

# Planning and Development Control Committee

## Agenda

Tuesday 3 March 2020 - 7.00 pm  
Main Hall (1<sup>st</sup> Floor) - 3 Shortlands, Hammersmith, W6 8DA

### 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



### Shortlands

3 Shortlands,  
Hammersmith,  
London W6 8DA

 Closest Underground Station  
Hammersmith

 Closest Bus Stop  
Latymer Court (Stop G)

**CONTACT OFFICER:** Charles Francis  
Committee Co-ordinator  
Governance and Scrutiny  
Tel 07776 672945  
E-mail: [charles.francis@lbhf.gov.uk](mailto:charles.francis@lbhf.gov.uk)

### 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 Thursday 27 February 2020**

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)

## **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

3 March 2020

<u>Item</u>		<u>Pages</u>
1.	<b>MINUTES</b>	5 - 14
	To approve as an accurate record, and the Chair to sign, the minutes of the meetings of the Committees held on 7 January 2020 and 4 February 2020.	
2.	<b>APOLOGIES FOR ABSENCE</b>	
3.	<b>DECLARATION OF INTERESTS</b>	
	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.	
	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.	
	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.	
	Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Standards Committee.	
4.	<b>ADA LEWIS HOUSE, 2 PALLISER ROAD, LONDON, W14 9EF, NORTH END, 2019/02351/FUL</b>	15 - 76
5.	<b>14 OLD OAK ROAD, LONDON, W3 7HQ, 2019/01306/FUL</b>	77 - 100
6.	<b>ENFORCEMENT REPORT</b>	101 - 108



London Borough of Hammersmith & Fulham

# Planning and Development Control Committee Minutes



Tuesday 7 January 2020

## PRESENT

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

## MINUTES

The minutes of the meeting of the Committee held on 3 December 2019 were agreed as an accurate record.

## APOLOGIES FOR ABSENCE

Apologies for absence were provided by Councillor Asif Siddique.

## DECLARATION OF INTERESTS

Councillor Matt Uberoi declared a non-pecuniary interest in respect of 2A Loftus Road, as he had met the resident speaking in objection to the application in his role as a community worker in Chelsea. As he had not discussed the application with the resident, he remained in the meeting and voted on the item.

## 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.

## **2A Loftus Road – 2019/03015FUL**

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

The Committee heard a representation from a resident in objection to the application. The Committee also heard a representation from a representative of the applicant in support of the application.

The Committee voted on the recommendations for application 2019/03015/FUL as follows:

### Officer Recommendation 1

For:

2

Against:

5

Not Voting:

0

As the application was not approved, the Committee did not vote in respect of recommendation 2.

The Committee voted on a motion to refuse the application 2019/03015/FUL. This was put to the vote and the result was as follows:

For:

7

Against:

0

Not Voting:

0

### **RESOLVED THAT:**

Planning Application 2019/03015FUL be refused for three reasons:

- The impact on surrounding residential amenity, in particular refuse collection, additional vehicular movements and noise.
- The Management Plan submitted as part of the application was insufficiently robust.
- Insufficient information to assess the likely impact on traffic locally, including additional deliveries and servicing, guest trips and the hours of operation of the site.

## **430 – 432 Uxbridge Road – 2019/01908/FUL**

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

The Committee heard a representation from a representative of the applicant in support of the application.

The Committee voted on application 2019/01908/FUL and whether to agree the two officer recommendations. 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:**

- 1) The Strategic Director, The Economy Department, be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the planning conditions listed in the report.
- 2) The Strategic Director, The Economy Department, after consultation with the Borough Solicitor and the Chair of the Planning and Development Control Committee is authorised to make any minor changes to the proposed heads of terms of the legal agreement or conditions which may include the variation, addition or deletion of the conditions, any such changes shall be within their discretion.

## **Liberty House, 76 Hammersmith Road – 2019/01742/FUL**

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

The Committee heard a representation from a representative of the applicant in support of the application.

Councillor Matt Thorley proposed Condition 41 be amended to require 4 accessible parking spaces to be permanently retained for the life of the development. This was seconded by Councillor Alex Karmel.

Councillor Alex Karmel proposed that Condition 53 be amended to include mitigation measures in respect of deliveries in the Delivery and Servicing Plan and that an additional Head of Term should be added to the legal agreement requiring the owner to notify leaseholders of the building of the mitigation measures. This was seconded by Councillor Matt Thorley.

The Committee voted on application 2019/01742/FUL (including the changes to conditions 53, 41 and the addition of an extra head of term in the legal agreement as follows:

Officer recommendation 1 (as amended as set out above):

For:

7

Against:

0

Not Voting:

0

Officer recommendation 2:

For:

7

Against:

0

Not Voting:

0

### **RESOLVED THAT:**

- 1) The Strategic Director, the Economy Department is authorised to grant permission up on the completion of a satisfactory legal agreement and subject to the condition(s) listed in the report
- 2) The Strategic Director, the Economy Department, after consultation with the Borough Solicitors and the Chair of the Planning and Development Control Committee is authorised to make any minor changes to the proposed heads of terms of the legal agreement or conditions which may include the



variation, addition or deletion of the conditions, any such changes shall be within their discretion.

**Nazareth House, 169 – 175 Hammersmith Road – 2019/00392/FUL**

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

The Committee voted on the change to the head of terms in respect of application 2019/00392/FUL. This was put to the vote and the result was as follows:

Officer recommendation:

For:

7

Against:

0

Not Voting:

0

**RESOLVED THAT:**

That the Committee resolves to replace the Section 106 Head of Term referred to at paragraph [5.62] of the original committee report for this development dated 13 June 2018 with the following head of term;

Requirement for details of the eligibility criteria (including any subsequent changes to this criteria) for occupants of the care home apartments to be agreed in writing with the Council.

Meeting started: 7:00 pm  
9:14 pm

Chair .....

Contact officer: Charles Francis  
Committee Co-ordinator  
Governance and Scrutiny  
Tel 07776 672945  
E-mail: charles.francis@lbhf.gov.uk

# Planning and Development Control Committee Minutes

Tuesday 4 February 2020

## **PRESENT:**

**Committee members:** Councillors Rachel Leighton, Matt Uberoi, Colin Aherne, Wesley Harcourt, Natalia Perez, Asif Siddique, Alex Karmel and Matt Thorley

**Others:** Cllr Guy Vincent

## **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

## **DECLARATION OF INTERESTS**

Councillor Matt Uberoi declared a non-pecuniary interest in respect 25 Thames Reach, 80 Rainville Road, as he knew the original architect socially/politically (Lord Richard Rogers) and had met with his family at their home recently. As he had not discussed the application with the original architect, or indeed with the current applicant or any related parties, he remained in the meeting and voted on the item.

## **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.

### **25 Thames Reach, 80 Rainville Road – 2019/03091/FUL**

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

The Committee heard a representation from two residents in objection to the application. The Committee also heard a representation from a representative of the applicant in support of the application.

Councillor Guy Vincent spoke as ward Councillor in objection to the scheme.

The Committee voted on the recommendations for application 2019/03091/FUL as follows:

Officer Recommendation 1

For:

4

Against:

0

Not Voting:

4

Officer Recommendation 2

For:

8

Against:

0

Not Voting:

0

**RESOLVED THAT:**

- 1) The Strategic Director, The Economy Department, be authorised to grant permission subject to the condition(s) listed in the report.
- 2) The Strategic Director, The Economy Department, after consultation with the Borough Solicitor and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of the conditions, any such changes shall be within their discretion.

**Elysium Gate, 126-128 New King's Road – 2019/02239/FUL**

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

The Committee heard a representation from a representative of the applicant in support of the application.

The Committee voted on application 2019/02239/FUL and whether to agree the two officer recommendations. This was put to the vote and the result was as follows:

Officer recommendation 1:

For:

4

Against:

3

Not Voting:

1

Officer recommendation 2:

For:

8

Against:

0

Not Voting:

0

**RESOLVED THAT:**

- 1) The Strategic Director, The Economy Department, be authorised to grant planning permission subject to the planning conditions listed in the report.
- 2) The Strategic Director, The Economy Department, after consultation with the Borough Solicitor and the Chair of the Planning and Development Control Committee is authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of the conditions, any such changes shall be within their discretion.

**Maisonette 1<sup>st</sup> and 2<sup>nd</sup> Floors, 111 Stephendale Road – 2019/02422/FUL**

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

The Committee heard a representation from the applicant in support of the application.

The Committee voted on application 2019/02422/FUL as follows:

Officer recommendation

For:

7

Against:

1

Not Voting:

0

**RESOLVED THAT:**

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

- 1) The proposed development is considered to be unacceptable on visual grounds. More particularly, the proposed front roof extension would represent a visually dominant and discordant feature, out of keeping with the architectural character of the application property, and would disrupt the uniform appearance

of the subject terrace, which remains significantly unimpaired by such extensions. In this respect, the proposal is contrary to Policies DC1 and DC4 of the Local Plan 2018.

**142 Colwith Road – 2019/02681/FUL**

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

Cllr Colin Aherne proposed that Condition 11 be amended to include ‘Bank Holidays’. This was seconded by Cllr Alex Karmel.

The Committee voted on the proposed amendment to Condition 11 and the vote was as follows:

For:  
8  
Against:  
0  
Not Voting:  
0

The Committee voted on the change to the head of terms in respect of application 2019/02681/FUL. This was put to the vote and the result was as follows:

Officer recommendation:

For:  
8  
Against:  
0  
Not Voting:  
0

**RESOLVED THAT:**

- 1) The Strategic Director, The Economy Department, be authorised to grant permission subject to the conditions listed in the report.
- 2) The Strategic Director, The Economy Department, after consultation with the Borough Solicitor and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of the conditions, any such changes shall be within their discretion.

Meeting started: 7:00 pm  
9:14 pm

Chair .....

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Minutes are subject to confirmation at the next meeting as a correct record of the proceedings and any amendments arising will be recorded in the minutes of that subsequent meeting.

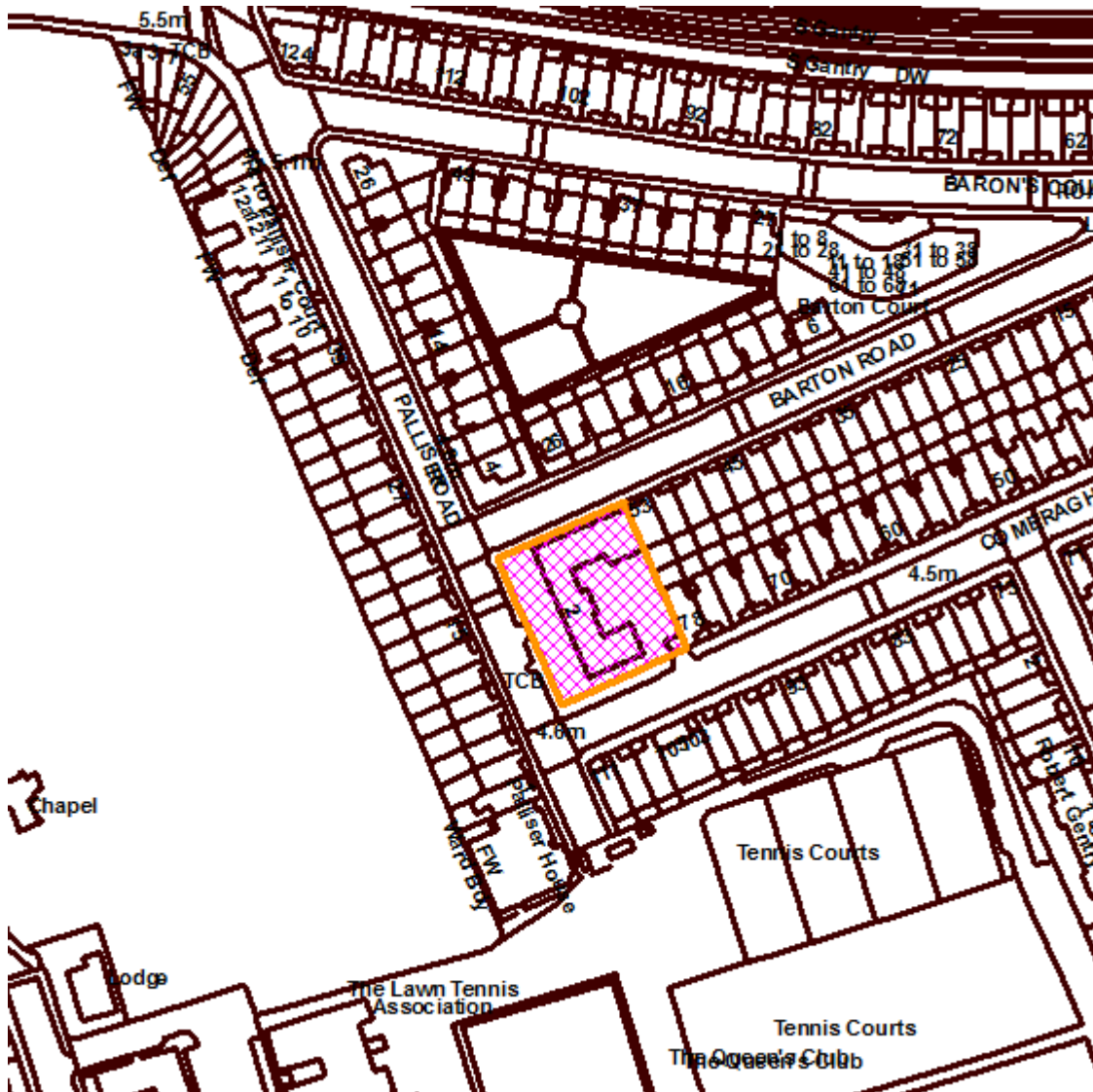
Contact officer: Charles Francis  
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Governance and Scrutiny  
Tel 07776 672945  
E-mail: [charles.francis@lbhf.gov.uk](mailto:charles.francis@lbhf.gov.uk)

# Agenda Item 4

**Ward:** North End

**Site Address:**

Ada Lewis House, 2 Palliser Road, London, W14 9EF



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For identification purposes only - do not scale.

**Reg. No:**  
2019/02351/FUL

**Case Officer:**  
Jacques du Plessis

**Date Valid:**  
08.08.2019

**Conservation Area:**  
Barons Court Conservation Area

**Committee Date:**  
03.03.2020

**Applicant:**  
Southern Housing Group  
C/o Agent

### **Description of Development:**

Demolition of the existing building and the erection of a replacement five-storey building to provide 36 residential flats (9 maisonettes and 27 apartments) with private gardens, communal courtyard and cycle storage.

Drawing Nos: Planning Statement; Design and Access Statement; Energy Statement (July 2019); Transport Statement, Delivery and Servicing Management Plan; P18-086\_00100\_revP1; P18-086\_PLS-001001; P18-08\_PLS-001002\_rev1; 23281\_95; 23281\_90\_revA; 23281\_91\_revA; 23281\_92\_revA; P18-086\_PLS-060000\_rev1; P18-086\_PLS-060001\_rev1; P18-086\_PLS-060002\_rev1; P18-086\_PLS-060400\_rev1; P18-086\_PLS-060401\_rev1; P18-086\_PLS-060404\_rev1; P18-086\_PLS-060402\_rev1; P18-086\_PLS-060403\_rev1; P18-086\_PLS-0001B1\_rev6; P18-086\_PLS-0001L1\_rev6; P18-086\_PLS-000100\_rev6; P18-086\_PLS-0001U1\_rev6; P18-086\_PLS-000101\_rev6; P18-086\_PLS-000102\_rev6; P18-086\_PLS-000103\_rev1; P18-086\_PLS-000104\_rev8; P18-086\_PLS-060100\_rev1; P18-086\_PLS-060101\_rev1; P18-086\_PLS-060000\_rev3; P18-086\_PLS-060001\_rev2; P18-086\_PLS-060002\_rev1; P18-086\_PLS-060400\_rev1; P18-086\_PLS-060401\_rev1; P18-086\_PLS-060404\_rev1; P18-086\_PLS-060402\_rev1; P18-086\_PLS-060403\_rev1; P18-086\_PLS\_060405\_rev-; P18-086\_PLS-950000\_rev1; P18-086\_PLS-910000\_rev1; P18-086\_PLS-000105\_rev5; P18-086\_PLS-940000\_rev1; P18-086\_PLS-930000\_rev1; P18-086\_PLS-931000\_rev1; P18-086\_PLS-920000\_rev1; P18-086\_PLS-230201\_revP1; P18-086\_PLS-060304\_rev1; P18-086\_PLS-060305\_rev1; P18-086\_PLS-060301\_rev1; P18-086\_PLS-060307\_rev1; P18-086\_PLS-740000\_rev1; P18-086\_PLS-060201\_rev1; P18-086\_PLS\_230101\_revP1; P18-086\_PLS-230103\_revP1; P18-086\_PLS-060302\_rev1; P18-086\_PLS-060308\_rev1; P18-086\_PLS-230400\_rev1; P18-086\_PLS-060300\_rev1; P18-086\_PLS-060306\_rev1; P18-086\_PLS-270101\_rev1; P18-086\_PLS-6801B1\_rev 2; P18-086\_PLS-680100\_rev 2; P18-086\_PLS-680100\_rev 2; P18-086\_PLS-6801U1\_rev 2; P18-086\_PLS-680101\_rev 2.

### **Application Type:**

Full Detailed Planning Application

### **Officer Recommendation:**

- 1) That the Strategic Director, The Economy Department, be authorised to grant permission upon the completion of a satisfactory legal agreement and subject to the condition(s) listed below.
- 2) That the Strategic Director, The Economy Department, after consultation with the Director of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed heads of terms of the legal agreement or conditions, which may include the variation, addition or deletion of the conditions, any such changes shall be within their discretion.

### **CONDITIONS**

Time Limit

- 1) The development hereby permitted shall not commence later than 3 years from the date of this decision.

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).

Drawings

- 2) The planning permission hereby permitted shall be constructed in accordance with the approved drawings marked.



P18-086\_00100\_revP1; P18-086\_PLS-001001; P18-08\_PLS-001002\_rev1; 23281\_95; 23281\_90\_revA; 23281\_91\_revA; 23281\_92\_revA; P18-086\_PLS-060000\_rev1; P18-086\_PLS-060001\_rev1; P18-086\_PLS-060002\_rev1; P18-086\_PLS-060400\_rev1; P18-086\_PLS-060401\_rev1; P18-086\_PLS-060404\_rev1; P18-086\_PLS-060402\_rev1; P18-086\_PLS-060403\_rev1; P18-086\_PLS-0001B1\_rev6; P18-086\_PLS-0001L1\_rev6; P18-086\_PLS-000100\_rev6; P18-086\_PLS-0001U1\_rev6; P18-086\_PLS-000101\_rev6; P18-086\_PLS-000102\_rev6; P18-086\_PLS-000103\_rev1; P18-086\_PLS-000104\_rev8; P18-086\_PLS-060100\_rev1; P18-086\_PLS-060101\_rev1; P18-086\_PLS-060000\_rev3; P18-086\_PLS-060001\_rev2; P18-086\_PLS-060002\_rev1; P18-086\_PLS-060400\_rev1; P18-086\_PLS-060401\_rev1; P18-086\_PLS-060404\_rev1; P18-086\_PLS-060402\_rev1; P18-086\_PLS-060403\_rev1; P18-086\_PLS\_060405\_rev-; P18-086\_PLS-950000\_rev1; P18-086\_PLS-910000\_rev1; P18-086\_PLS-000105\_rev5; P18-086\_PLS-940000\_rev1; P18-086\_PLS-930000\_rev1; P18-086\_PLS-931000\_rev1; P18-086\_PLS-920000\_rev1; P18-086\_PLS-230201\_revP1; P18-086\_PLS-060304\_rev1; P18-086\_PLS-060305\_rev1; P18-086\_PLS-060301\_rev1; P18-086\_PLS-060307\_rev1; P18-086\_PLS-740000\_rev1; P18-086\_PLS-060201\_rev1; P18-086\_PLS\_230101\_revP1; P18-086\_PLS-230103\_revP1; P18-086\_PLS-060302\_rev1; P18-086\_PLS-060308\_rev1; P18-086\_PLS-230400\_rev1; P18-086\_PLS-060300\_rev1; P18-086\_PLS-060306\_rev1; P18-086\_PLS-270101\_rev1; P18-086\_PLS-6801B1\_rev 2; P18-086\_PLS-680100\_rev 2; P18-086\_PLS-680100\_rev 2; P18-086\_PLS-6801U1\_rev 2; P18-086\_PLS-680101\_rev 2.

To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9 and 7.21 of the London Plan 2016 and Policies DC1, DC2, DC3 and DC8 of the Local Plan 2018.

#### Hoardings

- 3) No development shall commence until a scheme for temporary fencing and/or enclosure of the site has been submitted to and approved in writing by the Local Planning Authority, and the temporary fencing and/or enclosure has been erected in accordance with the approved details. The temporary fencing and/or enclosure shall thereafter be retained for the duration of the building works in accordance with the approved details.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies 7.1 and 7.6 of the London Plan, Policy DC1 and DC8 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD (2018).

#### Demolition, Ground and Enabling Works

- 4) Prior to the commencement of any demolition, ground and/or enabling works details of any demolition, ground and/or enabling works shall be submitted to and approved in writing by the Local Planning Authority (any such works approved under this condition 4 are referred to in other conditions as "Demolition, Ground and Enabling Works"). The enabling works shall proceed in accordance with the approved details.

To ensure that the development accords with the provisions and assessment of the approved Environmental Statement and to ensure that the development is carried out in a satisfactory manner in accordance with Policies DC1, and CC2 of the Local Plan 2018.

## Temporary land uses

- 5) Prior to implementing works for any temporary uses or structures including sales/marketing suites within the site details shall be submitted to and approved in writing by the Local Planning Authority. Any interim structures, uses and buildings shall be implemented in accordance with the approved details, for a specified time period set out in the details and shall be discontinued/removed once the temporary period has been expired.

To ensure that the site remains in a tidy condition during the construction phase and to ensure that any temporary uses/structures do not create un-neighbourly impacts and to prevent harm to the street scene and character and appearance of the adjoining conservation area, in accordance with Policy DC1, DC2 and DC8 of the Local Plan 2018.

## Construction Environmental Management Plan

- 6) Prior to commencement of the development hereby approved, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Council. The CEMP shall provide details of how construction works are to be undertaken and shall include:
- i. A construction method statement which identifies the stages and details how works will be undertaken;
  - ii. Details of working hours, which unless otherwise agreed with the Local Planning Authority shall be limited to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays;
  - iii. Details of plant and machinery to be used during construction works;
  - iv. Details of waste management strategy;
  - v. Details of community engagement arrangements;
  - vi. Details of any acoustic hoarding;
  - vii. A temporary drainage strategy and performance specification to control surface water runoff and Pollution Prevention Plan (in accordance with Environment Agency Guidance);
  - viii. Details of external lighting; and
  - ix. Details of any other standard environmental management and control measures to be implemented.

The development shall be carried out in accordance with the approved details. Additionally, the site or Contractor Company must be registered with the Considerate Constructors Scheme. Proof of registration must be sent to the Local Planning Authority prior to any works being carried out.

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

## CONTAMINATED LAND

### Contamination - Preliminary Risk Assessment Report

- 7) No development shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Local Planning Authority. 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 Policies CC9 and CC13 of the Local Plan 2018 and SPD Key Principles LC1 to LC7 2018.

#### Contamination - Site Investigation Scheme

- 8) No development shall commence until a site investigation scheme is submitted to and approved in writing by the Local Planning Authority. 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 Policies CC9 and CC13 of the Local Plan 2018 and SPD Key Principles LC1 to LC7 2018.

#### Contamination - Quantitative Risk Assessment Report

- 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, 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 Policies CC9 and CC13 of the Local Plan 2018 and SPD Key Principles LC1 to LC7 2018.

#### Contamination - Remediation Method Statement

- 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, 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 Policies CC9 and CC13 of the Local Plan 2018 and SPD Key Principles LC1 to LC7 2018.

#### Contamination - Verification Report

- 11) 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 Policies CC9 and CC13 of the Local Plan 2018 and SPD Key Principles LC1 to LC7 2018.

#### Contamination - Onward Long-Term Monitoring Methodology Report

- 12) 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 Policies CC9 and CC13 of the Local Plan 2018 and SPD Key Principles LC1 to LC7 2018.

## Piling Method Statement

- 13) No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out (where relevant) including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

To prevent any potential to impact on local underground water and sewerage utility infrastructure, in accordance with Policies 5.14 and 5.15 of the London Plan, Policies CC3 and CC5 of the Local Plan 2018. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

## CONSTRUCTION

### Construction Logistics Plan

- 14) Prior to commencement of development hereby permitted, a Construction Logistics Plan, based upon the TfL Construction Logistics Plan (2017) or any subsequent guidance, shall be submitted to and approved in writing by the Local Planning Authority. The Construction Logistics Plan shall cover the following minimum requirements:
- a) control measures for delivery locations,
  - b) numbers, size and routing of construction vehicles
  - c) other matters relating to traffic management to be agreed.
  - d) site logistics and operations;
  - e) contact details for site managers and details of management lines of reporting;
  - f) location of site offices, ancillary buildings, plant, wheel-washing facilities, stacking bays and car parking;
  - g) storage of any skips, oil and chemical storage etc.; and
  - h) access and egress points;
  - i) measures indicating that construction will not have a detrimental impact on the operation of the Queens Club.

The development shall be carried out in accordance with the approved Construction Logistics Plan. CLP is an ongoing live document and must be reviewed and monitored at all stages.

To ensure that no unacceptable adverse effect on the amenity of surrounding occupiers in accordance with Policies DC1, DC2, T1, T2, CC6, CC7, CC10, CC11, and CC12 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD (2018).

### Demolition Method Statement and Construction Management Plan

- 15) 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. 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, CC12 and CC13 of the Development Management Local Plan.

#### DRAINAGE

##### Revised Drainage Strategy

- 16) The development hereby permitted shall be carried out in accordance with the approved Drainage Strategy, dated August 2018 prepared by Patrick Parsons.

