

Planning and Development Control Committee

Agenda

Tuesday 18 April 2023 at 7.00 pm

Main Hall (1st Floor) - 3 Shortlands, Hammersmith, W6 8DA

Watch the meeting live: youtube.com/hammersmithandfulham

MEMBERSHIP

Administration:	Opposition
Councillor Omid Miri (Chair) Councillor Florian Chevoppe-Verdier (Vice-Chair) Councillor Wesley Harcourt Councillor Rebecca Harvey Councillor Nikos Souslous Councillor Patrick Walsh	Councillor Alex Karmel Councillor Adrian Pascu-Tulbure

CONTACT OFFICER: Charles Francis
Governance and Scrutiny
Tel: 07776 672945
E-mail: charles.francis@lbhf.gov.uk

Public Notice

This meeting is open to the public and press but spaces are limited. If you'd like to attend please contact: charles.francis@lbhf.gov.uk. The building has disabled access.

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 13 April 2023

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

PUBLIC SPEAKING AT PLANNING AND DEVELOPMENT CONTROL COMMITTEE

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 Councillors, 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 is by email only. Requests should be sent to speakingatplanning@lbhf.gov.uk with your name, address and telephone number and the application you wish to speak to as well as the capacity in which you are attending.

How long is provided for speakers?

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

At the meeting

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

What materials can be presented to committee?

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

What happens to my petition or deputation?

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

Planning and Development Control Committee Agenda

18 April 2023

<u>Item</u>		<u>Pages</u>
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATION OF INTERESTS	
	<p>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken.</p> <p>Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.</p> <p>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Standards Committee.</p>	
3.	MINUTES	5 - 8
	<p>To approve as an accurate record, and the Chair to sign, the minutes of the meeting of the Committee held on 7 March 2023.</p>	
4.	11 FARM LANE, LONDON SW6 1PU, LILLIE, 2022/03329/FR3	9 - 52
5.	58 UXBRIDGE ROAD, LONDON W12 8LP, SHEPHERD'S BUSH GREEN, 2021/02919/FUL	53 - 62

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|----|--|---------|
| 6. | 330 - 332 UXBRIDGE ROAD, LONDON W12 7LL, WHITE CITY,
2022/01598/VAR | 63 - 74 |
| 7. | OLD OAK COMMON LANE, LONDON NW10 6DZ, COLLEGE PARK
AND OLD OAK, 2023/00516/OPDOBS | 75 - 85 |

London Borough of Hammersmith & Fulham



Planning and Development Control Committee Minutes

Tuesday 7 March 2023

PRESENT

Committee members: Councillors Omid Miri (Chair), Florian Chevoppe-Verdier (Vice-Chair), Wesley Harcourt, Rebecca Harvey, Nikos Souslous, Patrick Walsh, Alex Karmel and Adrian Pascu-Tulbure

Officers:

Matt Butler (Head of Development Management)
Allan Jones (Team Leader Urban Design and Heritage)
Roy Asagba-Power (Team Leader, South Team)
Neil Egerton (Team Leader, North Team)
Mrinalini Rajaratnam (Chief Solicitor, Planning and Property)
Charles Francis (Committee Co-Ordinator)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATION OF INTERESTS

In the interests of openness and transparency, Councillor Alex Karmel explained that in relation to Item 5, he was a Chelsea fan. However, as he had not held a season ticket in over 10 years, he remained in the meeting and voted on the item.

Councillor Adrian Pascu-Tulbure explained that he had submitted an objection to a Chelsea Football Club licensing application. However, as this was a separate matter (to Item 5) he remained in the meeting and voted on the item.

3. MINUTES

The minutes of the previous meeting held on 6 December 2022 were agreed as an accurate record.

4. 260 - 262 NORTH END ROAD, LONDON, SW6 1NJ, LILLIE, 2022/03651/FUL

An addendum was circulated prior to the meeting that modified the report.

Roy Asagba-Power (Team Leader, South Team) presented the item.

The Committee heard representations from Chris Brady (on behalf of the applicant) in support of the application.

The Committee voted on the officer recommendations as follows:

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That Director of Planning and Property be authorised to grant permission subject to the condition(s) listed in the report and the addendum.
2. That the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement or conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

5. STAMFORD BRIDGE STADIUM, FULHAM ROAD, LONDON, SW6 1HS, WALHAM GREEN, 2022/03649/ADV

An addendum was circulated prior to the meeting that modified the report.

Roy Asagba-Power (Team Leader, South Team) presented the item.

There were no registered speakers.

Councillor Alex Karmel noted that the description of the led video screen measuring 7m (high) x 4m (width) was inaccurate. He proposed that the description be amended to read 4m (high) x 7m (width). This was seconded by Councillor Wesley Harcourt.

The Committee voted on the proposal to amend the description (as above) as follows:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

The Committee voted on the officer recommendations as follows:

Recommendation 1:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That the Director of Planning and Property, be authorized to grant advertisement consent subject to the condition(s) listed in the report.
2. That the Director of Planning and Property, after consultation with the Assistant Director Legal Services' and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

6. **WESTFIELD LONDON SHOPPING CENTRE, ARIEL WAY, LONDON, SHEPHERD'S BUSH GREEN, 2022/03193/FUL**

An addendum was circulated prior to the meeting that modified the report.

Neil Egerton (Team Leader, North Team) presented the item.

There were no registered speakers.

The Committee voted on the officer recommendations as follows:

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That Director of Planning and Property be authorised to grant permission subject to the condition(s) listed in the report.
2. That the Director of Planning and Property, after consultation with the Assistant Director Legal Services 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 conditions, any such changes shall be within their discretion.

Meeting started: 7.05 pm
Meeting ended: 8.01 pm

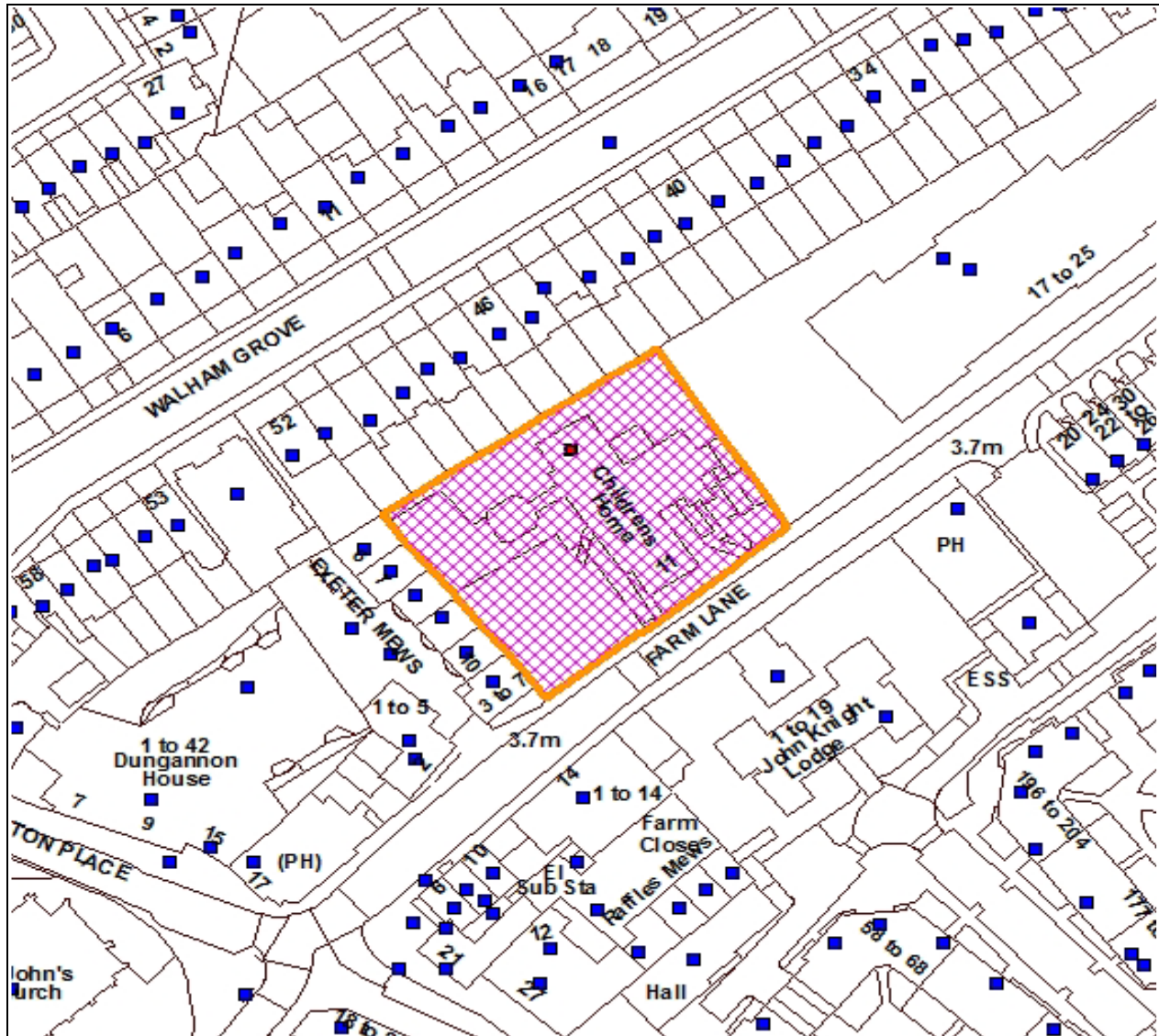
Chair

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

Ward: Lillie

Site Address:

11 Farm Lane London SW6 1PU



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For identification purposes only - do not scale.

Reg. No:

2022/03329/FR3

Case Officer:

Tom Scriven

Date Valid:

29.11.2022

Conservation Area:

Committee Date:

18.04.2023

Applicant:

Strategic Regeneration And Development, London Borough Of
Hammersmith & Fulham Council Town Hall King Street Hammersmith
London
W6 9JU

Description:

Redevelopment of the site to provide a Class C3 residential building, ranging in height from 3 to 5 storeys, together with car and cycle parking, hard and soft landscaping, play space, creation of new vehicular access to Farm Lane, removal of existing vehicular access to Farm Lane and other associated works.

Application Type:

Full Regulation 3 - LBHF is Developer

Officer Recommendation:

1) That the Committee resolve that, subject to there being no contrary direction from the Secretary of State, that the Director of Planning and Property be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below.

2) That the Committee resolve that the Director of Planning and Property, after consultation with the Assistant Director, Legal Services 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 proposed conditions, which may include the variation, addition, or deletion of conditions, any such changes shall be within their discretion.

Conditions:**Time Limit**

- 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).

Approved Drawing

- 2) The development hereby permitted shall be carried out in complete accordance with the following approved drawing numbers, other than where those details are altered pursuant to the conditions of this planning permission:

Proposed Site Plan P0101 Rev A
Proposed Ground Floor Plan P0111
Proposed First Floor Plan P0112
Proposed Second Floor Plan P0113
Proposed Third Floor Plan P0114

Proposed Fourth Floor Plan P0115 Rev A
 Proposed Roof Plan P0116 Rev A
 Proposed Section AA P0151 Rev A
 Proposed Section BB P0152 Rev A
 Proposed Section CC P0153
 Proposed Elevations 1 P0161 Rev A
 Proposed Elevation 2 P0162 Rev A
 Proposed Elevations (Minus Context) 1 P0165 Rev A
 Proposed Elevations (Minus Context) 2 P0166 Rev A
 Cycle Shelter Plan P8100
 Cycle Shelter Elevations 1 P8001
 Cycle Shelter Elevations 2 P8002
 Refuse Shelter Elevations P8003
 Soft Landscape Roof Plan FM-BHSL-RT-00-L-0402 Rev B
 Façade Bay Study – South Façade A6101
 Façade Bay Study – West Façade A6102
 Façade Bay Study – South Façade 2 A6103
 Façade Bay Study – West Façade A6104
 Soft Landscape Plan 693.02.012 REV E

To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans.

Material Details

- 3) Prior to commencement of the relevant part of the works, details of the external facing materials (including manufacturer's specifications, photographs and/ or a physical sample) shall be submitted to and approved in writing by the Council.

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

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

Tree Protection

- 4) The development hereby approved shall be carried out in accordance with the approved Arboricultural Impacts Assessment and Arboricultural Method Statement (by David Archer Associates dated October 2022) and in particular the Tree Protection Plan set out in Appendix 2 of the document. The tree protection measures shall be carried out in full for the duration of the construction works.

To ensure that retained trees are suitably protected and to prevent harm during the course of construction, in accordance with Policies DC1, DC8, OS2 and OS5 of the Local Plan 2018.

Noise (5 - 6)

- 5) A noise assessment is submitted to the Council, with a demonstration of external noise sources from machinery, plant, equipment, in accordance with standards set

out under BS4142:2014. The criteria set out by BS4142 sets out noise climate 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 Local Plan 2018.

- 6) As detailed in the application drawings plus the noise report, enhanced sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings 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 household/neighbour noise transmission to adjoining dwellings at unreasonable levels due to unsuitable layout and arrangement of rooms and communal areas, in accordance with Policies CC11 and CC13 of the Local Plan 2018.

Contaminated Land (7 -12)

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

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

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

Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with 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 development shall commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

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

Energy and Carbon

- 13) The development shall be carried out in accordance with the measures set out in the approved Energy Statement (by Greengage dated October 2022) and Whole Lifecycle Carbon Assessment (by Greengage dated October 2022).

In the interests of energy conservation and reduction of CO2 emissions, in accordance with Policies SI2, SI3 and SI4 of the London Plan 2021 and Policies CC1, CC2 and CC7 of the Local Plan 2018.

Air Quality (14 -18)

- 14) Prior to the commencement of the demolition phase of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) to mitigate air pollution from the demolition phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The AQDMP submitted shall be in accordance with the Councils AQDMP Template 'A' and shall include the following details:
- a. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries
 - b. Construction Site and Equipment Layout Plan
 - c. Inventory and Timetable of dust generating activities during Demolition site activities.
 - d. Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM10 (human health) impacts for sensitive receptors off-site of the development within 250 m of the site boundaries during the demolition phase and is undertaken in compliance with the methodology contained within the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and its subsequent amendments.
 - e. Site Specific Dust, and NOx Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall Medium/High Dust Risk Rating of the site and shall be in a table format.
 - f. Details of Site Particulate (PM10) and Dust Monitoring Procedures and Protocols including locations of a minimum of 2 x MCERTS compliant Particulate (PM10) monitors on the site boundaries used to prevent levels exceeding predetermined PM10 Site Action Level (SAL) of 190 $\mu\text{g}/\text{m}^3$, measured as a 1-hour mean. Prior to installation of the PM10 monitors on site the calibration certificates of MCERTS compliant PM10 monitors and the internet-based log-in details to enable access to the real-time PM10 monitoring data from the PM10 monitors shall be issued to Hammersmith & Fulham Council by e-mail to constructionairqualitymonitoring@lbhf.gov.uk. The data from the on-site Particulate (PM10) monitors shall also be made available on the construction site air quality monitoring register website <https://www.envimo.uk>
 - g. Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage V NOx and PM10 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 demolition shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of demolition works and thereafter retained and maintained until occupation of the development.
 - h. Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g., minimum Petrol/Diesel Euro 6 (AIR Index <https://airindex.com/> Urban NOx rating A) and Euro VI

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 demolition phases of the development.

