposed remodelling of the park including allowing public access would provide visual, environmental and functional improvements, and, together with a public café facing the river, will provide public amenity and activation on the river frontage as well as permeability across the site that would improve links within the local community. The planting proposals are designed to provide a greater potential for biodiversity while enabling a variety of uses of the open space. In Manbre Road, vehicle access along the frontage would be reduced to facilitate the extension, and the existing landscaping including the bin storage shed would be remodelled to provide an attractive planted edge that would also improve passive surveillance along the street.

3.22 The proposed materials for the hard landscaping overall are thought to be robust, natural and hardwearing, such as natural stone, granite, resin bound gravel for the paths, timber and steel to complement the design concept for the site. Details of all materials will be considered under the conditions (Condition 7), and details of the replacement planting and landscaping scheme will be secured through conditions (Conditions 15 and 16).

#### Lighting design

3.23 The gardens would be lit up during opening hours with tree uplighters and bollard lights but kept dark during the night to avoid impact on the River Thames as a bat corridor. The building forecourts facing the river would be more extensively lit up as they provide the main entrances into the building and require well-lit paths leading to them. The paths will be marked by column and landscape bollard lights of a modern design with materials to complement the new cladding. Other external lighting includes lighting strips on benches and steps. The Refinery Building is proposed to be externally illuminated by column uplighters and soffit lighting. Details of all installations and lighting levels will be considered under the conditions (Condition 41).

## Conclusion

3.24 The proposed works are considered to be a welcome opportunity to integrate the site more successfully into the surrounding urban grain and to seek significant improvements to the Riverside Walk.

3.25 In context with the neighbouring development, the proposed 6-storey development would remain below the 8 storeys of the Fulham Reach development and step down towards the 3-5 storeys of the residential blocks of King Henry's Reach. The infills at the top would not be perceived to be intrusive compared to the existing building.

3.26 The 2-storey extension in Manbre Road would project out closer to the streetspace but would remain recessed behind the site boundary. Its height would relate to the terraces opposite. Another situation of interlinking between the former industrial sites of Fulham Reach Conservation Area and the residential terraces within Crabtree Conservation Area exists nearby at the junction of King Henry's Reach with Manbre Road where one part of the modern 3-storey block is positioned on the Manbre Road building line that then continues south with historic 2-storey terraces. On the application site, this would be mirrored by the modern 2-storey extension that would project forward to align with the northern building line of the much taller Fulham Reach block to the north. The extension would have a more animated frontage facing Manbre Road, as have the ground floors of the neighbouring Fulham Reach blocks. This would provide a positive engagement between 2 different character areas and not have a harmful impact on the significance of the two affected conservation areas as the built forms, scales and the characteristic contrast between these post-industrial sites of Fulham Reach Conservation Area and the residential terraces of the neighbouring Crabtree Conservation Area would remain distinct.

3.27 Given that the residential and commercial uses in the area as well as open spaces and the river frontage are much more accessible, interlinked and compatible than the residential and industrial uses in this area were in the 19th and 20th Century, it makes sense that modern development responds to this positively to the benefit of the community. Overall, the proposals would improve the Riverside Walk, the park including providing public access, the appearance of the building and its relationship with the surrounding street and open spaces. In terms of scale and massing the proposed building would remain within the general height and scale threshold of existing development on these former industrial sites. The proposed scale and design of the building and the improved positive engagement of the site with the riverside is considered to be sympathetic to the character and appearance of the conservation area. The proposals facing the boundary of Crabtree Conservation Area in Manbre Road would respect the smaller scale of the adjacent conservation area townscape and improve the Manbre Road street scene, and therefore are not considered to harm the setting of Crabtree Conservation Area. The development is therefore acceptable in accordance with the principles of the NPPF (2018), Policies 7.1, 7.2, 7.4, 7.5 and 7.6 of the London Plan (2016), and Policies OS1, DC1, DC4 and DC8 of the Local Plan (2018).

## RESIDENTIAL AMENITY

3.28 Policies DC1, DC4, CC11, CC13 and HO11 of the LP 2018 require all proposals to be formulated to respect the principles of good neighbourliness. SPD Housing Key

Principles 6, 7 and 8 seeks to protect the existing amenities of neighbouring residential properties in terms of outlook, light, privacy and noise and disturbance.

3.29 There are residential properties on two sides of the application building. The application site is located directly to the south east of two eight storey residential properties in Fulham Reach, and to the south west of end of 2 x two storey terraces fronting Winslow Road and Lochaline Street.

Outlook:

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

Manbre Road

3.31 To the north east, the ends of the two terraces in Lochaline Street and Winslow Road are on the opposite side of Manbre Road to the proposed two storey extension to the Manbre Road elevation. The proposed extension would not infringe upon a line produced at an angle of 45 degrees from a point 2 metres above the adjoining ground level taken from the Manbre Road edge of the application site. It is therefore considered that the existing residential amenities of neighbouring residential properties to the north east will be retained and would be acceptable in terms of SPD Housing Key Principle Policy HS6.

Fulham Reach

3.32 To the north west of the application site, and in relatively close proximity to the shared boundary, is the recently completed eight storey residential block known as Fulham Reach Building F. The side elevation of the proposed six storey extension, and infill extensions at fourth and fifth floor levels therefore face this neighbouring building.

3.32(i) The existing Refinery building already infringes upon a line produced at an angle of 45 degrees from a point 2 metres above the adjoining ground level taken from the north western boundary. The existing building extends approximately 6m above the 45 degree line.

3.32(ii) The proposed extension would increase the length of the north west elevation of the application building by an additional 18m from the second to fifth floors. The infill extensions along the length of the existing building would bring the fourth and fifth floors 1.3m and 2m closer to the main side elevation building line respectively. Key Principle SH6 makes clear that on-site judgement is the determining factor in these situations.

3.32(iii) While the proposed extension would increase the length of the north west elevation of the application building by an additional 18m resulting in some additional impact, this would be a continuation of the existing relationship between the two



buildings, which has come about due to the positioning of Building F in close proximity to the boundary. A separation of at least 17m between the proposed building and Building F will be retained, comparable to the existing. Officers consider that the proposed development would be maintain a satisfactory sense of openness and no closer than other similar schemes within an urban context. The proposed siting and reduced massing would not have an overbearing effect compared to the existing building, to a degree as to warrant the refusal of planning permission.

3.32(iv) Officers conclude that the development would not give rise to unacceptable levels of loss of outlook and sense of enclosure and would therefore be acceptable in terms of SPD Housing Key Principle Policy HS6.

Privacy:

3.33 SPD Housing Key Principle HS7 states that new windows should normally be positioned so that they are a minimum of 18 metres away from existing residential windows as measured by an arc of 60 degrees taken from the centre of the proposed window. In addition, it states that a roof terrace/balcony is unacceptable if it would result in an additional opportunity for overlooking and consequent loss of privacy.

3.34 (i) Manbre Road

The nearest affected windows on the opposite side of Manbre Road are those in the side elevations of the back additions to 59 Winslow Road and 60 Lochaline Street at first floor level. These windows already face the public realm of Manbre Road and would therefore experience an existing degree of overlooking.

(ii) Fulham Reach Building F

The nearest affected windows to the north west elevation extensions are those in Fulham Reach Building F. However, the proposed windows would be no closer to the opposing windows than the existing windows in that elevation. It is therefore considered that the proposal would not result in any additional opportunities for overlooking or loss of privacy than which exists with the existing arrangement of windows.

(iii) Fulham Reach Building H

The proposed fifth floor terrace would be at least 25m away from the nearest residential units in Fulham Reach Building H. The proposed terrace is therefore more than 18m away, complying with SPD Housing Key Principle HS7.

In conclusion, the proposal would therefore not result in any significant loss of privacy or overlooking complying with Policies HO11 and DC1 and DC4 of the LP 2018, and SPD Housing Key Principle HS7.

Noise and disturbance:

3.35 Policies CC11 and CC13 of the LP 2018 relate to environmental nuisance and require all development to ensure that there is no undue detriment to the general amenities enjoyed by existing surrounding occupiers, particularly those of residential properties. SPD Key Principle HS8 adds that roof terraces or balconies likely to cause

harm to the existing amenities of neighbouring properties by reason of noise and disturbance will not be supported.

3.36 It is difficult to predict with any accuracy the likely level of noise/disturbance that would be generated by the use of the proposed terrace area at fifth floor level. Having regard to the size of the proposed terrace (96sqm), together with its location and the relationship with adjoining properties, it is considered that the terrace has the potential to harm the existing amenities of adjoining occupiers as a result of additional noise and disturbance. It is considered that it would be necessary to control the hours of use of the terraces to ensure that the development would not harm the existing amenities of adjoining occupiers in terms of noise and disturbance. Subject to such a condition (Condition 46), it is considered that the proposed development would accord with Policies HO11, CC11 and CC13 of the LP 2018 and SPD Key Principle HS8 regarding noise.

#### Daylight and Sunlight:

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

#### Daylight:

3.38 The BRE Guidance sets out three different methods of assessing daylight to or within a room, the Vertical Sky Component (VSC) method, the plotting of the no-sky-line (NSL) method and the Average Daylight Factor (ADF) method.