To ensure that sufficient drainage capacity is made available to cope with the new development; and to avoid adverse environmental impact upon the community in accordance with Policy 5.13 of the London Plan.

##### Sustainable Drainage Strategy (SuDS)

- 17) Prior to commencement of development hereby permitted, a revised Sustainable Drainage Strategy (SuDS), which details how surface water will be managed on-site in-line with the London Plan Drainage Hierarchy's preferred SuDS measures, shall be submitted to and approved in writing by the Local Planning Authority. Information shall include details on the design, location and attenuation capabilities of the proposed sustainable drainage measures such as permeable surfaces, including green roofs. Details of the proposed flow controls and flow rates for any discharge of surface water to the combined sewer system should also be provided, with the aim of achieving greenfield rates for final discharges. Where feasible, rainwater harvesting should also be integrated to collect rainwater for re-use in the site. The 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 satisfactory storage of/disposal of surface water from the site in accordance with Policy 5.13 of The London Plan; and Policy CC3 of the Local Plan 2018.

##### Rainwater Harvesting

- 18) Details of rainwater harvesting and grey water recycling systems shall be submitted to and approved in writing by the Local Planning Authority. Details shall be implemented in accordance with the approved details and thereafter permanently retained in this form.

To improve sustainability and reduce flood risk by reducing potable water demands and water run-off rates in accordance with Policies 5.11, 5.13, 5.14 and 5.15 London Plan, Policy CC3 of the Local Plan 2018.

##### Revised Flood Risk Assessment

- 19) Prior to commencement of development hereby permitted a revised Flood Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. Details shall be implemented in accordance with the approved details and thereafter permanently retained in this form.

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, and Policy CC3 of the Local Plan 2018.

## ENVIRONMENT

### Energy Strategy

- 20) The development hereby permitted shall be carried out in accordance with the approved Energy Strategy, dated July 2019 as prepared by Baily Garner.

In the interests of energy conservation and reduction of CO2 emissions, in accordance with Policies 5.1, 5.2, 5.3, 5.6 and 5.7 of the London Plan, Policy CC1 of the Local Plan 2018.

### Energy Statement

- 21) Prior to commencement of development (excluding Demolition, Ground and Enabling Works) hereby permitted, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority to show compliance with the Energy Strategy approved pursuant to Condition 20. No part of the Development shall be used or first occupied (other than for construction purposes) until it has been carried out in accordance with the approved details and shall be retained for the lifetime of the development.

In the interests of energy conservation and reduction of CO2 emissions, in accordance with Policies 5.1, 5.2, 5.3, 5.6 and 5.7 of the London Plan, Policy CC1 of the Local Plan 2018.

### Sustainability Statement

- 22) Prior to commencement of development (excluding Demolition, Ground and Enabling Works) hereby permitted, a Revised Sustainability Statement shall be submitted to and approved in writing by the Local Planning Authority. Details shall be carried out in accordance with the approved details.

In the interests of energy conservation and reduction of CO2 emissions, in accordance with Policies 5.1, 5.2, 5.3, 5.6 and 5.7 of the London Plan, Policy CC1 of the Local Plan 2018.

### Detail of Photovoltaic (PV) panels

- 23) Prior to commencement of development (excluding Demolition, Ground and Enabling Works) hereby permitted, details of the provision of photovoltaic panels shall be submitted to and approved in writing by the Local Planning Authority. No part of the Development shall be used or first occupied (other than for construction purposes) until the appropriate PV panels as approved pursuant to Condition 20 has been carried out in accordance with the approved details and shall be retained for the lifetime of the development.

In the interests of energy conservation and reduction of CO2 emissions, in accordance with Policies 5.1, 5.2, 5.3, 5.6 and 5.7 of the London Plan, Policy CC1 of the Local Plan 2018.

## AIR QUALITY

### Ventilation Strategy

- 24) Prior to commencement of above ground works in the development hereby permitted, (excluding Demolition, Ground and Enabling Works) a Ventilation Strategy report in order to mitigate air pollution for C3 use shall be submitted to and approved in writing by the Council. The Ventilation Strategy report should include the following information:

- a) Details and locations of the air intake locations at rear roof level
- b) Details of non-openable windows for Habitable rooms (bedrooms, living rooms) on front elevations with Palliser Road, Barton Road and Comeragh Road
- c) 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;
- d) 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. 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. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained

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

#### Ventilation Strategy

- 25) Prior to occupation of the development, details of a post installation report of the approved ventilation strategy shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

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

#### Zero Emission Combustion Plant

- 26) Prior to occupation of the development hereby permitted, details of the installation of the Air Source Heat Pumps, Electric Boilers, and Emergency generators shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

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

#### Air Quality Dust Management Plan (Demolition)

- 27) Prior to the commencement of the demolition phase 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 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 The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM for the first phase of construction shall be registered on the NRMM register <https://nrmm.london/user-nrmm/register> prior to commencement of demolition works and thereafter retained and maintained until occupation of the development; use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g. Euro 6 and Euro VI; Details of MCERTS compliant monitoring of Particulates (PM10) used to prevent levels exceeding predetermined PM10 threshold trigger levels. Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM10, PM2.5) and NOx emissions at all times. Approved details shall be fully implemented and permanently retained and maintained during the construction phases of the development.

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

#### Air Quality Dust Management Plan (Construction)

- 28) Prior to the commencement of the construction phase 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 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 The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM for the first phase of construction shall be registered on the NRMM register <https://nrmm.london/user-nrmm/register> prior to commencement of construction works and thereafter retained and maintained until occupation of the development; use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g. Euro 6 and Euro VI; Details of MCERTS compliant monitoring of Particulates (PM10) used to prevent levels exceeding predetermined PM10 threshold trigger levels. Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM10, PM2.5) and NOx emissions at all times. Approved details shall be fully implemented and permanently retained and maintained during the construction phases of the development.

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

#### NOISE

Absolute internal and external noise criteria for noise sensitive premises

- 29) The noise level in rooms at the development hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms and external amenity areas.

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

External noise from machinery, extract/ ventilation ducting, mechanical gates, etc.

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

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

Separation of noise sensitive rooms in neighbouring flats

- 31) Prior to commencement of development (excluding Demolition, Ground and Enabling Works), details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value  $D_{nT,w} + C_{tr}$  [and  $L'_{nT,w}$ ] of at least 5dB above the Building Regulations value, for the floor/ceiling /wall structures separating different types of rooms/ uses in adjoining dwellings, namely [eg. living room and kitchen above bedroom of separate dwelling]. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site is not adversely affected by noise, in accordance with Policies CC11 and CC13 of the Development Management Local Plan.

Floodlights, Security lights and Decorative External Lighting

- 32) 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 the amenity of occupiers of surrounding premises is not adversely affected by lighting, in accordance with Policies CC11 and CC13 of the Local Plan 2018.

## HIGHWAYS

### Cycle Parking

- 33) Prior to first occupation of the development hereby permitted, details of secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. Details shall ensure the following;
- a) Internal dimensions of the lift shall be a minimum of 2300mm long and 2000mm wide in order to allow for a cycle and at least two residents to use it at the same time. Door opening should be minima 1000mm wide.
  - b) Corridors are wide enough for a cycle and cyclist in order to accommodate unobstructed and safe turning circles.
  - c) A minimum isle width of 2500mm beyond the lowered frame. This is to enable the bicycle to be turned and loaded in safety and comfort. An overall minimum aisle width of 2500mm should be provided where frequent two-way movements are likely within an aisle with stands on either side, as it is proposed in the basement.
  - d) The headroom required will vary with system but generally, a ceiling height of 2800 – 3000mm will provide adequate clearance above most parked bicycles. Two-tier stands should be provided with mechanisms that help lifting such as springs or gas-struts. It is essential that side-bars or similar be incorporated in the design on both the lower and upper tiers to allow the frame and at least one wheel to be secured.
  - e) Any door or gateway that cyclists must pass through to gain access to parking must be at least 1200mm wide. Communal doorways and corridors should be a minimum of 1200mm.
  - f) Width of the stairs between basement and ground level should be wide enough for a person to carry a cycle between these two levels.
  - g) That the width of the stairs between ground and basement level is adequate to ensure unobstructed and safe movement for cycle and cyclist. Please note that dimensions of a person and cycle are: 1100 x 1800mm.
  - h) Comply with the West London Cycle Parking Guidance 2017.

No part of the property shall be occupied or used until the cycle storage arrangements have been implemented in accordance with the approved details. The cycle storage arrangements shall thereafter be retained for the life of the development.

To ensure the suitable provision of cycle parking within the Development to meet the needs of future site occupiers and users and in the interest of the appearance of the development, in accordance with Policies 6.9 and 6.13 of the London Plan and Policy T3 of the Local Plan 2018.

### Delivery and Servicing Management Plan

- 34) Prior to first occupation of any residential property within the development hereby permitted, a Delivery and Servicing Management Plan (DSMP) shall be submitted to and approved in writing by the Local Planning Authority. The DSMP shall detail the management of deliveries, emergency access, collection of waste and recyclables, times and frequencies of deliveries and collections/ silent reversing methods/ location of loading bays and vehicle movement. The approved measures shall be implemented and thereafter retained for the lifetime of the residential or commercial uses in the relevant part of the site.

To ensure that satisfactory provision is made for refuse storage and collection and to ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise, in accordance with Policy 6.11 of the London Plan and Policies T2, CC11 and CC13 of the Local Plan 2018 and SPD Key Principle TR28 (2018).

## DESIGN

### Details and Materials

- 35) Prior to commencement of development above ground level hereby permitted, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) Particulars and samples (where appropriate) of the materials to be used on all external faces of the buildings including external ground and upper level surfaces such as roof terraces.  
The development shall be carried out in accordance with the details as 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, in accordance with Policies 7.1 and 7.6 of the London Plan, Policies DC1 and DC8 of the Local Plan 2018.

### 1:20 Details

- 36) Prior to commencement of development above ground level hereby permitted, detailed drawings at a scale not less than 1:20 (in plan, section and elevation) of typical sections/bays of each of the approved buildings shall be submitted and approved in writing by the Local Planning Authority. These shall include details of the proposed mansard roof, proposed cladding, fenestration (including framing and glazing details), balustrades, entrances, roof top plant and plant screening, hand rails, canopies and junctions between building elements. The development shall be carried out in accordance with the details as 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, in accordance with Policies 7.1 and 7.6 of the London Plan, Policies DC1 and DC8 of the Local Plan 2018.

### Roof enclosures

- 37) Prior to commencement of development above ground level hereby permitted, details of any enclosure(s) to be fitted to roof mounted equipment at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be used or occupied until any enclosure(s) have been constructed in accordance with the approved details, and the enclosure(s) shall thereafter be permanently retained in this form.

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

### No plant, water tanks

- 38) No plumbing, extract flues or pipes, 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 buildings hereby permitted.

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

#### Aerials and Satellite Dishes

- 39) Prior to commencement of development above ground level hereby permitted details of any aerials and satellite dishes shall be submitted and approved in writing by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that principal Order with or without modification), no additional aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being obtained.

To ensure that the visual impact of telecommunication equipment upon the surrounding area can be considered, in accordance with in accordance with Policies 7.6 and 7.8 of the London Plan, and Policies DC1 and DC8 of the Local Plan 2018.

#### Window Cleaning Equipment

- 40) Prior to first use or occupation of the development hereby permitted, details of the proposed window cleaning equipment shall be submitted and approved in writing by the Local Planning Authority. The details shall include the appearance, means of operation and storage of the cleaning equipment. No part of the development shall be used or occupied until the equipment has been installed in accordance with the approved details and shall thereafter be permanently retained in this form.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies 7.1 and 7.6 of the London Plan, and Policies DC1 and DC8 of the Local Plan 2018.

#### Changes to the external appearance of the new buildings

- 41) No alterations shall be carried out to the external appearance of the buildings, including the installation of air-conditioning units, ventilation fans, extraction equipment, balustrades, fencing, canopies or roof structures not shown on the approved drawings. The face brick elevations shall also not be painted.

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

#### Balcony Balustrade

- 42) Balcony balustrade at all levels in the development shall not be made solid or otherwise obscured and shall be retained for the lifetime of the development.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policy 7.6 of The London Plan, and Policies DC1 and DC8 of the Local Plan 2018.

#### Secure by Design

- 43) Prior to commencement of the development hereby permitted (excluding Demolition, Ground and Enabling Works) a statement of how 'Secure by Design' requirements are to be adequately achieved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include, but not be limited to: site wide public realm CCTV and feasibility study relating to linking CCTV with the Council's borough wide CCTV system, access controls, basement security measures and means to secure the site throughout construction in accordance with BS8300:2009. No part of the development shall be used or occupied until these

measures have been implemented in accordance with the approved details, and the measures shall thereafter be permanently retained in this form.

To ensure that the development incorporates suitable design measures to minimise opportunities for, and the perception of crime and provide a safe and secure environment, in accordance with Policy 7.3 of the London Plan, and Policies DC1 and DC8 of the Local Plan 2018.

## LANDSCAPING

### Soft and Hard Landscaping

- 44) Prior to commencement of development hereby permitted (excluding Demolition, Ground and Enabling Works), details of the proposed soft and hard landscaping of all areas external to the buildings shall be submitted to and approved in writing by the Local Planning Authority. The details shall include: planting schedules and details of the species, planting of eight semi-mature trees, including sections through the planting areas; depth of tree pits, containers and shrub beds; details relating to the access of the building, including pedestrian surfaces, materials, kerb details, external steps and seating that ensure a safe and convenient environment for blind and partially sighted people. The landscaping works shall be carried out in accordance with the approved details and shall thereafter be permanently retained in this form.

To ensure a satisfactory external appearance of the development and relationship with its surroundings, and the needs of the visually impaired are catered for in accordance with the Equality Act 2010, Policies 3.1, 7.1 and 7.6 of the London Plan, and Policies DC1, DC8, OS2 and OS5 of the Local Plan 2018.

### Replacement Trees, shrubs etc

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

To ensure a satisfactory external appearance in terms of the provision of tree and shrub planting, in accordance with Policies 7.1 and 7.6 of the London Plan, and Policies DC1, DC8, OS2 and OS5 of the Local Plan 2018.

### Landscape Management Plan

- 46) Prior to commencement of landscaping works, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority for all of the landscaped areas. This shall include details of management responsibilities and maintenance schedules for all landscape areas. The landscape management plan shall be implemented in accordance with the approved details and shall thereafter be permanently retained in this form.

To ensure that the development provides an attractive natural and visual environment in accordance with Policies 7.1 and 7.6 of the London Plan, and Policies DC1, DC8, OS2 and OS5 of the Local Plan 2018.

### Outdoor Play Spaces

- 47) Prior to commencement of development hereby permitted (excluding Demolition, Ground and Enabling Works), a scheme detailing the size of playspace, play

equipment, boundary treatments and ground surface treatment of the outdoor play spaces shall be submitted to the local planning authority and approved in writing. Any play equipment will be designed to be fully inclusive to ensure the play areas are accessible to all and will be implemented in accordance with the approved plans, to be permanently retained thereafter.

To ensure equal life chances for all, and to prevent groups such as blind people and disabled children being excluded from use of public realm and other amenities by designs failing in detail to take specific needs into account, in accordance with policy 3.1 of the London Plan, and Policy OS3 of the Local Plan 2018.

## ACCESS

### Access Management Plan

- 48) Prior to first occupation of the development hereby permitted (excluding Demolition, Ground and Enabling Works), an Inclusive Access Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be operated otherwise than in accordance with the Inclusive Access Management Plan as approved and thereafter be permanently retained in this form.

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

### Level Threshold

- 49) The ground floor entrance doors to the building and integral lift/stair cores 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 level access.

To ensure the development provides ease of access for all users, in accordance with Policy 3.1 and 7.2 of the London Plan, and Policy DC1 and HO6 of the Local Plan 2018.

### Lifts

- 50) Prior to first occupation and/or use of the development hereby permitted, details of fire rated lifts in each of the buildings submitted to and approved in writing by the Local Planning Authority. Details shall include loading lifts to the basement levels and the measures to ensure that at least one lift per core will operate at all times and that no wheelchair occupiers are trapped if a lift breaks down. The fire rated lifts shall be installed as approved and maintained in full working order for the lifetime of the development.

To ensure that the development provides for the changing circumstances of occupiers and responds to the needs of people with disabilities, in accordance with policies 3.8 and 7.2 of the London Plan, and Policy DC1 and HO6 of the Local Plan 2018.

### Fire Safety

- 51) The development shall be implemented in accordance with the fire safety principles set out in the Fire Strategy Drawings by Child Graddon Lewis dated May 2019.

To ensure that the Development contributes to the minimisation of potential fire risk, in accordance with the Policy 7.13 of the London Plan.

## Heritage Plaque

- 52) Details of a local history plaque including the proposed size, shape, material, colour, lettering style and size, text and location for public display on a street elevation of the proposed building shall be submitted to the Local Authority and approved in writing prior to occupation of the development. The local history plaque shall be installed in accordance with the approved details prior to the occupation of the development and thereafter permanently retained.

In order to ensure that the historic identity of the existing building is commemorated as a point of reference for the future, in accordance with policy DC8 of the Local Plan 2018.

## RECOMMENDED REASONS FOR APPROVAL

- 1) Land Use: The change of use from a HMO to single family residential dwellings is acceptable in principle because the standard of accommodation would become self-contained and an offer improved quality of accommodation. All the proposed land uses are supported by adopted policy. Officers consider that a residential development is appropriate in this location. The proposal is therefore supported in land use terms subject to the satisfaction of other development plan policies and is considered to be in accordance with the NPPF, London Plan Policies 2.13 and 3.3 and Policies HO1, and HO8 of the Local Plan 2018.
- 2) Affordable Housing: The development provides 100% affordable housing on site. This is supported in order to maximise the delivery of much needed affordable housing within the borough. The proposal is therefore considered to be in accordance with the NPPF, London Plan Policies 3.3, 3.4, 3.5, 3.6, 3.8 and 3.9 and Policy HO1 and HO3 of the Local Plan 2018.
- 3) Housing Mix: The proposal provides a range of unit sizes which are considered to respond positively to the site characteristics and given consideration to the wider demographics, would lead to a development that would maintain a mixed and balanced ward. The amenity space provided accords with the adopted policies and would provide a high quality of private and communal amenity for future occupants together with a high standard of residential accommodation. The density is acceptable, given the location and transport accessibility of the site and the resultant acceptable quality of the residential accommodation which will deliver 36 homes. The proposal is therefore supported and is considered to be in accordance with the NPPF, London Plan Policies 3.3, 3.4, 3.5, 3.6, 3.8 and 3.9 and Policies HO1, HO3, HO4, HO5 and HO6 of the Local Plan 2018.
- 4) Design and Conservation: The proposal complies with Local Plan policy DC1 in that it respects the existing townscape context, demonstrates tangible urban design benefits and is sensitive to the appearance and preservation of the Conservation Area. The proposed built form has a massing which responds to the surrounding townscape. The elevations have an architectural character which provides interest across all frontages. It is considered that this 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, London Plan Policies 7.1, 7.2, 7.3 7.4, 7.5, 7.6 and 7.8 and Policies H04, DC1, DC2 and DC8 of the Local Plan 2018.
- 5) Transport: The development will be car free and the S106 legal agreement will ensure that residents will not be able to obtain on-street parking permits. There would be no adverse impact on traffic generation. Conditions would secure satisfactory provision of cycle and refuse storage, construction and logistics and management while a Travel Plan is secured by legal agreement. Adequate provision for storage and collection of refuse and recyclables would be provided.



The accessibility level of the site is very good and is well served by public transport. External impacts of the development would be controlled by conditions and section 106 provisions. In addition, servicing and road safety and travel planning initiatives would be implemented in and around the site to mitigate against potential issues. The proposed development therefore accords with Policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13 of the London Plan, Policy T1, T2, T3, T4 and T5 of the Local Plan 2018.

- 6) **Impact on Neighbouring Properties:** The impact of the proposed development upon adjoining occupiers is considered acceptable with no significant worsening of noise/disturbance and overlooking, no unacceptable 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 proposed development therefore accords with London Plan Policies 3.5, 3.6, 3.8, 7.3, 7.6, 7.7 and 7.14 and Policies DC1 and DC2 of the Local Plan (2018).
- 7) **Safety and Access:** A condition would ensure the development would provide a safe and secure environment for all users in accordance with London Plan Policy 7.3 and Policy DC1 of the Local Plan 2018. The development would provide 10% of all units as wheelchair units, level access, a lift to all levels and suitable circulation space. Conditions would ensure the proposal would provide ease of access for all persons, including disabled people. Satisfactory provision is therefore made for users with mobility needs, in accordance with Policy 7.2 of the London Plan and Policy H06 of the Local Plan 2018.
- 8) **Sustainability and Energy:** The application proposes a number of measures to reduce CO2 emissions with a carbon offset payment secured. A revised Sustainable Urban Drainage Strategy would be required by condition to reflect final design detail. The proposal would thereby seek to reduce pollution and waste and minimise its environmental impact. The proposed development therefore accords with Policies 5.1, 5.2, 5.3, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15 and 7.19 of the London Plan and Policies CC1 and CC2 of the Local Plan 2018.
- 9) **Flood Risk:** The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment, dated August 2018. Sustainable drainage systems (SUDS) would be integrated into the development to cut surface water flows into the communal sewer system with further information on surface water drainage secured by condition. The development would therefore be acceptable in accordance with the NPPF, Policies 5.11, 5.13, 5.14 of the London Plan and Policies CC3 and CC4 of the Local Plan 2018.
- 10) **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 and Policy CC9 of the Local Plan 2018.
- 11) **Planning Obligations:** Planning obligations to offset the impact of the development and to make the development acceptable in planning terms are secured. Contributions relating to transport and highways improvements, off-site landscaping improvement, 100% Affordable Housing, 10% Wheelchair User Dwellings, CCTV Strategy, carbon offset payment, and local training and employment opportunities and procurement are secured. The proposed development would therefore mitigate external impacts and would accord with Policy INFRA 1 of the Local Plan 2018.
- 12) **In line with the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018,** officers have consulted the applicant on the pre-commencement conditions included in the agenda and the applicant has raised no objections.