- 15) Prior to the commencement of the construction phase of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) to mitigate air pollution from the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The AQDMP submitted shall be in accordance with the Councils AQDMP Template 'C' and shall include the following details:
- a. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries
 - b. Construction Site and Equipment Layout Plan
 - c. Inventory and Timetable of dust generating activities during construction site activities.
 - d. Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM10 (human health) impacts for sensitive receptors off-site of the development within 250 m of the site boundaries during the demolition phase and is undertaken in compliance with the methodology contained within the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and its subsequent amendments.
 - e. Site Specific Dust, and NO_x Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall Medium Dust Risk Rating of the site and shall be in a table format.
 - f. Details of Site Particulate (PM10) and Dust Monitoring Procedures and Protocols including locations of a minimum of 2 x MCERTS compliant Particulate (PM10) monitors on the site boundaries used to prevent levels exceeding predetermined PM10 Site Action Level (SAL) of 190 $\mu\text{g}/\text{m}^3$, measured as a 1-hour mean. Prior to installation of the PM10 monitors on site the calibration certificates of MCERTS compliant PM10 monitors and the internet-based log-in details to enable access to the real-time PM10 monitoring data from the PM10 monitors shall be issued to Hammersmith & Fulham Council by e-mail to constructionairqualitymonitoring@lbhf.gov.uk. The data from the on-site Particulate (PM10) monitors shall also be made available on the construction site air quality monitoring register website <https://www.envimo.uk>
 - g. Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage V NO_x and PM10 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 NO_x and PM. An inventory of all NRMM for the first phase of construction shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of construction works and thereafter retained and maintained until occupation of the development.
 - h. Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g., minimum Petrol/Diesel Euro 6 (AIR Index <https://airindex.com/> Urban NO_x rating A) and Euro VI

Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM10, PM2.5) and NO_x emissions at all times. Approved details shall be fully implemented and permanently retained and maintained during the construction phases of the development.

- 16) Prior to commencement of above ground works in the development hereby permitted, a Ventilation Strategy Report to mitigate the impact of existing poor air quality for the thirty-one self-contained residential units (Use Class C3) shall be submitted to and approved in writing by the Local Planning Authority. This is applicable to all receptor locations where the Annual Mean Nitrogen Dioxide (NO₂), and Particulate (PM₁₀, PM_{2.5}) concentrations are equal to 30ug/m-3, 20ug/m-3 and 10 ug/m-3 respectively and where current and future predicted pollutant concentrations are within 5 % of these limits. The report shall include the following information:

- a. Details and locations of the ventilation intake locations
- b. Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes, to minimise the potential for the recirculation of extract air through the supply air ventilation intake in accordance with paragraph 8.9 part 'C' of Building Standards, Supporting Guidance, Domestic Ventilation, 2nd Edition, The Scottish Government, 2017

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.

The development site is within the borough wide Air Quality Management Area (AQMA). Mitigation measures are required to make the development acceptable in accordance with Policies CC1 and CC10 of the Local Plan (2018).

- 17) Prior to occupation of the development hereby permitted, details of a post installation compliance report of the approved ventilation strategy as required by condition 16 to mitigate the impact of existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. The report shall be produced by an accredited Chartered Building Services Engineer (CIBSE). Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

The development site is within the borough wide Air Quality Management Area (AQMA). Mitigation measures are required to make the development acceptable in accordance with Policies CC1 and CC10 of the Local Plan (2018).

- 18) Prior to occupation of the Residential (Use Class C3) development hereby permitted, details of the installation/commissioning reports of the Zero Emission MCS certified Air Source Heat Pumps to be provided for space heating and hot water for the thirty-one self-contained residential units 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.

The development site is within the borough wide Air Quality Management Area (AQMA). Mitigation measures are required to make the development acceptable in accordance with Policies CC1 and CC10 of the Local Plan (2018).

Electric Car Charging

- 19) Prior to occupation of the development hereby permitted, details of the installation including location and type of active electric vehicle charging point (minimum 7 kW) for the three on-site car parking spaces must 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 encourage sustainable travel in accordance with Policies GG3, D5, SI 1, T6 and T7 of the London Plan (2021), and Policies CC1 and T4 of the Local Plan (2018).

Archaeology

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

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

- A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- B. Where appropriate, details of a programme for delivering related positive public benefits.
- C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

To ensure suitable protection of any archaeological features present on the site in accordance with DC8 of the Local Plan (2018).

Piling Method Statement

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

The proposed works will be in close proximity to underground sewerage utility

infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

To ensure suitable protection of any underground sewer infrastructure in accordance with Policy SI 5 of the London Plan 2021 and Policy CC4 of the Local Plan 2018.

Cycle Parking

- 22) Prior to first occupation of the development hereby permitted, the secure cycle storage facilities have been provided in accordance with the approved plans. The cycle parking facilities shall thereafter be retained for the development hereby permitted and not used for any other purpose.

To ensure the suitable provision of cycle parking within the development to meet the needs of future site occupiers, in accordance with Policy T5 of The London Plan 2021 and Policy T3 of the Local Plan 2018.

Blue Badge Car Parking

- 23) No part of the development hereby approved shall be occupied until 3 car parking spaces designated as blue badge parking spaces have been provided in accordance with approved drawings. These accessible parking spaces shall be permanently retained for the life of the development for use by disabled residents and visitors.

To ensure the satisfactory provision and retention of disabled car parking facilities, in accordance with Policy D5 and T6.1 of the London Plan and Policies HO6 and T5 of the Local Plan 2018 and SPD Key Principle TR6 2018.

Refuse Storage

- 24) No part of the development hereby approved shall be occupied until the approved refuse storage enclosures, as indicated on the approved drawings, have been provided for the storage of refuse and recyclable materials. All the refuse/recycling facilities shall be retained thereafter in accordance with the approved details.

To ensure the satisfactory provision of refuse storage and recycling and to prevent harm to the street scene arising from the appearance of accumulated rubbish, in accordance with Policies DC2, CC6 and CC7 of the Local Plan 2018 and SPD Key Principle WM1 2018.

Delivery and Servicing Plan

- 25) Prior to occupation of the development hereby permitted, a Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority.

The DSP shall demonstrate that all servicing and deliveries shall take place from within the site. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained for the lifetime of the development.

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 Policies T2 and T7 of the London Plan 2021 and Policies T2, CC11 and CC13 of the Local Plan 2018 and SPD Key Principle TR28 2018.

Construction Logistics Plan

- 26) Prior to commencement of the development hereby permitted, a Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the Local Planning Authority. The CLP shall be in accordance with Transport for London Guidance. The CLP shall cover the following minimum requirements:

- site logistics and operations;
- construction vehicle routing;
- Details of the estimated number, size and routes of construction vehicles per day/week details of the use of Ultra Low Emission Zone (ULEZ) compliant
- Vehicles e.g., Euro 6 and Euro VI;
- details of the access and egress arrangements
- delivery locations on the site;
- details of any vehicle holding areas; and other matters relating to traffic management to be agreed as required
- Efficiency and sustainability measures to be undertaken for the works
- membership of the Considerate Contractors Scheme.

The works shall be carried out in accordance with the relevant approved CLP. Approved details shall be fully implemented and retained and maintained throughout the construction phase of the development.

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

Maximum number of flats

- 27) The total number of residential units (Class C3) hereby approved shall not exceed 31 residential units.

To ensure the development carried out does not exceed the cumulative maximum approved and to ensure the quantum of floor space keeps within the parameters assessed in relation to the development in accordance with the National Planning Policy Framework 2021, Policies D4, D5, D6, D7, D8, D9, HC1, SI 1 and G5 of the London Plan 2021 and Policies DC1, DC2, DC3 and DC8 of the Local Plan 2018.

Temporary Fencing

- 28) Prior to commencement of the development hereby permitted, a scheme for temporary fencing and/or enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. 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 D1 and D8 of the London Plan 2021, Policies DC1, DC2 and CC12 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

Construction Management Plan

- 29) Prior to commencement of the development hereby permitted, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Council. The CMP shall provide details of how construction works are to be undertaken and shall include:
- a) A construction method statement which identifies the stages and details how works will be undertaken
 - b) Details of working hours shall be limited to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays
 - c) Details of plant and machinery to be used during construction works
 - d) Details of waste management strategy
 - e) Details of community engagement arrangements
 - f) Details of any acoustic hoarding
 - g) A temporary drainage strategy and performance specification to control surface water runoff and Pollution Prevention Plan (in accordance with Environment Agency Guidance);
 - h) Details of external lighting; and
 - i) 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 SI 1, SI 8 and SI 10 of the London Plan 2021, and Policies DC1, DC2, CC6, CC7, CC10, CC11, and CC12 of the Local Plan 2018.

Flood Risk

- 30) The development hereby permitted shall be carried out in accordance with the measures contained within the approved Flood Risk Assessment (Ref:6383) and addendum (6857-RHD-ZZ-XX-CO-Z-0001). 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 and maintained as necessary thereafter.

To reduce the impact of flooding to the Proposed Development and future occupants, in accordance with Policies SI 5 and SI 13 of the London Plan 2021 and Policy CC3 of the Local Plan 2018.

External Lighting

- 31) Prior to first occupation the building hereby permitted, details of any proposed external artificial lighting, including security lights, shall be submitted to and approved in writing by the Local Planning Authority and no occupation shall take place until the lighting has been installed in full accordance with the approved details. Such details shall include the number, exact location, height, design, and appearance of the lights, together with data concerning the levels of illumination and light spillage and the specific measures, having regard to the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes for the Reduction of Obtrusive Light' 2020 (or relevant guidance) to ensure that any lighting proposed does not harm the existing amenities of the occupiers of neighbouring properties. The relevant Building shall not be used or occupied until any external lighting provided has been installed in accordance with the approved details and shall thereafter be permanently retained in this form.

To ensure that the amenity of occupiers of the development site / surrounding premises and natural habitat is not adversely affected by lighting, in accordance with Policies GG1, D3 and D11 of the London Plan 2021, Policies CC12, DC1, DC2 and DC8 of the Local Plan 2018 and the Council's Planning Guidance Supplementary Planning Document.

- 32) 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.

Permitted Development – Telecommunications

- 33) Prior to first occupation of the development hereby approved, details of any aerials and satellite dishes for the relevant Building 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 relevant 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 Policies DC1 of the Local Plan 2018.

Secure By Design

- 34) Prior to commencement of development above ground level, 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 building within the development shall be used or occupied until these measures have been implemented for that Building 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 Policies DC1, DC2, DC3 and DC8 of the Local Plan 2018.

Landscaping (35 - 36)

- 35) All planting, seeding and turfing approved as part of the approved Soft Landscape Plan (693.02.012 Rev E) and Planting Schedule (received 25/01/23) 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 other similar size and species.

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 D5, G1, G5, G6 and G7 of the London Plan 2021, and Policies DC1, DC8, OS2 and OS5 of the Local Plan 2018.

- 36) 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 D5, G1, G5, G6 and G7 of the London Plan 2021, and Policies DC1, DC8, OS2 and OS5 of the Local Plan 2018.

Playspace

- 37) Prior to first occupation of the development hereby permitted, a scheme detailing the size of the playspace, play equipment, boundary treatments and ground surface treatment of the outdoor play spaces shall be submitted to and approved in writing by the Local Planning Authority. 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 S4 of the London Plan 2021, and Policy OS3 of the Local Plan 2018.

Accessibility – Lift and door widths

- 38) The ground floor entrance doors to the buildings 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 D5 of the London Plan, and Policies DC1 and HO6 of the Local Plan 2018.

Fire Safety (39 – 40)

- 39) Prior to first occupation of the development hereby permitted, details of fire rated lifts in the relevant Building shall be 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 Policy D5 of the London Plan 2021, and Policies DC2 and HO6 of the Local Plan 2018.

- 40) The development hereby permitted shall be carried out in accordance with the approved Fire strategy by Tenos (issue 2) and the building shall be retained and maintained in accordance with this strategy for the lifetime of the development.

To ensure that the development incorporates the necessary fire safety measures in accordance with Policy D12 of the London Plan 2021.

Ecology - Bats

- 41) Prior to first occupation of the development hereby permitted, details of bird/bat boxes to be installed on site shall be submitted to and approved in writing by the Local Planning Authority. The bird/bat boxes shall be installed in accordance with the approved details prior to the first occupation of the development and shall be permanently maintained thereafter.

To ensure the development will contribute towards the enhancement of biodiversity in the Borough in accordance with Policy OS5 of the Local Plan (2018).

Balcony Screen

- 42) Prior to the first occupation of the development hereby approved details of privacy screening to the terraces on the north east side elevation of the building and the rear of the terraces on the north west elevation have been submitted to and approved in writing by the Local Planning Authority. The privacy screening shall be installed as approved prior to the first occupation of the development. The privacy screen shall thereafter be permanently retained as approved.

To protect the amenities of neighbouring occupiers in terms of overlooking and privacy in accordance with Policy HO11 of the Local Plan (2018).

Plaque

- 43) Prior to the demolition of the existing building hereby approved, details of the removal, storage, and reinstatement of the war memorial plaque shall be submitted and approved in writing by the Local Planning Authority. A method statement including details of the methodology for removal, storage and reinstatement of the plaque should be provided, alongside 1:20 details in plan, section, and elevation to illustrate the new location of the plaque within the new development.

To preserve and retain the historic plaque within the site in accordance with Policy DC8 of the Local Plan (2018).

Justification for Approving the Application:

- 1) The loss of community use is considered to be acceptable and the proposal contributes toward the quantity of the borough's market and affordable housing stock. The proposal is acceptable in visual terms and is considered to be of a high quality of design which would not adversely impact upon the setting of the nearby Conservation Areas. The proposals would also serve to remove and reinstate an existing war memorial plaque within the site. Subject to conditions the proposal would not result in unacceptable impacts upon the amenities of neighbouring residential properties. The new residential units comply the relevant standards and provide a good quality of accommodation for the new occupants. Highways, transportation and environmental matters including energy and sustainability, flood risk, air quality and land contamination have also been satisfactorily addressed and will be subject to conditions and a legal agreement. In these respects, the proposals comply with the relevant policies of the NPPF (2021), the London Plan (2021), the Local Plan (2018) and the relevant Key Principles within the Planning Guidance Supplementary Planning Document (2018).

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 14th November 2022

Policy documents: National Planning Policy Framework (NPPF) 2021
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:	Dated:
Environment Agency - Planning Liaison	21.12.22
Thames Water - Development Control	13.12.22
Crime Prevention Design Advisor - Hammersmith	21.12.22
Environment Agency - Planning Liaison	13.12.22
Health And Safety Executive	30.11.22

Neighbour Comments:

Letters from:	Dated:
34 Walham Grove Fulham SW61QR	05.12.22
21 VANSTON PLACE Fulham SW6 1AZ	10.01.23
62A Elliott Road London W4 1PE	03.12.22
43 Walham Grove London SW6 1QR	03.12.22
43 Walham Grove London SW6 1QR	03.12.22

1.0 SITE DESCRIPTION

- 1.1 The application site (0.19ha) includes a vacant three-storey building, together with outbuildings and open space on the north side of Farm Lane. The site was previously used as a children's home, a resource centre and most recently as a day centre for elderly people on the ground floor and supported housing on the upper floors.
- 1.2 The site is located in a predominantly residential area, with various commercial uses in close proximity of the site, particularly to the south west towards Vanston Place. To the south, on the opposite side of Farm Lane is John Knight Lodge, a four-storey retirement housing complex. To the north, on Walham Grove, are three-storey residential terraced properties with accommodation at roof level. To the east is Farm Lane Care Home comprising a large 3-storey building. To the west are three-storey residential properties which front onto Exeter Mews.

- 1.3 The site is in close proximity, but outside, various shops and local services particularly along North End Road which fall within Fulham Town Centre which lies to the west. The site has good public transport links, being within 400m of Fulham Broadway Underground Station (District Line) and 600m of West Brompton Railway Station. There are also a number of bus stops within close proximity of the site serving various routes. Given this location the site has a PTAL rating of 5.
- 1.4 The site is within Flood Zone 3 in an area which benefits from flood defences. The site is not within a Conservation Area and does not contain any designated/non-designated heritage assets. However, it is surrounded on three sides by the adjacent Conservation Areas, Walham Grove and Walham Green. The site includes various trees although these are not subject to Tree Preservation Orders.