3.39 The VSC method measures the amount of sky that can be seen from the centre of an existing window and compares it to the amount of sky that would still be capable of being seen from that same position following the erection of a new building. The measurements assess the amount of sky that can be seen by converting it into a percentage. An unobstructed window will achieve a maximum level of 40% VSC. The BRE guide advises that if the VSC is greater than 27% then enough skylight should still be reaching the window of the existing window. If the VSC is both less than 27% and less than 80% of its former value, occupants of the existing building will notice the reduction in the amount of skylight. However, the Guidance makes clear that these values are advisory and para 2.2.1 states that 'Different criteria may be used based on the requirements for daylighting in an area viewed against other site layout constraints. Another important issue is whether the existing building is itself a good neighbour, standing a reasonable distance from the boundary and taking no more than its fair share of light.'

3.40 No Sky-Line NSL measures the distribution of daylight within a room. It indicates the point in a room from where the sky cannot be seen through the window due to the presence of an obstructing building. The NSL method is a measure of the distribution of daylight at the 'working plane' within a room. In houses, the 'working plane' means a horizontal 'desktop' plane 0.85 metres above floor level. This is approximately the height

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

3.41 The Average Daylight Factor (ADF) involves values for the transparency of the glass, the net glazed area of the window, the total area of room surfaces, their colour reflectance and the angle of visible sky measured from the centre of the window. This is a method that measures the general illumination from skylight and considers the size and number of windows, room size, room qualities and room use. The BRE test recommends an ADF of 5% for a well day lit space or 2% for a partly day lit space. The minimum standards for ADF recommended by the BRE for individual rooms are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. However, the BRE guide (Appendix F) states that 'Use of the ADF for loss of light to existing buildings is not generally recommended' and Officers have therefore not taken account of the ADF assessment.

3.42 The application is supported by a Daylight and Sunlight Report which consider the impact of the development upon the daylight and sunlight amenities of 236 windows at Fulham Reach (Building F), 48 windows at Fulham Reach (Building E), four windows at 59 Winslow Road and two at 60 Lochaline Street. Officers have assessed this report.

Fulham Reach (Building F)

3.43 It is acknowledged that 28 of the 236 windows tested as a result of the proposals would fall short of the target of 80% of their former VSC values.

3.44 Reference to the location plan of Building F shows that the affected windows are positioned close to the boundary and directly facing the proposed site. BRE recognises the problem created by windows set close to a boundary and their guidance on this matter is reiterated below:

"Note that numerical values given here are purely advisory. Different criteria may be used based on the requirements for daylighting in an area viewed against other site layout constraints. Another important issue is whether the existing building is itself a good neighbour, standing a reasonable distance from the boundary and taking no more than its fair share of light. Appendix F gives further guidance".

Appendix F:

"A similar approach may be adopted in cases where an existing building has windows that are unusually close to the site boundary and taking more than their fair share of light. To ensure that new development matches the height and proportions of existing buildings, the VSC and APSH targets for these windows could be set to those for a mirror image building of the same height and size, an equal distance away on the other side of the boundary".

3.45 The submitted Daylight and Sunlight Report includes a 'mirror image' assessment as described by Appendix 3 BRE guidance, which is considered appropriate under the

site circumstances. The results also included in Appendix 3 confirm that 29 out of 94 rooms have a result below the BRE recommended value, a very similar outcome to the original analysis. This concludes that the affected windows take more than their 'fair share of light' and cannot be considered using conventional numerical values.

3.46 As noted above, the BRE Guidance makes clear that these values are advisory and that 'Different criteria may be used based on the requirements for daylighting in an area viewed against other site layout constraints'.

3.47 Given that the BRE recommends that guidance be used flexibly, on balance, taking account of this urban townscape setting, it is considered that it would be unreasonable in this instance to refuse permission on the impact on these windows alone given the overall daylight impact of the whole scheme.

3.48 Overall, the reduction in daylight to Building F when considered against the wider benefits of the scheme is considered acceptable. Given that the BRE advises that their guidance be applied flexibly, the reduced distribution of daylight to Building F is acceptable within an urban setting.

Fulham Reach (Building E), 60 Lochaline Street and 59 Winslow Road

3.49 The relevant BRE criterion would be satisfied and no adverse effect would occur.

3.50 In conclusion, with the exception of the windows as described above, the results of the submitted detailed technical assessments have demonstrated that the vast majority of habitable windows and rooms facing the site within the existing surrounding residential properties at Buildings F and E at Fulham Reach, 60 Lochaline Street and 59 Winslow Road will satisfy the BRE guidelines for daylight with the proposal in place. On balance taking account of this urban townscape setting the overall daylight impact is considered acceptable.

Sunlight:

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

Fulham Reach (Building F)

3.52 A Sunlight Analysis has been submitted by the applicant to assess the impact of the development on the surrounding properties. The Analysis assesses 118 neighbouring windows.

3.53 A number of windows within Building F would fall below the BRE recommended value, which is due to the overhanging balconies above many of the windows. BRE recognises that where balconies and other overhangs are above the existing windows, they inevitably receive less sunlight. Where this occurs, BRE recommends an additional calculation, by assessing the sunlight availability without the overhang in place. The results in the submitted assessment confirms that, when this test is carried out, the results would improve above 0.8 times the existing value, confirming that the major obstruction to sunlight is the presence of the existing overhang rather than the proposed development.

3.54 Only two exceptions would occur, where the winter sunlight availability would be below BRE guidance to two windows, serving a bedroom and a living/dining room at ground floor level respectively. While the proposed winter sunlight availability would be 4% with the value recommended by BRE being 5%, it is considered that the difference would be undiscernible by the occupants. Furthermore, BRE states that sunlight to bedrooms is less important than to living rooms. In any case, the annual sunlight availability would be well above the BRE recommended value.

#### Overshadowing:

3.55 The nearest amenity spaces are 59 Winslow Road and 60 Lochaline Street. The submitted report assesses these spaces and confirms that the BRE criterion for sunlight availability on the ground would be satisfied.

3.56 In conclusion, Officers consider that the habitable rooms, and neighbouring gardens would on the whole have sufficient access to daylight and sunlight after the development has been constructed complying with Policies HO11, DC1 and DC4 of the LP 2018, SPD Housing Key Principle HS7 and guidance set out in the Building Research Establishments' (BRE) Report 2011 "Site Layout Planning for Daylight and Sunlight - A guide to good practice".

#### Light pollution

3.57 Policy CC12 of the LP 2018 seeks to control the adverse impacts of lighting arrangements including that from signage and other sources of illumination. The existing buildings would be extended with additional windows to the north west and north east elevations. However, officers do not consider the level of illumination likely to be harmful or out of character with the location. A condition requiring a strategy securing how internal lights to be turned off when not required is recommended to mitigate against unnecessary harm to sensitive receptors (Condition 42). In addition, further details are sought for approval of all proposed external illumination to secure a positive environment without harmful impacts upon adjacent residents or harm to the character of the area (Condition 41). As such officers consider that the proposal accords with the requirements of Policy CC12 of the LP 2018.

#### HIGHWAYS

3.58 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.

3.59 Policy T1 of the LP 2018 supports The London Plan. Policy DC2 of the LP 2018 requires new development to incorporate ease of access by disabled people and people with mobility impairment. Policy T2 of the LP 2018 states that all development proposals will be assessed for their contribution to traffic generation and their impact on congestion. Policy T4 of the LP 2018 requires new development to accord with the car parking standards set out in the London Plan. Policy T6 of the LP 2018 relates to development affecting the borough's road network. These are supported by SPD Transport Key Principles TR1, TR2, TR3, TR15, TR17, TR21 and TR27.

#### Car Parking:

3.60 The site benefits from good level of accessibility as reflected by its 3 PTAL rating enabling employees to access the site by a range of public transport facilities. Bus routes (190, 211, 220 and 295) operate along Fulham Palace Road providing regular services to central London. Hammersmith Tube Station is 850m to the north of the site providing regular services to central London. Both bus stops and the station are within walking distance of the site for commuters.

3.61 The proposal includes the reduction of car parking within the application site from 32 to 19 car parking spaces (1 dedicated disabled parking space with another enlarged space with the potential for another), which is welcomed. The submitted transport assessment concludes that the new offices will be unlikely to impact on the parking situation in the area as most employees will either use public transport or bicycles to get to work, with 60% of trips will be undertaken by public transport, with a further 11% by cycling and 10% by walking. The applicant proposes the provision of 5 electric vehicle charging points, in accordance with the Policy T4 of the Local Plan (2018).

#### Cycle:

3.63 Cycle parking should be provided in line with London Plan 2011 Policy 6.9 and Table 6.3. Policy T3 of the LP 2018 encourages increased cycle use by seeking the provision of convenient and safe cycle parking facilities.

3.64 The proposal includes the provision of 194 cycle parking spaces within the application site, comprising 182 secure long-stay cycle parking spaces to be provided at basement level, accessed via a graded access, and the remaining 12 short-stay cycle parking spaces at ground floor level would be secured by Condition 23. The proposed cycle parking provision is in accordance with LBHF and London Plan policies.