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

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

Application form received: 7th August 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:**

Thames Water - Development Control

Environment Agency - Planning Liaison

Hammersmith & Fulham Historic Buildings Group

The Hammersmith Society

**Dated:**

23.08.19

06.09.19

03.10.19

10.01.20

**Neighbour Comments:**

**Letters from:**

2 Pallsier Rd Barons Court W14 9EF

FLAT 20 PALLISER COURT LONDON W14 9ED

FLAT 20 PALLISER COURT LONDON W14 9ED

111a Comeragh Road London W14 9HS

3 Challoner Crescent London W14 9LE

68 North End House Fitzjames Avenue London W14 0RX

17 Perham Road London W14 9SR

17 Perham Road London W14 9SR

39 barons court rd barons court London w14 9dz

91 Comeragh Road London W14 9HS

first floor flat 19 Palliser Road London W14 9EB

3 Palliser road London W14 0EB

33 Barons Court Road London W14 9DZ

103-105 Comeragh Road West Kensington London W14 9HS

NAG

29 Palliser Road, London W14 9EB

29 Palliser Road, London W14 9EB

NAG

Flat 6 Barons Court Mansions Gledstones Road W14 9hz

Owners Of Grd Floor Flat 31 Barton Road London W14 9HB

Grd Floor Flat, 31 Barton Road London W14 9HB

C/o 15 Palliser Court Palliser Road London W14 9ED

Top Floor Flat 70 Comeragh Road London

33 Barons Court Road London W14 9DZ

Basement Flat 56 Comeragh Road West Kensington W14 9HR

Garden flat, 21 Palliser Road London W14 9EB

**Dated:**

12.09.19

28.08.19

28.08.19

25.11.19

27.08.19

19.09.19

04.10.19

25.11.19

20.11.19

24.11.19

29.09.19

09.09.19

14.11.19

11.09.19

03.10.19

03.10.19

19.11.19

03.10.19

04.10.19

04.10.19

03.10.19

04.10.19

04.10.19

18.11.19

10.09.19

31.08.19

19 D Charleville Road London W14 9JJ	01.10.19
NAG	13.09.19
49b Barton Road London W14 9HB	08.10.19
Nag	25.11.19
105a Comeragh Road London W14 9HS	15.09.19
33 Barons Court Road London W149dz	01.10.19
66 Comeragh Road London W14 9HR	04.10.19
20 Barton Road London W14 9HD	31.08.19
Flat 1 Basement 70 Comeragh Road London W14 9HR	24.11.19
Flat 6 Barons Court mansions London W14 9hz	25.11.19
3 Challoner Crescent LONDON W14 9LE	16.09.19
Basement Flat 56 Comeragh Road West Kensington W14 9HR	11.09.19
69 Comeragh Road London W14 9HT	02.09.19
58 Blythe road London W140ha	28.09.19
17, Greenacres Drive Greenacres Drive Winchester SO21 2HE	07.09.19
8 Palliser Road London W14 9EE	30.09.19
19a Palliser Road London W14 9EB	30.09.19
19a Palliser Road London W14 9EB	27.08.19
62 Barons Court Road London W14 9DU	28.08.19
62 Barons Court Road London W14 9DU	17.09.19
NAG	03.09.19
43 Barons Court Road London W14 9DZ	21.10.19
5 Palliser Road London W14 9EB	29.08.19
5 Palliser Road London W14 9EB	29.08.19
12 Barton Road London W14 9HD	15.09.19
52c Comeragh Road London W14 9HR	29.08.19
14 Palliser Road LONDON W14 9EE	19.01.20
12 Barton Road London W14 9HD	15.11.19
52D Charleville Road London W14 9ED	09.09.19
27 Barton Road London W14 9HB	11.09.19
69 Comeragh Road London W14 9HT	03.09.19
48 Comeragh Road London W14 9HR	20.11.19
28 Halsey Street London SW3 2PT	27.08.19
22 Vereker road London W14 9JS	01.09.19
NAG Margravine Gardens W6	29.08.19
42 Charleville Mansions London W14 9JA	02.09.19
Flat 7 79 Comeragh Road London W14 9HS	03.09.19
8 Palliser Road London W14 9EE	06.09.19
79 Comeragh Rd London W14 9HS	04.10.19
111 Comeragh Road London W14 9HS	25.11.19
10 Palliser Road London W14 9EE	27.08.19
13 Palliser Road London W14 9EB	02.09.19
12 Palliser Road London W14 9EE	18.09.19
56 Comeragh rd. London W149HR	30.08.19
Garden Flat, 21 Palliser Road London W14 9EB	29.08.19
Garden Flat 1 Palliser Road London W14 9EB	14.11.19
19 Palliser Court Palliser Road London W14 9ED	29.08.19
49b Barton Road London W14 9HB	06.10.19
3 Kinnoul Road London W6 8NG	28.08.19
49D Barton Road London W14 9HB	23.11.19
62 Barons Court Road London W149DU	28.08.19
22 Barton road London W149hd	17.09.19
Flat B, 48 Comeragh Road London W14 9HR	28.08.19
31 Barton Road London W149HB	26.11.19

7 Normand Gardens Greyhound Road W14 9SB	13.09.19
35 Barons Court Road London W14 9DZ	10.09.19
13a Palliser Rd Barons Court W14 9EB	21.09.19
27 Barton Road London W149HB	27.08.19
14 Palliser Road London W14 9EE	23.09.19
Basement Flat 70 Comeragh Road London W14 9HR	01.10.19
9 Palliser Road London W14 9EB	10.08.19
43 Barons Court Road London W14 9DZ	21.10.19
4 Palliser Road London W14 9EE	16.09.19
110 Bishops Road London SW6 7AS	28.08.19
103 Comeragh Road London W14 9HS	30.09.19
16 Barton Road London W14 9HD	21.09.19
31 Palliser Road London W14 9EB	08.09.19
Flat D, 60 Comeragh Road London W14 9HR	18.09.19
35 Palliser Road London W14 9EB	04.09.19
31 Barton Road London W14 9HB	06.10.19
LTA Operations Ltd 100 Priory Lane London SW15 5JQ	04.10.19
21 Palliser Road London W14 9EB	29.09.19
17 Palliser Road London W14 9EB	23.09.19
17 Palliser Road London W14 9EB	29.08.19
33 Palliser Road London W14 9EB	28.09.19
37 Baron's Court Road London W14 9DZ	07.09.19
37 Baron's Court Road London W14 9DZ	18.11.19
Flat A 7 Palliser Road London W14 9EB	17.09.19
11 Comeragh Road Basement Flat London W14 9HP	02.10.19
32 Vereker road London w14 9js	30.08.19
32 Vereker road London w14 9js	29.11.19
Barton Court Barons Court Road London W14 9EH	01.09.19
9 Palliser Road London W14 9EB	05.09.19
9 Palliser Road London W14 9EB	13.09.19
15C Palliser Road London W14 9EB	08.09.19
NAG Comeragh Road	19.09.19
7 St Andrews Road London W14 9SX	27.08.19
32 Vereker Road London W14 9JS	18.09.19
Ground Floor Flat 7 Palliser Road London W14 9EB	04.09.19
2 St Dunstan's Road London W6 8RB	03.10.19
31 Palliser Road, Ground Floor Flat London w14 9eb	25.11.19
11 Pellant Road London SW6 7NF	27.08.19
Flat 48, Barton Court Barons Court Road London W14 9EH	25.11.19
6 Palliser Road London W14 9EE	09.09.19
Room 42, Ada Lewis House 2 Palliser Road London W14 9EF	02.09.19
Ground Floor Flat 6 Palliser Road London W14 9EE	17.01.20
12 Vereker road London W14 9jr	29.09.19
Ground Floor Flat 24 Barton Road LONDON W149HD	29.09.19
68 Comeragh Road London W14 9HR	03.09.19
NAG	02.10.19
23 Barton Road London W14 9HD	02.10.19
23 Barton Road London W14 9HD	02.10.19
NAG Palliser Road	02.10.19
NAG Palliser Road	03.10.19
NAG	02.10.19
NAG	02.10.19
43A Fitzgeorge Avenue London W14 0SZ	04.10.19
Nag	16.09.19

NAG	17.09.19
Flat 4, 68 Comeragh Road London W14 9HR	17.09.19
17 Perham Road West Kensington London w14 9sr	06.10.19
94 a Edith road London W14 9ap	14.10.19
9 Palliser road Upper Maisonette London W14 9eb	20.11.19
7 Margravine Gardens London W6 8RL	01.10.19

## **1.0 SITE AND SURROUNDINGS**

- 1.1 The application site is a corner plot with its main frontage on the eastern side of Palliser Road between the junctions of Barton Road (to the north) and Comeragh Road (to the south). The site comprises a five-storey 1920s building known as Ada Lewis House (extended in the 1980s along Barton Road).
- 1.2 Ada Lewis House currently operates as a 63-room House in Multiple Occupation (HMO) with communal living and cooking facilities. The property is leased to a company that provide short term lets to young professionals.
- 1.3 Immediately to the east are three, four and five storey residential properties fronting Barton Road and Comeragh Road. To the west, on the opposite side of the road are four and five storey properties facing Palliser Road. The prevailing building heights reflect the residential scale of the Victorian/Edwardian housing and mansion blocks prevalent in the area which are generally arranged with a lower ground floor, raised ground floor with three, four or five storeys above. To the south, beyond Comeragh Road is the Queens Club and its associated gardens.
- 1.4 The site does not contain any statutorily listed or non-statutory locally listed buildings. The site is located within the Baron's Court Conservation Area and is adjacent to the Queen's Club Gardens Conservation Area.
- 1.5 The site has a PTAL 5 with very good public transport accessibility the nearest underground station is Barons Court located approximately 160m (2 minutes walking distance) to the north of the Site and provides access to the District and Piccadilly Lines. Other stations are West Kensington (480m) and Hammersmith (1200m). There are several busses (9, 10, 27, 28 and 391) with 2 stops within 550m (buses 28 and 391) and another two within 750m (buses 9, 10 and 27).
- 1.6 The site lies within Flood Zone 3.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1. In 1950, planning permission (Ref 1950/00289) was granted for the adaptation of a former air raid shelter at the rear of Ada Lewis House as a games room.
- 2.2. In 1980, a planning permission (Ref: 1980/00649/FUL) was granted for the development of a rear extension on ground, first, second, third floor and roof levels to provide 13 bed-sitting rooms.
- 2.3. The planning application history indicates that Ada Lewis House operated solely for the purposes of a women's hostel from the early 1900s right up to July 2012.

Pre-application

- 2.4. In 2017, a formal pre-application scheme was submitted for the demolition of the existing building and redevelopment comprising of a 5-storey building to provide 35 flats. The proposals were considered unacceptable on the grounds of loss of a HMO, lack of affordable housing, excessive density, inadequate housing mix, residential amenity, design and massing of development.

2.5. In response to the pre-application process, the applicant reduced the scale of the building and altered the elevational design which resulted in a more sympathetic visual appearance and impact on the residential amenity of the occupiers of neighbouring residential property. The Applicant held a pre-submission public exhibition on the 1st and 4th of May 2019. The exhibition included the display of architect boards showing the proposals, and attendees were asked for their feedback on the proposals. The Statement of Community Involvement document submitted with the current application contains a summary of responses. The feedback included concerns about site construction, and these have been considered in the submitted draft Construction Management Plan, Travel Plan, Refuse Plan and the Delivery and Servicing Management Plan. Suggestions about the appearance of the building, including use of materials, have been incorporated in the proposals.

### 3.0 CURRENT APPLICATION

3.1 The application seeks permission for the demolition of the existing building and the erection of a replacement five-storey building comprising 36 self-contained dwellings, a combination of 17 flats and 9 maisonettes (Class C3), with 100% affordable housing provision.

3.2 The proposed 36 units has the following unit mix;

Unit Type	Number of Units
One Bedroom	16
Two Bedroom / 4 Person	11
Three Bedroom / 5 Person	9
<b>Total</b>	<b>36</b>

**Table: Unit Mix**

### 4.0 PUBLICITY AND CONSULTATION

4.1 The application has been advertised by site and press notices. In addition, 680 individual notification letters were sent to neighbouring properties. The first round of public consultation (for the 50% affordable scheme) received 96 objections and one letter in support. The second round of public consultation received 22 objection letters. In total, including duplicate addresses 107 objections have been received from surrounding properties. The objections are summarised as follows:

- design out of character;
- harm to conservation area;
- loss of trees;
- loss of light or overshadowing;
- overlooking/loss of privacy;
- increase in parking/traffic.

The Hammersmith Society made the following comments:

4.2 The Society notes that the proposed design is generally contained within the building lines of the three existing street frontages. The elevations include a level of detail which sets out to reflect the visual interest offered by the existing Victorian terraces; however, they were concerned that the detail proposed lacks an overall integrity and tends to undermine the overall composition, presenting a heavy geometry leading to visual confusion. This problem is exacerbated at the important corner element, an awkward disjointed profile broken by the balconies. These corners are important components in the street architecture, and indeed offer an opportunity for articulation of the façade architecture. However, the corner

treatment proposed merely continues the solid and void balcony wrap of the main façade, with no acknowledgement of the corner occasion, as shown in the illustration below, taken from the application Design and Access statement. The Society expect these basic design issues to have been resolved during the design development process.

The Fulham Society made the following comments;

- 4.3 The Society is pleased that the for sale private element has been removed from the application and it is now all” affordable housing”. The Society would be much happier if the whole building were to be used for affordable rentable housing. In fact, the recent use as hostel accommodation seems admirable and the argument that we already have other hostel accommodation in the Borough does not convince.
- 4.4 The present Ada Lewis House is an attractive building, with a front garden and mature trees, which sits very successfully and happily within the Conservation Area – its mansard roof, behind the trees, reflecting the general roof pattern of the area with the trees giving light and openness to the local residences. It is indeed a very pleasant building.
- 4.5 The proposed new build is of concrete - bulky and heavy, coming up to the very edges of the site. Its very solidity, monotony of design and lack of decorative features immediately set it apart from the general red brick housing style of the area. It is not attractive and sits unhappily on this site.
- 4.6 The Conservation area guidelines state ‘that the massing and rhythm of the buildings within a street are key elements in defining its character’. This proposed new building does not follow these guidelines and will create a disturbing disruption of the street pattern. The Conservation Area guidelines also state that ‘all trees in a conservation area...are protected’, and owners are urged to look after the trees on their land. The removal of the trees on this site will be a great local loss and will not be compensated for by the proposed greenery at ground level. We are very concerned about this particular point.
- 4.7 Overall the Society considers the proposed new building is an over-development of the site, does not justify the removal of trees and will certainly detract from rather than add to the character and visual amenities of the Conservation Area. Its use as a hostel already provides much needed accommodation and we see no reason for change of use.
- 4.8 Thames Water raises no objection and requests that an informative be attached to any approval relating to water pressure.
- 4.9 Hammersmith and Fulham Disability Forum Planning Group requires assurance that the application will deliver a fully compliant accessible and inclusive development.

#### Amendments

- 4.10 Following the first round of consultation the application was amended to include a 100% affordable housing. As part of extended resident engagement, a follow-up public exhibition was held on the 16th and 18th of January 2020 at the Queen’s Club during the day, evening and at the weekend. Comments received have resulted in amendments to the following aspects of the proposals;
  - a) Palliser Road: Balconies and windows have been recessed by 0.5m to comply with the 18m setback guidance.
  - b) Barton and Comeragh Road: The top floor balconies and windows have been recessed by 0.5m to comply with the 18m setback guidance.

- c) Barton and Comeragh Road: The top floor brick bays have been recessed by 0.5m to reduce the massing to match the Palliser Road elevation.
- d) Corners balconies: Balustrades recessed by 0.5m to comply with the 18m setback guidance.

## **5.0 POLICY FRAMEWORK**

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

Draft London Plan

- 5.2 The draft new London Plan was published for public consultation in 2017. Following an Examination in Public of the draft Plan from January to May 2019, the Panel issued their report and recommendations to the Mayor in October 2019. In December 2019, the Mayor of London submitted his "Intend to Publish" version of the London Plan to the Secretary of State for his consideration. The 'Intend' version includes a schedule of which recommendations the Mayor is intending to accept or not and the Secretary of State has 6-weeks to review this. Once adopted, the new London Plan will supersede the current London Plan. As the document is in its late stages towards adoption, it is considered that relatively significant weight should be applied to the draft policies where the inspector had a more favourable view in determining this application.
- 5.3 On 24 January 2018, the Council resolved to adopt the Hammersmith & Fulham Local Plan (2018). The adoption of the new Local Plan took effect on 28th of February 2018 and the policies within the new Local Plan together with the London Plan 2016 make up the statutory Local Development Framework (LDF) for the Borough. Also, of relevance as material considerations are the Council's Planning Guidance Supplementary Planning Document (SPD) (2018) and the Mayor's Supplementary Planning Guidance.

## **6.0 LAND USE ASSESSMENT**

### **Loss of HMO**

- 6.1 Local Plan Policy HO8 (Hostels and Houses in Multiple Occupation) sets out criteria for the loss of existing HMOs or hostels including the following: - quality of the accommodation that might be lost; impact of the accommodation on the locality; and the local need for the existing HMO or hostel accommodation.
- 6.2 The supporting justification to Policy HO8 acknowledges that hostels and HMOs play a role in providing accommodation for single people who cannot afford self-contained accommodation and that several existing premises are considered to be in a poor state of repair and do not provide adequate accommodation, for example in terms of size and condition, for people on low incomes. The loss of such accommodation may be acceptable where the standard of accommodation can be improved, and/or any adverse impact on the surrounding area reduced.
- 6.3 Ada Lewis House was originally used as a hostel from the 1900s (Sui Generis) and more recently as a house in multiple occupation (Sui Generis). Following the rehousing of residents in 2012, the applicants explored options for refurbishment. In the interim, because of the timescales involved in exploring refurbishment/ redevelopment options, a temporary lease was granted to a company to provide short term contract accommodation. This lease ensures the site continues to have an active use, rather than laying vacant, which is important for security and



neighbourliness. It also enables the applicant to obtain an income from the property in the short term.

- 6.4 The short-term leases are aimed at graduates and young professionals working in London. In autumn 2018, the leasing company reported that there are currently 64 tenants living at Ada Lewis House. Springboard described that most people stay for 12 or 18 months then move out with friends or partners, often to areas within west London, but not always Hammersmith and Fulham. They noted that one resident has been with them for a few years, but they consider this to be 'exceptional'.
- 6.5 The refurbishment of the building to meet modern standards would be impractical because of internal structural arrangement and configuration being a barrier to creating high quality accommodation or units suitable for families. The existing accommodation in Ada Lewis House was built in the early twentieth century to house single women. It was built in accordance with accepted standards at the time. The bedrooms are small, the majority are single aspect and sound insulation is poor. The rooms are also not designed to wheelchair accessible standards. In addition, Ada Lewis House has shared kitchen and bathroom facilities that no longer meet modern requirements, with the constraints summarised as follows:
- there are large windows in some bathroom / WC facilities, which create issues with overlooking and privacy;
  - there is a lack of adequate kitchen facilities and a number of kitchens do not comply with minimum kitchen sizes;
  - there is limited space for storage and appliances;
  - the utilities provision (laundry, drying and ironing) is basic;
  - the building does not include any private amenity space and the internal courtyard is not designed as a communal open space that is inviting to residents;
- 6.6 Overall, Ada Lewis House no longer meets modern requirements and standards, and the repairs that are needed cannot be practically undertaken. The existing building has become outdated and is not able to provide the high-quality decent homes. On this basis a redevelopment of the site was recommended.
- 6.7 The Strategic Housing Market Assessment for London (SHMA) 2013 estimates that there are up to 7,000 households living in self-contained temporary and permanent accommodation, such as hostels across London. The report states that it is assumed those households' needs could be met through additional social rented housing (London FALP SHMA page 81). The proposed redevelopment development of a new building will significantly enhance the quality of accommodation and provide 100% affordable housing including a proportion of social rented housing.
- 6.8 The enhancement of the quality of accommodation, together with helping to meet the acute need for affordable housing including good quality affordable family homes, outweighs the need for retaining the existing HMO use on this site. On balance, in this case it is considered that the loss of HMO and its replacement with 36 affordable housing units is acceptable in principle in line with the Local Plan HO8.
- 7.0 HOUSING SUPPLY**
- 7.1 London Plan Policy 3.3 (Increasing Housing Supply) sets housing targets for each Borough to ensure the provision of new homes in London and Policy 3.4 promotes development which optimises the use of land for housing. Local Plan Policy H01 (Housing Supply) aims to exceed London Plan housing supply targets and includes a revised target of 1,031 additional dwellings a year up to 2035.

7.2 The proposals result in 36 net additional self-contained dwellings that would contribute to the Council's borough housing target. The proposals would accord with London Plan Policy 3.3 and 3.4 and Local Plan Policy HO1.

### **Density**

7.3 **London Plan Policy 3.4 (Optimising housing potential)** requires development to optimise housing output for different locations taking into account local context and character, the design principles in Chapter 7 and public transport capacity.

7.4 **Local Plan Policy HO4 (Housing quality and density)** expects housing in existing residential areas to be predominantly low to medium density and to consist of low to medium rise developments, it recognises that high density development may be appropriate in highly accessible areas, subject to design, compatibility with local contexts and transport impacts and highway capacity. It adds that high density housing with limited car parking can help ensure housing output is optimised and may be appropriate in locations with high levels of PTAL, provided it is compatible with the local context and principles of good design and is satisfactory in other respects. The Site has a Public Transport Accessibility Level (PTAL) range rating of 5 which is highly accessible.

7.5 **Draft Policy D6 (Optimising Housing Density)** does not seek to rigidly apply a density matrix but rather states that development proposals 'must make the most efficient use of land and be developed at the optimum density' (with consideration being given to site context, connectivity and accessibility, and the capacity of surrounding infrastructure). Proposals that do not demonstrably optimise the housing density of a site should be refused and greater scrutiny of design is required the greater the level on density.

7.6 Site dimensions and surrounding context are determining factors to establish the most suitable building layout, internal arrangement, and density configuration for the proposed development. The design has been developed by assessing the site opportunities and constraints and has been amended further to discussions with officers, local residents and key stakeholders.

7.7 The London Plan identifies an urban setting as areas with predominantly dense development such as, for example, terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys, located within 800 metres walking distance of a District centre or, along main arterial routes. The Site is approximately 800m from the edge of Hammersmith Town Centre and as such is defined as being urban in terms of the London Plan density matrix. Table 3.2 sets out density ranges of 200-700hr/ha (70-260u/ha) for urban settings. The site measures 0.13 hectares and it is anticipated that the development would equate to density of approximately 777 habitable rooms per hectare (276 units/ha).

7.8 Officers are mindful of the fact that density is a guide to ensure optimisation of brownfield sites, and other issues should be considered, such as quality of design, sensitivity of works, and other regeneration benefits of the scheme. Both London Plan and Draft London Plan policy is clear that density ranges should not be applied mechanistically, and developments should make efficient use of land to optimise housing delivery. Overall, the proposed density is considered acceptable, given the design (discussed further below), the site's characteristics and its capacity to accommodate growth.

7.9 In conclusion, the proposed residential density is considered to be acceptable and would accord with the London Plan policy 3.4.

## Housing Mix

- 7.10 London Plan Policy 3.8, together with the Mayor's Housing SPG, seek to promote housing choice and a balanced mix of unit sizes in new developments, whilst Draft London Plan Policy H12 advises against setting prescriptive dwelling size mix requirements for market and intermediate homes. London Plan Policy 3.9 (Mixed and Balanced Communities) states that a more balanced mix of tenures should be sought in all parts of London, particularly in neighbourhoods where social renting predominates and there are concentrations of deprivation. Policy 3.9 goes on to state that communities, mixed and "balanced by tenure and household income, will be promoted across London through incremental small scale, as well as larger scale developments which foster social diversity, redress social exclusion and strengthen communities' sense of responsibility for, and identity with, their neighbourhoods. They must be supported by effective and attractive design, adequate infrastructure and an enhanced environment". In support of this Local Plan Policy HO5 requires new residential development to include a mix of types, tenures and sizes of homes to reflect the needs of the borough, considering the characteristics of the site.
- 7.11 The application proposes 36 residential units in total. The housing mix for the Proposed development is stipulated in the following table;

Unit Type	Number	Percentage
1 Bed	16	45%
2 Bed	11	30%
3 Bed	9	25%
<b>Total</b>	<b>36</b>	<b>100%</b>

**Table: Dwelling Mix of Proposed Development**

- 7.12 Officers consider that the proposed range of unit types will create a balanced community. The proposed mix is acceptable and takes into account the wider strategic requirements of the Council in line with the Local Plan.

## Affordable Housing

- 7.13 London Plan Policy 3.10 defines affordable housing as: "social rented, affordable rented and intermediate housing (para 3.61), provided to eligible households whose needs are not met by the market. ...". Policy 3.11 of the London Plan states that affordable housing provision should be maximised and that an annual average of at least 17,000 more affordable homes should be sought. It requires that 60% of affordable housing should be for social or affordable rent and 40% should be for intermediate rent or sale. Priority should be given to provision of affordable family housing.
- 7.14 Policy 3.12 of the London Plan, states that the 'maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed-use schemes' having regard to:
- current and future requirements for affordable housing at local and regional levels, and the size and type of affordable housing needed in particular locations;
  - adopted affordable housing targets, the priority to be accorded to provision of affordable family housing and the need to promote mixed and balanced communities;
  - the specific circumstances of individual sites and the need to encourage rather than restrain residential development; and
  - resources available to fund affordable housing, to maximise affordable output and investment criteria.

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

#### **Level of Affordable Housing, Tenure, Type and Affordability**

- 7.22 The application proposes 36 residential units, comprising nine London Affordable Rent units; 9 London Living Rent units and 18 flexible London Living Rent / Shared Ownership units. This represents 100% affordable housing as shown in Table below.

	LAR	LLR @ up to £60,000	Flexible LLR / SO @ up to £90k
1BED	-	5	11
2BED	-	4	7
3BED	9	-	-
		18	18
TOTAL		36	

**Table: Level of Affordable Housing**

- 7.23 In terms of tenure split, 25% of the affordable housing units would be affordable rented tenure and the remaining 75% intermediate (London Affordable Rent / Shared Ownership). Given the proposed 9 affordable rented units the tenure split by habitable room comes to 35% affordable rented 65% intermediate.
- 7.24 With regards to the affordable rented housing the development proposes nine three-bedroom duplex properties. The supporting text (paragraph 6.52) of Local Plan Policy HO5 identifies that the Council will 'encourage developers' to provide larger affordable units. The nine LAR units are three-bedroom duplex units with private amenity space. The Council's Housing Officers have commented on the proposals and find the proposals acceptable.
- 7.25 The supporting text (paragraph 6.53) to Local Plan Policy H05 acknowledges that for the intermediate housing, the council's SHMA has identified a high need for 1-bedroom properties (64%) and 2-bedroom properties (30%), based on the council's HomeBuy Register. The proposed unit mix will deliver 45% one-bedroom units and 30% two-bedroom units.
- 7.26 Officers consider that with regards to affordable housing mix, the Proposed Development is broadly in line with Policy HO5 of the Local Plan and Policy H12 the draft London Plan.

#### **Affordable Housing Affordability**

- 7.27 The nine three bed affordable rent units will be delivered at London Affordable Rent in line with the prevailing benchmarks set out in the Mayor's Homes for Londoners Funding Guidance (currently a weekly rent of £178.05 for a three bed, which equates to approximately 30% of market rents on current estimates). These weekly rents are exclusive of service charge.
- 7.28 The nine intermediate rent units (5 x 1Beds and 4 x 2Beds) will be set at London Living Rent prevailing benchmarks set out in the Mayor's Homes for Londoners Funding Guidance and available to households with an income of up but no more than £60,000 (inclusive of service charges). The current LLR benchmarks are £1,067 for a one bed and £1,186 for a two bed which equates to approximately 70% and 65% of markets rents on current estimates).
- 7.29 The Applicant is seeking flexibility in order to deliver the remainder 18 units (50% of total units) as either London Living Rent with an income of up to £60,000 or as Shared Ownership available to households with an income of up to £90,000 (per annum). It is considered that 50% of the units (9 units set at London Affordable Rent and 9 units set at LLR) are considered truly affordable given the nature of these tenures the remainder 50% of units might be delivered at higher household income levels but still in accordance with London Plan maximum income thresholds.
- 7.30 The proposed development is on balance in accordance with London Plan Policy 3.11, Local Plan Policy HO3, The Affordable Housing and Viability Supplementary Planning Guidance (SPG) (2017) and Draft London Plan Policy H6

## 8.0 STANDARD OF ACCOMMODATION

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

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

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

8.4 All the proposed dwellings meet the minimum unit sizes as set out in the Supplementary Planning Guidance, Key Principle HS2. The one bedroom units vary in sizes between 52-58sqm; the two bedroom units vary in sizes between 74-83sqm and the three bedroom duplex units measure approximately 130-140sqm.

### **Daylight Sunlight – New Units**

8.5 The Daylight and Sunlight Assessment submitted with the application and officers have assessed these details. The assessment demonstrates that 87% of habitable rooms meet these standards, which is considered to provide very good levels of daylight. The report also highlights that only one of the living spaces receives below recommended levels of sunlight, and that single unit is only just below the recommended level.

8.6 The design maximises the delivery of dual aspect units across the floorplates, with no north facing single aspect units. Where single aspect units exist (c. 26% of units), they have been designed to ensure that all units will have adequate daylight and sunlight and cross-ventilation to minimise overheating. All units will have high quality living accommodation.