2.0 RELEVANT PLANNING HISTORY:

- 2.1 The relevant planning history is set out below:
- 2.2 In 1988, planning permission was granted (ref 1988/00771/FUL) for use as an adolescents' resource centre.
- 2.3 In 1995, planning permission was approved (ref 1995/01252/FUL) for the use of the site as a Social Services resource: a day centre (Class D1) at ground floor, two residential units (Class C2) on the upper floors; the erection of a single storey building on the site of two existing garages and its use for employment training purposes (Class D1); erection of enclosed access stairs to first floor level and related alterations and works.
- 2.4 In 2021, preapplication advice was sought on to provide 32 residential units, including affordable housing, with associated parking and amenity space. Officers advised on the following key issues:
- In principle, subject to satisfactory justification of the loss of the community use, the proposed provision of housing on site with the level of affordable housing was acceptable.
 - The quantum was considered appropriate in the context of neighbouring conservation areas and high public transport accessibility and access to local services.
 - The building line would need to be set back further from the road and the fifth storey of the building would need to be set in from the front and side elevations.
 - The proposals need to include a full assessment of residential amenity in terms of privacy, outlook, and daylight and sunlight.

3.0 PROPOSAL

- 3.1 The current proposal involves the redevelopment of the site to provide a 3 to 5 storey building for 31 residential units (Class C3) together with 3 blue badge car spaces, cycle parking, hard and soft landscaping, play space and other associated works.
- 3.2 The units would comprise a mix of 1 Bed (14), 2 Bed (15) and 3 Bed (2) units. In total, 52% (16) of the units would be affordable which would be split between 60% social rent and 40% shared ownership. 10% of units would be M4(3) fully

accessible units.

4.0 PUBLICITY AND CONSULTATIONS

Preapplication Consultation

- 4.1 The applicants Statement of Community Involvement (November 2022) sets out the pre-application engagement and the provides a summary of the responses received. In 2021, the Strategic Housing Regeneration and Development Team, appointed a specialist public consultation company, to undertake pre-application public engagement with the local community. The consultants helped to coordinate 3 public exhibitions in November 2021, June 2022, and September 2022.
- 4.2 Ahead of the first drop-in public consultation exhibition in November 2021, a webpage was set up and newsletters were issued to some 1,090 neighbouring residents at 3 stages: to introduce the proposals (two massing options were presented with 50% affordable housing); outline the consultation event and invite local residents to the event. In addition, the newsletters provided links to contact details and a dedicate website to ensure that comments could be received on line.
- 4.3 Before the second exhibition, an update newsletter was sent to 1,090 neighbouring addresses in 2 occasions to clarify design changes (reduced massing along the Farm Lane frontage; reconfigure the unit layouts and the location of balconies to resolve overlooking issues). In addition, a public Zoom event was organised to encourage wider engagement.
- 4.4 In advance of the third event in September 2022, further newsletters were sent out to 1,090 addresses to provide an update about further changes (explore screening the proposal from the Walham Grove properties; landscape and tree planting and security along the rear boundary) and an opportunity for further feedback. An online Zoom exhibition took place together with door knocking to inform and gather further feedback.
- 4.5 At each stage in the consultation, the applicant sought to address the key comments that were raised and provided additional information at subsequent stages to address them. The site had 240 site visits and 88 people signed up to the mailing list. Overall, the feedback received through the public consultation was mixed, with in-principle support for the redevelopment of this underused site and concerns about the design, residential amenity and the affordability of the proposed homes.

Statutory Consultation

- 4.6 The planning application was publicised by site and press notices together with 282 neighbour notification letters sent to properties.
- 4.7 In response, 5 objections were received from 4 separate addresses. The concerns raised can be summarised as follows:
 - Loss of community use
 - Impact upon neighbouring amenity - loss of privacy, noise and disturbance
 - Highway impacts including increased traffic and parking

- Security implications of bike shed close to boundary fence
- Impact upon property value

- 4.8 The loss of the community use, impact upon neighbouring amenity, highways and security are considered in the body of the report. Matters relating to the impact upon property value are not a material planning consideration.
- 4.9 The Environment Agency raise no objection subject to conditions.
- 4.10 The Greater London Archaeological Advice Service raise no objection subject to conditions.
- 4.11 The Metropolitan Police (Designing Out Crime Officer) raise no objection subject to advice provided regarding Secured by Design measures.
- 4.12 Thames Water raise no objection subject to conditions and informatives.

5.0 POLICY FRAMEWORK

- 5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.
- 5.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).
- 5.3 In this instance the statutory development plan comprises the London Plan (2021) and the Local Plan (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

National Planning Policy Framework (2021)

- 5.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was most recently revised in 2021 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.
- 5.5 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

London Plan

- 5.6 The London Plan was published in March 2021. It sets out the overall strategic plan for London and a fully integrated economic, environmental, transport and social framework for the development of the Capital over the next 20-25 years. It forms part of the development plan for Hammersmith and Fulham

Local Plan

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

6.0 PLANNING ASSESSMENT

- 6.1 The main considerations material to the assessment of this application can be summarised as follows:
- a) Principle of the development, housing / housing supply, loss of community use
 - b) Quality of residential accommodation
 - c) Accessibility and secure by design
 - d) Air quality
 - e) Design and the impact on character and appearance of the area
 - f) Impact upon neighbouring amenity
 - g) Highways / parking and refuse / recycling
 - h) Land contamination
 - i) Flood risk
 - j) Sustainability and energy
 - k) Community infrastructure levy
 - l) Other Matters

LAND USE

Loss of Community Facility

- 6.2 Policy S1 (Developing London's social infrastructure) of the London Plan sets out that development proposals that provide high quality, inclusive social infrastructure that addresses a local or strategic need and supports service delivery strategies should be supported. This policy states redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered.
- 6.3 Policy CF2 (Enhancement and Retention of Community Uses) of the Local Plan states that proposals for new or expanded community uses should meet local needs, be compatible with and minimise impact on the local environment and be accessible and inclusive to all in the community they serve. In any development proposal, existing community uses should be retained, enhanced or replaced, unless there is clear evidence that there is no longer an identified short or long term need for a particular facility or service, or where the existing facility or service can be appropriately replaced or provided elsewhere in the locality.
- 6.4 The proposal would result in the loss of the existing community previously used as a children's home, a resource centre and most recently as a day centre for Age Concern on the ground floor (Class D1) and supported housing on the upper floors (Class C2). The decision to close the hostel was taken in February 2011

therefore the site has not been used for a community purpose for over 10 years. A loss of use assessment was submitted with the application outlining the history of the site, including the decision to close the community use, the subsequent sale of the site for housing development and its re-acquisition (again for housing).

- 6.5 Officers have considered how the existing community need is currently being met in the locality and taken into account other existing providers which contribute to meeting that need. In the light of the long-term vacancy and disrepair of the property, officers concur with the loss of existing use assessment that the cost of bringing the property back to a marketable condition for community use would be prohibitive and not a realistic or viable option. On balance therefore, it is considered that the loss of the community use can be justified in this case.
- 6.6 In this instance, the loss of the community use would be acceptable, given the particular circumstances and the proposals would therefore be in line with Policy S1 of the London Plan and Policy CF2 of the Local Plan.

Residential Use

- 6.7 Policy H1 (Increasing housing supply) of the London Plan requires an annual average of 66,000 net additional homes to be delivered with Table 4.1 setting an annual target of 1609 net additional dwellings for Hammersmith and Fulham. Policy HO1 of the Local Plan, which was based upon the previous London Plan seeks to exceed an annual target of 1031 until 2025 and continue to seek a minimum of 1031 net additional dwellings per year up until 2035.
- 6.8 The proposal would provide 31 residential units which would make a small but valuable contribution towards the Borough's housing targets. Therefore, the proposal accords with Policy H1 of the London Plan and Policy HO1 of the Local Plan 2018.
- 6.9 Policy H2 (Small sites) of the London Plan sets out that Boroughs should proactively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making. The site is approximately 0.19 hectares in size and therefore represents a small site for the purpose of this policy. Officers consider that the proposed 31-unit scheme on this small site would make efficient use of this land. The proposals would accord with Policy H2 and would contribute to the overall housing need in the Borough.
- 6.10 Local Plan Policy HO4 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.
- 6.11 The site is in Public Transport Accessibility Level (PTAL) 5 using Transport for London's methodology, indicating that it has a good accessibility by public transport. The proposed development, (0.19 hectares) would result in a residential density of approximately 163 units per hectare. This reasonably high level of

density is compatible with its location in an area with good access to public transport, particularly in the context of the higher density development towards North End Road. Therefore, whilst the building itself is larger than some surrounding properties the scale would broadly conform with the character of the wider area. As a result, the density of development is considered to be acceptable and would make the most efficient use of a small site within the urban area.

Housing Mix

- 6.12 Policy H05 of the Local Plan seeks to ensure that developments provide a mix of housing types and sizes, in particular, it seeks to increase the proportion of family accommodation. Developments should aim to meet the following mix subject to viability, locational characteristics and site constraints being considered on a site by site basis:
- a. for social and affordable rented housing approximately:
 - 1 bedroom: 10% of units;
 - 2 bedrooms: 40% of units;
 - 3 bedrooms: 35% of units;
 - 4+ bedrooms 15% of units;
 - b. for intermediate housing approximately:
 - 1 bedroom: 50%;
 - 2 bedroom: 35%;
 - 3 or more bedrooms: 15% of units;
 - c. for market housing, a mix of unit sizes including larger family accommodation.
- 6.13 The unit mix would be as follows:
- 1 bed (b) 2 person (p): 14 units (45%)
 - 2b3p 1 unit (3%)
 - 2b4p: 14 units (45%)
 - 3b5p: 2 units (7%)
- 6.14 Given the constraints on viability, the proposed unit mix would be appropriate for this small site and would make a positive contribution towards identified housing need in the Borough.

Affordable Housing

- 6.15 London Plan Policy H4 sets out that affordable housing be provided on sites which include 10 or more homes. A similar approach is taken within policy HO3 of the Local plan which sets out that affordable housing is required for developments of 11 or more self-contained dwellings. In this instance the proposal would consist of 31 dwellings which would trigger these thresholds.
- 6.16 Policy HO3 requires that affordable housing should be provided in line with the following:
- a. a borough wide target that at least 50% of all dwellings built should be affordable;
 - b. 60% of additional affordable housing should be for social or affordable renting, especially for families and 40% should be a range of intermediate housing;
 - c. affordable dwellings should be located throughout a new development and not

concentrated on one part of the site;
d. the provision of affordable rented and social rented housing in ways that enable tenants to move into home ownership.

- 6.17 The scheme proposes 16 affordable units which meets the Council's 50% affordable housing target as outlined in Policy H03 of the Local Plan. The split of 60% social and 40% shared ownership is also in line with policy. In this case, the mix of units (between one and three bedrooms) is considered to be acceptable and in line with Policy H05 of the Local Plan.

QUALITY OF RESIDENTIAL ACCOMMODATION

Internal Space

- 6.18 HO11 of the Local Plan (2018) outlines that developments must provide housing that will meet the needs of future occupants and respect the principles of good neighbourliness. London Plan Policy D6 outlines housing quality and standards including internal space standards.
- 6.19 Unit sizes - Table 1.3 of policy D.6 of the London Plan (2021) sets out space standards for different residential units. For the units proposed as part of this scheme the standards would be as follows:
- 1b2p - 50sqm (range 51sqm to 61sqm)
 - 2b3p - 61sqm (63sqm)
 - 2b4p - 70sqm (range 70sqm to 71sqm)
 - 3b5p - 86sqm (96sqm)
- 6.20 All the units would comply with the standards for their given size. As a result, the units would be of a sufficient size to provide a suitable internal living arrangement.
- 6.21 In terms of outlook the plans demonstrate that the majority of units would benefit from some element of dual aspect with only two units being single aspect. These single aspect units are not exclusively north facing. Across all units there would be sufficient light and outlook to all habitable rooms which would afford reasonable opportunity for suitable light and outlook to habitable rooms.
- 6.22 A daylight and sunlight assessment was submitted with the application which includes an assessment of the daylight levels provided to the new residential units. This was carried out using the 2022 revision of the BRE guidelines and consists of an assessment based on the Climate Based Daylight Modelling (CBDM) methodology which replaced the old Average Daylight Factor (ADF) methodology. The new CBDM methodology is based on the British Standard 'Daylight in Buildings' (BS EN17037). This contains advice and guidance on interior daylighting for all buildings across Europe but also has a UK National Annex which provides suggested targets for dwellings in the UK.
- 6.23 In this instance the assessment shows that 77 (95%) of the 81 rooms assessed within the proposed development achieve the target median illuminance for their room use. This represents an excellent overall level of compliance with the internal daylight targets. Where a small number of rooms fall below the guidance these

rooms have their access to daylight restricted by balconies above. The balconies are clearly an asset to the flats they serve, and so the well-lit external amenity space they provide should be balanced against the reduced daylight to the rooms behind. Overall, the overall level of daylight provided to units within the development would be very good. Therefore, it is considered that the proposal would provide a suitable standard of amenity for future occupiers.

- 6.24 Ceiling Heights - Policy D6 of the London Plan (2021) specifies a minimum floor to ceiling height of 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling. The flats have been designed to have ceiling heights significantly in excess of 2.5m. Therefore, all the units would comply with the London Plan requirements on ceiling heights which indicates a good standard of accommodation.
- 6.25 Noise - Paragraph 10.8 of the Planning Guidance SPD (2018) specifies that poor design and layout of rooms often lead to neighbour noise complaints, and accordingly Key Principle NN3 of the Planning Guidance SPD (2018) expects all parts of adjoining dwellings to enhance the sound insulation, including where the adjoining room is of a similar use.
- 6.26 A Noise Impact Assessment was submitted with the application which was reviewed by the Council's Public Protection team who confirmed that they were satisfied with its findings and that surrounding noise sources would not adversely impact upon the amenity of occupiers. However, in order to ensure suitable internal noise levels conditions would be attached in respect of plant equipment and sound proofing between different room types. Subject to these conditions, the proposal would provide an acceptable living environment for occupiers in accordance with Policies CC11 and CC13 of the Local Plan (2018) and Key Principle NN3 of the Planning Guidance SPD (2018).

External amenity space

- 6.27 Local Plan Policy HO11 and SPD Key Principle HS1 require all new developments to make provision for open space to meet the needs of occupiers and users. It is also required that all new dwellings have access to an area of amenity space appropriate to the type of housing being provided. The Mayor's Housing SPG Standards 26 and 27 require a minimum of 5sqm. of private outdoor space to be provided for 1-2 person dwellings and an extra 1sqm. for each additional occupant, and where balconies are provided, these be designed to respect the amenity of neighbours and should have a minimum depth of and width of 1500mm. The latter is also reiterated under Planning Guidance SPD Key Principle HS1. This key principle also states that every new family (3 or more bedrooms) dwelling should have access to amenity or garden space, and 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.

In terms of communal space Key Principle HS1 states that this should:

- have a well designed area for children's play adequate to meet the needs of the development;
- be overlooked by surrounding development;
- be accessible to wheelchair users and other disabled people;

- be designed to take advantage of direct sunlight;
- have suitable long term management arrangements in place to ensure open space is well managed over the life of the development.

6.28 In this instance, amenity space would be provided through small garden areas at ground floor level, balconies to a number of upper floor units and communal amenity space and play space. The 6 ground floor units would benefit from defensible private amenity space in the form of small garden or patio areas. Across the remainder of the building all units would benefit from external balcony or terrace areas. In addition to the private amenity space there would be access to shared play space (150sqm) and open amenity space (180sqm) within the development. As a result, it is considered that the level of external amenity space provision is acceptable and would provide a suitable residential environment for future occupiers.