#### Refuse:

3.65 London Plan Policy 5.16 outlines the Mayors approach to waste management. Policy CC6 and CC7 of the LP 2018 requires development to incorporate suitable facilities for the storage and collection of segregated waste. The plans indicate an expansion of the existing refuse storage and recycling facilities at ground floor level, with refuse vehicles being able to service the development on site. The details are

expanded upon in a Service and Delivery Management Plan and will be secured by Conditions 24 and 39.

#### Servicing and Delivery:

3.66 The transport assessment has provided a trip generation assessment which has found that there will be an increase in vehicle trips relating to servicing and deliveries, and the existing arrangements for these are to be retained which will continue to occur off-street within the application site.

3.67 The applicant has submitted a delivery and servicing plan (DSP) in accordance with policy T2 of LBHF's Local Plan (2018). The TRICS database was used to establish the estimated number of servicing trips associated with the proposed development. It is estimated that the proposed development will result in an increase in delivery and servicing trips from 33 per day to 54 per day. This equates to less than 5 vehicular movements per hour. All servicing and delivery operators will be advised to avoid the AM and PM peak hours where possible. Swept-path analysis has been provided which demonstrates the ability of servicing vehicles to enter and leave the site in a forward gear. The Council's Highways team have reviewed this information and are satisfied that there are no grounds for objection.

3.68 The delivery and servicing plan document would be secured through condition (Condition 39). In addition, the Travel Plan and monitoring fees for reviewing the travel plan would be secured through S106 agreement.

3.69 Overall, subject to conditions and S106 obligations, the development would not adversely impact on the local highway network. It is considered that the proposal would accord with Policies T2, T4 and T6 of the LP 2018 in this regard.

## ENVIRONMENTAL QUALITY

### River Thames

3.70 Policies RTC1 (River Thames), RTC2 (Access to the Thames Riverside and Foreshore) and RTC3 (Design and appearance of development within the Thames Policy Area) are relevant, and require the council will work with its partner organisations, including the Environment Agency, Port of London Authority, Thames Water and landowners to enhance and increase access to, as well as use of, the waterways in the borough, ensuring the provision, or improvement and greening of the Thames Path National Trail (the riverside walk) in all riverside developments, and seeking improvements to the tidal foreshore in line with the requirements of the Thames River Basin Management Plan and the Thames Estuary 2100 Plan.

3.71 In this regard, the Port of London Authority (PLA) broadly supports the public realm improvements proposed as part of the development, including the widening of the Thames Path at this location to 6.2 metres, and the improved footpath leading from Winslow Road to the Thames Path. This supports the PLA's Vision for the Tidal Thames (2016) which includes the goal to join up and improve the Thames Path from source to sea. The PLA also supports the incorporation of CCTV covering this section of the Thames Path highlighted in the submitted Management Strategy. In the submitted

preliminary ecological appraisal the PLA welcomes the statement that any new lighting should not illuminate the River Thames and any new lighting within the site will be designed accordingly to minimise light spillage with a lux level of 1 or under at the riverside. Given one of the aims of the development is to improve access to the Thames Path, the PLA considers that essential infrastructure of riparian lifesaving equipment (including grab chains, access ladders and life buoys) must be provided. Subject to this being secured by condition (Condition 47), the proposal is considered to comply with Policies RTC1, RTC2 and RTC3 of the Local Plan 2018.

## Flood Risk

3.70 A Flood Risk Assessment (FRA) has been provided with the application. The application relates to the provision of office and other commercial space uses on the site, which are less vulnerable uses in terms of flood risk. Although the site is in Flood Zone 3, it is well protected from flooding from the River Thames by the existing flood defences in the form of the Thames Barrier and local river wall defences. If these were to be breached or overtopped, Environment Agency modelling shows that flood water could be expected to impact on the site. Parts of the borough are known to have increased potential for elevated groundwater, but this site is not in such an area. In terms of sewer/surface water flood risk, the site is not in a flooding hotspot although as a basement is planned where it is intended to include facilities such as showers and toilets, there could be a risk of sewer surcharge flooding. The submission provides details of the structural flood proofing measures for the basement, which are considered acceptable and would be secured through Condition 25.

The FRA has also demonstrated to the satisfaction of the Environment Agency that the flood defences directly adjacent to the site could be raised in the future to provide additional flood protection.

## Sustainable Urban Drainage Systems (SUDs):

3.71 In terms of managing surface water run-off from the site, a separate Drainage Strategy has been provided which considers sustainable drainage measures for the site. The SuDS Strategy proposes soft landscaping features including the proposed swales and other permeable areas and an area of green roof in addition to a potential underground attenuation tank. The final discharge rate for surface water run-off will be at greenfield rate and adequate attenuation storage can be provided by the green roof and tank to cope with a 1 in 100 year storm event plus climate change impacts.

3.72 The SuDS Strategy element of the FRA has been reviewed by council officers, and considered acceptable. It is proposed to secure final details, and the implementation of the SuDS strategy through condition (Condition 26).

## Air Quality:

3.73 London Plan Policy 7.14 and Policy CC12 of the LP 2018 seek to reduce the potential adverse air quality impacts of new major developments by requiring all major developments to provide an air quality assessment that considers the potential impacts of pollution from the development on the site and on neighbouring areas and requiring mitigation measures to be implemented to reduce emissions where assessments show that developments could cause a significant worsening of local air quality or contribute to exceedances of the Government's air quality objectives.



3.74 The Council's Environmental Quality team have considered the proposal and have recommended a few conditions relating to air quality, namely in relation to Air Quality Dust Management Plan, Low Emissions Strategy, and Mechanical Ventilation (Conditions 29-31).

#### Sustainable Design and Construction:

3.75 As required, a Sustainability Statement has been submitted, as has a BREEAM Assessment. The BREEAM assessment shows that the sustainable design and construction measures planned for the new building will achieve the "Very Good" BREEAM rating. This is adequate to meet the requirements of Local Plan policy DM H2 and London Plan policy 5.3 on sustainable design and construction. Measures planned for the site include measures to reduce energy use and CO2 emissions, reduced use of other resources such as water, make use of building materials with low environmental impacts, minimise waste and promote recycling. Conditions 27 and 28 are attached to secure the implementation of the sustainability measures as outlined in the Sustainability Statement and BREEAM assessment and require submission of a post construction BREEAM assessment to confirm that the measures have been implemented as required.

#### Carbon Reduction

3.76 In terms of the submitted Energy Strategy, the London Plan Energy Hierarchy has been used to guide the approach to integrating energy efficiency and low/zero carbon measures. The new development will include the integration of energy efficiency measures, such as improved levels of insulation, improved air permeability measures to reduce heat loss and also energy efficient lighting and other building services. The energy assessment shows an improvement of 35% in terms of CO2 emissions reductions compared to the minimum requirements of the Building Regulations 2013. The proposed sustainable energy measures therefore meet the minimum requirement of the London Plan target of a 35% reduction in CO2 emissions. The Energy Strategy is therefore satisfactory and its implementation can be conditioned (Condition 27).

#### Contaminated land

3.77 Policy 5.21 of the London Plan and Policy CC9 of the LP 2018 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.

3.78 Potentially contaminative land uses, past or present, are understood to occur at, or near to, this site. To ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works conditions would be attached covering the assessment and remediation of contaminated land if the application were to be approved (Conditions 33-38).

## COMMUNITY INFRASTRUCTURE LEVY

### Mayoral CIL

3.79 Mayoral CIL came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. This development will be subject to a London-wide community infrastructure levy. This will contribute towards the funding of Crossrail, and further details are available via the GLA website at [www.london.gov.uk](http://www.london.gov.uk). The GLA expect the council, as the collecting authority, to secure the levy in accordance with London Plan policy 8.3. An estimate of £538,080 plus indexation, based on the additional floorspace has been calculated.

### Local CIL:

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

### Planning obligations

3.81 In dealing with planning proposals, local planning authorities consider each on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused. However, in some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable, using planning conditions or, where this is not possible, through planning obligations. London Plan policy 8.2 recognises the role of planning obligations in mitigating the effects of development and provides guidance on the priorities for obligations in the context of overall scheme viability.

3.82 Site-specific contributions would be included in the S106 agreement and would include the following:

- A S278/S38 agreement towards highways works including improving surface treatments in the vicinity of the site, including the Thames Path and repaving the footway along the frontage of the site.
- Travel Plan review and monitoring fees (£3000 per review for Year 1, Year 3 and Year 5)
- Cycle infrastructure contribution (for some cycle racks and signage for cyclists)
- Car club/cycle hire membership to encourage sustainable travel
- Parking review for zone T (£20K)
- Contribution to economic development including the following:
  - Construction phase (£84,000)
    - 12 apprentices
    - 6 work placement (paid)
    - 6 unpaid work placements
    - Target of 10% local labour

Local Procurement (£8,250)

Operational phase

- Affordable workspace - 242 sqm incubator space and event space (6.1% of the proposal) provided to occupiers on flexible short-term contracts for a minimum period of 20 years at a discount of 35% of market rent.

- Commitment to meet the costs of the Council's Legal fees.

3.83 The proposed development is considered acceptable subject the above s106 obligations.

#### 4.0 CONCLUSION

4.1 The proposed development create a well-designed scheme that would preserve the setting of the Conservation Areas. The design, height and massing of the development would be compatible with the surrounding development. The development has 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 Local Plan, and Planning Guidance Supplementary Planning Document Key Principles.