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

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

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

- 8.8 The guidance also adds that where balconies and or terraces are provided, they must be designed to respect the amenity of neighbours and be designed so as not to detract from the character of the surroundings. Balconies for amenity space should have a minimum depth and width of 1500mm.
- 8.9 The three-bedroom family homes in the proposed scheme comprise two storey maisonettes at the lower ground and upper ground floors. These would all have gardens accessed at the lower ground level. Six of the nine units would have small gardens to the front of the properties, fronting the streets, and additional space to the rear of the properties, adjoining the communal gardens. The remaining three units have larger private balconies to the front, and also have access to the shared garden, which provides a good space for outdoor recreation. All these areas are accessible for the dwellings.
- 8.10 The family units would have access to private gardens with terraces and planting, as well as the central communal garden which has designed areas for recreation, rest and play. All residential units within the Proposed Development will benefit from private amenity space in the form of either balconies and ground floor terraces in adherence to guidance.
- 8.11 Officers consider that the proposals represent an appropriate balance between communal and private open space and an appropriate level of space provision. The planning officers at the pre-application stage agreed that the form and layout of the amenity spaces is acceptable within this urban location.

### **Accessible Homes**

- 8.12 Local Plan Policy HO6 seeks to secure high quality accessible homes in all developments that include housing. 90% of new housing should meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and 10% of new housing should meet Building Regulation requirement M4(3) 'wheelchair user dwellings' designed to be wheelchair accessible users. Wheelchair user dwellings should be provided in proportion to the tenure mix of the development. Accordingly, of the 36 units proposed, 4 units are proposed as wheelchair user dwellings.

### **Privacy**

- 8.13 The separation distance between the buildings would be a minimum distance of 18.6m. The Proposed Development therefore meets the minimum separation distances as set out in the adopted SPD and ensures an adequate privacy is maintained for all proposed residential properties.

### **Security**

- 8.14 **London Plan Policy 7.13** states that through planning decisions development proposals should include measures to design out crime in a manner that is 'in proportion to the risk, deter terrorism, assist in the detection of terrorist activity and help deter its effects'. **Policy DC1** seeks to ensure that new developments, new publicly accessible open spaces and new community and leisure facilities are inclusive and accessible, contribute to improving quality of life and reducing the incidence of crime and anti-social behaviour (paragraphs 2.57, 10.5 and 12.3).
- 8.15 Areas of active ground level frontage will be created with individual entrances to the ground floor units to animate the public realm. The main residential entrance will also be well lit and prominently positioned on Palliser Road. The landscaped courtyard is accessible by all residents and overlooked.

- 8.16 Overall officers are satisfied that the proposal would provide acceptable amenity and environmental standards for existing and future residents. The proposals are considered to be well designed and in accordance with the NPPF, Local Plan, and Policy DC1 of the Local Plan which requires development to reduce the opportunities for criminal behaviour.

### **Daylight within the Development**

- 8.17 A separate report on the daylight and sunlight within the proposed dwellings and sunlight to proposed amenity spaces has also be produced.
- 8.18 The scheme proposes a total of 127 habitable rooms, 21 of which are secondary kitchens. These have been located within the most challenging areas in order to prioritise the daylight in living spaces. Should the secondary kitchens be discounted from the overall compliance of the scheme, 87.8% of all living spaces (living rooms, L/K/Ds and studies) see levels of ADF in line with or exceeding the minimum levels recommended. In addition, the majority of the proposed bedrooms also see good levels of daylight, with 83.1% of them performing in line with BRE's recommendation for ADF.
- 8.19 Should the same approach be applied, the percentage of rooms performing in line with NSL recommendation would be 78% for the living spaces and 47.7% for the bedrooms.
- 8.20 The NSL criteria establishes how much of each assessed room has a direct view of the sky and it is therefore representative of the degree of obstruction outdoors. The fact that the NSL compliance is lower than the ADF demonstrates that CGL architects have shaped the layouts and enlarged the fenestrations taking into account the external obstruction. This has resulted in very good levels of daylight indoors.
- 8.21 Taking aside the secondary kitchens, the rooms falling short of ADF recommendations are four living rooms, one study and 11 bedrooms.
- 8.22 The four living rooms mentioned above are located on the upper ground floor and they all fall just short of recommendation, seeing levels of ADF between 1.1% and 1.3%, where the minimum suggested is 1.5% ADF. This is a common trade-off for this unit type and the design has optimised the layouts by placing the living spaces on the upper levels where the daylight is generally greater.
- 8.23 Furthermore, 11 bedrooms out of the 65 proposed fall short of the recommended level of daylight. These are located in the corners of the courtyard and behind balconies, where the daylight availability is more restricted. As previously mentioned, the design strategy has prioritised the daylight in living spaces, where people spend most of their daytime. We therefore conclude that the proposed scheme performs very well in terms of daylight.

### **Sunlight within the Development**

- 8.24 All living areas with a main fenestration facing within 90° of due south have been assessed for sunlight availability, both throughout the year and during the winter months.
- 8.25 The results presented in the tables show that only one of the 24 living spaces assessed falls just short of sunlight recommendations. This is Living Room no. 32 located on the upper ground floor and is obstructed by the long stretch of terraced buildings on the south side of Palliser Road. As this is such a small shortfall, it will not be detrimental to the enjoyment of sunlight for the future occupants of this unit.



We can therefore conclude that the sunlight availability for future occupants is excellent.

### **Overshadowing**

- 8.26 The open space located within the courtyard has also been assessed for overshadowing. The results show that, owing to the orientation and massing of the building, the courtyard space receives very little sunlight throughout the year. However, this is the inherited nature of the site and is unavoidable without majorly changing the streetscape of the area.
- 8.27 This result is to be expected and the courtyard space is likely to be utilised more as a visual connection to the outside as well as circulation space rather than an integral communal space.
- 8.28 Officers have considered the internal effects. The policy framework clearly supports the flexible application of daylight, sunlight and overshadowing guidance in order to make efficient use of land, and not to inhibit density. These policy documents resist the rigid application of guidelines and signal a clear recognition that there may be circumstances in which the benefits of not meeting them are justifiable, so long as acceptable levels of amenity are still enjoyed. The Proposed Development would provide acceptable internal levels of amenity, and existing receptors will continue to enjoy acceptable levels of amenity even where reductions in current levels of daylight or sunlight will take place beyond those recommended by BRE guidelines. Together with the contribution the Proposed Development would make to housing need and open space provision through its proposed form, density and layout, the proposal is acceptable in respect of daylight, sunlight and overshadowing impacts.

## **9.0 PLAY SPACE AND LANDSCAPING**

- 9.1 **London Plan Policy 3.5** requires developments to consider the provision of public, communal and open spaces. **Policy 3.6** further requires the provision of good quality, well-designed and stimulating play and informal recreation provision for children, including trees and greenery where possible.
- 9.2 **Local Plan Policy OS1** states that the Council will protect, enhance and increase the provision of parks, open space and biodiversity in the borough. **Policy OS3** states that proposals should not result in the loss of existing play space or the increased deficiency in the availability of such play space. It requires on well-designed provision of accessible, inclusive, safe and secure communal play space in new residential developments to cater to the needs of all children. The scale and nature of its provision should be proportionate to the scale and nature of the proposed development. **Policy OS5** seeks to enhance biodiversity and green infrastructure in the borough by (inter alia) maximising the provision of gardens, garden space and soft landscaping, and seeking green and brown roofs and planting as part of new development; seeking retention of existing trees and provision of new trees on development sites; and adding to the greening of streets and the public realm.

### **Play Space**

- 9.3 As part of the overall amenity space provision, the proposals make provision for child play space. The play space provision has been calculated based on the child yield arising out of the development. The Play and Recreation SPG recommends that developers apply a locally set standard or a minimum benchmark of 10sqm of dedicated play space per child.

9.4 The applicant has calculated the amenity space for family dwellings by adding the private amenity space and the communal amenity space and dividing it by the number of family (3+ beds) units. The key figures for this are set out below.

- There are 9 family units in the proposed scheme.
- Private gardens total is 171sqm
- Communal space total is 109sqm
- Total amenity space is 280sqm
- Total amenity space per unit is 31sqm

9.5 The calculation outlines above outlines that each family unit has access to an average of 31sqm. This is very close to the aspiration for 36sqm per unit.

### **Landscaping**

9.6 The site is slightly set back from the road and is dominated by the existing five-storey residential property. A small formal garden frames the front aspect with associated hardstanding leading to the entrance with limited space for car parking. The rear aspect of the site consists of amenity grassland framed by shrub beds and hardstanding used for parking. Trees growing to the front aspect of the site and adjacent to the highway include Sycamore and Eucalyptus.

9.7 In order to facilitate the proposed development, all existing trees and groups directly on site will require removal. Overall, the proposed development will require the removal of six trees and three tree groups. Three of the trees to be removed are of moderate retention value and it is understood that replacement planting as part of the proposed landscape plan will be undertaken to mitigate the loss of amenity to the local area. The remaining three trees and the three groups that require removal are all of low retention value and as such their loss constitutes a negligible loss to the amenity of the local area. Additionally, the replacement planting of trees as part of the proposed landscape plan will mitigate any amenity loss that occurs.

9.8 The retention of some of the trees along Palliser Road was considered, although the merits of the proposed U-shaped footprint that positively addresses the street scene, along with the planting of replacement and additional trees, is considered to outweigh the proposed loss of existing trees.

9.9 The proposed landscaping scheme will include the planting of eight semi-mature trees and 11 hedgerows. This replacement planting will work to mitigate the loss to public amenity due to the removal of six trees. It is recommended that where possible the replacement planting scheme follows a ratio of 1:1 tree planting for each tree removed which is exceeded with the proposed development.

9.10 The tree selection should be appropriate to the site and chosen from a species palette in accordance with local tree planting policies. It is recommended that, due to the nature of the site, the tree species used for the replacement planting have small canopy spreads when mature as this will reduce the likelihood of trees growing into structures and requiring pruning. Details will be approved via condition.

9.11 The Site currently comprise of a total of 291sqm of existing planted areas and soft earth areas. A total of 130sqm of this is along street. The proposed development will provide a total of 294sqm of planted communal and Private garden areas. A total 156sqm of this will be along street which indicates an improvement to the public realm.

9.12 Officers consider that subject to an off-site contribution towards public realm improvement to address the minor play space on-site shortfall, the proposals for

the provision of communal space and public realm comply with planning policy at all levels. In view of the above and subject to conditions and securing a Landscape Management Plan the proposed development is judged to accord with the abovementioned London Plan Policies 3.19 and 7.18 and Local Plan policies OS1, OS2 and OS3.

## **10.0 LAYOUT, DESIGN, APPEARANCE AND HERITAGE**

- 10.1 **The NPPF** states that development should respond to local character and history and the surrounding environment and setting, whilst not preventing innovation – but extends this to recognise a role for change and increased densities. The NPPF advocates a positive strategy for conserving and enhancing the historic environment, taking account of (amongst other things) the desirability of new development to make a positive contribution to local character and distinctiveness. The NPPF states that economic, social and environmental gains are to be sought jointly and simultaneously to deliver positive improvements in the quality of the built, natural and historic environment.
- 10.2 **Paragraph 192 of the NPPF** states that LPAs should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses; the positive contribution that conservation of heritage assets can make to sustainable communities; and the desirability of new development making a positive contribution to local character and distinctiveness. **Paragraph 193** requires great weight to be given to an asset's conservation (and the more important the asset, the greater the weight should be) when considering the impact of a proposed development on the significance of a designated heritage asset, irrespective of the amount of harm. **Paragraph 196** states that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal 'including, where appropriate, securing its optimum viable use'. **Paragraph 201** recognises that 'Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance'.
- 10.3 **London Plan Policy 7.4** requires developments to provide high quality design responses to existing spaces, to create a positive relationship with street level activity and to allow 'existing buildings and structures that make a positive contribution to the character of a place to influence the future character of an area'. **Policy 7.5** requires public realm to be comprehensive at a human scale through appropriate treatment such as gateways, focal points, landmarks and landscape treatment. Proposals should be informed by the heritage of an area, reinforcing the connection between public spaces and (inter alia) local features that may be of heritage significance. Proposals should further consider integration with high quality public art. **Policy 7.6** sets high architectural standards for all buildings and structures, and requires these to enhance, activate and define the public realm. It allows for materials that complement but do not necessarily replicate the local architectural character.
- 10.4 **Local Plan Policy 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 demonstrates how good design, quality public realm, landscaping, heritage assets and land use can be integrated to help regenerate places'.
- 10.5 **Local Plan Policy DC2** permits new build development that is of a high design standard and compatible with the scale and character of existing development and its setting. It requires proposals to respect:
- historical context, townscape and the sense of place of a site;
  - the surrounding area scale, mass, form and grain;

- the relationship of the proposed development to the existing townscape;
- local design context to promote and reinforce local distinctiveness;
- good neighbourliness and principles of residential amenity;
- local landscape context, providing high quality landscaping and public realm with good permeability where appropriate;
- sustainability objectives;
- the principles of accessibility and inclusive design; and
- the principles of Secured by Design.

10.6 **Local Plan Policy DC8** seeks to protect, restore or enhance the quality, character, appearance and setting of the borough's historic environment including its conservation areas and is supported by Key Principle CAG3 of the Planning Guidance SPD (2018).

10.7 **Draft London Plan** seeks to secure the delivery of good design through a variety of ways. Going beyond the expectations of the adopted London Plan, Policy D2 does the following. Part C encourages use of digital modelling techniques to analyse potential design options, and to use 3D/virtual reality to inform and engage Londoners in the planning process. Part F requires proposals to go through a design review (which must align with the Mayor's guidance on design reviews) if a scheme is referable to the Mayor and is above the design threshold in Policy D6 or a tall building is proposed in an area where there is 'no local tall building definition'. Part H seeks to ensure design quality is retained through (inter alia) avoiding deferring the assessment of the design quality of large elements of a development to the consideration of a planning condition or referred matter, and the use of architect retention clauses in legal agreements 'where appropriate'.

### **Layout, Height and Massing**

10.8 Historically the existing building has been the only building on the site and was not built until the interwar period. The site had remained vacant for many years after the Barons Court grid of properties was built in the late Victorian period. The proposed U-shaped footprint provides the opportunity to complete the perimeter block, which would be the most appropriate design approach in the context of the long continuous Victorian terraces established along Palliser, Barton and Comeragh Roads. This also provides the opportunity to create a 'book-end' in the street scene, which is in keeping with the height and massing of other corner properties found in the wider Conservation Area.

10.9 The replacement building would be slightly higher than the existing building (0.5 metres higher at the highest point). The existing gap with the adjoining Victorian house at No. 78 Comeragh Road does not contribute positively to the character and appearance of the Conservation Area and its removal would not result in harm to the designated heritage asset. It is considered that there would be an appropriate relationship with the adjacent Victorian terraces in Barton and Comeragh Roads, forming a continuous street frontage which is characteristic of the built form in this Conservation Area.

10.10 It is noted that the current Ada Lewis House development, is setback within the Palliser Road elevation. It is acknowledged that that new development would reduce this setback, to a similar level of the adjacent terraces/mansion blocks found within the Conservation Area and would result in the loss of trees. This approach would enable the provision of enhanced active frontage which relates positively to the street and the prevailing townscape context. Options to explore the retention of some of the existing trees along Palliser Road were considered during the design process. However, the urban design and townscape benefits of the proposed U-shaped footprint with formalised building lines which positively engage with the street and create strong corners within adjacent streetscenes;

coupled with the proposed planting of replacement and additional trees, are considered to outweigh the proposed loss of existing trees.

- 10.11 The impact of the increase in height and massing at the front of the building along Palliser Road will have some negligible impact on the sense of enclosure of the properties on the opposite side of the road and will not harm the sense of spaciousness between properties across the street. The increase in scale and massing will reduce the gap between the properties on either side of Palliser Road by approximately 6 metres, maintaining a gap of between 17-18 metres between Palliser Road facades. This is typical of separation distances along the street and within the surrounding townscape context.
- 10.12 The increase in height is in keeping with the site's position at the end of the long terraces arranged on an east-west axis in the Barons Court grid. This is characteristic of end terrace corner sites in the Baron's Court Conservation Area. This condition also occurs at the opposite end of the Comeragh Road terrace at the junction with Vereker Road where Victorian public house steps up in height and at the junction of Barons Court Road and Barton Road where there is a later taller interwar apartment building.
- 10.13 The proposals are designed to complete the perimeter block form, and better reflect separation distances between existing terraces, which are typical within the neighbouring streets and the character of the Baron's Court Conservation Area. Officers consider that the siting, height and massing of the Proposed Development has been developed in a manner that both optimises the use of the site and is appropriate for its context. In these respects, it is therefore considered that the proposal complies with policies DC1 and DC8 of the Local Plan.

### **Design Assessment**

- 10.14 The proposed building consists of four floors, plus lower ground floor and basement levels. A lightwell would surround the building on the street facing elevations. The entrance points to the building from the street would cross the lightwell and would be level with the pavement. The top floor would be set back from the building line of the floors below which would reduce the visual impact of the building in the streetscene and the mansard roof would slope away from the adjacent buildings along Barton Road and Comeragh Road, softening views of the proposed building in long views along those streets. The proposed mansard would be a significant improvement on the mansard to the existing building which was added later., The existing mansard, is poorly designed and overhangs the existing building resulting in the building having a dominating and a top-heavy appearance overall.
- 10.15 The main front building line on the Barton and Comeragh Road frontages would align with that of the adjacent Victorian terraces. The main front building line on the Palliser Road frontage provides a transition between the generous set back of the front building line of the interwar terrace on the east side of Palliser Road and the flank wall of the Victorian terrace on the south side of Comeragh Road which is on the back edge of pavement. The closer relationship to the street than the existing building would have a positive relationship on the streetscene, responding to the character of existing terraces and street, alongside providing an active frontage to this section of Palliser Road. The rear building lines of the proposed building around the internal courtyard align with those of the adjacent Victorian terrace.
- 10.16 One of the key principles that would underpin the quality of the design of the proposed replacement building is the extent and quality of the articulation in the facades provided by full height brick bays, slightly set back at roof level and of the curved external amenity terraces, particularly on the upper floors at the corners of Palliser Road with Barton and Comeragh Roads. The elevations are clearly broken

down into two window bays, reflecting the grain and domestic scale of the surrounding Victorian terraces. Design references have been taken from the articulation provided by the projecting bays of the adjacent Victorian terraces and from the curved lines of the Art Deco Barons Keep apartment building on Gliddon Road. The overall appearance would be of a well-designed modern mansion block with a clear hierarchy expressed in elevation and with significant visual interest, of a scale appropriate to its context. Unlike the existing building, the proposed building would provide strong and elegant corner treatments, at the junctions of Palliser Road with Barton and Comeragh Roads on the route between Barons Court Station and the Queen's Club and in longer views within the Conservation Area.

- 10.17 The proposed materials palette is compatible with the surrounding development in the Conservation Area, in particular through the use of red brick which is characteristic of the western end of the Barons Court grid. Visual interest and relief would be provided by the use of glazed tiles as secondary materials within window reveals, particularly on the important corners of Barton, Comeragh and Palliser Roads and at entrances. The boundary treatment would consist of a simple metal railing enclosing the lightwells, reflecting the historic relationship between lower ground floors and the streetscene found elsewhere in the Conservation Area. The brickwork and tilework of the internal courtyard facing elevations would be a pale colour, to create a brighter appearance for residents using the courtyard space. Windows and the mansard roof would be in power coated aluminium. Entrance doors would be in timber.

#### **Heritage assets and considerations**

- 10.18 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.
- 10.19 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 listed buildings and Conservation Areas required by the relevant legislation, particularly the Section 66 and Section 72 duties of the Planning (Listed Buildings and Conservation Areas) Act together with the requirements set out in the NPPF
- 10.20 Planning [Listed Buildings and Conservation Areas] ACT 1990 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.
- 10.21 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 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.

#### **NPPF**

- 10.22 Paragraph 193 of the National Planning Policy Framework 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 10.23 Paragraph 195 of the National Planning Policy Framework states that: Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
  - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
  - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
  - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 10.24 Paragraph 196 of the National Planning Policy Framework states that: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.25 Paragraph 197 of the National Planning Policy Framework states that: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

#### **NPPF Test**

- 10.26 These paragraphs make a clear distinction between the approach to be taken in decision-making where the proposed development would result in 'substantial' harm and where it would result in 'less than substantial' harm.
- 10.27 Case law indicates that following the approach set out in the NPPF will normally be enough to satisfy the statutory tests. However, when carrying out the balancing exercise in paragraphs 195 and 196, it is important to recognise that the statutory provisions require the decision maker to give great weight to the desirability of preserving the heritage asset and/or its setting.
- 10.28 The Planning Practice Guidance notes which accompany the NPPF remind us that it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed.
- 10.29 In this case the affected heritage assets include the Barons Court Conservation Area, the setting of the Queen's Club Gardens Conservation Area and the settings of Buildings of Merit and listed buildings in the wider area.
- 10.30 In the first instance, the assessment to be made is whether the development within the setting of a heritage asset will cause harm to that asset or its setting. If no harm is caused, there is no need to undertake a balancing exercise. If harm would be caused, it is necessary to assess the magnitude of that harm before going to apply the balancing test as set out in paragraphs 195 and 196 of the NPPF as appropriate.

#### **Significance**

- 10.31 There is a requirement under the National Planning Policy Framework (NPPF) for an applicant of development proposals to ascertain what constitutes the 'significance' of any heritage assets identified, what potential effects the

development proposals will have on that heritage asset's significance, and how such effects would be mitigated. The level of detail provided should be proportionate to the importance of each heritage asset, and no more than is sufficient to understand the potential impact that may arise from the development proposals.

- 10.32 The Site is located within the Barons Court Conservation Area, originally designated in April 1989. The closest listed buildings are the Grade II listed Barons Court Underground Station and Grade II listed buildings and memorials in Margravine Cemetery. The closest Buildings of Merit are further to the east within the Barons Court grid on Barton Road and Comeragh Roads, at Queen's Club, the shopping parade opposite Barons Court Station and buildings and memorials in Margravine Cemetery. The application site itself does not feature on the local list of Buildings of Merit.
- 10.33 The elevational treatment of the existing building is of typical early twentieth century construction techniques, comprising load-bearing brick masonry, with simple timber-framed fenestration. The later addition of a slate-tiled mansard roof features a significant overhang with deep eaves, giving a rather dominating and top-heavy appearance when viewed in the street scene. The size and positioning of the dormer windows towards the apex of the roof also add to its visual dominance in the composition from all elevations. The building is clearly a later addition to the predominantly Victorian terraces in the Barons Court grid, although there is also a triangle of interwar housing development within the street block to the north enclosed by Barons Court, Barton and Palliser Roads.
- 10.34 The existing building generally follows, though is slightly forward of, the strongly defined front building line of the adjacent Victorian terrace along Barton Road. It is stepped back from the general and less-defined building lines along Palliser Road and Comeragh Road. The site is surrounded by a poor-quality boundary fence with concrete posts which is highly unattractive in the streetscene. Along Comeragh Road the building breaks the terrace to provide access to a rear yard. This exposes the gable end wall of No. 78 Comeragh Road and is rendered in a functional, yet unattractive concrete render. The rear yard is mostly of concrete paving with undefined areas of overgrown planting. It is used for informal parking and its main function is as a refuse area, which adds little to the amenity of the existing building. It is an unattractive and untidy area that is visible from the Comeragh Road.
- 10.35 The existing building comprises of three flat-sided elevations, not articulated to a significant degree. This differs from the adjacent terraces along Barton, Comeragh and Palliser Roads which demonstrate projecting forms and repeated architectural details.
- 10.36 In terms of the contribution that the Site makes to the significance of the Conservation Area, the existing building represents a later phase of development from the Victorian terraces that generally characterise housing within the Barons Court Conservation Area. Being designed as a lodging house by the Ada Lewis Trust to provide purpose-built low-cost accommodation for single women. As such the development represents a different typology of housing to the surrounding developments which have most significance within the Conservation Area. The existing building has some local historic interest as a result of its founders and its use, which could be commemorated through a local heritage plaque.
- 10.37 The elevations of the existing building are simple in design, reflecting institutional origins and its palette of traditional materials including red brick, timber windows and slate roof are generally compatible with its context. Nevertheless, the design of the existing building is not especially accomplished. Indeed, its design is considerably simpler when compared with other buildings of the same typology



built by philanthropic organisations including by the Ada Lewis Trust during the early twentieth century. Better examples of this housing typology within the Borough and in London are now either locally or statutorily listed. The sunken ground floor entrance and excessive set back of building line to Palliser Road, together with the later overscaled mansard roof set it apart from the surrounding development and are negative design features. Overall the site is considered to make a neutral contribution to the character and appearance of the Conservation Area.

- 10.38 The Site is visible from Queen's Club Gardens Conservation Area in limited views from the gates of Queen's Club north along Palliser Road. The set back of the building line of Ada Lewis House on Palliser Road and the tree coverage on the site generally restrict the intervisibility of the Site from Queen's Club Gardens Conservation Area. The Site does not make a positive contribution to the setting of the Queen's Club Gardens Conservation Area. There is either no or very limited intervisibility of the Site from the nearest listed building at Barons Court Station and from the Buildings of Merit in Barton and Comeragh Roads and at Queen's Club.

### **Impact on Heritage Assets**

- 10.39 As summarised above, the NPPF requires local authorities to conserve heritage assets in a manner appropriate to their significance. The more important the asset, the greater the weight that should be given to its conservation. National Policy does not preclude development of heritage assets or development which may affect them or their setting but aims to put in place the requirement for a considered analysis of when and where this may be acceptable.
- 10.40 The Heritage Statement submitted with this application assesses both the existing and proposed buildings' contribution to the Barons Court Conservation Area. The Statement outlines that the existing site makes a neutral contribution to the conservation area's character and appearance. The assessment describes that the existing building has a top-heavy appearance, because of the overbearing eaves of the mansard roof, which results in an overbearing character. The position of the building within the site, is uncharacteristic of the Conservation Area, resulting in the site having a defensive character which does not positively address the street scene.
- 10.41 The opportunity to create a replacement building which more positively addresses the street scene, and has more appropriate massing, has been realised through the application proposals. Heritage considerations have informed the development of the design.
- 10.42 The Heritage Statement outlines that proposals have taken cues from the adjacent properties by replicating the horizontal and vertical emphasis through projecting and recessed window bays, supported by a sensitive material palette. The statement concludes that the development proposals offers an enhancement compared to the existing building, proposing to create a high-quality, contemporary design rationale that would not harm the character and appearance of Barons Court Conservation Area or the setting of the Queen's Club Gardens Conservation Area.