ACCESSIBILITY AND SECURE BY DESIGN

Accessibility

6.29 In accordance with the London Plan Policy D7 and Local Plan Policy HO6 the standards for access require 90% of the units to be built to building regulations standard M4(2), with the remaining 10% built to M4(3). In this instance 3 of the units would be built to M4(3) wheelchair accessible standard whilst the remainder would all be M4(2). The entrance to the communal areas and external areas are designed with accessibility in mind and a lift has been provided which meets the requirements of Part M of the Building Regulations. Therefore, the proposal would comply with this standard and provide suitable accessibility for all potential occupiers in accordance with London Plan Policy D7 and Local Plan Policy HO6.

Secured by Design

6.30 London Plan Policy D11, Local Plan Policy DC1 and SPD "Sustainable Design and Construction" Key Principles requires new developments to respect the principles of Secured by Design and to ensure that proposals create a safe, secure, and appropriately accessible environment where crime and disorder and the fear of crime do not undermine quality of life or community cohesion. The details of how the proposal will incorporate measures for crime prevention will be secured by condition.

DESIGN AND HERITAGE

Design

6.31 The National Planning Policy Framework (NPPF 2021) recognises that creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

6.32 London Plan Policy D3 (Optimising site capacity through the design-led approach) states that, in terms of quality and character, development proposals should "respond to the existing character of a place by identifying the special and valued

features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character; and be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well".

- 6.33 Local Plan (2018) 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.
- 6.34 Policy DC2 states that new build development will be permitted if it is of a high standard of design and compatible with the scale and character of existing development and its setting. All proposals must be designed to respect:
- a. the historical context and townscape setting of the site, and its sense of place;
 - b. the scale, mass, form and grain of surrounding development and connections to it;
 - c. the relationship of the proposed development to the existing townscape, including the local street pattern, local landmarks and the skyline;
 - d. the local design context, including the prevailing rhythm and articulation of frontages, local building materials and colour, and locally distinctive architectural detailing, and thereby promote and reinforce local distinctiveness;
 - e. good neighbourliness and the principles of residential amenity;
 - f. the local landscape context and where appropriate should provide high quality landscaping and public realm with good permeability;
 - g. sustainability objectives; including adaptation to, and mitigation of, the effects of climate change;
 - h. the principles of accessible and inclusive design; and
 - i. principles of Secured by Design.
- 6.35 Policy DC8 of the Local Plan (2018) states that the council will conserve the significance of the borough's historic by protecting, restoring, and enhancing its heritage assets, including conservation areas. Furthermore, proposals should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

Context

- 6.36 The application site is located on the north side of Farm Lane within a predominantly residential area. There are also various commercial uses to the south west of the site towards Vanston Place. In terms of scale the buildings to the north and east of the site are of a residential scale and predominantly 3 storey in height. To the south of the site are generally larger residential blocks generally at 4 storeys in height within the Samuel Lewis Trust housing estate. The buildings to the south west tend to be larger in scale at between 4 and 5 storeys in scale, although again there is some variety here. As a result the overall character of the area is somewhat varied although there are clear typologies in different individual areas around the site.
- 6.37 The site is not within a Conservation Area and does not contain any designated/non-designated heritage assets. However, it is surrounded on three sides by the adjacent Conservation Areas, Walham Grove and Walham Green.

Therefore, as well as assessing the impact upon the street scene and general character of the area consideration must also be given the impact upon the setting of these Conservation Areas.

Height, Scale, and Massing

- 6.38 The proposal would consist of a 5 storey, brick building with a frontage along Farm Lane which would step down in height to 4 storeys and then 3 storeys towards the rear and the boundary with properties along Walham Grove. The building would be sited towards the north east side of the site and would be set back approximately 1.8m from the front boundary. The forward most portion of the building is 5 storeys in height with the upper floor set back from the front elevation and built in contrasting raised seam zinc cladding. Moving towards the rear the proposal would transition to four storeys beyond the central core, with the top floor again in a contrasting material. This element is set back approximately 2.3m from the rear elevation of the building with this remaining portion 3 storeys in height. There would be projecting balconies across the first, second and third floors of the building.
- 6.39 The proposal would present a larger building than existing on the site; however, its siting would create an improved and more active frontage compared to the existing structure which can be seen to activate the street scene more than the current situation. The set back from the front boundary and the additional set back at fourth floor level would ensure that the building would not overly dominate the street scene and the overall scale would not appear out of character with the scale of buildings within close proximity to the site, particularly to the south west and south of the site.
- 6.40 The reduction in the scale of the building to the rear would ensure a suitable transition to the more residential scale to the rear of the site. The use of a subservient central core which is set in from the main side elevations would help to break up the overall mass and bulk of the building. As an infill site, the architectural design of the scheme is considered to represent a high quality of design, with the facades of the building being well articulated with wrap around, glazed balconies and deep window reveals creating corner emphasis, depth and shadow. This is further enhanced through an attractive fenestration pattern with contrasting concrete lintels and profiled brickwork panels. The proposals are supported by detailed bay studies which serve to provide additional clarification of the details of individual bays which would be delivered through implementation of the scheme.
- 6.41 The proposal is also set well off the south west side boundary ensure suitable separation from the buildings along Exeter Mews and retaining a sense of openness along Farm Lane which would be enhanced by the use of landscaping in this area. The building would also be set a minimum of 2.3m off the north eastern boundary and would retain a significant separation distance from the Farm Lane Care Home, which again would ensure that the sense of openness along this side of Farm Lane would be retained. The ancillary buildings are set back from the front boundary and of small scale with limited overall impact upon the street scene or character of the area. Landscaping supporting the scheme includes the retention of the most mature trees on-site, removal of 5 category C/U trees and replacement with 15 new tree species. Landscaping proposals are considered

acceptable and suggested conditions attached to this report to deal with works to trees during construction.

- 6.42 Considering the impact of proposals upon the setting of the adjacent Walham Grove and Walham Green Conservation Areas, and the setting of the locally listed, buildings of merit within Walham Grove, officers have considered the impact of the increased scale and visual impacts of the proposals upon these heritage assets. Generally given the neutral contribution of the existing building occupying the site to the setting of these assets, officers consider that the proposals, given their high quality of design would provide an enhancement to the setting of these assets in townscape views. The proposals would not result in any harm to the setting of significance of any heritage assets and are considered acceptable in accordance with Policy D8 of the Local Plan (2018).
- 6.43 It is considered that the proposal would be a high quality development in keeping with the visual appearance of the locality and would make a positive contribution to the urban environment in this part of the Borough and will preserve and enhance the character, significance and setting of adjacent heritage assets. The development would therefore be acceptable in accordance with the NPPF (2021), London Plan (2021) Policies HC1 and D3, Policies DC1, DC4, and DC8 of the Local Plan (2018) and Key Principle CAG3 of the Planning Guidance SPD (2018).

RESIDENTIAL AMENITY

- 6.44 Local Plan Policy HO11 states that proposals for extensions will be considered acceptable where it can be demonstrated that there is no detrimental impact on:
- Privacy enjoyed by neighbours in adjoining properties;
 - Daylight and sunlight to rooms in adjoining properties;
 - Outlook from windows in adjoining properties; and
- 6.45 Policies DC1 and DC4 require all proposals for new builds and extensions to be formulated to respect the principles of good neighbourliness. Planning Guidance SPD Housing Key Principles 6, 7 and 8 support Local Plan Policy HO11 and set out a more detailed means of assessment.
- 6.46 The nearest adjacent properties are Nos. 43-51 Walham Grove to the rear, properties within Exeter Mews on the south west boundary of the site, Farm Lane Care Home to the north east and Nos.12-16 Farm Lane and John Knight Lodge to the south east on the opposite side of Farm Lane.

Outlook

- 6.47 The properties to the rear along Walham Grove consist of two storey terraced dwellings with basements and mansard roof elements, when viewed from the rear this presents 4 storeys facing towards the site. These neighbour's have uniform gardens, generally in excess of 11m although there is some minor variation where properties have been extended differently. The existing building on the application site presents a 3 storey rear elevation with a width of some 9.3m approximately 2m from the boundary. This existing structure is of asymmetrical pitched roof design with a maximum ridge height of approximately 10.3m and eaves heights of 8.9m and 8m respectively. The proposal would also present a 3 storey rear elevation with a height of 10.4m, this would be increased in width at some 23.3m

but would be set further from the rear boundary with a retained separation of approximately 7.1m.

- 6.48 Key principle HS6 provides guidance on avoiding significant impact upon neighbouring properties to the rear through a 45 degree line taken at ground level or a height of 2m on the rear boundary. However, this is primarily in relation to extensions to existing buildings and where there is a breach of any such angle there should be an assessment based upon on site judgement. In this instance, as set out above, the distance to the rear boundary is 7.1m. This means the 45 degree angle should be taken from ground level. On this basis the proposal would breach this angle by approximately 3m. However, this needs to be viewed in the context of the siting and scale of the existing building which, due to its proximity to the rear boundary breaches this angle by approximately 6.7m at its highest point. Whilst the proposed building, presents a wider elevation than existing this should be considered in the context of the increased set back from the boundary and the overall separation distance to the rear elevation of the neighbours on Walham Grove. With a total separation of between 17-20m there would be a significant distance between the proposal and the neighbour's windows and immediate rear amenity space. Officers consider that the proposal would not result in a significant adverse impact upon the outlook or unacceptably increase the sense of enclosure to these neighbours.
- 6.49 The neighbouring properties at Exeter Mews benefit from side windows which face across the site. The existing building is sited away from this side boundary and the proposed building would be similarly sited with a separation distance of approximately 18.5m at its closest point (3 and 4 storey) and 22.8m (5 storey) where it steps away from the boundary. Given these separation distances, together with the existing ground floor windows and outdoor space of Exeter Mews is already being significantly impacted by the existing boundary wall, it is considered that the proposal would not result in a significant loss of outlook to these neighbours.
- 6.50 The Farm Lane Care Home building would be approximately 26m from the side elevation of the proposed new building. Whilst it is noted that the intervening space is used a communal amenity space, given the distance between the buildings and the unconstrained outlook to the north and south for occupiers of this neighbouring building the proposal would not result in a significant adverse impact in this respect.
- 6.51 The proposed outbuildings, consisting of two bike stores and a bin store would be located in close proximity to the boundaries of the site. These structures are single storey and given the height of the existing boundary treatment would not significantly impact upon the outlook of surrounding neighbours.
- 6.52 Overall, the development would not result in an unacceptable loss of outlook or increased sense of enclosure to adjacent properties complying with Policies DC1, DC4 and HO11 of the Local Plan (2018).

Daylight and Sunlight

- 6.53 The Council has regard to the guidance set out in Building Research Establishments' (BRE) Report 2022 "Site Layout Planning for Daylight and Sunlight - A guide to good practice". This guidance is used as aid to prevent and/or minimise the impact of a new development on the availability of daylight and sunlight in the environs of the site. Although it provides numerical guidelines, these should be interpreted flexibly because natural lighting is only one of many factors in site layout design.
- 6.54 Vertical Sky Component (VSC) - VSC is a measure of the direct skylight reaching a point from an overcast sky. It is the ratio of the illuminance at a point on a given vertical plane to the illuminance at a point on a horizontal plane due to an unobstructed sky. For existing buildings, the BRE guideline is based on the loss of VSC at a point at the centre of a window, on the outer plane of the wall. The BRE guidelines state that if the VSC at the centre of a window is less than 27%, and it is less than 0.8 times its former value (i.e. the proportional reduction is greater than 20%), then the reduction in skylight will be noticeable, and the existing building may be adversely affected.
- 6.55 No-Sky Line (NSL) - NSL is a measure of the distribution of daylight within a room. It maps out the region within a room where light can penetrate directly from the sky, and therefore accounts for the size of and number of windows by simple geometry. The BRE suggest that the area of the working plane within a room that can receive direct skylight should not be reduced to less than 0.8 times its former value (i.e., the proportional reduction in area should not be greater than 20%).
- 6.56 Annual Probable Sunlight Hours (APSH) - In relation to sunlight, the BRE recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the absolute loss is greater than 4%, then the proposed values should not be less than 0.8 times their previous value in each period (i.e., the proportional reductions should not be greater than 20%).
- 6.57 In terms of VSC the reduction to neighbouring properties is small and is in full accordance with the BRE guidance. In terms of NSL, reductions to 98 of the 100 rooms assessed within these properties are in full accordance with BRE guidance. Of the two which breach the guidance, the first within 45 Walham Grove (R1/195) will experience a proportional reduction in NSL of 20.1%, which is only negligibly more than the guideline 20% and would not result in a significant impact. The lower ground floor kitchen/dining room within 47 Walham Grove (R1/170) would experience a larger proportional reduction of 37.5%, this room is single aspect and almost 7 metres deep. As stated at paragraph 2.2.12 of the BRE guidelines, "If an existing building contains rooms lit from one side only and greater than 5m deep, then a greater movement of the no sky line may be unavoidable. Overall, with the exception of 1 room, it is considered that the daylight amenity to the neighbouring properties would continue to have very good levels of daylight. On balance, the daylight impact is considered acceptable for this urban setting.

6.58 In terms of impact upon sunlight and the overshadowing of garden areas the proposal is in accordance with the BRE guidance.

6.59 The report concludes that in relation to the daylight, sunlight and overshadowing effects on the neighbouring properties, reductions in amenity will be very minor and in accordance with the guidance provided by the BRE. Officers have fully considered the Daylight and Sunlight report submitted by the applicants. This demonstrates that the proposals would not result in a significant loss of light to surrounding neighbours who would still have sufficient access to daylight and sunlight complying with Policies DC1, DC4 and HO11 of the Local Plan (2018).

Privacy

6.60 Key Principle HS7 (iii) states that new windows should normally be positioned so that they are a minimum of 18 metres away from existing residential windows as measured by an arc of 60 degrees taken from the centre of the proposed window. Key Principle HS8 (i) sets out that permission will not be granted for roof terraces or balconies if the use of the terraces or balcony is likely to cause harm to the existing amenities of neighbouring occupiers by reason of noise and disturbance; or if it would result in an additional opportunity for overlooking or result in a significantly greater degree of overlooking and consequent loss of privacy.

6.61 The proposal would be located more than 18m from the vast majority of neighbouring buildings. To the north, are the rear gardens of Walham Grove and there is some variation in the rear building line of these neighbours due to the various extensions to these buildings which have taken place over time. Walham Grove is also at an angle to the rear of the proposed building meaning that certain neighbours are in closer proximity to the proposal than others.

6.62 The existing building is between approximately 13.5m and 14.5m from the nearest opposing neighbours at No.46 and 47 Walham Grove. The new building would be set further from the boundary than the existing building, although it would have a wider elevation facing this boundary. The rear of the new building would be approximately 16.5m and 18m respectively from the rear of Nos.45 and No.48 Walham Grove. The distance to the intervening neighbours is between these amounts but is primarily between 17-18m.

6.63 Officers acknowledge that some of the distances to Walham Grove are marginally below 18m standard set out in the guidance, the rear building line of the proposed building would be further away when compared to the existing situation. In addition, whilst the number of window openings would increase and be spread across a wider elevation these openings are of an appropriate size. In these circumstances, where there is already mutual overlooking across the gardens of in Walham Grove, officers consider that the proposal would not result in a significant loss of privacy.

6.64 To the west and south, the nearest windows are along Exeter Mews and John Knight Lodge, would be between 18.5m-24m and approximately 23m respectively. There would be no loss of privacy to windows or the amenity space associated with these neighbouring properties.