#### 5.0 RECOMMENDATION:

5.1 That the Committee resolve that the Strategic Director of the Economy Department be authorised to determine the application and grant permission upon the completion of a satisfactory Deed of Variation to the s106 legal agreement securing the heads of terms contained within this report and subject to conditions.

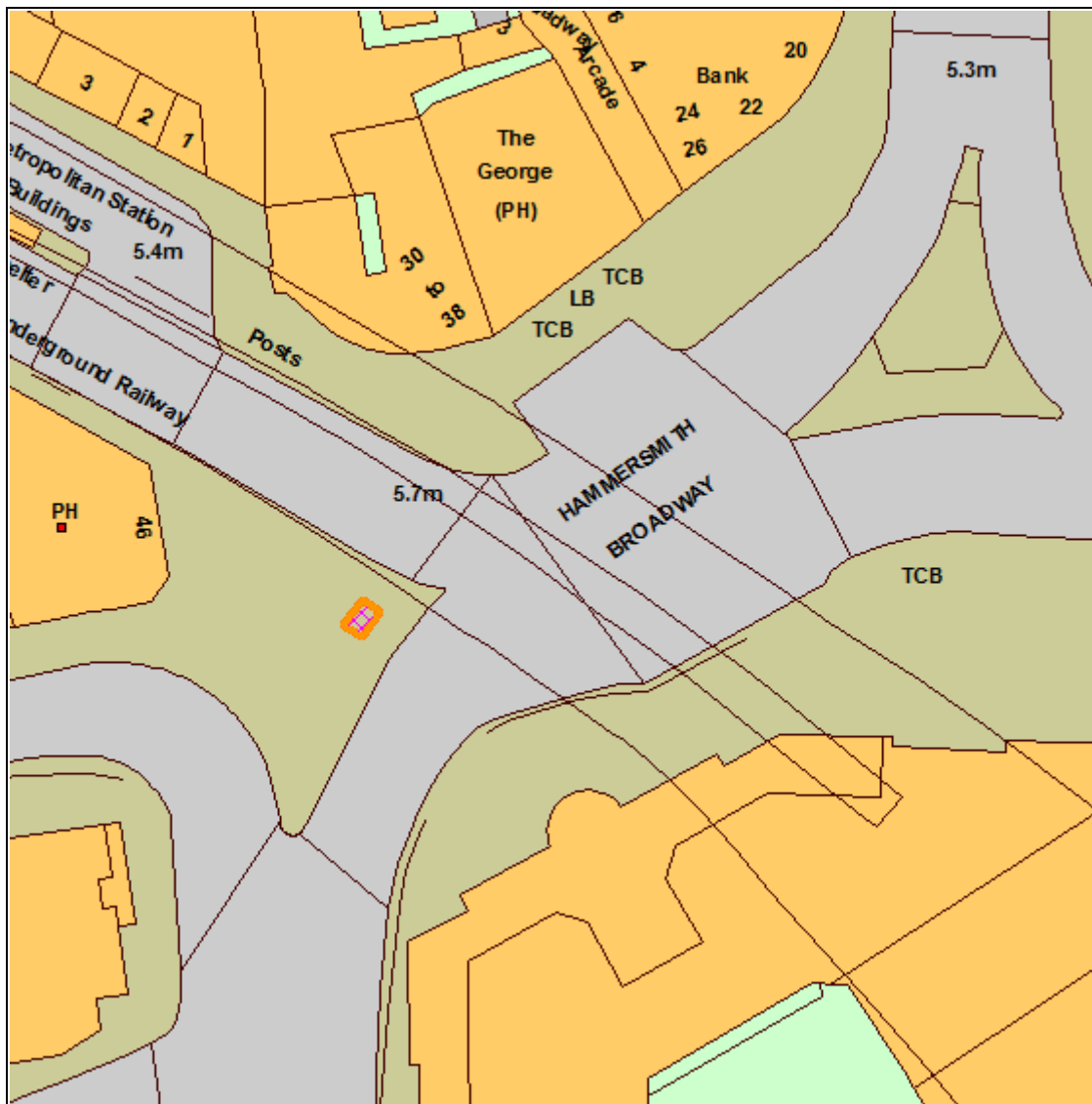
5.2 To authorise that the Strategic Director of The Economy Department in consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make any minor modifications to the proposed conditions or heads of terms or any subsequent minor changes arising out of the detailed negotiations with the applicant which may necessitate the modification, variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions.

# Agenda Item 9

**Ward:** Hammersmith Broadway

**Site Address:**

Outside The Swan 46 Hammersmith Broadway London W6 0DZ



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

**Reg. No:**  
2019/00433/FR3

**Case Officer:**  
Elliot Brown

**Date Valid:**  
14.02.2019

**Conservation Area:**  
Hammersmith Broadway Conservation Area -  
Number 22

**Committee Date:**  
10.06.2019

**Applicant:**

Lynda Dunn  
25 Bagleys Lane Fulham SW6 2QA

**Description:**

Use of part of the public highway for the placing of 1 no. traders' market stall.  
Drg Nos: 65010/13/2

**Application Type:**

Full Regulation 3 - LBHF is Developer

**Officer Recommendation:**

That the Committee resolve that the Strategic Director, Growth and Place, be authorised to determine the application and grant permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the condition(s) listed below:

To authorise the Strategic Director, Growth and Place, after consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make any minor changes to the proposed conditions which may include the variation, addition or deletion of the conditions, any such changes shall be within their discretion.

- 1) The placement of any stall on the application site, or the carrying on of any trading on any part of the application site, shall not continue beyond 24 months from the date of this decision notice.

So that the operation of the market stalls, most particularly with regards to Highways impacts and noise and disturbance to neighbouring properties, may be monitored by the Council over the course of the permission to ensure that no adverse impacts are occurring, in accordance with Policies T1, T6, CC11 and CC13 of the Local Plan (2018).

- 2) The use of the premises shall not be permitted outside the hours of 08:00-20:00.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from activities or people at the site, in accordance with Local Plan (2018) Policies CC11 and CC13.

- 3) Prior to commencement of the development, a Servicing Management Plan shall be submitted to and approved in writing by the Council. Details shall include times and frequency of loading and unloading, vehicle movements, and quiet loading/unloading measures. The details within the agreed Servicing Management Plan shall be implemented prior to the stalls being used and thereafter be permanently retained.

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

- 4) No servicing of the stall/s shall occur from the public footway adjacent to, or part of the site.

To avoid vehicles using the public footway for servicing and causing an obstruction on the footway, in accordance with Policies T1 and T6 of the Local Plan (2018) and Key Principle TR25 of the Planning Guidance Supplementary Planning Document (2018).

- 5) A maximum of one stall at any one time shall be erected only in the location shown on approved drawing no. 65010/13/2 and no stall be erected in any other area at any time. The market stall shall be dismantled and removed when not trading.

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 DC1, T1 and T6 of the Local Plan (2018), and Key Principles TR22 and TR29 of the Planning Guidance Supplementary Planning Document (SPD) (2018).

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

1. Land use: The proposal would achieve a sustainable development by contributing to the vibrancy of the Hammersmith Regeneration Area, and would not conflict in any way with the Council's aims for the regeneration of that area. It would also not affect the viability of Hammersmith Town Centre. Therefore the principle of the development is considered to be in accordance with Local Plan Policies HRA ,and TLC2 of the Local Plan (2018).

2. Highways matters: It is considered that the scheme would not have a significant further impact on the highway network or local parking conditions and is thus considered to be acceptable. Satisfactory provision would be made for the loading/unloading and deliveries and an acceptable width of footway would remain unobstructed for pedestrians. The development thereby accords with Local Plan (2018) Policies T1 and T6 of the Local Plan (2018) as well as London Plan (2016) Policies 6.1, 6.3, 6.10, 6.11 and 6.13.

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

4. Appearance: The development is considered to comply with Local Plan (2018) Policies DC1 and DC8 which require a high standard of design in all new build developments and extensions and alterations to existing buildings, compatible with the scale and character of existing development and its setting. The stalls are not a permanent fixture, of a neat and tidy appearance and do not feature any large, obtrusive or garish signage or advertisement. The character and appearance of the conservation area would be preserved.

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

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

Application form received: 11th February 2019  
Drawing Nos: see above

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

**Consultation Comments:**

**Comments from:**

**Dated:**

**Neighbour Comments:**

**Letters from:**

**Dated:**

**1.0 BACKGROUND**

1.1 The application site comprises an area of public footway, located outside of No.46 Hammersmith Broadway. It is located south of Hammersmith Station (Hammersmith and City and Circle Line), north-west of the Broadway Shopping Centre, and east of No.46 Hammersmith Broadway (The Swan, which is a Grade II Listed Public House).

1.2 The application site lies within the Hammersmith Broadway Conservation Area, the Hammersmith Regeneration Area and a Town Centre.

1.3 The application seeks permission for the use of part of the public highway for the placing of one market stall (selling pre-packed fruit cartons), operating from Monday to Sunday (8am - 8pm).

## 2.0 PUBLICITY AND CONSULTATION RESPONSES

### Neighbouring responses

2.1 The application was advertised by way of site and press notices. Individual letters were also sent to neighbouring properties.