### **Conclusion – Design, Appearance and Heritage**

- 10.43 The current building occupying the site and its setting, make a neutral contribution to the character and appearance of the Barons Court Conservation Area and the setting of the Queen's Club Gardens Conservation Area. The building itself has a relatively modest and simple architectural and design character when compared to other institutional housing developments of this period and is not identified as a locally listed, Building of Merit. Consequently, the loss of this building would lead to

less than substantive harm to heritage assets when considering the relevant policy tests. In addition, there are considerable regeneration benefits arising from the scheme which meet the aims and objectives of the Councils Local Plan. The urban design and conservation assessment of the proposal has been undertaken against the background of the wider benefits anticipated through the regeneration proposal.

- 10.44 The form of the proposed development has been influenced by both its immediate surroundings. The resulting design is a high-quality piece of design which would assist in the enhancement of a sense of place.
- 10.45 The proposals are in line with both national guidance and strategic and local policies on the historic environment and design.
- 10.46 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 character and appearance of the Barons Court Conservation Area and the settings of the Queen's Club Gardens Conservation, listed buildings and Buildings of Merit would be preserved.
- 10.47 The proposed development is therefore considered acceptable in accordance with the development plan as a whole including the National Planning Policy Framework, design policies of the London Plan requiring high quality inclusive development providing safe and secure environments which respond to their setting and are of high architectural quality with high quality public realm, and Local Plan policies requiring a high quality urban environment and requiring development not to harm the significance of heritage assets.
- 10.48 In summary, it is considered that by optimising the use of the Site to provide a development of this scale it is possible to provide the number of significant important benefits outlined above. As such, it is clear that the Proposed Development has been developed in a manner that both optimises the use of the site and is appropriate for its context in terms of height and massing. Officers therefore consider the proposal is in accordance with the NPPF, London Plan policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.8 and policies DC1, DC2 and DC8 of the Local Plan 2018.

## **11.0 TRANSPORT AND HIGHWAYS**

- 11.1 **The NPPF** requires that developments which generate significant movement are located where the need to travel would be minimised, and the use of sustainable transport modes can be maximised; and that development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 11.2 **London Plan Policies 6.1, 6.3, 6.10, 6.11 and 6.13** set out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards.
- 11.3 **Local Plan Policy T1** sets out the Council's intention to 'work with strategic partners to improve transport provision, accessibility and air quality in the borough, by improving and increasing the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail'.

**Local Plan Policy T2** relates to transport assessments and travel plans and states “All development proposals would be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and on the primary route network”. **Policies T3, T4, T5 and T7** relate to opportunities for cycling and walking, vehicle parking standards, blue badge holders parking and construction and demolition logistics. **Policies 5.16 and 5.17** are relevant to waste and recycling. **Local Plan Policy CC7** sets out the requirements for all new developments to provide suitable facilities for the management of waste.

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

### **Car Parking**

- 11.5 **Local Plan policy T4** states that: “The council will only consider the issuing of permits for on street parking in locations where the PTAL level is considered 2 or lower (TfL’s public transport accessibility level).” No off-street car parking is proposed.
- 11.6 There is no parking proposed within the site; though reinstatement of the crossover and provision of footpath outside the site will allow for existing parking bays to be extended. The application also proposes that the crossover on Palliser Road be removed and the footway reinstated, which will add extra 5,3m of parking bay on this road. The crossover on Comeragh Road is proposed to be reduced from 6,1m to 2m to allow access to bin stores. Also, it is proposed to have another 2m break on Barton Road for the same purpose. These works will be at the developers’ expense and secured via the S106 agreement.
- 11.7 These proposals will provide extra 7,4m, which can be used to increase length of parking bays on Palliser Road and Comeragh Road.

### **Blue badge car parking**

- 11.8 **Local Plan Policy T5 (Blue Badge Parking Provision)** sets out that off-street car parking for Blue Badge Holders is a requirement in residential development in LBHF if vehicular access is available. In accordance with planning policy requirements, there are four units are proposed as wheelchair user dwellings. The draft London Plan proposes to introduce minimum requirements for residential development under Policy T6.1. Residential development proposals delivering ten or more units must, as a minimum, ensure that at least one designated disabled persons parking bay per dwellings for three per cent of dwellings is available from the outset.
- 11.9 Currently one disabled bay is available on Comeragh Road. Disabled badge holders may park in any shared-use bay for pay and display, at any resident's parking place and on Blue Badge holder's disabled bay for free and without a time limit. It is not known, at this stage, whether disabled bays or designated disabled bays will be needed. If needed, this can't be required by the applicant but by the Blue Badge holder.
- 11.10 The applicant proposes that the need of blue badge holders be met by provision of on-street parking spaces as two on-street parking permits are currently held by residents of the property, and therefore there would be no impact on parking provision in the local area.

### **Cycle Parking**

- 11.11 The development proposals will provide 36 residential apartments comprising 16 one-bedroom, 11 two-bedroom and 9 three-bedroom units and in accordance with

Local Plan policy T3, Appendix 8 and London Plan the applicant needs to provide a minimum of 56 cycle parking spaces. The applicant proposes 64 cycle parking spaces in line with the Draft New London Plan which is above the required current minima.

- 11.12 The proposals include provision of cycle parking in two separate stores. At ground level, 12 cycle parking spaces will be provided in a form of Sheffield stands which can be used for large/non-standard bikes.
- 11.13 The remaining 52 spaces will be provided at basement level. Applicant proposes large lift to allow the residents to transfer their bikes from ground level to the basement bike store.
- 11.14 The applicant confirms that there are currently 5 on-street Sheffield stands providing 10 cycle parking spaces for visitors use and short-stay. Minimum same amount of currently available on-street Sheffield stands should be available for visitors before the property is occupied which can be conditioned. Details are considered to comply with Local Plan policy T3.

### **Trip Generation**

- 11.15 A Transport Statement is submitted with this application that outlines existing and projected trip generation and modal split. The Statement outlines how the proposals result in a negligible impact on the local transport network.
- 11.16 The number of deliveries to the proposed development is expected to be like that of the existing development and it is not expected to create additional traffic.

### **Construction Logistics**

- 11.17 In accordance with policy T2 and T7 of LBHF's Local Plan a Transport Assessment is submitted with the Application, alongside a draft Construction Management Plan that sets out how the impact of the demolition and construction phases of the proposed development will have on the local highway network.
- 11.18 The draft Construction Management Plan sets out operation constraints, concerning the Queens Club, how traffic and deliveries will be limited and managed to minimise disruption in the form of noise and parking on local residents. Southern Housing Group will continue to engage with local residents about the strategy set out in the plan, throughout the construction phase.
- 11.19 A final Construction Management Plan will be agreed with the Council via a pre-commencement condition, in line with Local Plan 2018 Policy T7 and Planning Guidance SPD Key Principle TR21. Details shall include control measures for delivery locations, numbers, size and routing of construction vehicles and other matters relating to traffic management to be agreed.

### **Delivery and servicing**

- 11.20 The Service and Delivery Management Plan is submitted as an appendix to the Transport Statement. The strategy has been designed to respond to local residents' concerns. The strategy sets out where there should be amendments to the surrounding pavements, curbs and parking bays.

### **Travel Plan**

- 11.21 Travel Plan is submitted, and it is acceptable. Travel Plan should be provided to all new tenants during initial occupation.

## Summary - Transport and Highways Summary

- 11.22 The existing site currently provides accommodation for graduates and young professionals. There is a total of 63 rooms with shared kitchens and bathrooms/WCs. The site will be redeveloped to provide 36 residential apartments.
- 11.23 The development proposals will not provide any on-site car parking, and future residents will not be eligible for parking permit. The site's existing vehicular access points will be removed, and parking bays will be extended along these locations. In addition to this, there are currently two resident permits held by residents residing at Ada Lewis House which will not be re-issued following the development proposals.
- 11.24 Cycle parking will be provided in accordance with the Draft New London Plan requirements within two stores at ground and basement levels. Lift access will be provided for the store at basement level, however more information is needed as specified in the "2. Cycle Parking" above.
- 11.25 Refuse storage will be provided on site at ground floor level and on collection days, all bins will be located within 10m trolleying distance of the council's waste collection vehicle, in accordance with LBHF's standards.
- 11.26 The site is expected to generate 27 and 14 trips during the AM and PM peak hour respectively, of which, in the worst-case scenario assessed, circa 90% are expected to be made by sustainable modes of transport, with approximately 10% by car. The additional trips are expected to have a negligible impact on the local transport network.
- 11.27 The proposals will support the aspirations of policy at various levels to reduce travel by car as a mode share through the provision of a car and permit free development; and the provision of cycle parking in line with the strictest standards.
- 11.28 To ensure the effects of the proposal are properly managed, management plans have been produced in support of the application including a framework travel plan, a construction and demolition logistics plan, and a delivery and servicing management plan.
- 11.29 Officers consider that subject to conditions relating to the submission of travel plans, provision of cycle and disabled car parking, refuse and servicing delivery plans, the submission of a satisfactory demolition and construction logistics plans, the development would not detrimentally impact on the highway network and would be in accordance with London Plan policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13 and 6.14 and Local Plan policies T2, T3, T4, T5 and T7 and CC7.

## 12.0 SUSTAINABILITY AND ENERGY

- 12.1 **London Plan Policies 5.1, 5.2 and 5.3** require developments to make the fullest contribution to the mitigation of and adaptation to climate change, ensure sustainable design and construction and minimise carbon dioxide emissions. Policies 5.5, 5.6, 5.7 and 5.8 require developments to provide decentralised energy, renewable energy and innovative energy technologies where appropriate.
- 12.2 **The Mayor's Sustainable Design and Construction SPG** provides guidance on the implementation of London Plan Policy 5.3 and provides a range of additional guidance on matters relating to environmental sustainability.
- 12.3 **Local Plan Policy CC1** requires major developments to implement energy conservation measures by implementing the London Plan sustainable energy policies and meeting associated CO2 reduction target and demonstrating that a

series of measures have been taken to reduce the expected energy demand and CO2 emissions. It requires the use of on-site energy generation to further reduce CO2 emissions where feasible. **Policy CC2** seeks to ensure the implementation of sustainable design and construction measures by implementing the London Plan sustainable design and construction policies.

- 12.4 **Draft London Plan Policy SI2** seeks to extend the extant requirement on residential development to non-residential development to meet zero carbon targets. It maintains the expectation that a minimum reduction of 35% beyond Building Regulations to be met on site (10% or 15% of which should be achieved through energy efficiency for residential development, and non-residential development). Where it is clearly demonstrated that the zero-carbon target cannot be met on site, the shortfall should be provided through a cash in lieu contribution to the borough's carbon offset fund, or off-site provided an alternative proposal has been identified and delivery is certain.
- 12.5 **Draft London Plan Policy SI3** identifies Heat Network Priority Areas, which include the Fulham Gasworks site. Here, major proposals should have a communal heat system in accordance with a hierarchy that priorities connection to local existing or planned heat networks, followed by: use of available local secondary heat sources; generation of clean heat/power from zero-emission sources; and use of fuel cells. CHPs are ranked fifth of the six options, followed by ultra-low NOx gas boilers. Supporting text explains that further information about the relevance of CHP in developments of various scales will also be provided in an Energy Planning Guidance document, which will be kept updated as technology changes, however this guidance has not yet been published. The draft Plan states that it is not expected that gas engine CHP will be able to meet the standards required within areas exceeding air quality limits with the technology that is currently available.
- 12.6 **Draft London Plan Policy SI4** seeks to minimise internal heat gain and the impacts of urban heat island effect through design, layout, orientation and materials. An energy strategy should demonstrate how development proposals will reduce potential for overheating and reliance on air conditioning systems in accordance with a hierarchy that prioritises the minimisation of internal heat generation through energy efficient design and reductions to the amount of heat entering a building.

### **Sustainability**

- 12.7 As required, a Sustainability Statement has been provided with the application. In terms of sustainable design and construction, the new development has been designed with reference to the Mayor's Sustainable Design and Construction SPG. This contains a number of priority and best practice measures on issues such as land use, site layout, building design, use of resources such as energy, water and building materials, promoting nature and biodiversity, managing flood risk and pollution impacts and inclusion of climate change adaptation measures.
- 12.8 During construction, a Site Waste Management Plan will provide a framework for monitoring the quantity of waste produced on-site and monitoring of energy and water consumption during construction to allow comparison against best practice benchmarks and improvements to be made.
- 12.9 Officers consider that the broad approach taken in the submitted Sustainability Statement is acceptable. However, there are some aspects of it which are still under discussion and subject to change. For example, in Section 10 on Water it is stated that "Rainwater harvesting and greywater recycling have been considered for the scheme however they were not found to be viable". Officers consider that

further work is required and a revised strategy submitted which could include rainwater harvesting.

- 12.10 Subject to conditions officers consider that the development meets the requirements of the London Plan Policy 5.3 and Policy CC2 of the Local Plan implementing measures wherever possible to provide a high level of sustainability. Measures include the following: re-using previously developed land, car free development, encourages cycle use by providing cycle parking, provides recycling facilities, including water efficiency measures and sustainable energy measures to reduce CO2 emissions, use of sustainable building materials, tree planting that increases biodiversity, flood risk minimisation measures and noise and air quality mitigation measures.

### **Energy**

- 12.11 As required, an Energy Assessment has been provided with the application. As the scheme is a major residential development, the residential aspects are required to comply with the London Plan's zero carbon requirement. The Energy Assessment sets out how efficiency and low/zero emission technologies are proposed be integrated to reduce the new development's CO2 emissions. The statement sets out that the proposals would integrate the following sustainability measures within the scheme:
- 12.12 The Proposed Development has been designed in accordance with the Mayor's "Be Lean", "Be Clean" and "Be Green" energy hierarchy.
- 12.13 The design of the new building includes energy efficiency and low/zero carbon measures in the form of high performance building fabric which reduces the energy required to heat the new dwellings, use of energy efficient lighting in all areas; a centralised boiler system to provide heating and hot water (which could be connected in the future to a wider heat network if one is developed in this location), heat recovery on ventilation systems and a roof mounted solar PV system. Overall, these measures are calculated to reduce CO2 emissions by 36.65% compared to the minimum requirements of the Building Regulations 2013. This is in line with the London Plan CO2 targets. As this is a major residential scheme, it is necessary for the remaining CO2 emissions to be offset with a payment in lieu of £56,700 which can be secured via the s106 Agreement.
- 12.14 In terms of energy use and carbon reduction, the proposals are considered to be acceptable and the implementation of the measures outlined in the Energy Assessment can be conditioned.
- 12.15 Subject to the inclusion of conditions requiring the implementation of the submitted documents as set out above; details of proposed PV panels be conditioned; and the inclusion of the carbon offset payment in the s106 agreement, officers consider that the proposed development accords with Policies 5.1, 5.2, 5.3, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15 and 7.19 of the London Plan and Policies CC1, CC2 and CC7 of the Local Plan.

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

- 13.1 **London Plan Policies 5.11, 5.12, 5.13, 5.14 and 5.15** require new development to comply with the flood risk assessment and management requirements of national policy, including the incorporation of sustainable urban drainage systems, and specifies a drainage hierarchy for new development. **Policy 5.3** identifies the efficient use of natural resources (including water) as a principle for informing the achievement of other policies in the London Plan. **Policy 5.11** Part A subsection b recognises the role of green roofs and walls in delivering sustainable urban drainage objectives. **Policy 5.13** further states that development should utilise

SuDS unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and manage surface water run-off close to source. **Policy 5.14** states that planning decisions must ensure that adequate waste water infrastructure capacity is available in tandem with development.

- 13.2 **Local Plan Policy CC2** requires major developments to implement sustainable design and construction measures, including making the most efficient use of water. **Policy CC3** requires a site-specific Flood Risk Assessment (FRA) for developments in Flood Zones 2 and 3 that: a. addresses the NPPF requirements; b. takes account of the risk of flooding from all relevant sources; c. integrates appropriate flood proofing measures where there is a risk of flooding; and d. provides structural waterproofing measures in subterranean elements and using non-return valves or equivalent to protect against sewer flooding.
- 13.3 **Local Plan Policy CC4** ('Minimising surface water run-off with sustainable drainage systems') requires all proposals for new development to 'manage surface water run-off as close to its source as possible and on the surface where practicable, in line with the London Plan drainage hierarchy'. It also requires all major developments to implement SuDS 'to enable reduction in peak run-off to greenfield run off rates for storms up to the 1 in 100-year event (plus climate change allowance)' and to provide a sustainable drainage strategy to demonstrate how the strategy will enable these requirements. These are to be retained and maintained for the lifetime of the development, with details of their planned maintenance to be provided.
- 13.4 **Draft London Plan Policy S113** sets out the same requirement and additionally states that proposals for impermeable paving should be refused and that drainage should be design and implemented to address water efficiency, river quality, biodiversity and recreation.
- 13.5 This site is in the Environment Agency's Flood Zone 3. As required, a Flood Risk Assessment (FRA) has been provided with the application which assesses risks from a range of flood risks such as the River Thames, groundwater, surface water and sewers.
- 13.6 The site is protected by flood defences such as the Thames Barrier and local river walls. In the event of these being breached or overtopped, Environment Agency modelling shows that the site would not be impacted by flood water, although the adjacent Hammersmith cemetery could be affected.
- 13.7 In terms of surface water flooding, the site is not in a flooding hot spot although in the event of a major storm there could be an area of ponding water on part of the southern boundary.
- 13.8 A basement is included in the new building although no living accommodation is planned at this level. There will however be residential units at lower ground floor. The basement could be at risk of groundwater flooding if not structurally waterproofed. There do not appear to be any water using facilities in the basement (such as toilets or showers etc), but the residential units at lower ground floor will include these so sewer surcharge flooding could be a risk for these flats.
- 13.9 The main flood risk mitigation measures proposed in the FRA are the Surface Water Drainage plan, the inclusion of internal access from the basement (and lower ground floor) to upper floors. It is suggested in the FRA that householders could sign up to the Environment Agency's free Flood Warning Service to be warned of any flood risk from the Thames. Non return valves are also mentioned as a way to manage sewer surcharge flood risk.



- 13.10 A condition is proposed to secure the submission of a Surface Water Drainage Strategy which shows how Sustainable Drainage Systems (SuDS) will be designed into the development, in line with the requirements of the London Plan Drainage Hierarchy to maximise the levels of storm water attenuation and reduce final discharges of surface water to greenfield rates where feasible.
- 13.11 Following the implementation of mitigation measures within the Construction Environment Management Plan (CEMP), there are likely to be negligible effects in relation to water resources throughout the demolition and construction phases of the Proposed Development.
- 13.12 Subject to the inclusion of conditions requiring the submission of a Surface Water Drainage Strategy and Flood Risk Assessment officers consider that the proposed approach would be acceptable and in accordance with Policies 5.11, 5.13, 5.14 and 5.15 of the London Plan and policy requiring flood risk assessment and development to mitigate flood risk, Policies CC2, CC3, CC4 and CC5 of the Local Plan which requires development to minimise future flood risk.

#### **14.0 WASTE AND RECYCLING**

- 14.1 **London Plan Policies 5.16 and 5.18** seeks to achieve waste net self-sufficiency. It seeks to (inter alia) minimise waste, encourage the reuse and reduction in use of materials, increase recycling and composting levels in local authorities and in construction, excavation and demolition, reduce the proportion of waste exported from London and wherever practicable waste should be removed from and brought to sites by water or rail transport.
- 14.2 **Local Plan Policies CC6 and CC7** sets out the Council's intention to pursue the sustainable management of waste and requires all new developments to 'include suitable facilities for the management of waste generated by the development, including the collection and storage of separated waste and where feasible on-site energy recovery'.
- 14.3 The main refuse store for the residential development will be on site and located on the western side of the ground floor. A street side refuse store will be provided along Comaragh Road and be fenced on three sides. Two of the maisonettes fronting Comeragh Road will have kerbside collections, as their front doors are further from the main storage area.
- 14.4 Refuse bins will be wheeled from the refuse store onto Barton Road or Comaragh Road via a direct access to the carriageway. Waste collection operatives will move the bins to the back of the refuse vehicle.
- 14.5 Refuse vehicles will stop in the middle of Barton Road and Comaragh Road. The loss of parking from the parking bay break on Barton Road will be re-provided by extending the parking bay across the former vehicle accesses on Palliser road and extending parking bays on Comaragh Road.
- 14.6 The majority of waste collections will be from an internal storage area fronting Barton Road. This area has been designed in accordance with Key Principle WM6. Where this is the case, external storage areas have been provided in accordance with Key Principle WM4.
- 14.7 Subject to the inclusion of conditions requiring the implementation of the submitted documents as set out above, officers consider that the proposed development accords with Policies 5.16 and 5.18 and Polices CC6 and CC7 of the Local Plan.

## 15.0 CONTAMINATION

- 15.1 **London Plan Policy 5.21** explains that ‘the Mayor supports the remediation of contaminated sites and will work with strategic partners to ensure that the development of brownfield land does not result in significant harm to human health or the environment, and to bring contaminated land to beneficial use’. For decision-making, the policy requires ‘appropriate measures’ to be taken to ensure that development on previously contaminated land does not activate or spread contamination.
- 15.2 **Local Plan Policy CC9** requires a site assessment and a report on its findings for developments on or near sites known to be (or where there is reason to believe they may be) contaminated. Development will be refused ‘unless practicable and effective measures are to be taken to treat, contain or control any contamination’. Any permission will require that any agreed measures with the council to assess and abate risks to human health or the wider environment are carried out as the first step of the development.
- 15.3 **Key principles LC1-6 of the Planning Guidance SPG** identify the key principles informing the processes for engaging with the council on, and assessing, phasing and granting applications for planning permission on contaminated land. The latter principle provides that planning conditions can be used to ensure that development does not commence until conditions have been discharged.
- 15.4 The applicant has submitted a Ground Investigation Report which comprise a Land Contamination Preliminary Risk Assessment Report. The assessment addresses potential sources of contamination, potential mitigation measures and potential effects of such mitigation, during the construction and operational or occupational phases.
- 15.5 During the construction proposed mitigation measures and good site practices within the Construction Environmental Management Plan (CEMP) will ensure dust control measures, reuse of materials on site, all plant and equipment to be inspected for leaks prior to use to prevent accidental release of contaminants to soil, groundwater and surface water, wheel washing of all vehicles to prevent uncontrolled transport of contaminated material off-site, vehicle and plant cleaning and refuelling to be restricted to suitably protected areas; and appropriate handling, storage, testing and transport of oils, tars and sludges with removal to a waste facility for disposal with appropriate duty of care paperwork, or for recycling.
- 15.6 Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site; or a sensitive use is proposed. The conditions are required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with policies CC9 and CC13 of the Local Plan.
- 15.7 Subject to the inclusion of conditions requiring the implementation of the submitted documents and submission of further information, officers consider that the proposed development accords with NPPF Paragraphs 118 and 178 and Policy 5.21 of the London Plan and Policy CC9 of the Local Plan given that all identified potentially significant effects during the demolition and construction and the operational stages can be suitably adequately mitigated, such that the significance of the residual effects of the Proposed Development will be negligible and that the land will be suitable for the proposed uses.

## 16.0 AIR QUALITY

- 16.1 **LBHF** was designated as an Air Quality Management Area (AQMA) in 2000 for two pollutants - Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>10</sub>). The main

local sources of these pollutants are road traffic and buildings (gas boiler emissions). **Paragraph 124** relates to air quality and it states planning decisions should ensure that any new development in air Quality Management Areas is consistent with the local air quality action plan.

- 16.2 **London Plan Policy 7.14** seeks that development proposals minimise pollutant emissions and promote sustainable design and construction to reduce emissions from the demolition and construction of the buildings; not worsen existing poor-quality air quality. Where additional negative air quality impacts from a new development are identified, mitigation measures will be required to ameliorate these impacts. This approach is consistent with paragraphs 120 and 124 of the NPPF. Further the Mayor of London's Air Quality Strategy provides a framework of policy which aims to improve air quality in London.
- 16.3 **The Mayor's Air Quality Strategy (2010)** seek to minimise the emissions of key pollutants and to reduce concentrations to levels at which no, or minimal, effects on human health are likely to occur.
- 16.4 **Local Plan Policy CC10** seeks to reduce potential adverse air quality impacts arising from new developments and sets out several requirements.
- 16.5 The applicant has submitted an Air Quality Assessment which is an assessment of the likely significant effects on local air quality as a result of the Proposed Development. The development site is within the borough wide Air Quality Management Area (AQMA) and an area of very poor air quality due to the road traffic emissions from Talgarth Road (A4).
- 16.6 The Councils Environmental Quality Team has reviewed the Air Quality Assessment submitted with the application. It is considered that the Proposed Development will introduce new receptors into an area of poor air quality that currently fails the WHO air quality guideline values for PM2.5 and PM10. Additional Mitigation measures will be required to make the development acceptable in accordance with policy CC10. Officers recommend that conditions be attached to any approval requiring details to be submitted for approval relating to (1) Ventilation Strategy; (2) Ventilation Strategy (Implementation and Verification); (3) Green Infrastructure; (4) Combustion Plant compliance with Emission Standards; (5) Air Quality Dust Management Plan (Demolition); and (6) Air Quality Dust Management Plan (Construction).
- 16.7 Subject to the inclusion of conditions requiring the submission of a revised Air Quality Assessment prior to the commencement of above ground works of the development to address mitigation measures, officers consider that the proposed development can accord with Policies 7.14 of the London Plan and Policy CC10 of the Local Plan.