- 6.65 To the east is the Farm Lane Care Home which is some 25m away. However, the external communal space associated with that property is in the area between the application site and that neighbouring building. The eastern elevation of the existing building on the application site includes windows across 3 floors that currently overlook the Care Home's outdoor communal space (approximately 15m from the shared boundary). The proposed front section of the building would include windows across five floors in relatively close proximity to the shared boundary with the Care Home at 2.3m. However, the rear section of the building would be set further back at a minimum of approximately 9m from the boundary.
- 6.66 Whilst it is acknowledged that the side facing windows within the front section of the building would provide additional overlooking compared to the existing situation this should be viewed in the context that this is a communal space shared by residents of the Care Home which is already overlooked by windows within the Care Home itself and from upper floor windows from neighbours to the rear on Walham Grove and from the application site. On this basis, officers consider that the proposal would not result in an unacceptable impact upon the users of this space.
- 6.67 The proposed balconies have all been designed without screening. Whilst a large number of these are located away from the boundaries with neighbouring properties there are a number of balconies in more sensitive locations. This is particularly the case with the balconies located on the north eastern boundary which would provide views towards the Care Home. As discussed above in the assessment of the windows in the flank elevation, there would be a significant separation distance retained to the side elevation of the Care Home. However, given that the use of the balconies would introduce a greater level of overlooking than the proposed windows it is considered appropriate to impose a condition requiring details of screening to those balconies located closest to the boundary with the Care Home. On this basis it is considered the balconies would not result in a significant loss of privacy to the occupiers of this neighbouring site.
- 6.68 In terms of the neighbours to the rear on Walham Grove there are no balconies which would project beyond the rear elevation of the proposed building. However, the rearmost balconies on either side elevation would be within reasonably close proximity to the shared boundaries with these neighbours. Given that these balconies would overlook private amenity space it would be appropriate to include screening to the rear of these balconies. This would be secured via condition and on this basis it is considered there would not be a significant loss of privacy to these neighbours.
- 6.69 Overall, the proposal would not result in a significant loss of privacy or overlooking. In this regard the proposed development complies with Policies DC1, DC4 and HO11 of the Local Plan (2018).

Noise and Disturbance

- 6.70 Policy CC11 and HO11 relate to noise and neighbouring amenity and require all development to ensure that there is no undue detriment to the general amenities enjoyed by existing surrounding occupiers, particularly those of residential properties. Key Principle HS8 (iii) adds that roof terraces or balconies likely to cause harm to the existing amenities of neighbouring properties by reason of noise

and disturbance will not be supported.

- 6.71 It is difficult to predict with accuracy the likely level of noise/disturbance that would be generated by the use of the proposed balcony/terrace areas, however, having regard to the size of the proposed areas, ranging from 5.5sqm to 9.5sqm (less than the 15sq.m guidance contained within Key Principle HS8) which would limit the capacity of the terraces to accommodate a high number of people, together with their location at high level and the relationship with adjoining properties, it is not considered that their use would, in the normal course of events, be likely to harm the existing amenities of adjoining occupiers as a result of additional noise and disturbance to a degree that would justify refusing planning permission. The proposal is therefore considered to be consistent with Policy HO11 and CC11 of the Local Plan and Key Principle HS8 of the Planning Guidance SPD.
- 6.72 There is various plant to be located at roof level and conditions would be attached to control noise/vibration associated with this. In terms of external lighting a condition will be imposed to ensure this is suitably located. On this basis, the proposal is in accordance with Policies CC11 and CC13 of the Local Plan and Key Principle NN4 of the Planning Guidance SPD.

HIGHWAYS AND TRANSPORTATION

- 6.73 Paragraph 110 of the NPPF states that applications for development should ensure that appropriate opportunities to promote sustainable transport modes are taken and that safe and suitable access to sites can be achieved. Paragraph 111 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe. Paragraph 113 states all developments that will generate significant amounts of movement should be required to provide a travel plan, and should also be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 6.74 Policies T1-T7 of the London Plan set out that all development should make the most effective use of land, reflecting connectivity and accessibility by existing and future public transport, walking and cycling routes, and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. These policies also provide cycle and parking standards.
- 6.75 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'.
- 6.76 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".
- 6.77 Local Plan Policies T3, T4, T5 and T7 relate to opportunities for cycling and walking, vehicle parking standards, blue badge holders parking and construction logistics.

- 6.78 The above policies are supported by Key Principles TR1 -TR4, TR7, TR21 and TR27 of the Planning Guidance SPD.
- 6.79 Local Plan Policy CC7 sets out the requirements for all new developments to provide suitable facilities for the management of waste. Planning Guidance SPD Key Principles WM1, WM2, WM4, WM6, WM7 and WM11 are also applicable which seek appropriate storage and collection arrangements for refuse and recycling.
- 6.80 In accordance with the above policies a Transport Statement, Transport Technical Note, Outline Delivery Servicing Plan, and Demolition and Construction Logistics Plan have been prepared to support the planning application.

Trip generation

- 6.81 The applicant has submitted trip generation information which was derived from the TRICS database and includes 6 sites across London and adjusted modal split information based on 2011 census data. The trip generation information indicates that the proposed development would generate a total of 161 total trips across the course of a typical day. These trips are comprised of 16 cycling trips, 24 pedestrian trips, 5 vehicle trips, 24 bus trips and 91 rail/underground trips. The submitted trip generation information is considered acceptable and indicates the majority of original trips will be undertaken on foot from the application site. On this basis the Highway Officer raised no objection to the proposal.

Car parking

- 6.82 Policy T4 of the Local Plan (2018) specifies that car parking permit free measures will be required on all new development unless evidence is provided to show that there is a significant lack of public transport available.
- 6.83 The site has a PTAL 5 score of using Transport for London's methodology, indicating that it has a very good public transport accessibility. The Council's Highways Team have assessed the proposal in relation to parking and have confirmed that because the application site has a PTAL 5 rating, the proposed residential units must be made car permit free to be in accordance with Policy T4 of the Local Plan (2018). This will be secured through the legal agreement. The only on-site parking spaces would be 3 disabled bays which is considered to be acceptable. These would be accessed via a new vehicular access which is considered to be appropriately located. The on street spaces to be removed to facilitate the new access would be replaced as the existing vehicular access would be closed. The proposal would not increase parking demand/stress within the locality of the application site.

Cycle Parking

- 6.84 London Plan Policies T2 Healthy Streets and T5 Cycling (Table 10.2 and Figure 10.3) set out the need to provide suitable on site cycle storage for a development. A total of 58 cycle parking spaces are proposed at the application site, which consists of 56 long-stay cycle parking spaces within external stores and 2 short-stay cycle parking spaces. Normally external stores are not supported but in this

instance, this is necessary in order to meet the sustainability goals of the scheme. In addition, high quality cycle stores are proposed which would be secure, well-lit and overlooked by a number of proposed dwellings. Therefore, the proposed storage arrangements are considered to be appropriate and a condition will be imposed requiring the implementation of the cycle stores.

REFUSE

- 6.85 Local Plan Policy CC7 states that new developments, including conversions should aim to minimise waste and should provide convenient facilities for future occupiers. Adequate refuse storage is required for this development in accordance with Refuse Department's policies stated in the Local Plan 2018 and Planning guidance SPD 2018. The proposal includes six 1,100ltr Eurobins and one 240ltr wheeled bin in an external store. Swept-path analysis has been provided for a 10.7 refuse vehicle and a fire tender entering the site, turning and leaving in a forward gear. The applicant has provided information which indicates a number of the residential units will be required to carry waste further than the 25 metre guidance. However, given the constraints of the site and limitations on the siting of the bin store this is considered appropriate in this instance. A condition will be imposed requiring the implementation and maintenance of this store.

Delivery Serving Plan

- 6.86 The information submitted within the outline Delivery and Servicing Plan (DSP) provides baseline information for the proposed development. In order to ensure suitable delivery and servicing arrangements, a condition will be attached requiring the submission of an updated Delivery and Servicing Plan including baseline delivery and servicing trips, objectives, targets and measures. The DSP will need to be in accordance with Transport for London's latest guidance on Delivery and Servicing Plans.

Construction Logistics Plan

- 6.87 The main impact of the development in highway terms would be at the demolition and construction stages. In accordance with Local Plan Policy T7 and Planning Guidance SPD Key Principle TR21 a draft Demolition and Construction Logistics Plan has been submitted.
- 6.88 The submitted outline CLP has demonstrated that the construction of the proposed development is not likely to have a significant impact on the local highway network. However, a detailed Construction Logistics Plan will be secured by a condition.

ENVIRONMENTAL MATTERS

Sustainability and Energy

- 6.89 The NPPF states that development proposals are expected to comply with local requirements and should take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption and to increase the use and supply of renewable and low carbon energy.

- 6.90 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.
- 6.91 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.
- 6.92 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. These are supported by Key Principles set out in the Energy and Sustainable Design Construction Chapters of the Planning Guidance SPD.
- 6.93 An Energy and Sustainability Statement was provided with the application which provides details on the planned works. The Energy Statement demonstrates that Energy efficiency measures have been designed into the development to help minimise energy demand by as high levels of insulation, triple glazing, use of LED lighting, high airtightness levels, heat recovery on ventilation systems etc to minimise heat loss. These measures are calculated to reduce baseline CO2 emissions by 28%, which meets the London Plan requirement of a 10% minimum improvement. Renewable energy generation has been integrated in the form of Air Source Heat Pumps and solar PV panels. Overall, the baseline CO2 emission figure of 30.8 tonnes on CO2 a year can be reduced to 5 tonnes, an improvement of 84% which meets the London Plan target of 35% and the GLA's additional benchmark of a 50% improvement. In this instance, as the proposal is required to be net zero carbon, the remaining emissions can be offset by making a payment in lieu. This has been calculated to be £14,157 which can be secured via the legal Agreement.
- 6.94 A Whole Lifecycle Carbon Assessment has also been provided which provides details on additional elements of the proposals' CO2 emissions, such as those associated with its construction and embodied carbon of materials used. The development meets the GLA benchmarks.
- 6.95 With regards to wider sustainable design and construction, measures are proposed to encourage and promote sustainable transport choices such as cycling, walking and use of electric vehicles; a separate Circular Economy

Statement has been provided which looks at use of building materials in a sustainable way, for example by re-using or recycling materials from the demolition phase, implementing a Site Waste Management Plan during construction to use waste reduction measures to minimise generation of waste and maximise sorting, re-use and recycling of waste; water efficiency measures are to be included to limit water use to no more than 105 litres per person per day for internal use; flood risk and sustainable drainage measures have been assessed and measures proposed which will be commented on separately; biodiversity and greening measures are proposed to provide a net gain in biodiversity.

- 6.96 The implementation of the energy efficiency and low/zero emission measures outlined in the Sustainability and Energy Statement will be secured by a condition. The contribution to offset the remaining carbon emissions will be secured through a legal agreement.

Flood risk

- 6.97 The NPPF states that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere'.
- 6.98 London Plan Policy SI 12 states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 sets out the same requirement and additionally states that proposals for impermeable paving should be refused and that drainage should be designed and implemented to address water efficiency, water quality, biodiversity and recreation.
- 6.99 Local Plan Policy CC2 requires major developments to implement sustainable design and construction measures, including making the most efficient use of water. Local Plan Policy CC3 requires that new development is required to reduce the use of water and to minimise current and future flood risk. This is supported by Policy CC4 which seeks that developments manage surface water run-off and requires all major developments to implement SuDS and to provide a sustainable drainage strategy.
- 6.100 The SuDs, and Flood Risk and Water Efficiency Chapters of the Planning Guidance SPD support the above.
- 6.101 The application is accompanied by a Flood Risk Assessment (FRA). The FRA identifies that the site is in the Environment Agency's Flood Zone 3. Although the site is in Flood Zone 3, it is well defended by existing flood defences such as the Thames Barrier and river walls. However, if these were breached or overtopped, the site could be impacted by flood water. The site is not in a flooding hotspot for surface water and as no basement level is proposed, groundwater and internal sewer surcharge risks are low.
- 6.102 The FRA proposes a range of mitigation measures to protect the site from flooding. It has subsequently been confirmed which of these measures will be included in the scheme. These measures will be secured by condition which will ensure that the development would be acceptable with regards to flood risk.

- 6.103 A Surface Water Drainage Strategy has also been submitted; this outlines the proposed sustainable drainage measures. The main features are the use of green blue roofs, permeable paving and soft landscaping along with an attenuation tank. These measures allow the discharge rate of surface water to the sewers to be reduced to 2.1 l/s. This is a low discharge rate and represents around an 80% reduction in discharge flows. This represents a typical discharge rate achieved by major schemes is considered accepted for this proposal.
- 6.104 The final discharge of run-off into the sewer system will need to be controlled to minimise flows in line with the requirements of Policy CC4 of the Local Plan. Again, this will be secured by condition.
- 6.105 The implementation of the flood risk mitigation measures and sustainable drainage measures will be secured by a condition. On this basis, officers consider that the proposed development would not detrimentally impact on flood risk or surface water run-off and would be in accordance with the policies cited above.

Air Quality

- 6.106 London Plan Policy SI 1 states that development proposals should not lead to deterioration of existing poor air quality, create any new areas that exceed air quality limits or create unacceptable risk of high levels of exposure to poor air quality.
- 6.107 Local Plan Policies CC1 and CC10 seeks to reduce potential adverse air quality impacts arising from new developments and sets out several requirements. These are supported by Planning Guidance SPD Key Principles AQ1 to AQ5.
- 6.108 The development site is within the borough wide Air Quality Management Area (AQMA) and an area of existing poor air quality due to the road traffic emissions from Fulham Road, North End Road and Walham Grove. The development proposal will introduce new residential receptors into this area. Further Mitigation measures will be required to make the development acceptable in accordance with Local Plan Policy CC10 and London Plan Policy SI 1 (2021). On this basis, the Council's Environmental Quality officer has considered the proposal and has recommended conditions relating the submission of a ventilation strategy and details of the installation of Zero Emission /Air Source Heat Pumps or Electric Boilers for space heating and hot water, and the submission of details of emission control Non-Road Mobile Machinery (NRMM) and On Road Vehicles, electric vehicle charging points and a sustainable delivery hub.
- 6.109 The ventilation strategy requested by the Environmental Quality officer requires the restricted opening of all habitable room windows. Whilst these comments are noted the site it is considered to be unreasonable to require all windows to be restricted opening due to the impact upon the amenity of future occupiers and potential solar gain. The design of the proposal and in particular a number of the sustainability measures mean that it would be impossible to achieve a number of other standard requirements of the condition. The submitted Air Quality Assessment is considered sufficient to demonstrate that the proposed ventilation system is appropriate without further intervention. On this basis it is considered

that the proposal would provide acceptable air quality for future occupiers.

6.110 Furthermore, whilst the comments regarding the need for a sustainable delivery hub are noted it is not considered reasonable or necessary to make this particular development acceptable given the overall small scale of the development. Therefore, this condition will not be imposed on this particular scheme.

6.111 On the basis of the above conditions it is considered that the proposed development would not detrimentally impact on Air Quality and would be in accordance with the policies cited above.

LAND CONTAMINATION

6.112 Paragraph 174 of the NPPF says that the planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

6.113 Local Plan Policy CC4 states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place. 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.

6.114 Key principles LC 1-6 of the Planning Guidance SPD 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.

6.115 Potentially contaminative land uses, past or present, are understood to occur at, or near to, this site. In order to ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works conditions would be attached covering the assessment and remediation of contaminated land if the application were to be approved.

SITING OF PLAQUE

6.116 There is an existing plaque on the site which consists of a war memorial relating to the Fulham War Memorial Trust Fund and money donated by the residents of Fulham to the Fulham District Nursing Association in memory of the men of Fulham who served in WW1. As the plaque is attached to the wall of the building to be demolished the application will need to be referred to the Secretary of State under Section 9 of the Town and Country Planning (Consultation) (England) Direction 2021.