2.2 No letters of objection have been received.

2.3 Hammersmith Disability Forum - there should be ample room on the footway for pedestrians to pass, and effective delineation for blind and visually impaired pedestrians.

## 3.0 PLANNING CONSIDERATIONS

3.1 The relevant considerations in this case, to be assessed against the policies in the National Planning Policy Framework [NPPF] (2018), The London Plan (as amended March 2016) and the Hammersmith and Fulham Local Plan (2018) and the Planning Guidance Supplementary Planning Document [SPD] (2018) are:

- The principle of the development.
- Highways matters, most particularly servicing and deliveries.
- Noise and disturbance to neighbouring residential properties.
- Visual amenity and street clutter.

## 4.0 PRINCIPLE

4.1 The application site is located within the Hammersmith Regeneration Area (Local Plan Policy HRA). This policy states that the Council will seek to promote the continuation of Hammersmith Town Centre by actively encouraging the improvement of the Kings Mall and other retail in this part of the town centre, and the range and quality of independent and specialist retailers. It is considered that the proposal for a market stall selling pre-packed fruit cartons increases choice for local workers and residents and would not conflict with the Council's aspirations for regeneration of the area, but would contribute towards the vitality and vibrancy of the area. As such, no objections would be raised regarding Policy HRA.

4.2 The site falls within Hammersmith Town Centre and is therefore subject to Policy TLC2 of the Local Plan (2018). Due to its location and small scale, catering primarily to commuters and local workers/residents, it is considered that the proposal would not harm the vitality or viability of Hammersmith Town Centre and would therefore not conflict with Policy TLC2 of the Local Plan.

4.3 There are no policies within the Local Plan (2018) that specifically mention new proposals for street food or market stalls, and accordingly, Officers recommend that no objections be raised to the principle of the development. The key issues to be assessed are the highways impact of the scheme, noise and disturbance for neighbours, and the impact of the scheme on visual amenity and the character and appearance of the conservation area.



## 5.0 HIGHWAYS

5.1 The main Highways issues in respect of the development are (a) ensuring satisfactory arrangements for safe and convenient loading/unloading and deliveries for the market stalls and (b) ensuring that there is still space on the pavement for the safe and convenient passage of pedestrians, including those with mobility impairments.

5.2 Policy T1 of the Local Plan (2018) states that the Council will seek to ensure that traffic generated by new development is minimised so that it does not add to parking pressures on local streets.

5.3 The part of the carriageway in front of the proposed market stall is a 'No loading at any time' zone, which means that the trader would be required to load and unload their equipment away from the proposed location of the stall. The Street Markets Team are in discussions with Highway Officers in relation to a Servicing Management Plan, which will detail all the information regarding where and how the stalls would be set up without illegally parking along the carriageway. A condition has been attached to ensure this plan is submitted for approval.

5.4 The location of the market stall is on a part of footway with a high level of footfall, especially at peak times with commuters moving between Hammersmith Station (Hammersmith and City and Circle line), The Broadway Centre (exited by users of the Piccadilly and District line) and nearby offices along King Street (A315). This means that more than the minimum width of 3.5m clear and unobstructed footway will need to be provided as per Key Principles TR25 and TR29 of the Planning Guidance SPD (2018). The submitted site layout plan indicates that the market stall would be located to the side of the pedestrian crossing leading to The Broadway Centre, whilst there would be a distance of 6.9m from the market stall to the kerb of the pavement on Beacon Road. Therefore, even with existing obstructions including bins, traffic lights and an electric feeder pillar taken into consideration, there would still be enough space remaining to ensure the free flow of pedestrians.

## 6.0 NOISE AND NUISANCE

6.1 Policy CC11 of the Local Plan (2018) states that noise-generating development will not be permitted if it would be liable to materially increase the noise experienced by the occupants of existing noise-sensitive uses in the vicinity. Policy CC13 (Control of Potentially Polluting Uses) states that the Council will, where appropriate, require mitigation measures if a nuisance (such as smoke, smell, or noise) would be likely to occur. With specific reference to outdoor uses, Key Principle NN5 states that outdoor uses need to be assessed with regard to frequency and times of use, and the noise level likely to be emitted from activities.

6.2 The nearest property would be the upper-floor residential units at No.46 Hammersmith Broadway, located to the west of the application site. Measurements demonstrate that there would be an approximate distance of 15m between the proposed market stall's location and these residential units.

6.3 Officer's acknowledge that noise from the development could be generated from vehicles arriving, setting up, and voices etc. The application proposes a start time of 8am for trading, with set up commencing prior to that time. Whilst the start time could be early, it is not considered that the proposed market stall would generate additional noise

beyond what has been established by the existing commercial activities in the area, the considerable pedestrian and heavy vehicular traffic on Hammersmith Road and Beadon Road, and outside the Hammersmith Station London Underground Station at that time. For these reasons, it is considered that no objections would be raised to the 8am start time proposed.

6.4 The application form submitted specifies that the market stall would sell pre-packed fruit cartons. Resultantly, hot food odours would not be associated with the proposal.

6.5 It is recommended that the proposal is granted a temporary permission for 24 months, to allow both Highways and Noise and Nuisance Officers to monitor the impact of the developments and record any complaints received during that time. If the stalls were found to be operating without any detrimental issues, the applicant could then re-apply for a longer-term permission.

## 7.0 APPEARANCE/VISUAL CLUTTER

7.1 The proposed market stall is considered to be modest in terms of its footprint, bulk and mass. In order for the market stall to comply with street trading licencing regulations it would be designed to integrate with the surrounding urban environment without detracting from its character and appearance, and, given it is not a permanent feature, no objections are raised on the grounds of visual amenity. It is considered that the character and appearance of the Hammersmith Broadway Conservation Area would be preserved.

## 8.0 CONCLUSIONS AND RECOMMENDATIONS

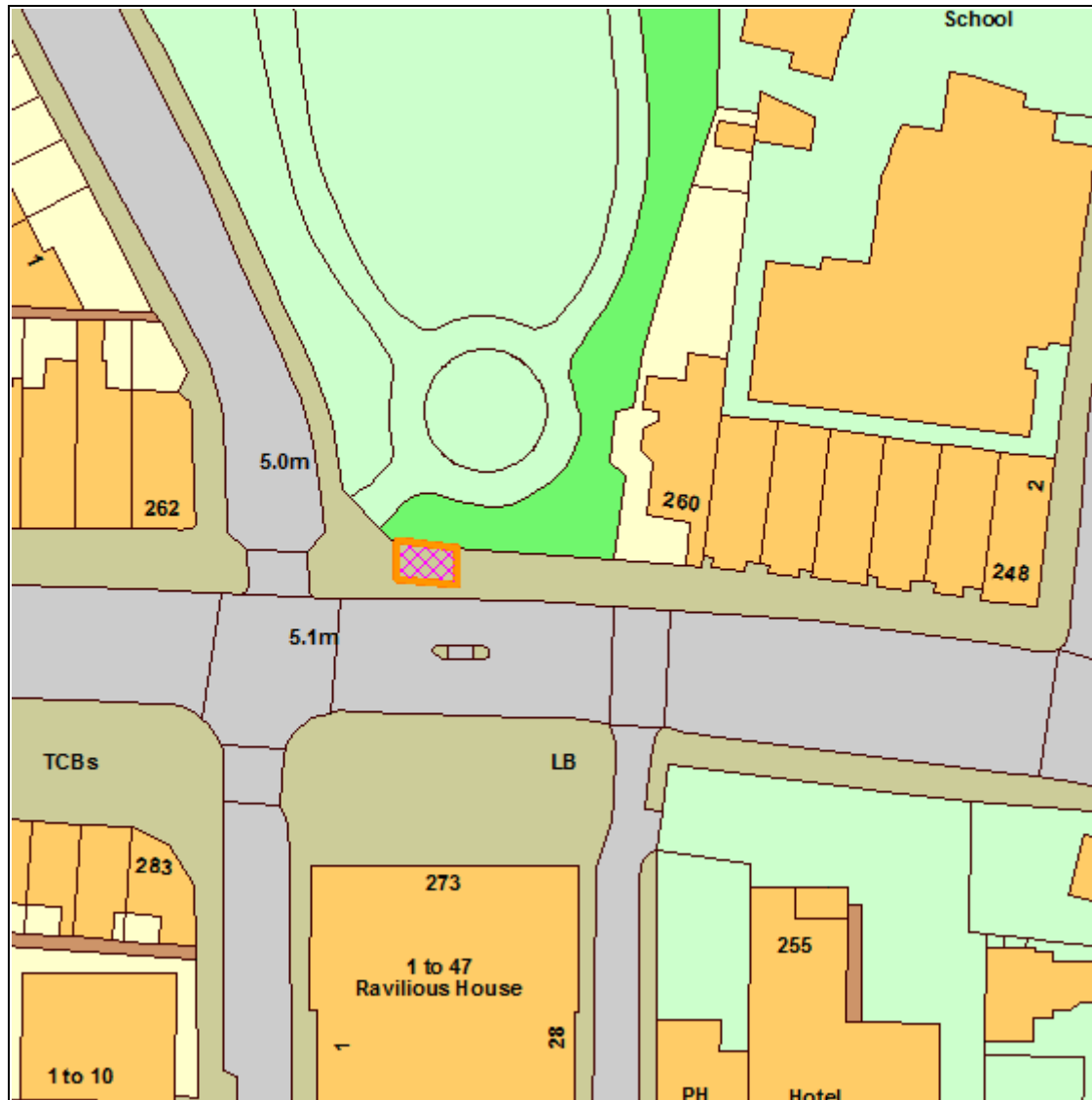
8.1 Officers consider that the proposed development would be acceptable in terms of its highways implications and noise and disturbance for neighbours, as well as appearance and the impact on the character and appearance of the conservation area.