## **17.0 NOISE AND VIBRATION**

- 17.1 **London Plan Policy 7.15** states that development proposals should seek to reduce noise by minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of, a development and promoting new technologies and improved practices to reduce noise.
- 17.2 **Local Plan Policy CC11** seeks to control the noise and vibration impacts of developments, requiring the location of noise and vibration sensitive development 'in the most appropriate locations'. Design, layout and materials should be used carefully to protect against existing and proposed sources of noise, insulating the building envelope, internal walls floors and ceilings, and protecting external amenity areas. Noise assessments providing details of noise levels on the site are expected 'where necessary'.

- 17.3 **Local Plan Policy CC13** seeks to control pollution, including noise, and requires proposed developments to show that there will be 'no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties'.
- 17.4 **SPD Key Principle NN3**, concerning the sound insulation between dwellings, states that 'Careful consideration should be given to stacking and layout of rooms in relation to adjoining walls/floors/ceilings. To ensure the amenity of occupiers is not adversely affected by noise, the Council expects all parts of adjoining dwellings to enhance the sound insulation, including where the adjoining room is of a similar use.'
- 17.5 The applicant has submitted an assessment of the noise and vibration effects arising from the Proposed Development. The Noise Assessment submitted with this application confirms that the noise levels are acceptable, and that this has been achieved through careful selection of building materials, insulation and window specification. The application includes an acoustic report which (via an assessment of existing and modelled noise levels) goes on to provide the technical specification for windows and doors to ensure the internal sound levels for habitable rooms.
- 17.6 During construction, on-site, the implementation of good industry standards, guidance and practice procedures (i.e. Considerate Contractors scheme) will be followed in order to minimise noise effects. Noise and vibration will be managed to reduce impacts, and mitigation measures have been set out within the Construction Environmental Management Plan.
- 17.7 Subject to the inclusion of conditions requiring the implementation of the submitted documents and submission of further information, officers consider that the proposed development accords with the NPPF, Policy 7.15 of the London Plan and Policies CC11 and CC13 of the Local Plan.
- 18.0 RESIDENTIAL AMENITY**
- 18.1 Policies DC1, DC2, CC11, CC13 and HO11 of the Local Plan (2018) require all proposals to be formulated to respect the principles of good neighbourliness. SPD Housing Key Principles 6, 7 and 8 seeks to protect the existing amenities of neighbouring residential properties in terms of outlook, light, privacy and noise and disturbance.
- 18.2 The replacement five-storey building would be just 0.5m higher than the existing building at its highest point. The building line along Palliser Road would be moved 6m forward towards the opposing properties on Palliser Road but would maintain a minimum gap of at least 18m. The proposals would also involve infilling the gap currently occupied by the vehicular access adjacent to No.78 Comeragh Road and this element would maintain the existing front and rear boundary line along that frontage to match the existing buildings.
- 18.3 The properties to the north (4 Palliser Road and 22-26 Barton Road), to the south (99-111 Comeragh Road) and to the west (5-19 Palliser Road) are on the opposing sides of the road and respectively include three, four and five storey residential properties. Officers consider that the proposals would have no undue impact on the residential amenity of the residential properties on the opposing sides of the road.
- 18.4 The closest residential properties are those immediately to the rear of the application site at Nos 78 Comeragh Road and 53 Barton Road which share which share eastern party boundary. The residential impact on these properties is considered in the paragraphs below.

## **Outlook**

- 18.5 SPD Key Principle HS6 note that the proximity of a development can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties. Although it is dependent upon the proximity and scale of the proposed development a general standard can be adopted by reference to a line produced at an angle of 45 degrees from a point 2 metres above the adjoining ground level of the boundaries of the site where it adjoins residential properties. If any part of the proposed building extends beyond these lines, then on-site judgement will be a determining factor in assessing the effect which the extension will have on the existing amenities of neighbouring properties.
- 18.6 The existing building is a U-shaped end-terrace property that encloses the street block between Barton Road and Comeragh Road. The replacement building would also be U-shaped with an extended infill area along Comeragh Road and would include a new courtyard area that would maintain a gap between opposing buildings (some 10.5m) that is comparable with the existing rear gap between the properties in Barton Road and Comeragh Road. Officers consider that the proposed separation and sense of openness between the proposed and existing buildings would have no undue adverse impact in terms of outlook from the existing habitable rooms in the rear of Nos 78 Comeragh Road and 53 Barton Road. The proposals accord with SPD Key Principle HS6.

## **Overlooking/Privacy**

- 18.7 Local Plan Policy DC4 and HO11 seek to ensure that new development will respect the principles of good neighbourliness in particular the amenities of the neighbouring properties, and other properties most directly affected by the proposal.
- 18.8 The proposed building includes windows in their rear elevation that face inwards towards a new courtyard within the application site. The infill element would introduce new windows but these would be no closer than the existing building along Comeragh Road. The officers consider that these new windows would not result in an undue loss of privacy or overlooking as the layout is keeping with the existing layout and separation. However, a condition would be attached to ensure that the windows above ground floor adjacent to No.78 would be obscure glazed to mitigate overlooking. The proposals accord with Policy DC2.

## **Noise and Disturbance**

- 18.9 Local Plan Policy CC11 considers noise levels both inside the dwelling and in external amenity spaces. The policy deals with environmental nuisance and requires all developments to ensure that there is no undue detriment to the general amenities at present enjoyed by existing surrounding occupiers of their properties.
- 18.10 The environmental protection team have considered the proposals and raise no objections subject to conditions regarding sound insulation, plant machinery and construction management. Subject to these conditions the proposals would accord with policies contained in the Local Plan 2018 and SPD 2018.

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

- 18.11 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

- 18.12 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.
- 18.13 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.'
- 18.14 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.
- 18.15 Although the applicants have provided an assessment of ADF for both the proposed and existing residential dwellings the BRE Report (Appendix F) states that 'Use of the ADF for loss of light to existing buildings is not generally recommended'.

#### Sunlight

- 18.16 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.

## Overshadowing

- 18.17 The BRE Guidelines recommend that for it to appear adequately sun lit throughout the year at least half of a garden or amenity space should receive a least 2 hours of sunlight on 21 March. If, because of new development, an existing garden or amenity area does not meet the above, and the area which can receive 2 hours of sunlight on the 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.
- 18.18 Officers have considered the Daylight and Sunlight Assessment submitted to support this planning application. An overshadowing assessment has also been undertaken for all relevant public and private amenity space that could be affected. In total 383 windows were assessed and of these only three fell short for the BRE Guidance. The report demonstrates that the surrounding properties will experience a high level of compliance when considering the VSC and NSL assessments, with 90.4% of all rooms remaining compliant with the baseline BRE values. Where breaches of guidance do occur, this technical assessment demonstrates that in the majority of cases, this is due to either low exiting values (producing disproportionate percentage alterations) or the constraints imposed by the existing architectural design/ basement location of the neighbouring properties. Officers consider that the daylight alterations to the surrounding residential are reasonable within the surrounding streetscape.
- 18.19 The sunlight criterion demonstrates a very good rate of compliance for this site (84.5% of all windows assessed). The majority of the apertures relevant for assessment show adherence to BRE Guidelines and where transgressions from guidance are noted, they are predominantly within Winter, when sunlight levels are more difficult to obtain in the urban environment, with very high levels of annual sunlight still being noted. Overall, when one takes into account all of aspects within this report, it is GIA's professional opinion that the proposal will not cause unacceptable impacts to the daylight and sunlight values within neighbouring properties.
- 18.20 The report states that the proposal will not cause unacceptable impacts to the daylight and sunlight values within neighbouring properties, in line with planning policy requirements.

## Overshadowing to Existing Amenity Areas

- 18.21 It must be acknowledged that in urban areas the availability of sunlight on the ground is a factor which is significantly controlled by the existing urban fabric around the site in question and so may have very little to do with the form of the development itself. Likewise, there may be many other urban design, planning and site constraints which determine and run contrary to the best form, siting and location of a proposed development in terms of availability of sun on the ground.
- 18.22 Six private gardens would not experience any alterations as a result of the proposed scheme. Three would experience negligible alterations, whilst the three private gardens closest to the scheme (49 to 53 (odd) Barton Road), would experience transgressions from the BRE Guidelines.
- 18.23 While this is the case, half of the gardens do not receive any sunlight on 21st March and the remaining half achieves levels of sunlight well below the suggested BRE Values in the existing condition. This is not unexpected when considering the contained courtyards style gardens which are set below ground level and surrounded by fully obstructing fences. It should also be noted that the areas which receive sunlight are closest to the properties and are used as access, with the main amenity space located further away from the property.

- 18.24 It is considered that while large percentage transgressions are noted, these are disproportionate when considering the actual reduction in sunlight hours and the use of the amenity space would not be materially altered.
- 18.25 Overall, in terms of daylight, sunlight and overshadowing officers note that there are a few technical infringements and where these occur most of these are modest. On balance, considering the constraints of the site within this urban location, the proposal is satisfactory in terms of its impact on daylight, sunlight and overshadowing to neighbouring residential properties.

## **19.0 SAFETY AND RESILIENCE TO EMERGENCIES**

- 19.1 **London Plan (Paragraph 7.13)** concerns safety, security and resilience to emergencies. It requires development proposals to contribute to the minimising of physical risks, including fire and flooding and related hazards, crime and terrorism. Risks relating to flooding and crime are considered elsewhere in this report.
- 19.2 **Local Plan (Paragraph 12.11)** states that the council will seek to ensure that new developments are sustainable durable and adaptable, and deliver safe and inclusive environments. On fire safety in particular, it states the following. 'Fire Regulations have to be checked both from a structural aspect and also to ensure fast and easy escape from a building. Building regulations are completely separate from planning control and approval under them does not mean that planning permission has been given, nor does a planning permission imply approval under the Building Regulations. Applicants are advised to contact Building Control for guidance and advice early in the design stages of a scheme.
- 19.3 **Draft London Plan Policy GC6** seeks to help London become a more efficient and resilient city, by requiring those involved in planning and development to 'create a safe and secure environment which is resilient against the impact of emergencies including fire and terrorism'. **Draft Policy D3** requires developments to be design to 'incorporate safe and dignified emergency evacuation for all building users' including (in all developments that include lifts) at least one lift per core that is a fire evacuation lift suitable to be used to evacuate people who require level access from the building. The draft London Plan further seeks to extend the above consideration of fire risk to introduce specific policies to address the reduction of fire risk.
- 19.4 A Secure by Design officer has been involved in the development of the design, through workshops. Their input has helped to develop the access strategy and courtyard lighting proposals, in particular. The Design and Access Statement sets out how the scheme is designed with safety and crime prevention in mind.
- 19.5 The Proposed Development will achieve the highest fire standards, with both adopted and emerging policy requirements being met. According to the applicant they have employed a fire consultancy to advise on the development proposals from the start of the design development process and a Fire Safety Strategy has been prepared in support of the Application.
- 19.6 Emergency vehicles will be able to stop along the frontage of the residential development in Palliser Road. They will also be able to stop on Barton Road and Comeragh Road. Each road is close enough for emergency vehicle to access the site.
- 19.7 Subject to the inclusion of conditions requiring the submission of an updated Fire Strategy, officers consider that the proposed development accords with London Plan, Local Plan and Draft London Plan in respect of safety and resilience to emergencies.



## **20.0 COMMUNITY INFRASTRUCTURE LEVY (CIL) / PLANNING OBLIGATIONS**

### **Mayoral CIL**

- 20.1 Mayoral CIL (Community Infrastructure Levy) came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. Under the London wide Mayoral CIL the scheme would be liable for a CIL payment. This would contribute towards the funding of Crossrail. The GLA expect the Page 23 Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy 8.3. Local CIL
- 20.2 The Council has also set a CIL charge. The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area. The Council's CIL runs alongside Section 106 Agreements (S106s) which will be scaled back but will continue to operate. The CIL Charging Schedule was presented to Council and approved 20 May and has formally taken effect since the 1st September 2015.
- 20.3 This development is not liable for London-wide community infrastructure levy (Mayoral CIL2) or Borough CIL due to 100% Social Housing Relief.

### **21.0 S106 OBLIGATIONS**

- 21.1 The Council will seek to negotiate S106s, where the S106 'tests' are met, for:
- the provision of infrastructure projects or types not specified on the R123 List (through either financial contributions or 'in kind' delivery); and
  - non-'infrastructure' provisions, such as for affordable housing (see policy H03) and S106 monitoring expenses.'
- 21.2 The LBHF CIL Charging Schedule identifies a number of exceptions to the R123 List where the Council intends to negotiate S106 obligations to secure the provision of infrastructure. Two of the identified exceptions are:
- Provision of infrastructure which is required to ensure compliance by a development with a policy of the Development Plan and any relevant SPDs which specifically requires provision on the relevant site: and
  - An item of infrastructure or the improvement, replacement, operation or maintenance of any infrastructure) that is specifically required to make a planning application acceptable (subject to there being no more than 5 planning obligations (already entered into since April 10) for that item at the time).
- 21.3 The planning obligations set out in the heads of terms are considered necessary to make the development acceptable in planning terms, they are related to the development and fairly and reasonable in scale and kind to the development. A Section 106 agreement is therefore required to ensure the proposal is in accordance with the statutory development plan and to secure the necessary infrastructure to mitigate the needs of the proposed development.
- 21.4 In view of the fact the Section 106 agreement will be the subject of extended 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 Strategic Director for Growth and Place after consultation with the Director of Law and the Chair of the Planning and Development Control Committee, to authorise the changes he/she considers necessary and appropriate, within the scope of such delegated authority.

- 21.5 It is anticipated that the S106 for this development will include the following draft heads of terms
- A. Affordable housing
- 100% of residential units to be affordable housing.
  - 75% to be intermediate tenure (London Living Rent for households of up to £60,000 and Shared Ownership for households up to £90,000) and 25% to be rented tenure (London Affordable Rent – excluding service charges).
- B. Energy and sustainability
- Carbon dioxide emission offset contribution (approx. ££56,700)
- C. Infrastructure contributions
- Extant consent infrastructure financial contribution of approx. £10,000
- D. Traffic, transport and highways
- Residential Travel Plan - monitoring cost (£3,000 paid at review years 1, 3 and 5)
  - Construction Workforce Travel Plan - monitoring cost (£3,000 paid every 12 months from the anniversary of commencement of development)
  - Construction Logistics Plan monitoring cost (£3,000 CLP submitted prior to commencement)
  - S278 Works (Cycle parking, reinstate kerbs, extend existing residential parking bays, cover any damage to public highway and any other works required.)
- E. Car permit-free
- Commitment to ensure the proposed development is car-permit free.

## **22.0 CONCLUSION**

- 22.1 Land Use: Officers consider that a residential development is appropriate in this location. The proposals would replace a House of Multiple Occupation which the applicant has sufficiently justified is not suitable for conversion to individual residential properties. The proposal is therefore supported in land use terms subject to the satisfaction of other development plan policies and is considered to be in accordance with the NPPF, London Plan Policies 2.13 and 3.3 and Policies HO1, HO3 and HO4 of the Local Plan 2018.
- 22.2 Affordable Housing: The proposal would maximise the value of the existing site. The development provides 100% affordable housing on site. This is supported in order to maximise the delivery of much needed affordable housing within the borough. The proposal is therefore considered to be in accordance with the NPPF, London Plan Policies 3.3, 3.4, 3.5, 3.6, 3.8 and 3.9 and Policy HO3 of the Local Plan 2018.
- 22.3 Housing: The proposal provides a range of unit sizes which are considered to respond positively to the site characteristics and given consideration to the wider demographics, would lead to a development that would maintain a mixed and balanced ward. The amenity provided broadly accords with the adopted policies and would provide high quality of private and communal amenity for future occupants together with a high standard of residential accommodation. The density is acceptable, given the location and transport accessibility of the site and the resultant acceptable quality of the residential accommodation which will deliver 36 homes. The proposal is therefore supported and is considered to be in accordance with the NPPF, London Plan Policies 3.3, 3.4, 3.5, 3.6, 3.8 and 3.9 and Policies HO1, HO3, HO4, HO5 and HO6 of the Local Plan 2018.
- 22.4 Design and Conservation: Development of this site provides an opportunity for significant enhancement. The proposal complies with Local Plan policy DC1 in that it respects the existing townscape context, demonstrates tangible urban design

benefits and is consistent with the Council's wider development objectives, and in doing so is sensitive to the setting of local heritage assets. The proposed built form has a massing which responds to the proposed spaces and surrounding townscape. The elevations have an architectural character which provides interest across all frontages. The relationship between the built form and public realm would assist in the creation of a sense of place. It is considered that this 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, London Plan Policies 7.1, 7.2, 7.3 7.4, 7.5, 7.6 and 7.8 and Policies HO4, DC1, DC2 and DC8 of the Local Plan 2018.

- 22.5 Transport: There would be no adverse impact on traffic generation and the scheme would not result in congestion of the road network. Conditions would secure satisfactory provision of cycle and refuse storage, construction and logistics and management while Travel Plans are secured by legal agreement. Adequate provision for storage and collection of refuse and recyclables would be provided. The accessibility level of the site is very good, and is well served by public transport. External impacts of the development would be controlled by conditions and section 106 provisions. In addition, servicing and road safety and travel planning initiatives would be implemented in and around the site to mitigate against potential issues. The proposed development therefore accords with Policies 6.1, 6.3, 6.9, 6.10, 6.11, 6.13 of the London Plan, Policy T1, T2, T3, T4 and T5 of the Local Plan 2018.
- 22.6 Impact on Neighbouring Properties: The impact of the proposed development upon adjoining occupiers is considered acceptable with no significant worsening of noise/disturbance and overlooking, no unacceptable loss of sunlight or daylight or outlook for an urban environment to cause undue detriment to the amenities of neighbours. In this regard, the development would respect the principles of good neighbourliness. The proposed development therefore accords with London Plan Policies 3.5, 3.6, 3.8, 7.3, 7.6, 7.7 and 7.14 and Policies DC1 and DC2 of the Local Plan (2018).
- 22.7 Safety and Access: A condition would ensure the development would provide a safe and secure environment for all users in accordance with London Plan Policy 7.3 and Policy DC1 of the Local Plan 2018. The development would provide 10% of all units as wheelchair units, level access, a lift to all levels and suitable circulation space. Conditions would ensure the proposal would provide ease of access for all persons, including disabled people. Satisfactory provision is therefore made for users with mobility needs, in accordance with Policy 7.2 of the London Plan and Policy H06 of the Local Plan 2018.
- 22.8 Sustainability and Energy: The application proposes a number of measures to reduce CO2 emissions with a carbon offset payment secured (approx. £56,700). A revised Sustainable Urban Drainage Strategy would be required by condition to reflect final design detail for all development plots within the outline element. The proposal would thereby seek to reduce pollution and waste and minimise its environmental impact. The proposed development therefore accords with Policies 5.1, 5.2, 5.3, 5.6, 5.7, 5.8, 5.9, 5.11, 5.12, 5.13, 5.14, 5.15 and 7.19 of the London Plan and Policies CC1 and CC2 of the Local Plan 2018.
- 22.9 Flood Risk: A revised Flood Risk Assessment would be required for all development plots in order to ensure the risk of flooding at the site remains low and is considered acceptable. Sustainable drainage systems (SUDS) would be integrated into the development to cut surface water flows into the communal sewer system with further information on surface water drainage secured by condition. The development would therefore be acceptable in accordance with the NPPF, Policies 5.11, 5.13, 5.14 of the London Plan and Policies CC3 and CC4 of the Local Plan 2018.

- 22.10 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 and Policy CC9 of the Local Plan 2018.
- 22.11 Planning Obligations: Planning obligations to offset the impact of the development and to make the development acceptable in planning terms are secured. Contributions relating to environmental improvements, 100% Affordable Housing, 10% Wheelchair User Dwellings, carbon offset payment (approx. £56,700), and local training and employment opportunities and procurement are secured. The proposed development would therefore mitigate external impacts and would accord with Policy INFRA 1 of the Local Plan 2018.
- 22.12 Accordingly, it is recommended that the proposed development be granted planning permission subject to the conditions listed and the completion of a s106 agreement securing the heads of terms contained within this report.

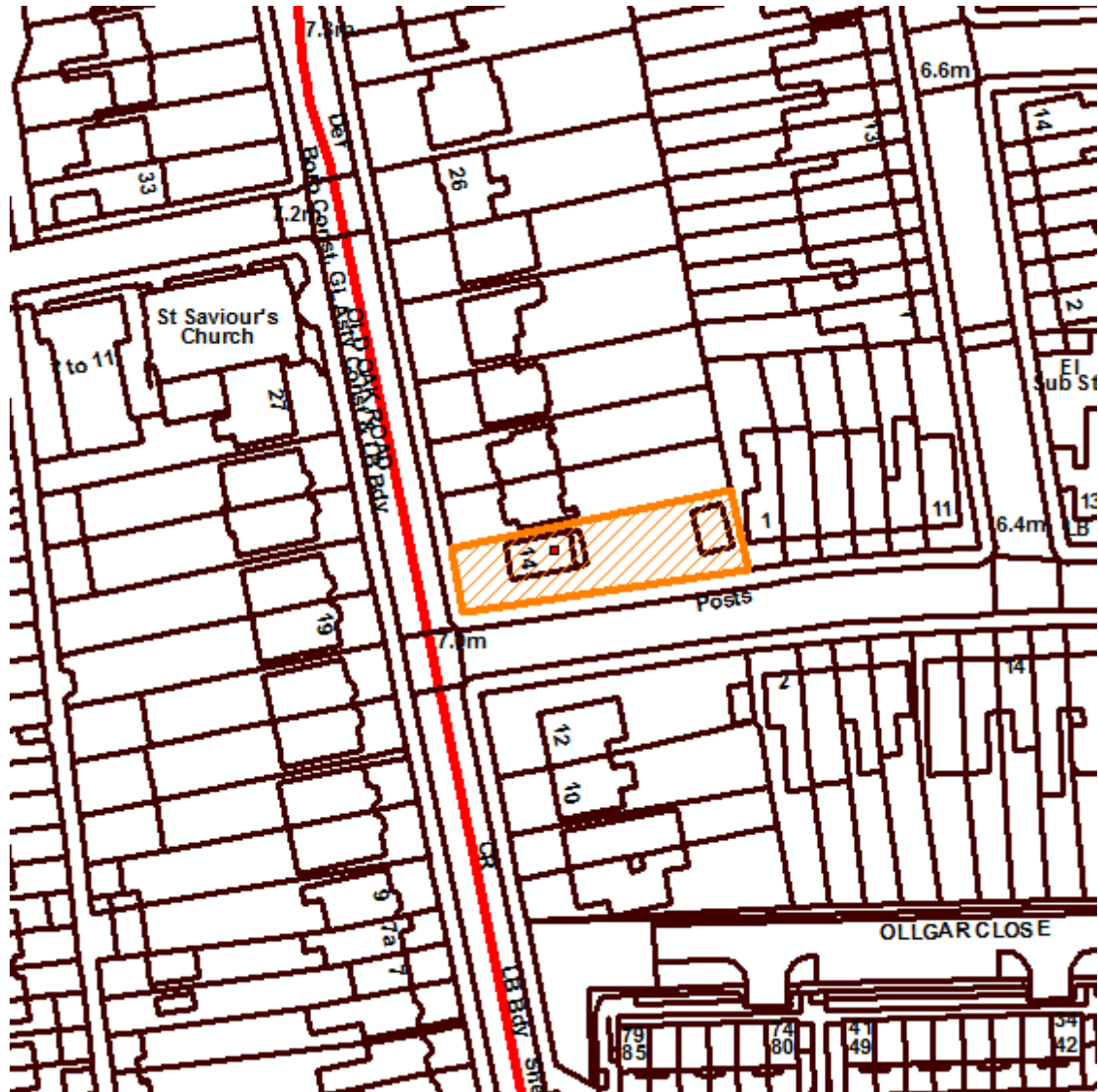
### **23.0 RECOMMENDATION**

- 1) That the Strategic Director, The Economy Department, be authorised to grant permission upon the completion of a satisfactory legal agreement and subject to the condition(s) listed below.
- 2) That the Strategic Director, The Economy Department, after consultation with the Director of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed heads of terms of the legal agreement or conditions, which may include the variation, addition or deletion of the conditions, any such changes shall be within their discretion.

**Ward:** Wormholt And White City

**Site Address:**

14 Old Oak Road London W3 7HQ



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

**Reg. No:**  
2019/01306/FUL

**Case Officer:**  
Grace Harrison

**Date Valid:**  
03.05.2019

**Conservation Area:**

**Committee Date:**  
03.03.2020

**Applicant:**

Ms Jo Handman  
c/o agent

**Description:**

Demolition of detached house and garage, erection of a replacement three storey building comprising of 6 self-contained residential flats (1 x 1 bedroom, 5 x 2 bedroom) with balconies at first and second floor levels; erection of a detached two-storey, 3-bedroom dwellinghouse; erection of associated cycle and bin storage enclosures; landscaping works including new off-street parking; and a new boundary wall to Old Oak Road and Aldbourne Road.

Drg Nos: 104\_(2)\_1.001 issue no. 5; 104\_(2)\_1.002 issue no. 4; 104\_(2)\_1.003 issue no. 4; 104\_(2)\_1.004 issue no. 6; 104\_(2)\_1.101 issue no. 5; 104\_(2)\_2.001 issue no. 4; 104\_(2)\_2.003 issue no. 4; 104\_(2)\_3.001 issue no. 7; 104\_(2)\_2.101 issue no. 4; 104\_(2)\_5.001 issue no. 2. Arboricultural Impact Assessment and Arboricultural Method Statement (Greengage, April 2019 Ref. 551154dpApr19FV03\_AIA) Proposal for Surface Water Drainage (Ian Harban Consulting Engineers, March 2019)

104\_(2)\_5.001 issue no. 2; 104\_(2)\_1.001 issue no. 5; 104\_(2)\_1.002 issue no. 4; 104\_(2)\_1.003 issue no. 4; 104\_(2)\_1.004 issue no. 6; 104\_(2)\_1.101 issue no. 5; 104\_(2)\_2.001 issue no. 4; 104\_(2)\_2.003 issue no. 4; 104\_(2)\_3.001 issue no. 7; 104\_(2)\_2.101 issue no. 4; 104\_(2)\_3.001 issue no. 7.