6.117 The proposal would incorporate the plaque on the proposed building close to the main entrance to the building and therefore this plaque would be retained on site

in a prominent location. Therefore, the proposal is considered acceptable with this regard, however the decision on the application will be subject to the above referral to the secretary of state and the recommendation will reflect this.

7.0 PLANNING OBLIGATIONS / COMMUNITY INFRASTRUCTURE LEVY (CIL)

Legal Agreement Heads of Terms

7.1 The NPPF provides guidance for local planning authorities in considering the use of planning obligations. It states that 'authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'.

7.2 Local Plan Policy INFRA1 (Planning Contributions and Infrastructure Planning) advises that the council will seek planning contributions to ensure the necessary infrastructure to support the Local Plan is delivered using two main mechanisms 'Community Infrastructure Levy (CIL) and Legal Agreements (s106 or Unilateral Undertaking).

7.3 The legal agreement for this development will include the following heads of terms:

- i. Affordable Housing - to secure the delivery of 52% affordable homes (16 units) comprising:
 - a. 60% Social Rent (10 units); and
 - b. 40% Shared Ownership (6 units)
- ii. Environmental contributions - planting of 31 trees to be planted within the borough.
- iii. Highway Works - relocate 24m of on-street parking east on Farm Lane, where there is currently a single yellow line.
- iv. Residents Travel Plan - submission and implementation of an approved Residents Travel Plan. A contribution of £2,000 at yr 1, 3 and 5 towards Travel Plan monitoring.
- v. Construction Travel Plan - submission and implementation of an approved Construction Travel Plan. A contribution of £2,000 per year until completion of construction towards Travel Plan monitoring.
- vi. Car Permit Free - To prohibit any occupiers of the 31 residential units, other than Blue Badge Holders, from obtaining a parking permit, under Section 16 of the Greater London Council (General Powers) Act 1974.
- vii. Energy and Sustainability - carbon dioxide emission offset contribution of £14,157.
- viii. Employment, Training and Local Procurement - at least 10% to the total number of people employed on the construction of the development are

local (H&F) residents.

- ix. Air Quality - £3,000 per annum for the demolition and construction phases of the development will be required for the Council's compliance monitoring of the AQDMP and maintain the councils Construction Site Monitoring Register Website.

Mayoral and Local CIL

- 7.5 The Mayor's CIL (Community Infrastructure Levy) came into effect in April 2012 and new fee rates came into effect in April 2019. This would contribute towards the funding of Crossrail. This development would be subject to this London wide community infrastructure levy which in this case would be £54,400
- 7.6 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 CIL Charging Schedule was presented to Council and approved 20 May and formally took effect on the 1st September 2015 and in this case the contribution would be £136,000

8.0 CONCLUSION

- 8.1 In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 8.2 In the assessment of the application regard has been given to the National Planning Policy Framework (2021), London Plan (2021), and Local Plan (2018) policies as well as relevant guidance.
- 8.3 In summary, the principle of development has been justified. The loss of community use is considered to be acceptable and the proposal contribute towards the quantity of the borough's market and affordable housing stock. The proposal is acceptable in visual terms and is considered to be of a high quality of design which would not adversely impact upon the setting of the nearby Conservation Areas. Subject to conditions the proposal would not result in unacceptable impacts upon the amenities of neighbouring residential properties. The new residential units comply the relevant standards and provide a good quality of accommodation for the new occupants. Highways, transportation and environmental matters including energy and sustainability, flood risk, air quality and land contamination have also been satisfactorily addressed and will be subject to conditions and a legal agreement. In these respects, the proposals comply with the relevant policies of the NPPF (2021), the London Plan (2021), the Local Plan (2018) and the relevant Key Principles within the Planning Guidance Supplementary Planning Document (2018).

8.4 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report it is considered, having regard to the development plan as a whole and all other material considerations, that planning permission should be granted subject to the conditions listed, and the completion of a legal agreement.

9.0 RECOMMENDATION

9.1 Grant planning permission subject to conditions, the completion of a satisfactory legal agreement and to the referral of the decision to the Secretary of State with regards to the demolition of the building and re-siting of the existing plaque.

Ward: Shepherd's Bush Green

Site Address:

58 Uxbridge Road London W12 8LP



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For identification purposes only - do not scale.

Reg. No:

2021/02919/FUL

Case Officer:

Paul Curtis

Date Valid:

24.09.2021

Conservation Area:

Constraint Name: Shepherds Bush Conservation Area - Number 21

Committee Date:

18.04.2023

Applicant:

Mr Ghaswala
58 Uxbridge Road London W12 8LP

Description:

Erection of a single storey rear extension to replace the existing structure.

Drg Nos: B-01 Rev C; A-01 Rev C; A-02 Rev C; A-03 Rev C; A-04 Rev C; A-05 Rev C; A-06 Rev C; A-07 Rev C.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

That the Committee resolve that the Director of Planning and Property be authorised to grant permission subject to the conditions listed below;

That the Committee resolve that the Director of Planning and Property, after consultation with the Assistant Director Legal Services 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 conditions, any such changes shall be within their discretion.

Conditions:

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

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

- 2) The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans.

- 3) The development hereby approved shall be carried out and completed in accordance with the materials details (including colour and finish) specified below:

- Walls: brick to match the existing building in terms of brick and mortar colour and bond pattern.

The development shall be permanently retained in accordance with the approved details. Any works of making good to existing elevations shall be carried out in materials to match the elevation to which the works relate.

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

- 4) No part of any roof of the building or the extension hereby approved 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 property to form access onto the roofs.

Such a use would be detrimental to the amenities of neighbouring properties by reason of overlooking and loss of privacy, in accordance with Policies DC4 and HO11 of the Local Plan (2018) and Key Principle HS7 (iii) of the Planning Guidance Supplementary Planning (2018).

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

It is considered that such structures would seriously detract from the appearance of the building, in accordance Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 6) The development shall be carried out and completed in full accordance with the details contained within the Flood Risk Assessment submitted with this application. 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).

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

So that the visual impact of such installations can be considered in accordance with Policies DC1 and DC8 of the Local Plan (2018).

Justification for Approving the Application:

- 1) It is considered that the proposals would not have an unacceptable impact on the existing amenities of the occupiers of neighbouring residential properties, and would be of an acceptable visual appearance. It is not considered that the development would harm the existing character or appearance of the Shepherd's Bush Conservation Area. Furthermore, the proposals are not considered to significantly increase flood risk. In these respects the proposals comply with Policies CC3, DC1, DC4, DC8, and HO11 of the Local Plan (2018) and Key Principles CAG3, BM2, HS4, HS6 and HS7 of the Planning Guidance Supplementary Planning Document (2018).

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 8th September 2021

Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2021
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:
London Underground Limited

Dated:
06.10.21

Neighbour Comments:

Letters from:

Dated:

16 Sterne Street London W12 8AD	27.10.21
51 Sterne Street, London W12 8AB	27.10.21
27 Caxton Road London W12 8AJ	27.10.21
39 Sterne Street London W12 8AB	27.10.21
1 ShepherdsBush Place London W12 8LX	27.10.21
1 ShepherdsBush Place London W12 8LX	21.11.22
4 Tadmor Street London W12 8AH	27.10.21
6A Caxton Road Basement Flat London W12 8AJ	27.10.21
2 Vanderbilt Villas London W12 8AF	26.10.21
2 Shepherds Bush Place London W12 8LX	27.10.21
4 Vanderbilt Villa Sterne Street London W12 8AF	27.10.21
2 Sterne Street London W12 8AD	27.10.21
10 Sterne Street London W12 8AD	27.10.21
3 Bodington Court Sterne Street London W12 8AD	27.10.21
4 Vanderbilt Villas Sterne Street London W12 8AF	22.10.21
4 Vanderbilt Villas Sterne Street London W12 8AF	18.11.22
29 Tadmor Street London W12 8AH	27.10.21
14 Sterne Street London W12 8AD	27.10.21
1 Shepherd's Bush Place London W12 8LX	16.11.22
8 Sterne Street London W12 8AD	27.10.21
4 Vanderbilt Villa Sterne Street London W12 8AF	18.11.22
16 Sterne Street London W12 8AD	29.11.22
4 Tadmor Street London W12 8AH	27.10.21
2 Shepherds Bush Place London W12 8LX	29.11.22

1.0 SITE AND SURROUNDINGS

- 1.1. The application relates to a three storey terrace property, used as a shop at ground floor level with residential units at upper floor levels, located on the northern side of Uxbridge Road with Shepherds Bush Green to the south. To the rear of the application property there are residential properties being Listed Buildings at 1-18 Shepherd's Bush Place and 37-53 Sterne Street. The subject property forms part of a terrace of locally listed Buildings of Merit (nos. 54-108 Uxbridge Road) and is within the Shepherds Bush Conservation Area. The site is also designated as Prime Retail frontage in Shepherds Bush Town Centre.

2.0 RELEVANT PLANNING HISTORY

- 2.1 2005/02519/FUL - Change of use from retail (Use Class A1) to restaurant (Use Class A3) and takeaway (Use Class A5); Erection of external extractor flue to rear elevation. Application refused: 12.12.2005. Appeal dismissed 05.09.2006.
- 2.2 1992/01581/ADV - Display of an internally illuminated fascia sign and a projecting box sign. Application approved: 19.04.1993.
- 2.3 1987/00632/FUL - Conversion of the first and second floors to use as a self-contained two bedroom flat and a self contained one bedroom flat. Application approved 07.05.1987.

- 2.4 1982/00713/FUL - Installation of a new shop front. Application approved 25.06.1982.
- 2.5 1969/00802/HIST - Display of an internally illuminated transom sign measuring 17'0" by 2'0", maximum height above ground level 9'6", maximum size letters 5" at 58, Uxbridge Road, W12.
- 2.6 1967/00145/HIST - Display of an internally illuminated overhanging sign measuring 3'0" by 2'0", maximum height above ground level 12'4", projection 3'3", maximum size lettering 3"; at 58 Uxbridge Road W12.
- 2.7 1965/30059/HIST - Formation of store room in basement area at 58 Uxbridge Road, Hammersmith W12.
- 2.8 1965/00301/HIST - The use of the yard at the rear of No.58, Uxbridge Road, W12, for the parking of two motor cars and the formation of vehicular access to Sterne Street.
- 2.9 1955/00472/HIST - The erection of a sign in pearl opal red, green, royal blue, peach, white and yellow neon size 16'0" x 13'0", projection 1'0", maximum height 31'2", across the first and second floor windows at 58 Uxbridge Road, W12.

3.0 CURRENT APPLICATION

- 3.1. The application seeks planning permission for the erection of a single storey rear extension. This would replace the existing unauthorised rear ground level roof structure.
- 3.2 The application originally proposed to include a shopfront to the rear of the site on Sterne Street, however, this element of the proposal has since been deleted from the proposed scheme, following concerns from both local residents and officers.

4.0 PUBLICITY AND CONSULTATION

- 4.1. The application was publicised by means of a site and press notice, as well as individual notification letters sent to the occupants of neighbouring properties (18).

The original consultations generated 17 objections (from 15 properties). The grounds for objection are summarised as follows:

- Proposed new shopfront would cause noise pollution, traffic problems, littering and anti-social behavior. The shopfront is not in keeping with the surrounding residential streets and would be harmful to the Conservation Area

Officer response: Following consultation responses, the shopfront to the rear has been removed from the proposed development

- Overdevelopment, the proposed extension is oversized and would harm the appearance of rear of the terrace of properties in Uxbridge Road and would result in a loss of garden space.

Officer response - see comments under paragraph 6.3. of this report.

- There should be no commercial access from Sterne Street/Shepherds Bush Place and other nearby residential streets as this could create noise, pollution and anti-social behavior.

Officer response - The revised drawings now show only a fire escape door to the rear of the single storey rear extension and therefore there would be no access from Sterne Street/Shepherd's Bush Place.

- Drawings indicate 2no. extractor fans are to be installed to the rear elevation of the building. This could result in noise and air pollution.

Officer response - These are existing units and are shown in both the existing and proposed drawings and are not part of this application.

- The proposed drawings and documents submitted with the application are inconsistent and it is not clear what the proposals are.

It should be noted that neighbouring properties were re-consulted on the application due to the removal of the rear shopfront from the proposed development, and plans are considered to clearly show the proposed development.

Following re-consultation, a further 6 objections were received from 4 properties. The grounds for objection raised no new issues from what was outlined above.

External Responses:

Thames Water - No comments on the application.

5.0 POLICY FRAMEWORK

- 5.1. The statutory development plan comprises the London Plan (2021), the Local Plan (2018) and the Planning Guidance Supplementary Planning Document - 2018 (hereafter referred to as Planning Guidance SPD). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

National Planning Policy Framework (NPPF)

- 5.2. The NPPF came into effect on 27 March 2012 and was subsequently revised in 2019 and more recently in 2021 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.
- 5.3. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise

The London Plan

- 5.4. The London Plan was published in March 2021 and is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years.

The Local Plan

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

6.0 PLANNING CONSIDERATIONS

- 6.1. The main planning considerations in the assessment of this application include the following:-
- Impact on the character and appearance of the host building and Shepherds Bush Conservation Area and Town Centre.
 - Residential amenity of neighbouring occupiers.

CONSERVATION AND DESIGN

- 6.2. Local Plan Policies DC1, DC4 and DC8 are particularly relevant to the assessment of design. Policy DC1 (Built Environment) states that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places. Policy DC4 (Alterations and Extensions, Including Outbuildings) sets out to ensure that a high standard of design will be achieved in all alterations and extensions to existing buildings. Policy DC8 seeks to protect the character and appearance of heritage assets. Key Principle CAG2 and CAG3 of Planning Guidance SPD (2018) provide guidance on urban design and new development in conservation areas.
- 6.3. The proposed rear single storey extension covers approximately one half of the rear former yard area of the application property. It is replacing an apparently unauthorised existing covered utility area. The proposed extension is considered to be of an acceptable scale and design and is judged to be subservient to the host building which is a locally listed building of merit. This is also considered to be in keeping with the existing pattern of development to the rear of these properties. Following consultation the design of the proposed development has been revised to remove the originally proposed shopfront entrance onto Sterne Street/Shepherd's Bush Place and the proposed extension would be used as an ancillary area for the existing ground floor shop (Use class E).

- 6.4 The property is situated in a terrace where infilled or covered rear yards are a common feature. It is considered that the proposal respects the established building line of the rear of this parade of properties and is considered to be an improvement on the existing unauthorised structure. The proposed materials are brick walls to match the main building and are considered acceptable. The proposals are considered to have no significant adverse impact on the nearby Listed Buildings in Sterne Street and Shepherd's Bush Place or on the wider Shepherd's Bush Conservation Area which would be preserved by this proposal.
- 6.5 It is considered that the proposed extension would comply with policies DC1, DC4 and DC8 of the Local Plan (2018) and) and key principles CAG2 and CAG3 of the LBHF SPD (2018).