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

**Ward:** Ravenscourt Park

**Site Address:**

Outside Ravenscourt Park King Street London W6



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

**Reg. No:**  
2019/00434/FR3

**Case Officer:**  
Elliot Brown

**Date Valid:**  
14.02.2019

**Conservation Area:**  
Constraint Name: Ravenscourt And Starch Green  
Conservation Area - Number 8

**Committee Date:**  
10.06.2019

**Applicant:**

Lynda Dunn  
25 Bagleys Lane Fulham SW6 2QA

**Description:**

Use of part of the public highway for the placing of 1 stall (coffee cart).  
Drg Nos: 65010/11/2

**Application Type:**

Full Regulation 3 - LBHF is Developer

**Officer Recommendation:**

That the Committee resolve that the Strategic Director, Growth and Place, be authorised to determine the application and grant permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the condition(s) listed below:

To authorise the Strategic Director, Growth and Place, after consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make any minor changes to the proposed conditions which may include the variation, addition or deletion of the conditions, any such changes shall be within their discretion.

- 1) The placement of any stall on the application site, or the carrying on of any trading on any part of the application site, shall not continue beyond 24 months from the date of this decision notice.

So that the operation of the stall most particularly with regards to Highways impacts and noise and disturbance to neighbouring properties, may be monitored by the Council over the course of the permission to ensure that no adverse impacts are occurring, in accordance with Policies T1, T6, CC11 and CC13 of the Local Plan (2018).

- 2) The use of the stall shall not be permitted outside the hours of 08:00-20:00, Monday to Sunday.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from activities or people at the site, in accordance with Local Plan (2018) Policies CC11 and CC13.

- 3) No servicing of the stall/s shall occur from the public footway adjacent to, or part of the site.

To avoid vehicles using the public footway for servicing and causing an obstruction on the footway, in accordance with Policies T1 and T6 of the Local Plan (2018) and Key Principle TR25 of the Planning Guidance Supplementary Planning Document (2018).

- 4) A maximum of one stall at any one time shall be erected only in the locations shown on approved drawing no. 65010/12/2 and no stall shall be erected in any other area at any time. The stall shall be a maximum size of 1.5m x 2m x 1m, and shall be removed when not trading.

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 DC1, T1 and T6 of the Local Plan (2018), and Key Principles TR22 and TR29 of the Planning Guidance Supplementary Planning Document (SPD) (2018).

- 5) Prior to the commencement of the development, a refuse strategy shall be submitted to, and approved in writing by, the Local Planning Authority. This should provide details on how the stall operator will manage waste production.

To ensure that waste associated with the proposal will be appropriately managed, in accordance with Policy CC7 of the Local Plan (2018).

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

1. Land use: The proposal would achieve a sustainable development by contributing to the vibrancy of the surrounding locality, and would not conflict in any way with the Council's aims for this area. Resultantly, the proposal would be considered consistent with Policy DC1 of the Local Plan (2018).

2. Highways matters: It is considered that the scheme would not have a significant further impact on the highway network or local parking conditions and is thus considered to be acceptable. Satisfactory provision would be made for the loading/unloading and deliveries and an acceptable width of footway would remain unobstructed for pedestrians. The development thereby accords with Local Plan (2018) Policies T1 and T6 of the Local Plan (2018) as well as London Plan (2016) Policies 6.1, 6.3, 6.10, 6.11 and 6.13.

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

4. Appearance: The development is considered to comply with Local Plan (2018) Policies DC1 and DC8 which require a high standard of design in all new build developments and extensions and alterations to existing buildings, compatible with the scale and character of existing development and its setting. The stalls are not a permanent fixture, of a neat and tidy appearance and do not feature any large,

obtrusive or garish signage or advertisement. The character and appearance of the conservation area would be preserved.

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

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

Application form received: 11th February 2019  
Drawing Nos: see above

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

**Consultation Comments:**

**Comments from:** **Dated:**

**Neighbour Comments:**

**Letters from:** **Dated:**

37b Ashchurch Park Villas London W12 9SP	19.02.19
Ravilious House, 273 King Street London W6 9QF	11.03.19
273 King Street London W6 9QF	25.02.19
7 Beavor Lane Ravenscourt Park W6 9AR	22.02.19

**1.0 BACKGROUND**

1.1 The application site comprises an area of public footway, located to the east of the King Street entrance to Ravenscourt Park, near the junction of King Street and Ravenscourt Park.

1.2 The site is situated within the Ravenscourt and Starch Green Conservation Area.

1.3 The application seeks permission for the use of part of the public highway for the placing of one market stall (a coffee cart), operating from Monday to Sunday (8am - 8pm).

## 2.0 PUBLICITY AND CONSULTATION RESPONSES

### Neighbouring responses

2.1 The application was advertised by way of site and press notices. Individual letters were also sent to neighbouring properties.

2.2 Four letters of objection have been received, which raise the following concerns:

-The proposal would be a health and safety issue to local residents (including occupants residing within Pocklington Lodge; which provides accommodation for blind and partially sighted people) who use the public footway, by creating a bottle-neck next to a busy road.

-The proposal will likely result in increased littering.

-There are already a number of existing coffee shops in close proximity to the proposed coffee cart, and would negatively impact this via increased business competition.

-The proposal would not be in keeping with the character of the surrounding area.

-The proposed hours of operation would impact upon the noise levels experienced by surrounding residents.

2.3 Officer response:

-The material issues raised are addressed in the report below.

## 3.0 PLANNING CONSIDERATIONS

3.1 The relevant considerations in this case, to be assessed against the policies in the National Planning Policy Framework (2018), The London Plan (as amended March 2016) and the Hammersmith and Fulham Local Plan (2018) and the Planning Guidance Supplementary Planning Document [SPD] (2018) are:

- The principle of the development.
- Highways matters, most particularly servicing and deliveries.
- Noise and disturbance to neighbouring residential properties.
- Visual amenity and street clutter.

## 4.0 PRINCIPLE

4.1 The application site lies outside of a Town Centre, Local Centre, Neighbourhood Parade or a Satellite Parade. As such, there are no policies within the Local Plan (2018) that specifically mention new proposals for street food or market stalls, and as such the application must be considered on its own merits. The provision of a stall providing coffee outside the park entrance is considered to add to facilities available for park visitors, local residents and workers. Officers recommend that no objections be raised to the principle of the development. The key issues to be assessed are the highways impact of the scheme, noise and disturbance for neighbours, and the impact of the scheme on visual amenity and the character and appearance of the conservation area.

## 5.0 HIGHWAYS

5.1 The main Highways issues in respect of the development are (a) ensuring satisfactory arrangements for safe and convenient loading/unloading and deliveries for the stall and (b) ensuring that there is still space on the pavement for the safe and convenient passage of pedestrians, including those with mobility impairments.

5.2 Policy T1 of the Local Plan (2018) states that the Council will seek to ensure that traffic generated by new development is minimised so that it does not add to parking pressures on local streets.

5.3 This section of King Street is a Local Distributor Road, and Policy T6 of the Local Plan (2018) states that development will not be permitted if it would prejudice the effectiveness of these roads to provide safe and convenient access to individual properties or result in their use by through-traffic.

5.4 The Council's Highways team have specified that because the surrounding roads are not strategic roads, servicing/loading/unloading would be permitted on a single or double yellow line, or from a car parking bay. Officer's note the availability of pay and display on-street parking spaces near the application site. It is considered that these would provide the stall trader with satisfactory arrangements for safe and convenient loading/unloading space and deliveries for the stall, without impacting upon the use of this Local Distributor Road to provide safe and convenient access to individual properties or impacting upon the use of these roads for through-traffic.

5.5 Key Principles TR25 and TR29 of the Planning Guidance SPD (2018) provide guidance on the minimum width of clear and unobstructed footway required when street furniture is proposed on a public footway. The location of the proposed coffee cart would lie outside a Town Centre and is not considered to be subject to a high level of footfall. Ravenscourt Park Underground Station and the main areas of retail and office employment space along King Street located to the east of the application site. Officer's therefore recommend that a minimum width of 1.8m clear and unobstructed footway would be necessary. The submitted site layout plan indicates that there would be 4.6m and 8.7m from the market stall to the kerb of the pavement on King Street and Ravenscourt Park, respectively. Therefore, even with existing obstructions including bins, traffic lights and bicycle racks are taken into consideration, there would still be enough space remaining to ensure the free flow of pedestrians.