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

That the Committee resolve that the Strategic Director, The Economy 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, The Economy, 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 be carried out and completed in accordance with the following approved drawings:

104\_(2)\_1.001 issue no. 5; 104\_(2)\_1.002 issue no. 4; 104\_(2)\_1.003 issue no. 4; 104\_(2)\_1.004 issue no. 6; 104\_(2)\_1.101 issue no. 5; 104\_(2)\_2.001 issue no. 4;

104\_(2)\_2.003 issue no. 4; 104\_(2)\_3.001 issue no. 7; 104\_(2)\_2.101 issue no. 4; 104\_(2)\_5.001 issue no. 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 and DC2 of the Local Plan (2018).

- 3) Prior to commencement of the demolition works hereby approved, the following shall be submitted to, and approved in writing by, the Council:

(i) a valid and enforceable building contract for redevelopment of the site in accordance with this consent, confirming that redevelopment of the site will take place within 12 months of the demolition works taking place, 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 area and the amenities of local residents, in accordance with Policies DC1 and DC4 of the Local Plan (2018).

- 4) Prior to commencement of the demolition works hereby approved, details of the temporary hoarding to enclose the construction site shall be submitted to, and approved in writing by, the Council. Thereafter the hoarding shall be erected in accordance with the agreed details and 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 and DC2 of the Local Plan (2018).

- 5) Prior to the commencement of the demolition works hereby approved, a Demolition Method Statement and Construction Management Plan shall be submitted to, and approved in writing by, the Council. The document shall include details of the proposed control measures and monitoring for dust, noise, vibration and lighting; confirmation that hours of work and all activities audible beyond the site boundary will be restricted to 0800-1800hrs Mondays to Fridays, 0800-1300hrs on Saturdays and no time on Sundays; planned advance notification to neighbours and other interested parties; public display of the site manager's contact details; and arrangements for the washing of vehicles. Thereafter the demolition and construction works shall take place in full accordance with the Demolition Method Statement and Construction Management Plan as agreed.

To appropriately mitigate the impact of the development during demolition and 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).

- 6) Prior to commencement of the demolition works hereby approved, a Demolition and Construction Logistics Plan shall be submitted to, and approved in writing by, the Council. The document shall be in accordance with Transport for London's 'Construction Logistics Planning Guidance' and the Construction Logistics and Community Safety (CLOCS) Standard Version 3 (January 2019), and shall include details of the number, size and routes of vehicles; any vehicle holding areas and access arrangements; delivery locations on the site; use of on-road Ultra Low Emission Zone (ULEZ)-compliant vehicles; and any other matters relating to traffic management as required. Thereafter the demolition and construction shall take place in full accordance with the Demolition and Construction Logistics Plan as agreed.

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

- 7) No demolition shall take place 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 Policy CC9 of the Local Plan (2018).

- 8) No demolition shall take place 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 Policy CC9 of the Local Plan (2018).



- 9) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no demolition 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 Policy CC9 of the Local Plan (2018)

- 10) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no demolition 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 Policy CC9 of the Local Plan (2018).

- 11) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no demolition 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 Policy CC9 of the Local Plan (2018).

- 12) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no demolition 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 Policy CC9 of the Local Plan (2018).

- 13) Prior to commencement of any construction works above ground level, details (including samples and specifications) of all materials to be used on the external faces of the development have been submitted to, and approved in writing by, the council. The development shall be constructed in full accordance with the agreed details and permanently maintained as such thereafter.

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

- 14) Prior to commencement of any construction works above ground level, a sample panel of the proposed facing brickwork (indicating brick colour, bond pattern, mortar colour and joints) shall be erected on site for inspection by Officers and approved in writing by the council. The development shall be constructed in full accordance with the agreed details and permanently maintained as such thereafter.

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

- 15) Prior to commencement of any construction works above ground level, drawings in plan, section and elevation at a scale of no less than 1:20 of each window bay type and all entrances shall be submitted to, and approved in writing, by the

Council. The development shall be constructed in full accordance with the agreed details and permanently maintained as such thereafter.

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

- 16) Prior to commencement of any construction works above ground level, details (including material, colour and finish) and drawings in plan, section and elevation at a scale of no less than 1:10 of all new rooflights, windows and doors shall be submitted to, and approved in writing by, the Council. The development shall be constructed in full accordance with the agreed details and permanently maintained as such thereafter.

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

- 17) Prior to commencement of any construction works above ground level, details of any hard landscaping to external areas shall be submitted to, and approved in writing by, the Council. Details shall include paving, surfaces and boundary treatments. The development shall be carried out in full accordance with the details agreed prior to occupation of the development, and permanently maintained as such thereafter.

To ensure a satisfactory external appearance, promote biodiversity and improve air quality in accordance with Policies DC1, DC2 and CC10 of the Local Plan (2018).

- 18) Prior to commencement of any construction works above ground level, a statement of how the development will meet the requirements of Section 2b of the 'Secured by Design Homes 2019' guidance document (Version 2, March 2019) shall be submitted to, and approved in writing by, the Council. The development shall be carried out in full accordance with the details agreed and permanently maintained as such thereafter.

To ensure a safe and secure environment for users of the development, in accordance with Policies DC1 and DC2 of the Local Plan (2018).

- 19) Prior to commencement of any construction works above ground level, a Ventilation Strategy Report to mitigate the impact of air pollution 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 non-openable windows for habitable rooms (bedrooms, living rooms) with front elevations on Old Oak Road and Aldbourne Road
- c) Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the fresh air ventilation intakes, openable windows, balconies, roof gardens, terraces
- d) 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 with air intakes on the rear elevation to remove airborne pollutants. 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. The approved details shall be fully implemented prior to the occupation of the development and thereafter shall be permanently retained and maintained in good working order.

In the interests of air quality in accordance with Policy CC10 of the Local Plan (2018).

- 20) Prior to occupation of the development, details of a post-installation report of the approved Ventilation Strategy shall be submitted to, and approved in writing by, the Council. The approved details shall be fully implemented prior to occupation of the development and thereafter shall be permanently retained and maintained in good working order.

In the interests of air quality, in accordance with Policy CC10. Local Plan (2018).

- 21) Prior to commencement of any construction works above ground level, details shall be submitted to, and approved in writing by, the Council of the means of achieving an enhanced sound insulation value  $D_{nT,w} + C_{tr}$  [and  $L'_{nT,w}$ ] of at least 5dB above the current Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/uses in adjoining dwellings. The development shall be implemented in full accordance with the approved details prior to occupation and thereafter permanently retained as such.

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

- 22) No part of the development hereby approved shall be occupied until details of the installation of air source heat pumps (ASHP) or electric boilers to be provided for space heating and hot water shall be submitted to, and approved in writing by, the Council. The development shall be implemented in full accordance with the approved details prior to occupation and thereafter the systems shall be permanently retained and maintained in good working order.

In the interests of air quality, in accordance with Policy CC10 of the Local Plan (2018).

- 23) No part of the development hereby approved shall be occupied until provision for sustainable drainage has been implemented in full accordance with the details contained within the 'Proposal for Surface Water Drainage' (Ian Harban Consulting Engineers, March 2019). No part of the development shall be used or occupied until all flood prevention and mitigation measures have been installed in accordance with the submitted details and the development shall be permanently retained in this form thereafter.

To reduce the impact of flooding to the proposed development and future occupants, in accordance with Policies CC2 and CC3 of the Local Plan (2018).

- 24) No part of the development hereby approved shall be occupied until provision has been made for the storage of domestic refuse and recycling, in the form of the dedicated storage area at ground floor level as indicated on the approved drawing nos. 104\_(2)\_1.001 issue 5 and 104\_(2)\_5.001 issue 2. Thereafter the provision for refuse and recycling storage shall be permanently maintained in this form for the lifetime of the development.

To ensure satisfactory provision for the storage of refuse and recycling on site, and thereby prevent it being stored on the highway, in accordance with Policy CC7 of the Local Plan (2018).

- 25) No part of the development hereby approved shall be occupied until provision has been made for the storage of at least 11 cycles in the form of the dedicated storage area at ground floor level as indicated on the approved drawing nos. 104\_(2)\_1.001 issue 5 and 104\_(2)\_5.001 issue 2. Thereafter the provision for cycle storage shall be permanently maintained in this form for the lifetime of the development.

To ensure satisfactory provision for cycle storage in accordance with Policy T3 of the Local Plan (2018).

- 26) The development hereby permitted shall be carried out in full accordance with the details contained within the Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement submitted with this application (Greengage, April 2019 Ref. 551154dpApr19FV03\_AIA) and with a suitably qualified Arboriculturalist present at all times to supervise the works.

In order to ensure that no damage occurs to the protected trees close to the boundary of the site, to ensure that their positive contribution to the character and appearance of the area is preserved, in accordance with Policy OS5 of the Local Plan (2018).

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

The use of the property as a house in multiple occupation rather than as single residential units would raise materially different planning considerations that the council would wish to consider under a full planning application, in accordance with Policies DC1, HO1, HO2, HO4, HO5, HO8 and HO11 of the Local Plan (2018).

- 28) Other than the areas explicitly identified on the approved drawings as a balcony, no other part of any roof of the new buildings shall be used as a roof terrace or other form of open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roofs. No railings or other means of enclosure shall

be erected on the roofs, and no alterations shall be carried out to any elevation of the application properties to form access onto the roofs.

The use of the roofs as a terrace would increase the likelihood of harm to the existing residential amenities of the occupiers of neighbouring properties as a result of noise and disturbance and loss of privacy contrary to Policies HO11 and CC11 of the Local Plan (2018).

- 29) No alterations shall be carried out to the external appearance of the development, including the installation of external, pipe work, air-conditioning units, ventilation fans or extraction equipment not shown on the approved drawings, without planning permission first being obtained.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC2 and HO11 of the Local Plan (2018).

- 30) Prior to occupation of the development hereby permitted, details of the installation including location and type of an active electric vehicle charging point (22-50KW) for the one car parking space must be submitted to and approved in writing by the Local Planning Authority. The approved electric vehicle charging point shall be installed prior to occupation of the detached house hereby approved and retained in working order for the lifetime of the development.

In the interests of air quality, in accordance with Policy CC10 of the Local Plan (2018) and Key Principle AQ2 of the Planning Guidance Supplementary Planning Document (2018).

- 31) No properties shall be occupied until confirmation has been provided that either:- all combined water network upgrades required to accommodate the additional flows from the development have been completed; or a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development, to avoid sewer flooding and/or pollution incidents, in accordance with Policy CC3 of the Local Plan (2018).

- 32) Unit No.1 shall be constructed to meet the requirements of M4(3) Category 3: 'Wheelchair user dwellings' of Approved Document M of the Building Regulations 2010 (2015 edition incorporating 2016 amendments). Unit Nos. 2-6 and the detached dwellinghouse shall be constructed to meet the requirements of M4(2) Category 2: 'Accessible and adaptable dwellings' of Approved Document M of the Building Regulations 2010 (2015 edition incorporating 2016 amendments). All units shall be permanently retained as such thereafter.

To ensure that the development provides accessible accommodation in accordance with Policy HO6 of the Local Plan (2018) and Policy 3.8 of the London Plan (2016).

- 33) Prior to commencement of any construction works about ground level, details of all soft landscaping to all areas external to the development shall be submitted to, and approved in writing by, the council. All planting, seeding and turfing approved as part of the landscaping scheme shall be carried out in the first planting or seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or shrubs which die, are removed or become seriously damaged or diseased within 5 years of the date of the initial planting shall be replaced in the next planting season with others of similar size and species. The development shall be carried out in full accordance with the details agreed prior to occupation of the development, and permanently maintained as such thereafter.

To ensure a satisfactory external appearance and satisfactory provision for permeable surfaces and planting in accordance with policies DC1, DC2 and OS5 of the Local Plan (2018).

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

- 1) 1. Land Use: The proposal would achieve a sustainable development by providing much-needed housing on previously developed land. The proposal would provide six additional units of housing towards the borough's housing targets. The proposal is considered to be in accordance with Policies HO1, HO4, and HO11 of the Local Plan (2018).
2. Housing: The quality of accommodation, including internal design and layout of the new residential units, is considered to be of high quality having regard to the Mayor's Design Guidelines and London Plan (2016) Policies 3.5 and Table 3.3, together with Policies HO3, HO6, and HO11 of the Local Plan (2018).
3. Design: The development is considered to comply with Local Plan (2018) Policies DC1 and DC2 which require a high standard of design in all new build developments, compatible with the scale and character of existing development and its setting, and London Plan policies 7.1, 7.4, 7.6 which seek a high quality in design and architecture, requiring new developments to have regard to the pattern and grain of existing development.
4. Residential Amenity: The impact of the proposed development upon adjoining occupiers is considered to be acceptable. The proposal would not have an unacceptably harmful impact on neighbouring residential amenity in terms of light, outlook or privacy and noise and disturbance. In this regard, the development would respect the principles of good neighbourliness, and would therefore be acceptable in accordance with Policies HO11 and DC4 of the Local Plan (2018).
5. Accessibility and Safety: Subject to appropriate conditions, the development would provide a safe and secure environment for all occupants, and would provide ease of access for all people, including disabled people, in accordance with in accordance with Policies DC1, DC2, HO6 and HO11 of the Local Plan (2018) and Policies 3.8 and 7.2 of the London Plan (2016).

6. Highways matters: It is considered that the scheme would not have a significant further impact on the highway network or local parking conditions, and is thus considered to be acceptable. Satisfactory provision would be made for cycle parking and future occupiers of the new units would be prevented from obtaining on-street parking permits, to help prevent overspill of parking onto the local highways. There are available public transport and other services nearby and adequate provision for storage and collection of refuse and recyclables would be provided. The development thereby accords with Local Plan (2018) Policies T1, T3, T4, T5 and T7 as well as CC7 and London Plan (2016) Policies 6.1, 6.3, 6.10, 6.11 and 6.13.

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

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

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

Application form received: 25th April 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:**  
Thames Water - Development Control

**Dated:**  
18.06.19

### **Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
8 Aldbourne Road London W12 0LN	06.02.20
2 Aycliffe Road Shepherds Bush London W12 0LL	04.02.20
2 Aldbourne Road London W12 0LN	20.06.19
2 Aldbourne Road London W12 0LN	04.02.20
8 Aldbourne Road London W12 0LN	21.06.19
8 Aldbourne Road London W12 0LN	06.02.20
5 Aldbourne Road London W12 0LW	03.02.20
6 Aldbourne Road London W12 0LN	04.02.20
10 Aldbourne Road London W12 0LN	04.02.20
1, Sedgeford Road London W12 0NA	21.06.19
15 Aldbourne Rd London W12 0LW	03.02.20
4 Aldbourne Road LONDON W12 0LN	05.02.20
1, Aldbourne Road London W12 0LW	03.02.20



18 Aldbourne Road Shepherds Bush London W12 0LN	18.06.19
4 Aldbourne Road London W12 0LN	22.06.19
18 Aldbourne road Shepherds Bush London w12 0ln	02.02.20
1, Sedgeford Road London W12 0NA	04.02.20

## 1.0 BACKGROUND

1.1 The application site is located on the corner of Old Oak Road and Aldbourne Road (north side). There is a vacant two-storey house sited towards the western end of the plot, and a single storey double garage at the eastern end, with a large garden in between. The total site area is approximately 617 sq.m. (0.0617 hectares) of which less than 20% is currently occupied by buildings.

1.2 The site has a Public Transport Accessibility Level (PTAL) rating of 3, which is considered to be moderate. Buses to Shepherd's Bush, Hammersmith and Acton can be taken from Uxbridge Road, a short walk to the south, and the nearest Underground station is East Acton, which about 15 minutes' walk from the site to the north.

1.3 The site is not located within, or adjacent to, a conservation area and is not subject to any other heritage designations. The borough boundary with the London Borough of Ealing (LBE) runs down the centre of Old Oak Road. There are no conservation areas or designated heritage assets within LBE that stand to be affected by the development.

1.4 The site's vulnerability to flooding from the Thames is very low, and the site is within the Environment Agency's Flood Zone 1.

## 2.0 RELEVANT PLANNING HISTORY

2.1 The site's planning history suggests that the existing two-storey house and single-storey detached garage on the site date from the 1960s.

2.2 Two recent applications, both from 2017, for demolition of the existing house and garage and the site's redevelopment for housing were withdrawn before determination, following advice from Officers that there were significant concerns with the proposals (application Refs. 2017/00987/FUL and 2017/02424/FUL).

2.3 The current application is for demolition of the existing detached house and garage, erection of a replacement three storey building comprising of 6 self-contained residential flats (1 x 1 bedroom, 5 x 2 bedroom) with balconies at first and second floor levels; erection of a two storey detached 3 bedroom dwellinghouse; erection of associated cycle and bin storage enclosures; landscaping works including new off-street parking; and a new boundary wall to Old Oak Road and Aldbourne Road.

## 3.0 PUBLICITY AND CONSULTATION RESPONSES

3.1 The current application was first submitted in May 2019. The original proposals received five objections from local residents at Nos. 2, 4, 8 and 18 Aldbourne Road and No. 1 Sedgeford Road, raising the following concerns:

- Proposed design and materials of the new buildings would be ugly and intrusive;
- Scale and form of building is out of keeping with neighbouring properties;
- Density is too high with too many flats;
- Insufficient provision is made for disabled access;
- Overlooking to neighbouring properties;
- Imposing building would block light and outlook to neighbours;
- Increase in traffic congestion and parking stress;
- Loss of open green space;
- Not enough consideration has been given to the general amenities of the new flats.

3.2 The scheme has since been changed and revised drawings were received in December 2019. The key changes to the proposals are as follows:

- The building on the corner of Old Oak Road and Aldbourne Road (the flats) has been reduced in height, and is now similar in height to the neighbouring property at No. 16 Old Oak Road;
- Inverted dormer balcony to rear elevation of the flats building removed;
- Roof materials changed to a more traditional grey slate, contrasting with the facing red brickwork;
- Changes to the proportions of the ground floor of the flats building;
- Improvements to the detailed design of window and door openings.

3.3 Residents were consulted on the revised proposals by letter dated 14th January. 12 objections have been received to the revised proposals from Nos. 1, 2, 4, 5, 6, 8, 10, 15 and 18 Aldbourne Road, 1 Sedgford Road and 2 Aycliffe Road.

3.4 Concerns raised were as follows:

- Loss of light and privacy for neighbours;
- Overdevelopment of the site, loss of green space, impact on biodiversity;
- Increased congestion, parking stress and air pollution;
- Car-free development is impossible to enforce;
- New flats would be poor quality with lack of amenity space;
- Impact on street trees;
- Buildings are not sufficiently detailed and the materials are not in keeping;
- New flats are not accessible;
- Allocation for cycles and bins is unclear;
- Car parking space for new house is not practical;
- Loss of property value for neighbours.

3.5 The planning matters raised in the objection comments will be addressed in the report below. The impact of a development on local property prices is not a material planning consideration.

3.6 Thames Water responded with no objections subject to conditions regarding water capacity infrastructure.

3.7 The Metropolitan Police's Crime Prevention Design Advisor and the London Borough of Ealing were also consulted but did not respond.

## 4.0 PLANNING CONSIDERATIONS

4.1 The relevant planning considerations in this case, to be assessed against the policies in the National Planning Policy Framework (NPPF, 2019), The London Plan (2016) and the Council's Local Development Framework, comprising the Local Plan (2018) and Planning Guidance Supplementary Planning Document (2018).

- The principle of the development, in land use terms, including residential density;
- The design and appearance of the development, including its impact on the street scene;
- The contribution that the new units would make to the borough's housing stock, including the quality of the new accommodation to be provided;
- The impact of development on neighbours' living conditions;
- The impact of the development on parking demand and on the highway;
- Sustainable design and construction, and energy use;
- Environmental matters including air quality, flood risk, and land contamination.

### LAND USE

4.2 The proposals would see an intensification of the existing residential use on the site. The increased residential density is to be considered in the first instance against the Sustainable Residential Quality (SRQ) index set out in Policy 3.4 of the London Plan (2016) and Policy HO4 of the Local Plan (2018). Officers consider the area is generally 'urban' with predominantly dense development (terraced houses, mansion blocks, a mix of different uses, medium building footprints and typically buildings of two to four storeys). However, the site's immediate setting, particularly on Old Oak Road to the north, is slightly more suburban in character, with detached and semi-detached houses, smaller building footprints and larger gardens (albeit with higher density development a short distance away).

4.3 The proposed residential density for this scheme would be approximately 116 units per hectare. This slightly exceeds the upper limit recommended by the London Plan's SRQ index for a suburban setting (50-95 u/ha) but falls comfortably within the recommended range for an urban setting of the same PTAL (70-170 u/ha). Considering the site's setting is somewhere between these, the proposed density is considered to be in accordance with the SRQ index. Other factors relevant to optimising the site's potential for housing must be considered, including local context, design, and transport capacity; as well as social infrastructure and the availability of open space locally.

4.4 Policy H2 of the Draft London Plan (the 'small sites policy') introduces a presumption in favour of the type of small housing development this proposal represents. Whilst the policy has not yet been adopted, it makes clear that London's suburban areas will need to accommodate additional housing provision in future and that local authorities should pro-actively support densification of these areas through the redevelopment of existing buildings and infill development within the curtilage of dwellings. This will become especially important in light of the increased housing targets within Policy H1 of the draft London Plan, which is 1,609 new units per year for Hammersmith and Fulham.

4.5 Officers consider the subject site to be suitable for densification. The site is larger than average for a single dwelling with a large curtilage; at present, less than 20% of the

site is covered by buildings. The existing house is also an outlier in the street scene in terms of its height and scale (which is considerably smaller than neighbouring dwellings) and its unusual design, which is of no particular architectural merit. By contrast, corner sites are usually capable of accommodating larger, more prominent buildings than mid-terrace sites. The site's corner position also means any new building could benefit from two street-facing elevations, meaning a larger number of habitable rooms can be accommodated on the site than a plot in the middle of a terrace (the proposed development takes advantage of this). The site has a PTAL rating of 3, indicating moderate access to public transport and Officers consider it would not be necessary for the future occupants to own a car, meaning the development could be parking-permit free.

4.6 Concerns have been raised by residents about the loss of green space on the site. As noted above, only 20% of the site is currently covered by buildings, which would increase to around 40% as a result of the proposed development. The remaining 60% would be landscaped. Although the council does not have a specific policy regarding new development on garden ground, Policy OS5 of the Local Plan (2018) seeks to enhance biodiversity and green infrastructure in the borough, by maximising the provision of gardens, garden space and soft landscaping. Back, front and side gardens do play an important part in maintaining biodiversity as well as contributing to the townscape and quality of life. In this case, Officers are satisfied that a significant amount of the site would remain green and open; a greater proportion than is given over to garden space for most dwellings in the borough. The open space on site would include a large area to the front of the buildings on Old Oak Road, offering scope for new planting, including new trees, to contribute to the street scene.

4.7 Given the potential of the site to support additional housing, the key considerations in respect of the proposed scheme are design; impact on neighbours; and impact on the local highways network. These matters will be assessed in the report below. Provided the scheme is acceptable in these respects, no objections are recommended to be raised to the principle of the proposed increase in residential density, in terms of Local Plan (2018) Policies HO1 and HO4 and Policy 3.4 of the London Plan (2016).

## AFFORDABLE HOUSING

4.8 Local Plan (2018) Policy HO3 seeks affordable housing on sites with the capacity for providing 11 or more self-contained units. In this case, the proposed development provides a total of 7 residential units (a net increase of 6) and at least 4 more would be required before a contribution towards affordable housing could be sought. Officers consider that the number of units could not be so increased without compromising the visual acceptability of the buildings, the impact on neighbouring properties, and the quality of accommodation for future occupiers. For the reasons explained below, the design of the proposed scheme is considered to achieve a good balance, providing increased density through a building that is still in keeping with its surroundings in terms of scale and design.

## DESIGN CONSIDERATIONS

4.9 There is no objection to the loss of the 1920/30s-style house (built in the 1960s) which does not enjoy any heritage protection, and which does not have any special merits that would justify its consideration as an undesignated heritage asset. While the house is not part of a uniform terrace or pair of houses and is of different planform,

proportions and appearance, it still relates to its immediate neighbourhood that is characterised by Victorian and 1920/30s suburban semi-detached and detached houses, with projecting bays, continuous low boundary walls and hedges, and generous front and rear gardens. The ground floor of the current house sits approximately 1 metre below street level and therefore appears lower than its neighbours in the townscape.

4.10 The wider townscape of Old Oak Road is diverse, with short Victorian terraces and modern blocks of 2-4 storey heights breaking up the uniformity of the semi-detached Edwardian houses with generous front gardens. The predominant building materials are red brick with white rendered features such as bays, porches and window surrounds, as well as mock-Tudor style features and overhanging roofs with deep eaves typical of early 20th Century semi-detached houses. The roofscape generally is a prominent element in the townscape emphasised by gables, dormers and chimneys. Due to the variety of house styles on the eastern side of Old Oak Road - on the same side as the application property - there are variations in architectural features, materials and the building lines along the road, however, the generous front gardens provide an overall harmonious streetscape. In contrast, Aldbourne Road is characterised by short terraces of small-scale Edwardian houses with small front gardens and uniform building lines, roof forms, fenestration and rhythm of bays.

4.11 The proposal is for a residential block with a larger footprint than the existing house, located near the corner of the two roads. The massing is arranged to resemble the examples of Victorian town houses in the street that reduce in height and scale towards the rear of the site. It would be set back into the site to approximately the same degree as its neighbours. The existing gap to the neighbour at No 16 Old Oak Road would be maintained. The proposed height of the block would not exceed that of the neighbouring pairs of houses and remain below the height of nearby Victorian town houses. In this way the design of the building does much to mitigate the visual impact of the increased residential density on the site.