RESIDENTIAL AMENITY

- 6.6 The borough has a high density of development and it is necessary to ensure that the amenities of existing residential occupiers are not unduly affected. Local Plan Policy HO11 states that extensions will be considered acceptable where it can be demonstrated that there is no detrimental impact upon the amenities enjoyed by neighbouring properties to include privacy, daylight and sunlight, and outlook. SPD Housing Key Principles HS4, HS6 and HS7 contain safeguards against sense of enclosure, loss of outlook, loss of privacy and loss of daylight against neighbouring occupiers.
- 6.7 The proposed extension is considered to have no significant adverse impact on No.56 Uxbridge Road which has an existing large rear extension. The extension is also considered to have no significant adverse impact on No.60 Uxbridge Road which has a rear yard abutting the proposed extension. This property is not considered to suffer any significant loss of amenity in terms of loss of light, outlook or sense of enclosure.
- 6.8 To the rear of the application property there are residential properties at 1-18 Shepherd's Bush Place and 37-53 Sterne Street. The revised proposal with no public access from Sterne Street/Shepherds Bush Place (to the rear) is not considered to have any significant adverse impact on these properties in terms of loss light or outlook or to create any increased sense of enclosure or loss of privacy.
- 6.9 Key Principle HS4 states that "The council will have regard to the existing established rear building lines of adjoining properties in determining applications for rear extensions which project beyond the rear building line of the property as originally built." This Key Principle sets out criteria whereby planning permission would not normally be granted for an extension.
- 6.10 Whilst the application proposal would not comply strictly with the criteria relating to extensions generally not exceeding a depth of 3.5m, and extending to within 4m of the rear boundary and covering more then 50 % of the open area to the rear of the property as originally built. However, it is clear that the proposal respects the existing established pattern of development to the rear of the terrace (see comments under paragraph 6.3/6.4 of this report) and as such officers consider that the proposal would be acceptable.

- 6.11 Key Principle HS6 states that 'Any proposed new development and/or extensions to existing buildings should as a general rule, not result in an infringing angle of more than 45 degrees. There are no residential properties immediately abutting the rear boundary and therefore the criteria listed in this Key Principle are not applicable.
- 6.12 Key Principle HS7 relates to the impact of new development in terms of windows and outlook. The criteria listed are not applicable to this proposal.

CONCLUSION - RESIDENTIAL AMENITY:

- 6.13 Concerns were raised about access to this commercial property from the rear of the site (Sterne Street/Shepherds Bush Place). As noted the originally proposed shopfront to the rear was deleted from the proposal, and that now to the rear all that remains is a fire escape door. A condition will be attached to ensure that this door is only used as a means of escape.
- 6.14 The proposed extension would not result in any detrimental impact to existing residential neighbouring occupiers in terms of loss of daylight, sunlight, overlooking, sense of encroachment or loss of privacy. The proposed development would therefore comply with HO11 of the Local Plan (2018) and Key principles, KHS4, KHS6 and KHS7 of the SPD (2018).

7.0 CONCLUSION

- 7.1. The proposed extension would not detrimentally affect the character and appearance of the host building, the wider terrace of buildings or the Listed Buildings to the rear and would not result in any harm to the conservation area. There would be no undue harm to the residential amenity of neighbouring occupiers. The proposal is therefore acceptable and in accordance with Policies, DC1, DC4, DC8 and HO11 of the Local Plan (2018) and Key Principles CAG2, CAG3, HS4, HS6 and HS7 of the LBHF SPD (2018).

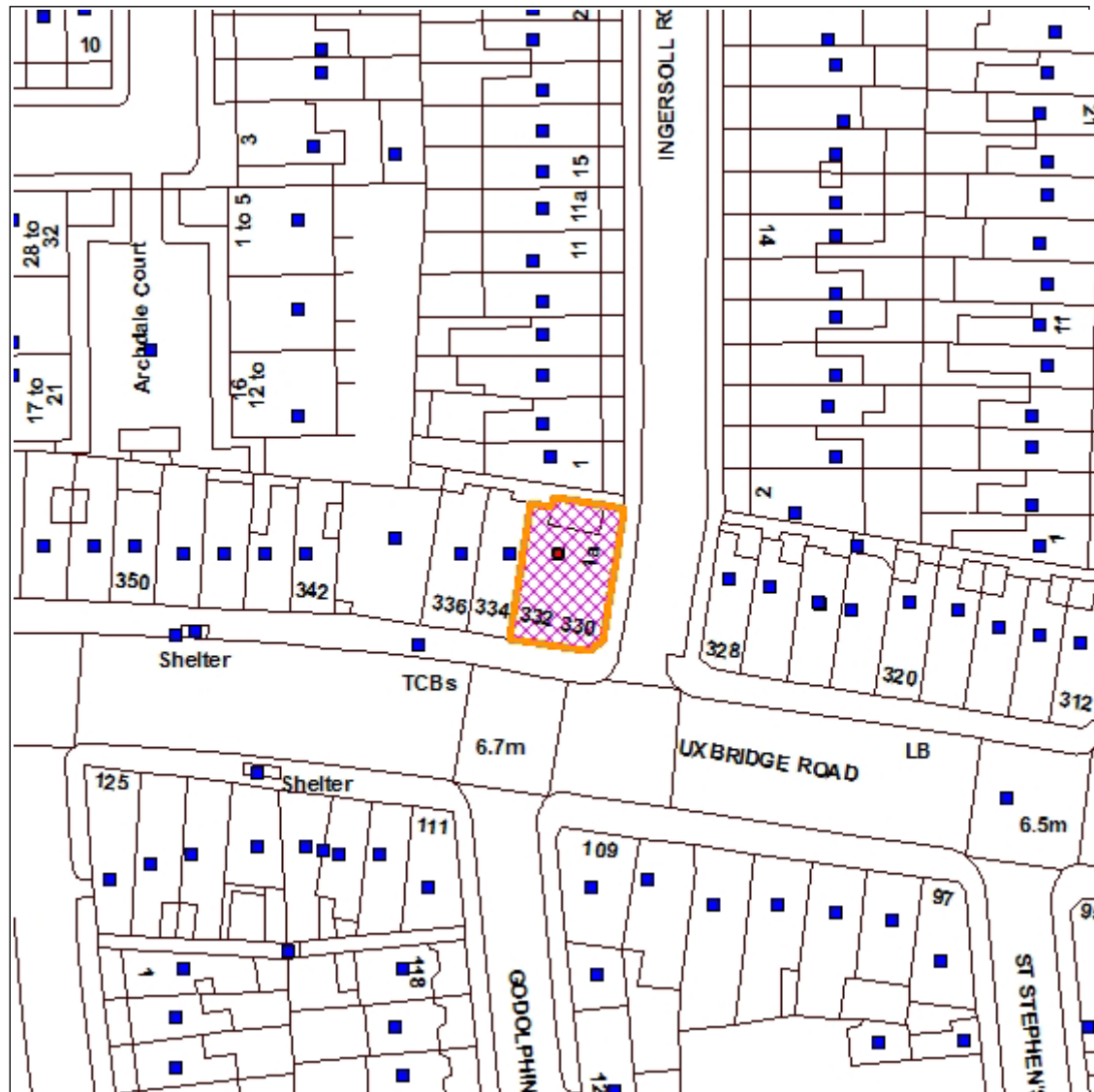
8.0 RECOMMENDATION

- 8.1 Grant planning permission, subject to the recommendations at the start of the report.

Ward: White City

Site Address:

330 - 332 Uxbridge Road London W12 7LL



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For identification purposes only - do not scale.

Reg. No:

2022/01598/VAR

Case Officer:

Gloria Dixon

Date Valid:

10.06.2022

Conservation Area:

Constraint Name: Ingersoll And Armingier

Conservation Area - Number 32

Committee Date:

18.04.2023

Applicant:

Mr Ahmad Sultan
330 - 332 Uxbridge Road Shamland Shop Hammersmith And Fulham London
W12 7LL
Greater London

Description:

Removal of condition 1 (There shall be no primary cooking taking place on the premises) of planning permission ref: 2011/02814/FUL granted 25th October 2011 for the 'Continued use of the ground floor and basement as a part cafe (Class A3) and part retail shop (Class A1)' and the continued use of the ventilation flue system (Retrospective) (Revised Description).
Drg Nos: P50AB100AB110 REV 2

Application Type:

Vary or Delete Conditions Full/Outline

Officer Recommendation:

That the Committee resolve that the Chief Planning Officer be authorised to grant permission subject to the condition(s) listed below:

That the Committee resolve that the Chief Planning Officer, after consultation with the Head of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement or conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Conditions:

- 1) The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans.

- 2) Any alterations to the elevations of the existing building shall be carried out in the same materials as the existing elevation to which the alteration relates.

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

- 3) No removal of refuse nor bottles/ cans to external bins or areas of the development hereby approved shall be carried out other than between the hours of 09:00hrs and 21:00hrs on Monday to Friday and 09:00hrs and 22:00 on Saturdays and at no time on Sundays and Public/Bank Holidays.

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.

- 4) Neither music nor amplified loud voices emitted from the use hereby approved shall be audible at any residential or noise sensitive premises.

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

- 5) No deliveries, collections or loading/unloading shall occur at the premises, hereby approved, other than between the hours of 08:00 till 20:00 on Monday to Saturdays and 10:00 till 16:00 on Sundays and Public/Bank Holidays.

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

- 6) The ventilation flue system approved within planning permission ref 2022/02934/DET, shall be permanently retained.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by cooking odour, in accordance with Policy CC13 of the Development Management Local Plan.

- 7) The external sound level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014+A1:2019 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

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

- 8) Within 2 months of the decision, the machinery, plant or equipment, extract/ventilation system and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

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

- 9) Within 2 months, the extract duct on the rear elevation of the building shall be painted black, and permanently retained in this form thereafter.

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

- 1) The removal of condition 1 of planning permission ref 2011/02814/FUL and the continued use of the ventilation flue system is considered to have an acceptable visual impact on the property, street scene or conservation area and does not cause any undue harm to the residential amenity of neighbouring occupiers in terms of noise and exposure to fumes and odours. The proposal is therefore acceptable and in accordance with Policies, DC1, DC4, DC8, CC11 and CC13 of the Local Plan (2018) and Key Principles CAG2, CAG3, CAG5, NN1 and NN4 of the LBHF SPD (2018).

Justification for Approving the Application:

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

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

Application form received: 6th June 2022

Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2021
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:

Crime Prevention Design Advisor - Hammersmith
Thames Water - Development Control
Crime Prevention Design Advisor - Hammersmith
Thames Water - Development Control

Dated:

28.06.22
15.06.22
21.07.22
19.07.22

Neighbour Comments:

Letters from:

Dated:

38 Ingersoll Road London W12 7BD

Page 66

15.06.22

31 Ingersoll Road London W12 7BE	30.06.22
39 Ingersoll Road London W12 7BE	16.06.22
32 Ethelden Road London W12 7BG	01.07.22
42 Ethelden Road London W12 7BG	30.06.22
11 Ingersoll Road London W12 7BE	11.07.22
5 ETHELDEN ROAD LONDON W12 7BG	30.06.22
1 Ingersoll Road London W12 7BE	09.08.22
1 Ingersoll Road London W12 7BE	08.07.22
28 Ingersoll Road Shepherds Bush London W127BD	16.06.22
28 Ingersoll Road Shepherds Bush London W127BD	16.06.22
40 Ingersoll Road London W12 7BD	30.06.22
22 Ingersoll Rd London W12 7BD	28.02.23
Garden flat, 31 Ingersoll Road London W12 7BE	25.02.23
38 Ingersoll Rd London W12 7BD	27.02.23
28 Ingersoll Road London W12 7BD	26.02.23
36 Ingersoll Road London W12 7BD	02.03.23
28 Ingersoll Road Shepherds Bush London W12 7BD	26.02.23
23 Arming Road London W12 7BA	28.02.23
4 Ingersoll Rd London W12 7BD	26.02.23
30, Ethelden Rd Ethelden Rd London W12 7BG	28.02.23
21 INGERSOLL ROAD LONDON W12 7BE	26.02.23
28 Ingersoll Road Shepherds Bush London W12 7BD	26.02.23
40 Ingersoll Road London W12 7BD	27.02.23
8 Ethelden Road London W12 7BG	05.03.23
23 Ingersoll road London W12 7BE	26.02.23
38 Ethelden Road London W12 7BG	26.02.23
11 Ingersoll Road London W127BE	26.02.23
38 Ingersoll Road London W12 7BD	27.02.23
24, Ingersoll Road LONDON w12 7bD	26.02.23
42 Ethelden road London W127bg	26.02.23
27 Ethelden Road London W12 7BG	26.02.23
9 Ingersoll road london w12 7be	03.03.23

1.0 SITE DESCRIPTION:

- 1.1 The application site comprises a retail unit on the corner of Uxbridge Road and Ingersoll Road, currently occupied by Shamland supermarket. The premises cover the ground and basement levels. Residential flats are located on the upper floors. The upper floors of the building are accessed via entrances from the side and rear of the building.
- 1.2 The surrounding area comprises a mix of retail and restaurant uses, with residential flats on the upper floors.
- 1.3 The site does not comprise a listed building, but it is located within the Ingersoll and Armingier Conservation Area. The area is situated within Flood Zone 1.

2.0 RELEVANT PLANNING and ENFORCEMENT HISTORY:

- 2.1 Planning permission granted (2018/02103/FUL) on 17.08.2018 for : Change of use of the basement and ground floor level from a mixed use (Class A1/A3) into a restaurant (Class A3); installation of a vent duct riser at the rear of the building. (Not implemented)
- 2.2 In September 2020 it was brought to the attention of the Council that several air conditioning units were being installed to the rear of the property. A letter was sent in September 2020 advising the owner to remove the air conditioning units as they were considered unacceptable.
- 2.3 An application (ref 2020/02888/FUL) was submitted on 5th November 2020 for the 'Retention of 4no wall mounted and 4no floor mounted air conditioning units at the rear of the property.' This was refused on 16th February 2011 for the following reasons:
 - a) Retention of 4no wall mounted and 4no floor mounted air conditioning units is considered to cause an unacceptable impact upon the amenity of neighbouring occupiers. More particularly, by virtue of the failure to submit a Noise Impact Assessment, the proposal has failed to demonstrate the A/C units do not cause an unacceptable noise impact to neighbouring occupiers. Given the close proximity of the A/C units to neighbouring residential properties and the objections received concerning noise arising from this equipment, it is considered likely the A/C units causes an unacceptable noise disturbance to neighbouring occupiers. This is contrary to CC11 of the Local Plan 2018 and key principles NN1 and NN4 of the Planning Guidance 2018.
 - b) Retention of 4no wall mounted and 4no floor mounted air conditioning units is considered unacceptable with regards to visual amenity and its impact upon the Ingersoll and Armingier Conservation Area. More particularly the air conditioning units, by virtue of the number of units, design, appearance and position, are considered to be visually obtrusive, creating visual clutter to the rear of elevation to the detriment of the character and appearance of this building and the Conservation Area. This would be contrary to DC1, DC4 and DC8 of the Local Plan 2018 and key principles CAG2, CAG3, and CAG5 of the Planning Guidance 2018.

- 2.4 The council were also informed that the property was undertaking primary cooking, involving cooking food to sell in the supermarket, which was causing a nuisance to neighbouring properties from the odours and fumes, as there was no proper ventilation flue system installed.
- 2.5 Planning permission ref 2011/02814/FUL was approved in October 2011 for the 'Continued use of the ground floor and basement as a part cafe (Class A3) and part retail shop (Class A1).' This permission was retrospective and therefore was implemented at the time. The property is now solely a retail shop and the part cafe (Class A3) use has ceased. However, as this permission was implemented Condition 1 is considered relevant as follows;

'There shall be no primary cooking taking place on the premises.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected, in accordance with Policies EN20A, EN20B and EN21 of the Unitary Development Plan, as amended 2007 . '

- 2.6 It was confirmed through a site visit in November 2020 that primary cooking was taking place on site. This was also confirmed by their planning agent who stated food is cooked within the basement and this precooked food is sold as part of the shop's products. The planning agent was told that the owners were in breach of condition 1 of 2011/02814/FUL and was advised to stop all primary cooking on site.
- 2.7 As the primary cooking was still taking place and the 4no wall mounted and 4no floor mounted air conditioning units at the rear of the property remained in situ, an enforcement notice was served on the premises (ref: 2020/00784/COMPWK) for: 'Without planning permission, the installation of 4no wall mounted and 4no floor mounted air conditioning units at the rear of the property and primary cooking on site.' With the following reasons:
- a) The retention of 4no wall mounted and 4no floor mounted air conditioning units is considered unacceptable with regards to visual amenity and its impact upon the Ingersoll and Arminger Conservation Area. More particularly the air conditioning units, by virtue of the number of units, design, appearance and position, are considered to be visually obtrusive, creating visual clutter to the rear of elevation to the detriment of the character and appearance of this building and the Conservation Area. This is contrary to DC1, DC4 and DC8 of the Local Plan 2018 and key principles CAG2, CAG3, and CAG5 of the Planning Guidance 2018.
 - b) The retention of 4no wall mounted and 4no floor mounted air conditioning units is considered to cause an unacceptable impact upon the amenity of neighbouring occupiers. Given the close proximity of the A/C units to neighbouring residential properties and the objections received concerning noise arising from this equipment, it is considered likely the A/C units causes an unacceptable noise disturbance to neighbouring occupiers. This is contrary to CC11 of the Local Plan 2018 and key principles NN1 and NN4 of the Planning Guidance 2018

- c) Primary cooking on the premise without an adequately assessed ventilation system has the potential to cause unacceptable levels of odours, and fumes. Due to the lack of a proper ventilation system, the proximity of the vents to residential windows and the frequency of cooking, it is considered that the primary cooking taking place on the premise has a detrimental impact on the residential amenity of neighbouring occupants, specifically properties 1A and 1B Ingersoll Road, in terms of noise and exposure to fumes and odours. This is contrary to CC11 and CC13 of the Local Plan 2018 and key principles NN1 and NN4 of the Planning Guidance 2018.