## 6.0 NOISE AND NUISANCE

6.1 Policy CC11 of the Local Plan (2018) states that noise-generating development will not be permitted if it would be liable to materially increase the noise experienced by the occupants of existing noise-sensitive uses in the vicinity, in this case, the nearest residential properties along King Street and Ravenscourt Park (to the east, west and north-west of the application site). Policy CC13 (Control of Potentially Polluting Uses) states that the Council will, where appropriate, require mitigation measures if a nuisance (such as smoke, smell, or noise) would be likely to occur. With specific reference to outdoor uses, Key Principle NN5 states that outdoor uses need to be assessed with regard to frequency and times of use, and the noise level likely to be emitted from activities.



6.2 The nearest property to the east, west and north-west of the application site is No.260 King Street, No.262 King Street and No.1 Ravenscourt Park, respectively. Measurements taken demonstrate that there would be an approximate distance of 20m between the coffee cart's proposed location and Nos.260 & 262 King Street, and 35m between the coffee cart's proposed location and No.1 Ravenscourt Park.

6.3 Officer's acknowledge that noise from the development could be generated from vehicles arriving, setting up, and voices etc. The application proposes a start time of 8am for trading, with set up commencing prior to that time. Whilst the start time could be early, it is not considered that the proposed stall would generate additional noise beyond what has been established by the existing commercial activities and traffic movements in the area. For this reason, it is considered that no objections would be raised to the 8am start time proposed.

6.4 The indications are that the stall would not serve hot food in addition to coffee, and as such hot food odours are unlikely to be associated with the proposal.

6.5 Concerns were raised at application stage that the proposal may increase the amount of litter within Ravenscourt Park, and a request was made for a condition requiring that the operator to litter pick within a given perimeter of the operation.

6.6 Officers draw attention to Paragraph 55 of the National Planning Policy Framework (2018), which specifies that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects. It is considered that a condition relating to litter picking would fail to comply with Paragraph 55 on a number of grounds. Firstly, the condition is not considered necessary, because the proposed stall would sell take-away coffee which would not necessarily be consumed in the same location as purchased, and in any case, there are numerous bins located within the proximity of the application site to allow for disposal of waste. Secondly, it is not considered that such a condition would be enforceable.

6.7 Accordingly, it is recommended that the proposal is granted a temporary permission for 24 months, to allow both Highways and Noise and Nuisance Officers to monitor the impact of the developments and record any complaints received during that time. If the stall was found to be operating without any detrimental issues, the applicant could then re-apply for a longer-term permission.

## 7.0 APPEARANCE/VISUAL CLUTTER

7.1 The proposed market stall is modest in terms of its footprint, bulk and mass. In order for the stall to comply with street trading licencing regulations it would be designed to integrate with the surrounding urban environment without detracting from its character and appearance, and, given it is not a permanent feature, no objections are raised on the grounds of visual amenity. It is considered that the character and appearance of the Ravenscourt and Starch Green Conservation Area would be preserved.

## 8.0 CONCLUSIONS AND RECOMMENDATIONS

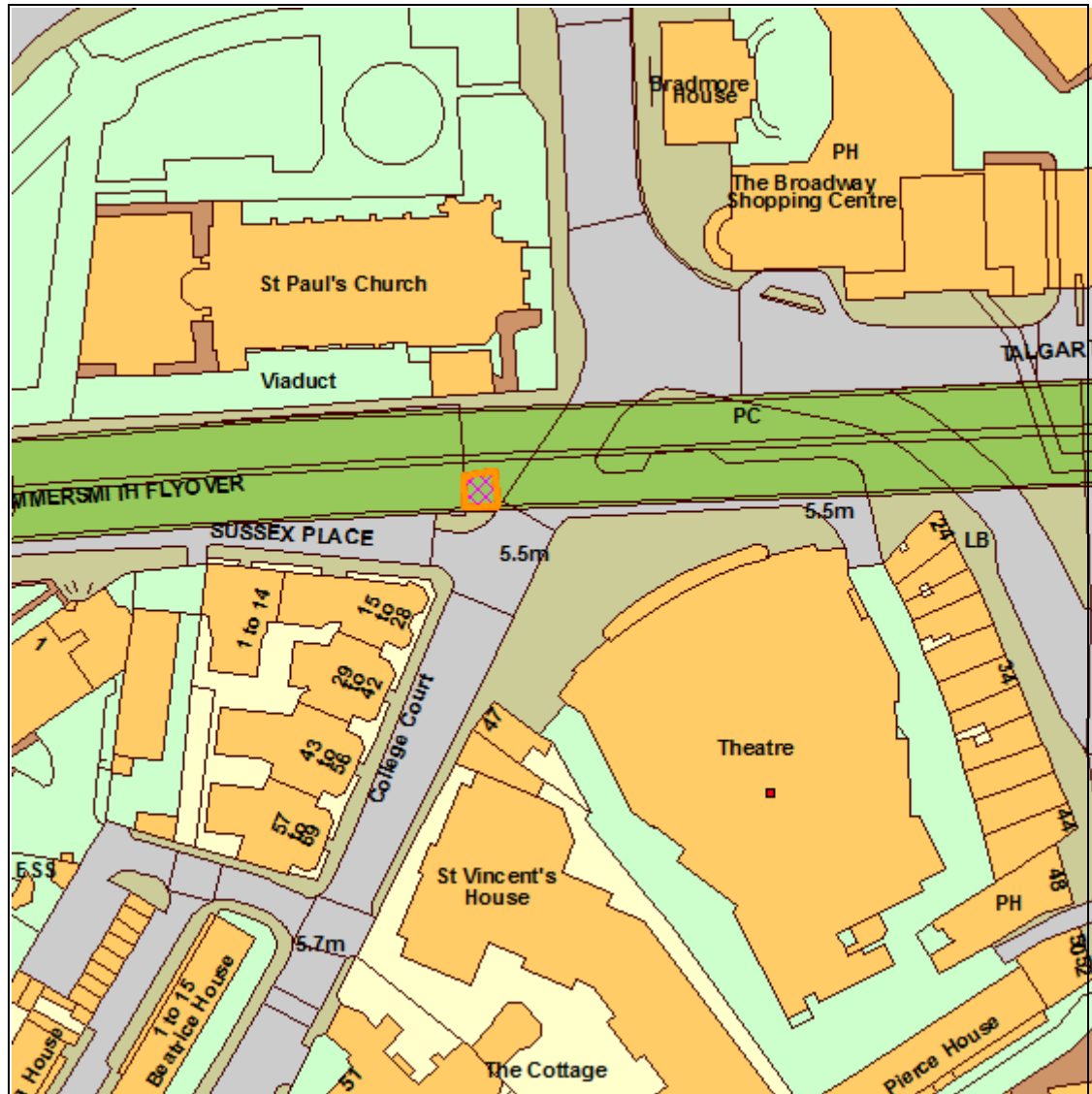
8.1 Officers consider that the proposed development would be acceptable in terms of its highways implications and noise and disturbance for neighbours, as well as appearance and the impact on the character and appearance of the conservation area.

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

**Ward:** Hammersmith Broadway

**Site Address:**

Junction Of Sussex Place And Queen Caroline Street London W6 9QH



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

**Reg. No:**  
2019/00436/FR3

**Case Officer:**  
Elliot Brown

**Date Valid:**  
14.02.2019

**Conservation Area:**

**Committee Date:**  
10.06.2019

**Applicant:**

Lynda Dunn  
25 Bagleys Lane Fulham SW6 2QA

**Description:**

Use of part of the public highway for the placing of 1 market stall maximum size 2.5m x 3m x 2m from Monday to Sunday (on Apollo event days).  
Drg Nos: 65010/10/2

**Application Type:**

Full Regulation 3 - LBHF is Developer

**Officer Recommendation:**

That the Committee resolve that the Strategic Director, Growth and Place, be authorised to determine the application and grant permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the condition(s) listed below:

To authorise the Strategic Director, Growth and Place, after consultation with the Director of Law and the Chair of the Planning and Development Control Committee to make any minor changes to the proposed conditions which may include the variation, addition or deletion of the conditions, any such changes shall be within their discretion.

- 1) The placement of any stall on the application site, or the carrying on of any trading on any part of the application site, shall not continue beyond 24 months from the date of this decision notice.

So that the operation of the market stall, most particularly with regards to Highways impacts and noise and disturbance to neighbouring properties, may be monitored by the Council over the course of the permission to ensure that no adverse impacts are occurring, in accordance with Policies T1, T6, CC11 and CC13 of the Local Plan (2018).

- 2) The use of the stall shall not be permitted outside the hours of 08:00-20:00, Monday to Sunday.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from activities or people at the site, in accordance with Local Plan (2018) Policies CC11 and CC13.

- 3) No servicing of the stall shall occur from the public footway adjacent to, or part of the site.

To avoid vehicles using the public footway for servicing and causing an obstruction on the footway, in accordance with Policies T1 and T6 of the Local Plan (2018) and Key Principle TR25 of the Planning Guidance Supplementary Planning Document (2018).

- 4) A maximum of one stall at any one time shall be erected only in the location shown on approved drawing no. 65010/13/2 and no stall shall be erected in any other area at any time. The stall shall be dismantled and removed when not trading.

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 DC1, T1 and T6 of the Local Plan (2018), and Key Principles TR22 and TR29 of the Planning Guidance Supplementary Planning Document (SPD) (2018).

- 5) Prior to the commencement of the development, a refuse strategy shall be submitted to, and approved in writing by, the Local Planning Authority. This should provide details on how the market stall operator will manage waste production.