4.12 The proposed detached house would be located at the rear boundary replacing an existing garage and continuing with a similar setback from the street as the existing neighbouring terrace in Aldbourne Road, but with a narrow gap to acknowledge the different style. Historically, gaps between terraces are typical where different terrace styles meet.

4.13 For both buildings, the applicants are seeking a contemporary design approach that combines locally relevant features such as gabled bays, mansard roofs and red brickwork with modern characteristics such as simpler fenestration and contrasts achieved by decorative brick detailing rather than great variations of materials and colour. In the attempt to compromise between contextual integration into the townscape and contemporary appearance, the design of the buildings appears fairly simple and unrefined. However, there are some clear references to the existing townscape character - the distinction between main frontage, diminishing scale of the side elevation, and the gap to the single house in Aldbourne Road, as well as the gables and steps in the elevations that integrate the development sufficiently into the diverse townscape. Officers do not consider the contemporary aspect of the design to be of particular visual interest in this case, however, given that the wider Old Oak Road context is diverse, the overall appearance of the proposals is not considered to harm the townscape.

4.14 An indicative landscaping layout plan has been submitted with the application, including details of species and planting schedules. The existing boundary treatment is a dilapidated 2-metre high timber fence, which is proposed to be replaced by a low brick wall with a black decorative railing on top. This would be in keeping with the general style of traditional boundary treatments in the area, and would improve the appearance of the site by making it more open.

#### QUALITY OF ACCOMMODATION

4.15 All of the units would comply with the London Plan's (2016) internal space requirements, as follows:

- Flat 01 - 1B 2P - 59sq.m (patio 9.1 sq.m.)
- Flat 02 - 2B 3P - 61sq.m (patio 6.5 sq.m)
- Flat 03 - 2B 3P - 61sq.m (balcony/winter garden 5.6 sq.m)
- Flat 04 - 2B 3P - 61sq.m (balcony 6.5 sq.m)
- Flat 05 - 2B 3P - 61sq.m (no external amenity space)
- Flat 06 - 2B 3P - 61sq.m (balcony 6.5 sq.m)
- House - 3B 6P - 130 sq.m (private garden 47 sq.m)

4.16 All of the units, except for Flat 5, would benefit from some private external amenity space, whether in the form of a garden, patio or balcony. This is considered to be good for a relatively constrained site and no objections would be raised on the grounds of non-provision of private amenity space for Flat 5, given that the development would also benefit from a very good amount of shared amenity space in the form of two communal gardens (front and rear). As such no objections are raised in terms of Key Principle HS1 of the Planning Guidance SPD (2018).

4.17 No concerns are raised about the amount of light that would be received by the new units, given they are all dual aspect and south or east/west facing windows are provided for habitable rooms. The only rooms with exclusively north-facing windows within the flat building are bathrooms/storage cupboards. Within the house, one bedroom at first floor level would be served by a north-facing window, however because bedrooms have a lesser requirement for daylight than other habitable rooms, no objections are recommended to be raised solely on these grounds.

4.18 A condition is attached requiring enhanced sound insulation (at least 5dB above current building regulations requirements) to be installed between the flats, to prevent noise disturbance between rooms of different uses in adjacent flats in accordance with Policy CC11 of the Local Plan (2018).

#### ACCESSIBLE AND INCLUSIVE DESIGN

4.19 Policy HO6 of the Local Plan (2018) and Key Principles DA1-DA8 of the Planning Guidance SPD (2018) are relevant in respect of accessible and inclusive design. The development would provide one wheelchair adaptable unit at ground floor level within the flat building. Access to this flat would be via the northern/rear entrance, with step-free access provided by way of a ramped path from Aldbourne Road. Owing to the level change between the pavement and the ground floor of the flats, it is accepted that it would not be possible to provide step-free access via the main entrance off Aldbourne Road, or from Old Oak Road, but the proposed arrangement is considered to be an

acceptable compromise. A condition is recommended requiring the remainder of the units to comply with Part M4(2) of the current Building Regulations (Condition 32).

## IMPACT ON NEIGHBOURING PROPERTIES

4.20 The properties that stand to be the most impacted by this development include Nos. 19 and 21 Old Oak Road (on the opposite side of the road); No. 12 Old Oak Road (on the opposite side of Aldbourne Road, immediately to the south); No. 16 Old Oak Road (adjacent to the north) and No. 1 Aldbourne Road (adjacent to the east).

+ 19 and 21 Old Oak Road:

4.21 The houses on the opposite side of Old Oak Road are within the London Borough of Ealing (LBE). LBE was consulted on the application but did not respond. The separation distance between these properties and the proposed new building is over 25 metres and Officers consider that the additional height and bulk of the new building would not give rise to any significant impacts in terms of outlook or light to these properties. A diagram included within the submitted Daylight, Sunlight and Shading Analysis (prepared by ERS Consultants) demonstrates that the BRE's initial 25-degree test would be complied with for these properties, and so there is no further requirement for any further tests to be carried out with regards to light. Officers consider the development would not give rise to any new or increased opportunities for overlooking, over and above the typical relationship established by residential properties facing each other along the rest of Old Oak Road. The minimum privacy separation distance of 18 metres would also be complied with, in accordance with Key Principle HS7 of the Planning Guidance SPD (2018).

+ 12 Aldbourne Road:

4.22 No.12 Aldbourne Road is sited due south of the proposed development and has windows in its north elevation, facing the application site. The separation distance between this property and the proposed new buildings is over 20 metres and Officers consider that the additional height and bulk of the new building would not give rise to any significant impacts in terms of outlook or light to these properties. A diagram included within the submitted Daylight, Sunlight and Shading Analysis demonstrates that the BRE's initial 25-degree test would be complied with, and so there is no further requirement for any further tests to be carried out with regards to light. The development would not give rise to any new or increased opportunities for overlooking, as the minimum separation distance of 18 metres would also be complied with, in accordance with Key Principle HS7 of the Planning Guidance SPD (2018).

+ 16 Old Oak Road:

4.23 No. 16 Old Oak Road is immediately adjacent to the application site to the north. The submitted Daylight, Sunlight and Shading Analysis considers the impact of the proposed development on the rear windows of No.16, as well as three windows in the side (south) elevation facing the application site. The results show that there would be no significant impact on daylight to the rear windows.

4.24 By contrast, the results indicate that the impact on daylight to the three tested side windows of No. 16 in terms of the Vertical Sky Component (VSC) test would be as follows:

- Window 5 (ground floor) - proposed VSC 0.36 times its former value;
- Window 6 (first floor) - proposed VSC 0.51 times its former value;
- Window 7 (first floor) - proposed VSC 0.51 times its former value.

4.25 The impact to these windows in terms of VSC would therefore be significant. The results of the No Sky Line (NSL) test also show that the area of sky view from the room served by the two first floor windows would be reduced to 0.63 times its former value. This room is understood to be a bathroom (this assumption is made on the basis that the floor plan of No. 16 very likely mirrors that of No. 18 Old Oak Road, which has been gleaned from planning records) and therefore, the impact on daylight to this room, whilst significant, is not considered to justify refusal of the application given that it is not a habitable room.

4.26 Officers note there are two additional windows in the side elevation of No. 16 at ground floor level, towards the front of the property, which have not been tested within the report. However, these windows are understood to serve circulation space, based on the plans for No. 18 (this would appear to be logical, given the location of the front door). It can be reasonably assumed that the impact on daylight to these windows will be similar to the impact for the ground floor window which has been tested. However, as noted above, these windows are not understood to serve habitable rooms and no objections are recommended to be raised on this basis.

4.27 Furthermore, the existing house on the subject site is lower than No. 16, and it may be argued that No. 16's south-facing side windows currently benefit from a disproportionate amount of light as a result, compared to the amount of light that might otherwise be received if the neighbouring property was of the same height and scale. Therefore the reduction in light is that much more noticeable compared to if there was an existing building of the same scale next to it, as is more typical for the rest of the street.

4.28 The Daylight, Sunlight and Shading Analysis also assesses the impact of the proposed development on overshadowing to No. 16 Old Oak Road's rear garden. It demonstrates that the proposed area of the garden with less than 2 hours of sun on 21 March would be 0.86 times its existing value. This change is not likely to be significantly noticeable to the occupants.

4.29 Officers are also satisfied that the development would not lead to any significant loss of outlook or increased sense of enclosure for the occupants of No. 16. The bulk of the building that extends beyond their rear elevation is mostly stepped away from the boundary and chamfered so that an angle of 45-degrees taken from the mid-point of the nearest window is not infringed. The rear garden would retain a strong sense of openness in both directions.

4.30 The new balconies on the north side of the new building would feature 1.7-metre high obscurely glazed privacy screens on this side, to ensure there would be no loss of privacy or overlooking into No. 16's rear windows or garden. The balconies are relatively small (6.8sq.m.) and their use should not result in significant noise and disturbance. There would be new windows in the rear elevation of the proposed detached house at first floor level, however these would only overlook a relatively small part of the neighbours' garden, at the very end, and the house is angled so as to face away from the rear elevation of No. 16 itself. For these reasons, Officers are satisfied



that on balance the development would not be unneighbourly for the occupants of No. 16.

+ 1 Aldbourne Road:

4.31 No. 1 Aldbourne Road is a two-storey dwelling adjacent to the application site to the west. Its main gable wall is blank, however the house has an original two-storey outrigger which has east-facing windows at first and second floor levels. No part of the proposed development would be within the direct line of sight of these windows, but the two-storey house would be visible.

4.32 The submitted light analysis suggests that only one window at No. 1 Aldbourne Road would be subject to a significant reduction in daylight when the VSC test is applied (Window 5, ground floor, proposed VSC 0.48 times its former value). Officers are not concerned about the overall impact on daylight to this room, considering it is a small window to a tri-partite bay window. The No-Sky Line test results for the room do not suggest that it will be noticeably impacted.

4.33 The Daylight, Sunlight and Shading Analysis also assesses the impact of the proposed development on overshadowing to No. 1's rear garden. It demonstrates that the proposed area of the garden with less than 2 hours of sun on 21 March would be 0.93 times its existing value. This change is not likely to be significantly noticeable to the occupants.

4.34 Considering the location of the proposed house relative to No. 1, Officers are satisfied that no part of the proposed development will result in a significant impact in terms of outlook or sense of enclosure. The new two-storey house would be located adjacent to the blank flank wall of No. 1, and the bulk of the new house would be visible only in oblique views from the windows within their outrigger. Officers are also satisfied that there would be no loss of privacy as a result of overlooking from the new rear windows into the outrigger of No. 1 Aldbourne Road.

## DEMOLITION AND CONSTRUCTION IMPACTS

4.35 Concern has been raised by local residents with regards to the impact of the construction phase on nearby properties. In order to mitigate any adverse impacts as far as possible, a condition (5) is proposed requiring a Demolition Method Statement and a Construction Management Plan to be agreed with the council prior to works commencing on site, including controls on matters including noise, vibration, lighting, delivery locations, and restriction of hours of work.

4.36 A condition (6) is also proposed requiring a Demolition and Construction Logistics Plan (CLP) to be submitted and agreed with the council prior to works commencing on site, to ensure that the construction phase does not adversely impact on local highways, in accordance with Policy T7 of the Local Plan (2018).

## FLOOD RISK AND SUSTAINABLE DRAINAGE

4.37 The site is within the Environment Agency's flood zone 1 and is considered to be at low risk of flooding. The application provides information on the proposal for surface water drainage, including porous paving to be integrated for the hard surfaces. Surface water run-off will also be drained to a storage tank from where it will drain at a controlled

low rate to the sewer system. The proposals reduce the volume and rate of flow of surface water run-off into the sewer network. No objections would be raised subject to the proposed surface water management measures being implemented and maintained as outlined, and a condition (23) is included in this respect, in accordance with Policies CC3 and CC4 of the Local Plan (2018).

4.38 Thames Water responded with comments that they have identified an inability of the existing combined water infrastructure to accommodate the needs of this development proposal. A condition (31) is recommended requiring confirmation that either all combined water network upgrades required to accommodate the additional flows from the development have been completed; or a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

## LAND CONTAMINATION

4.39 Planning records indicate that this site was formerly associated with a motor works and petrol filling station and accordingly Officers recommend that conditions (7-12) be imposed requiring appropriate contamination studies and any subsequent remediation works to be carried out in order to ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan (2018).

## TREES

4.40 There is a line of mature street trees immediately adjacent to the site boundary on Aldbourne Road. All are proposed to be retained. A condition (26) is proposed recommending compliance with the submitted Arboricultural Report, to ensure that no harmful impacts occur to the trees, in accordance with Policy OS5 of the Local Plan (2018).

## HIGHWAYS IMPACTS, CYCLE PARKING, REFUSE STORAGE

### Car free development

4.41 Policy T4 of the Local Plan (2018) requires all new development to conform to the car parking standards of the London Plan (2016). The site has a moderate PTAL rating of 3. One-off street parking space would be provided for the new house within the front forecourt, which is acceptable on the basis that the garage building on the site already provides at least one off-street parking space. Car parking permit-free restrictions would be imposed on the occupiers of all of the units, in accordance with Policy T4 of the Local Plan (2018). Prohibition of future residents to obtain parking permits is to be secured through a legal agreement, pursuant to section 16 of the Greater London (General Powers) Act 1974. This is to ensure the development would not result in harm to existing on-street parking stress levels, to the detriment of existing residents.

### Bicycle parking

4.42 To be in accordance with Policy T3 of the Local Plan (2018), the proposed development must provide a minimum of 11 cycle parking spaces for the flatted development and a further two spaces for the detached house. The location of the cycle

storage area for the flats is indicated as being adjacent to the northern boundary within the communal garden area, accessed directly from Aldbourne Road, which is considered to be a suitable location. For the house, cycles would be stored within the private side garden, again directly accessible from Aldbourne Road. A condition (25) is recommended requiring provision of the cycle storage to be made prior to occupation, and permanently retained for the lifetime of the development.

#### Refuse and recycling

4.43 The proposal provides communal refuse and recycling storage within the garden for the flats, near to the road to enable easy access for waste crews from Aldbourne Road. The bin storage for the detached house is proposed within their side garden, which also provides convenient access for collection. For the flats, nine 100L dustbins are proposed and an additional four dustbins are proposed for the house, which is considered sufficient for both refuse and recycling for the new units in accordance with Key Principle WM7 of the Planning Guidance SPD (2018). A condition (24) is recommended requiring provision of the refuse storage to be made prior to occupation, and permanently retained for the lifetime of the development.

#### AIR QUALITY

4.44 The whole borough is designated as an Air Quality Management Area (AQMA) and the development site is in an area of very poor air quality due to the road traffic emissions from Old Oak Road. The development proposal will introduce new residential receptors into an area of poor air quality. Further mitigation measures are required to make the development acceptable in accordance with Local Plan (2018) Policy CC10. Conditions are recommended regarding a scheme of mechanical ventilation for the new units (Conditions 19 and 20); details of Air Source Heat Pumps or electric boilers for space heating and hot water (Condition 22); and the provision of an electric vehicle charging point for the single house's parking space (Condition 30).

#### PLANNING OBLIGATIONS/ LEGAL AGREEMENT

4.45 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 (2016) 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.

4.46 In this instance, a legal agreement would be required to ensure future residents of all of the new units are not eligible to hold parking permits, to be secured through section 16 of the Greater London (General Powers) Act 1974.

#### COMMUNITY INFRASTRUCTURE LEVY

4.47 This development would be subject to the London-wide Community Infrastructure Levy. The Mayor's new CIL charging schedule (MCIL2) came into effect on 1st April 2019 and will be used to fund Crossrail 1 and Crossrail 2. As the Collecting Authority,

the Council is expected to secure the levy in accordance with London Plan (2016) Policy 8.3 and is chargeable at £80 per sq.m. uplift in floorspace, regardless of the use.

4.48 In addition, the development would also be subject to the Borough's own local CIL, which is to help pay for facilities and community services such as transport, schools, health services and open space. Local CIL is chargeable at £100 per sq.m. for a residential development in this part of the borough.

4.49 The application indicates that the development would provide 420sq.m. of new floorspace. It is estimated that the proposed development would be liable for a Mayoral CIL payment of £33,600 and a local borough CIL payment of £42,000 (a total of £75,600 plus indexation).

## 5.0 CONCLUSIONS AND RECOMMENDATION

5.1 For the reasons given above, it is considered that the proposal would be of an acceptable appearance. The design of the building would be appropriate in the context of its surroundings and would not have a detrimental impact upon the existing residential amenities of surrounding occupiers or on traffic generation in the area. The proposal would result in a net increase in the provision of residential accommodation and would provide an acceptable standard of accommodation for its occupiers. In these respects, and subject to conditions and a legal agreement, the proposal is considered acceptable in accordance with Policies 3.3, 3.4, 3.5, 3.12 and 8.2 of the London Plan (2016) and Policies HO1, HO3, HO6, DC1, DC2, T3, T4, T7, CC1, CC2, CC3, CC4, CC7, CC9, CC10, CC11, CC12 and CC13 of the Local Plan (2018).

5.2 Officers recommend that:

- the Committee resolve that the Strategic Director, The Economy Department be authorised to grant permission upon the completion of a satisfactory legal agreement and subject to the recommended conditions; and
- the Strategic Director, The Economy Department, after consultation with the Director of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed heads of terms of the legal agreement or conditions which may include the variation, addition or deletion of the conditions, any such changes shall be within their discretion.

**PLANNING APPLICATIONS COMMITTEE  
ENFORCEMENT PERFORMANCE REVIEW  
January to December 2019**

**This report provides an update on the team's performance and successes over the period January 2019 to December 2019**

- 1. Introduction**
- 2. Enforcement Investigations**
- 3. Appeals**
- 4. Prosecutions**
- 5. Proactive Enforcement Action**
  - Advert Hoardings**
  - Estate agent's boards**
  - Eyesore Properties and sites**
- 6. H&F Local Enforcement Plan**
- 7. Conclusion**

## 1. INTRODUCTION

- 1.1 I am pleased to report that the Local Enforcement Plan for Planning is available for public viewing on the H&F Council Website.
- 1.2 This report provides a review of the annual performance and achievements of the planning enforcement team January to December.
- 1.3 The role of the enforcement team is to investigate breaches of planning control; to negotiate and mediate with developers, residents, and their neighbours to remedy any harm.
- 1.3 Most breaches of planning are resolved by negotiation. When that is not successful; and if the Council can identify harm, enforcement action can be taken.
- 1.4 Most of our work is in response to complaints from residents and the public. We have also undertaken several projects and proactive work where a clear benefit to the local community has been identified resulting from significant improvements to the appearance of the streetscene.
- 1.5 The most often reported breaches relate to roof terraces, roof extensions and rear extensions, boundary walls and fences and estate agent's boards.

### Our workload in January to December 2019

Received reported breaches of planning control	1207
Investigations were completed	1185
Enforcement Notices issued	56
Notices complied with	50
Investigations concluded	93% in 8 weeks 96% in 12 weeks

- 1.6 **Major developments** As part of their permission they are required to provide Construction Management Plans. These plans include: hours of operation; deliveries, loading and unloading and traffic related to the site. However, the control of some of these areas are more appropriately and efficiently managed using other legislation. To this end we will liaise with our colleagues in other services as necessary.

For example: **Highways** - traffic management  
 Access to the site  
 Loading on/off the highway  
 Cleaning and damage to the highway

**Licensing** Hoardings  
 Scaffolding

**Environmental Protection** hours of operation  
 noise nuisance and disturbance dust.

1.7 The reasons for closure of investigations are as follows: -

Enforcement Notices Served
Breach remedied through officer negotiation
Not Development
Permitted Development
Use is lawful (4 years/10 years)
Deemed Consent (Adverts)
In accordance with planning permission
Retrospective planning permission granted
Not expedient to take enforcement action

## 2. ENFORCEMENT INVESTIGATIONS - BREACH TYPES

### 2. EXTENSIONS

Cases Investigated	445
Investigations completed	420

Comment

2.1.1 Complaints are regularly received from neighbours that roof and/or rear extensions are not being built in accordance with the planning permission. This often occurs because the applicant's architect has failed to survey the property correctly, meaning that the extension cannot be erected as indicated on the approved plans, or simply that the owner has requested additional modifications. This does not mean that the development is harmful or unacceptable. If we are alerted at an early stage, we can agree the necessary works to remedy any harm.

If the developer does not remedy the breach, or submit a retrospective planning application it falls to the council consider if there is harm; and if so, whether it causes injury to justify serving an enforcement notice.

## 2.2 ROOF TERRACES

Cases Investigated	50
Investigations concluded	45

Comment

2.2.1 The use of a flat roof on a residential property generally does not require planning permission. But, permission is required to erect railings or other forms of enclosure around the roof to form a terrace. New roof terraces continue to be of concern to residents because of overlooking and in some cases noise and disturbance depending on the size of the terrace. Sometimes, these problems can be resolved by the installation of privacy screens but where that is not appropriate we will look to remove the roof terrace or prevent its use.

## 2.3 BOUNDARY WALLS AND FENCES

Cases Investigated	48
investigation concluded	45

Comment

2.3.1 Boundary wall and fences are permitted up to 1m on a front boundary and 2m in any other case, OR no higher than the previously existing boundary wall or fence, whichever is the higher. Owners often raise the height of their garden walls or fences above the permitted height to provide privacy to their gardens. This can, in some case, have a harmful effect on neighbouring residents.

2.3.2 Often these high fences are erected without any discussion/agreement with their neighbours. Officers therefore must mediate between the two owners to seek a satisfactory compromise. In most cases a compromise is found, but if not, then enforcement action can be taken if the wall/fence is found to be harmful.

## 2.4 EYESORE PROPERTIES AND SITES

Investigated	17
Investigation concluded	14
S215 Notices issued	1

Comment



2.4.1 The investigation of untidy sites and premises is jointly carried out by planning enforcement and referred to the private sector housing team where the property has remained vacant for a period of time.

## 2.5 SATELLITE DISHES

Cases Investigated	70
Investigation concluded	58

### Comment

2.4.1 Planning permission is not normally needed for satellite dishes on residential properties, except in conservation areas when they are on the front of the building. Multiple dishes are often installed on buildings containing multiple flats and finding those responsible can be a problem and time consuming.

2.4.2 The installation of satellite dishes on residential properties is a concern in that, they can be both visually unsightly and harmful to the character and appearance of the conservation area. Fortunately with the introduction of cable tv there has been a considerable reduction in the number of unauthorised satellite dishes.

## 2.6 ESTATE AGENTS BOARDS

Investigated	218
Investigation concluded	189

## 2.7 SHORT TERM/HOLIDAY LETS

Investigated	17
Investigation concluded	16

In 2015 The Deregulation Act was introduced. The purpose of the Act was to remove the powers imposed on London Planning Authorities; in line with the rest of the Country, to permit the letting in part or whole of a residential premises for short term /holiday let for a period not exceeding 90 days in each calendar year. This is because the government's view is that people should be able to let out their properties on short term basis and make money from this as long as this does not become the main way the property is used because of the impacts that would have on housing supply. This has removed much of the powers the Local Planning

Authority within London may have had to successfully control this type of use in the short term.

This coincided with the emergence of 'airbnb' and other letting websites. In practice, what this means, is the council has no planning powers to enforce against an owner who is letting their property on a short-term basis. It will not be until an owner has exceeded their 90 day allowance. However, this does not necessarily have to be a continuous period; potentially it could be 7 days a month over 12 months. Monitoring this and proving that a breach has occurred is fraught with difficulty and almost impossible to enforce.

A forum has been created by London Planning authorities who have expressed concerns because of difficulties in gathering evidence to prove that the lettings have exceeded the 90 days.

### **3. APPEALS**

3.1 When an enforcement notice is served on an offender they have a right of appeal.

Appeals Received	16
Appeals Allowed	1
Appeals dismissed	4

### **4. PROSECUTION**

4.1 Occasionally enforcement action will lead to the prosecution of the offender in the Magistrates Court. This only occurs when the offender fails to comply with the enforcement notice or, in the case of advertisements, continually displays illegal adverts.

- Falafel Van, O/S Central Line Station Uxbridge Road, Court hearing ongoing

### **5. PROACTIVE ENFORCEMENT**

#### **5.1 ESTATE AGENTS BOARDS**

We are continuing to monitor the Regulation 7 area, only one illegal board was erected by and Estate Agent who was new to the boro.

Investigated	212
Notices issued	35
Complied with	221

## **5.2 Regulation 7**

We have 6 Regulation areas across the borough, where estate agents are not permitted to display boards without first getting consent.

### **Olympia & Avonmore Regulation 7 area**

This covers part of the Olympia & Avonmore Conservation Area

### **Gunter Estate Regulation 7 area**

This covers part of the Gunter Estate Conservation Area

### **Hammersmith Grove Regulation 7 area**

This includes all properties in the Hammersmith Grove conservation area

### **Harwood Road Regulation 7 area**

This covers parts of the Moore Park, Parsons Green, and Walham Green conservation areas

### **Barons Court Regulation 7**

This covers properties in the Barons Court Conservation Area

### **Sinclair Road Regulation 7 area**

This covers the Lakeside/Sinclair/Blythe Road and Brook Green Conservation Areas

5.2.1 They are regularly monitored by officers, and residents are also able to report boards to us at [enfcomplaints@lbhf.gov.uk](mailto:enfcomplaints@lbhf.gov.uk). Officers have taken a “zero tolerance approach” in seeking the prosecution of agents displaying boards in these areas. This has been very successful and the result has been that all Regulation 7 areas remain virtually free of boards.

5.2.2 This remains a very popular initiative with residents and has resulted in significant improvements in the appearance of residential streets.

5.2.3 In other parts of the Borough, estate agents do not require consent from the council for the display of these advertising boards subject to various standards.

## **5.3**

## **7. CONCLUSION**

We remain primarily a reactive service in dealing promptly with complaints (service requests) received from the public. However, the team will continue to progress with its proactive initiatives relating to estate agent's boards, which have been strongly supported by residents.