To ensure that waste associated with the proposal will be appropriately managed, in accordance with Policy CC7 of the Local Plan (2018).

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

1. Land use: The proposal would achieve a sustainable development by contributing to the vibrancy of the Hammersmith Regeneration Area, and would not conflict in any way with the Council's aims for the regeneration of that area. It would also not affect the viability of Hammersmith Town Centre. Therefore the principle of the development is considered to be in accordance with Local Plan Policies HRA, and TLC2 of the Local Plan (2018).

2. Highways matters: It is considered that the scheme would not have a significant further impact on the highway network or local parking conditions and is thus considered to be acceptable. Satisfactory provision would be made for the loading/unloading and deliveries and an acceptable width of footway would remain unobstructed for pedestrians. The development thereby accords with Local Plan (2018) Policies T1 and T6 of the Local Plan (2018) as well as London Plan (2016) Policies 6.1, 6.3, 6.10, 6.11 and 6.13.

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

4. Appearance: The development is considered to comply with Local Plan (2018) Policies DC1 and DC8 which require a high standard of design in all new build developments and extensions and alterations to existing buildings, compatible with the scale and character of existing development and its setting. The stalls are not a permanent fixture, of a neat and tidy appearance and do not feature any large,

obtrusive or garish signage or advertisement. The character and appearance of the conservation area would be preserved.

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

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

Application form received: 11th February 2019  
Drawing Nos: see above

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

**Consultation Comments:**

**Comments from:** **Dated:**

**Neighbour Comments:**

**Letters from:** **Dated:**

18 College Court, Sussex Place Queen Caroline Street Hammersmith W6 9DY	
27.02.19	
29 College Court Queen Caroline Street London W6 9DZ	27.02.19

**1.0 BACKGROUND**

1.1 The application site comprises an area of public footway, located at the junction of Sussex Place and Queen Caroline Street, underneath the Hammersmith Flyover. It is located to the south of St Paul's Church, to the north-west of the Hammersmith Apollo, and to the north of College Court.

1.2 The application site does not lie within a Conservation Area, but is located within the Hammersmith Regeneration Area and a Town Centre.

1.3 The application seeks permission for the use of part of the public highway for the placing of one market stall (for the selling of either coffee or ice cream), operating from Monday-Sunday (8am-8pm).

## 2.0 PUBLICITY AND CONSULTATION RESPONSES

### Neighbouring responses

2.1 The application was advertised by way of site and press notices. Individual letters were also sent to neighbouring properties.

2.2 Two letters of objection have been received, raising the following concerns:

-The proposal would result in increased levels of noise and odour, which would be detrimental to the amenity of surrounding residents.

-The proposal would increase the amount of litter within the surrounding area.

-Additional food services in close proximity to the Hammersmith Apollo would encourage people to congregate within the locality for longer, which could increase disruption on surrounding residents.

2.3 Officer response: The material issues raised are addressed in the report below.

2.4 Hammersmith Disability Forum - there should be ample room on the footway for pedestrians to pass, and effective delineation for blind and visually impaired pedestrians.

## 3.0 PLANNING CONSIDERATIONS

3.1 The relevant considerations in this case, to be assessed against the policies in the National Planning Policy Framework [NPPF] (2018), The London Plan (as amended March 2016) and the Hammersmith and Fulham Local Plan (2018) and the Planning Guidance Supplementary Planning Document [SPD] (2018) are:

- The principle of the development.
- Highways matters, most particularly servicing and deliveries.
- Noise and disturbance to neighbouring residential properties.
- Visual amenity and street clutter.

## 4.0 PRINCIPLE

4.1 The application site is located within the Hammersmith Regeneration Area (Local Plan Policy HRA). This policy states that the Council will seek to promote the expansion of Hammersmith's arts and leisure offer, capitalising on the existing facilities such as Hammersmith Apollo, Lyric Theatre, St Pauls Green, Lyric Square and the river front. It is considered that the proposal for a market stall selling coffee or ice cream would not conflict with the Council's aspirations of supporting the existing leisure facilities within the area. As such, no objections would be raised regarding Policy HRA.

4.2 The site falls within Hammersmith Town Centre and is therefore subject to Policy TLC2 of the Local Plan (2018). Due to its location and small scale, catering primarily to commuters, local workers/residents and attendees of Hammersmith Apollo event days, it is considered that the proposal would not harm the vitality or viability of Hammersmith Town Centre and would therefore not conflict with Policy TLC2 of the Local Plan.

4.3 There are no policies within the Local Plan (2018) that specifically mention new proposals for street food or market stalls, and accordingly, Officers recommend that no objections be raised to the principle of the development. The key issues to be assessed are the highways impact of the scheme, noise and disturbance for neighbours, and the impact of the scheme on visual amenity and the character and appearance of the conservation area.

## 5.0 HIGHWAYS

5.1 The main Highways issues in respect of the development are (a) ensuring satisfactory arrangements for safe and convenient loading/unloading and deliveries for the market stalls and (b) ensuring that there is still space on the pavement for the safe and convenient passage of pedestrians, including those with mobility impairments.

5.2 Policy T1 of the Local Plan (2018) states that the Council will seek to ensure that traffic generated by new development is minimised so that it does not add to parking pressures on local streets.

5.3 The A219: Butterwick/Queen Caroline Street (north of Talgarth Road) are London Distributor Roads. Policy T6 of the Local Plan (2018) states that development would not be permitted if it would prejudice the effectiveness of these roads to provide links to the strategic route network, provide access to and between town centres, and distribute traffic to and around local areas.

5.4 Highways officers have specified that there is a 'Loading only' bay in close proximity to the proposed market stall location, and accordingly it is considered that this would provide the stall trader with satisfactory arrangements for safe and convenient loading/unloading space and deliveries for the market stalls, without impacting upon the use of this London Distributor Road to provide links to the strategic road network, access to and between town centres and distribute traffic to and around local areas.

5.5 The location of the proposed market stall is on a part of the highway with a high level of footfall, especially on Hammersmith Apollo Event Days and peak times, with commuters travelling to the Hammersmith Underground Stations. This means that more than the minimum width of 3.5m clear and unobstructed footway will need to be provided as per Key Principles TR25 and TR29 of the Planning Guidance SPD (2018). The submitted site layout plan indicates that there would be a distance of 3.7m and 4m from the market stall to the kerb of the pavement on Sussex Place and Queen Caroline Street, respectively. Therefore, even with existing obstructions including Bicycle racks and lamp columns taken into consideration, there would still be enough space remaining to ensure the free flow of pedestrians.

## 6.0 NOISE AND NUISANCE

6.1 Policy CC11 of the Local Plan (2018) states that noise-generating development will not be permitted if it would be liable to materially increase the noise experienced by the occupants of existing noise-sensitive uses in the vicinity. Policy CC13 (Control of Potentially Polluting Uses) states that the Council will, where appropriate, require mitigation measures if a nuisance (such as smoke, smell, or noise) would be likely to occur. With specific reference to outdoor uses, Key Principle NN5 states that outdoor



uses need to be assessed with regard to frequency and times of use, and the noise level likely to be emitted from activities.

6.2 The nearest properties would be the residential units contained with College Court, Queen Caroline Street; located to the south-west of the application site. Measurements demonstrate that there would be an approximate distance of 15m between the proposed market stall location and these residential units.

6.3 Officer's acknowledge that noise from the development could be generated from vehicles arriving, setting up, and voices etc. The application proposes a start time of 8am for trading, with set up commencing prior to that time. Whilst the start time could be early, it is not considered that the proposed market stall would generate additional noise beyond what has been established by the existing commercial activities in the area, the considerable pedestrian and heavy vehicular traffic on Queen Caroline Street, and outside the Broadway Centre at that time. About event days, concern has been raised that a market stall serving food and/or drink would encourage people to congregate within the locality for longer. Officers consider that people purchasing products from the stall would be those who are already within the locality awaiting access into the Hammersmith Apollo, and as such would not result in greater congregations of people than usual on an event day. For these reasons, it is considered that no objections would be raised to the 8am start time proposed.

6.4 Officers note that the market stall would sell either coffee or ice cream. Resultantly, hot food odours would not be associated with the proposal.

6.5 There have been issues in the past with unlicensed food traders under the Hammersmith Flyover. The provision of a designated stall would most likely assist with these issues.

6.6 It is recommended that the proposal is granted a temporary permission for 24 months, to allow both Highways and Noise and Nuisance Officers to monitor the impact of the developments and record any complaints received during that time. If the stalls were found to be operating without any detrimental issues, the applicant could then re-apply for a longer-term permission.

## 7.0 APPEARANCE/VISUAL CLUTTER

7.1 The proposed market stall is considered to be modest in terms of their footprint, bulk and mass. In order for the market stall to comply with street trading licencing regulations it would be designed to integrate with the surrounding urban environment without detracting from its character and appearance, and, given it is not a permanent feature, no objections are raised on the grounds of visual amenity. It is considered that the character and appearance of the Hammersmith Broadway Conservation Area would be preserved.

## 8.0 CONCLUSIONS AND RECOMMENDATIONS

8.1 Officers consider that the proposed development would be acceptable in terms of its highways implications and noise and disturbance for neighbours, as well as appearance and the impact on the character and appearance of the conservation area.

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