2.8 The owner was given 4 months to comply with the enforcement notice. The steps to comply were:

- a) Remove from the land the 4no wall mounted and 4no floor mounted air conditioning units located to the rear of the property.
- b) Cease primary cooking within the premises.
- c) Remove from the land, the cooking facilities, located within the rear section of the basement including oven, gas hob and deep fat fryer.

2.9 In August 2021, an application (ref 2021/02822/FUL) was submitted for 'Retention of 4no wall mounted and 4no floor mounted air conditioning units at the rear of the property; installation of acoustic screening around the air conditioning units at the rear of the property (Amended description).' This was approved on 22nd March 2023 and the acoustic enclosure was installed. The council were satisfied that this part of the enforcement notice had been complied with.

2.10 The applicant's agent was informed that if they wanted to apply to undertake primary cooking on the premises, they would need to submit an application to remove condition 1 of PP ref 2011/02814/FUL.

2.11 In March 2022, an application (ref: 2022/00664/FUL) was submitted for 'Alterations to the existing ventilation system above the roof of ground floor back addition.'. This was approved 31st August 2022 subject to conditions. As primary cooking was still taking place on the premises, condition 6 was attached which read:

'Within 2 months of the decision, details shall be submitted to the Council, of the installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet, in accordance with Appendix 4G of the LBHF Planning Guidance Supplementary Planning Document - February 2018. Once approved, the development shall be implemented within 3 months and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by cooking odour, in accordance with Policy CC13 of the Development Management Local Plan.'

2.12 In June 2022, an application (ref: 2022/01598/VAR) was submitted for 'Removal of condition 1 (There shall be no primary cooking taking place on the premises) of planning permission ref: 2011/02814/FUL granted 25th October 2011 for the 'Continued use of the ground floor and basement as a part cafe (Class A3) and part retail shop (Class A1)' and the continued use of the ventilation flue system (Retrospective) (Revised Description).' This application is the subject of this report.

2.13 In October 2022, an application (ref: 2022/02934/DET) was submitted for 'Submission of details of the installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet pursuant to condition 6 of planning permission ref: 2022/00664/FUL granted 31st August 2022.' This was approved in December 2022.

2.14 A site visit was undertaken on 12th January 2023 which confirmed a flue had been erected. The council are aware that a small top part of the flue had not been installed strictly in accordance with the plans. However, as it is minimal alteration, and has no significant impact on visual amenity, the change was considered to be acceptable and it was not considered expedient to take enforcement action. . The existing and proposed plans of pending application ref 2022/01598/VAR were revised to show the flue in its current state.

3.0 PROPOSAL

3.1 Removal of condition 1 (There shall be no primary cooking taking place on the premises) of planning permission ref: 2011/02814/FUL granted 25th October 2011 for the 'Continued use of the ground floor and basement as a part cafe (Class A3) and part retail shop (Class A1)' and the continued use of the ventilation flue system (Retrospective) (Revised Description).

3.2 This application follows on from the 2011 application ref 2011/02814/FUL for 'Continued use of the ground floor and basement as a part cafe (Class A3) and part retail shop (Class A1). This application seeks to remove condition 1 which reads:

'There shall be no primary cooking taking place on the premises.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected, in accordance with Policies EN20A, EN20B and EN21 of the Unitary Development Plan, as amended 2007.'

4.0 CONSULTATION RESPONSES (INTERNAL AND EXTERNAL):

+ Public Consultation

4.1 The planning application has been advertised by means of Site Notice and Press Advert and 85 individual notification letters have been sent to the occupiers of neighbouring properties. 23 objections have been received. Grounds of objection can be summarised as follows:

- The parking for visitors and deliveries is already not sufficient, introducing a café would exacerbate these issues.
- There are many obstructions to the highway from waste, trolleys and food boxes.
- The shops waste management is currently not acceptable and introducing a café would exacerbate these issues.
- There are already enough cafes/restaurants in the area
- If we allow another café, there will be increased traffic and visitors to an area which is already struggling to cope
- Large awnings on front and side elevation
- Concerns with noise and odours from the previous ventilation system (July 2022)
- Flue to the rear has not been built in accordance with planning permission.

Officers' response:

- This application is not proposing to change the use to a café. The application is proposing to continue the current use by implementing primary cooking (retrospectively) to allow the applicant to prepare food to sell in the shop.
- Littering, waste disposal, parking, traffic and obstruction to the highway are not material considerations in relation to this application. These concerns have been passed on to the relevant teams.
- The awnings erected on the front and side elevation are subject to a separate enforcement investigation. An enforcement notice ref 2021/00481/COMPWK was served, and an appeal is in progress.
- The flue to the rear has not been built in accordance with planning permission ref 2022/02934/DET. However, the alteration is considered minimal, and it would not be considered expedient to take enforcement action at this time.
- The impact on residential amenity will be discussed in the report below.

+ Consultee Consultation

Internal

Policy And Spatial Planning Group - No comments received.

Highways and Engineering Division - No comments on the proposal

The Waste Management Team - No comments received.

Air Quality - No comments received.

Public Protection and Safety - No objections to the proposal subject to conditions

External

Crime Prevention Design Advisors - No comments on the proposal

Thames Water - No comments on the proposal

5.0 POLICY FRAMEWORK

- 5.1. The statutory development plan comprises the London Plan (2021), the Local Plan (2018) and the Planning Guidance Supplementary Planning Document - 2018 (hereafter referred to as Planning Guidance SPD). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

National Planning Policy Framework (NPPF)

- 5.2. The NPPF came into effect on 27 March 2012 and was subsequently revised in 2019 and more recently in 2021 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.
- 5.3. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise

The London Plan

- 5.4. The London Plan was published in March 2021 and is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years.

The Local Plan

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

6. PLANNING CONSIDERATIONS

- 6.1. The main planning considerations in the assessment of this application include the following:-
- Impact on the character and appearance of the host building and the Ingersoll and Armingers Conservation Area
 - Residential amenity of neighbouring occupiers

CONSERVATION AND DESIGN

- 6.2 Local Plan Policies DC1 and DC4 are particularly relevant to the assessment of design. Policy DC1 (Built Environment) states that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places. Policy DC4 (Alterations and Extensions, Including Outbuildings) sets out to ensure that a high standard of design will be achieved in all alterations and extensions to existing buildings. Policy DC8 seeks to protect the character and appearance of heritage assets. Key Principle CAG2 and CAG3 of Planning Guidance SPD (2018) provide guidance on urban design and new development in conservation areas.
- 6.3 The proposal seeks to retain the flue ducting installed to the rear of the property. This flue was approved within planning permission ref 2022/02934/DET for 'Submission of details of the installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet pursuant to condition 6 of planning permission ref: 2022/00664/FUL granted 31st August 2022.'
- 6.4 Officers note that the flue was not built exactly in accordance with the approved drawings. However, as the alteration is considered minimal, it was not considered expedient to take enforcement action. Therefore, the drawings for this application were revised to show exactly what has been built on site.
- 6.5 Due to the size, design and location of the ventilation flue system, it is considered to have an acceptable visual impact on the property, street scene and The Ingersoll and Armingers conservation area.

RESIDENTIAL AMENITY

- 6.6 Local Plan policy CC11, supported by Key Principles NN1 and NN4, states that any noise (including vibration) impacts of development will be controlled by implemented mitigation measures. It is required for developments that have the potential to increase existing noise or vibration levels either due to location, use, activity or installation must be submitted with a noise and/or vibration survey and report prepared by a competent professional acoustician who is a member of the Institute of Acoustics to support the proposal. Policy CC13 states that the Council will, where appropriate, require mitigation measures if a nuisance (such as smoke, smell, or noise) would be likely to occur.
- 6.7 This application proposes to remove condition 1 from planning permission ref 2011/02814/FUL, to continue primary cooking on the premises. The premises have been in breach of this condition since at least November 2020, when the council were made aware that the tenants were cooking food to sell in the shop. It was found that due to the lack of a proper ventilation system, the proximity of the vents to residential windows and the frequency of cooking, it was considered that the primary cooking taking place on the premise had a detrimental impact on the residential amenity of neighbouring occupants.
- 6.8 The applicant has now installed a proper ventilation system. This system was assessed by the Council's Environmental Protection Officer and based on the details set out in 2022/02934/DET, they had no concerns regarding the impact on neighbouring properties in terms of noise and exposure to fumes and odours. Therefore, the council raise no objections regarding the removal of condition 1 of planning permission ref 2011/02814/FUL which includes the continued use of the kitchen facilities for primary cooking on the premises.

7. CONCLUSION

- 7.1. The removal of condition 1 of planning permission ref 2011/02814/FUL and the continued use of the ventilation flue system is considered to have an acceptable visual impact on the property, street scene or conservation area and does not cause any undue harm to the residential amenity of neighbouring occupiers in terms of noise and exposure to fumes and odours. The proposal is therefore acceptable and in accordance with Policies, DC1, DC4, DC8, CC11 and CC13 of the Local Plan (2018) and Key Principles CAG2, CAG3, CAG5, NN1 and NN4 of the LBHF SPD (2018).

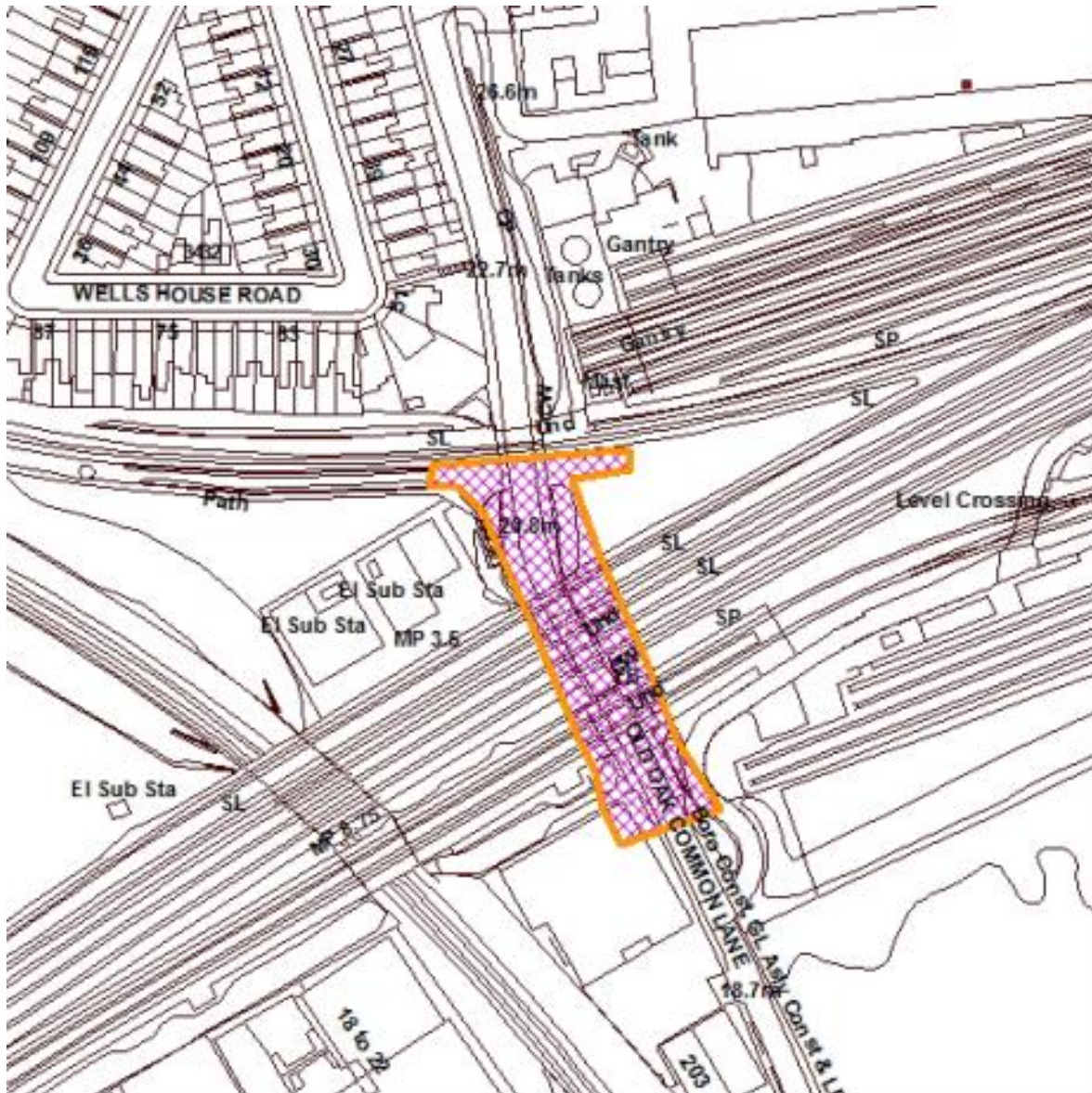
8. RECOMMENDATION

- 8.1. Grant planning permission

Ward: College Park and Old Oak

Site Address:

Old Oak Common Lane London NW10 6DZ



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For identification purposes only - do not scale.

Reg. No:

2023/00516/OPDOBS

Case Officer:

Violet Dixon

Date Valid:

01.03.2023

Conservation Area:

Committee Date:

18.04.2023

Applicant:

Claire O'Brien (OPDC)
Old Oak Common Lane London NW10 6DZ

Description:

Consultation by OPDC in relation to a submission under Schedule 17 of the High Speed Rail (London-West Midlands) Act 2017 for works associated with the extension of the previously consented replacement Great Western Mainline Bridge and a new bridge to non-preclude a potential future extension of the Chiltern Line; collision protection beam; modifications to abutments of existing Intercity Express Programme Bridge; earthworks; retaining walls; guardrails; track access stairs; fencing and lighting equipment (OPDC Ref: 23/0020/HS2OPDC).

Drg Nos: OPDC Consultation letter dated 28 February 2023 regarding (ref: 23/0020/HS2OPDC).

Application Type:

Observations to OPDC

Officer Recommendation:

The Council raises no objections to the OPDC in relation to this application.

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

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

Application form received: 28th February 2023

Policy documents:

- National Planning Policy Framework (NPPF) 2021
- The London Plan 2021
- H&F - Local Plan 2018
- H&F – Planning Guidance Supplementary Planning Document 2018

Consultation Comments:

Comments from:

Dated:

Neighbour Comments:

Letters from:

Dated:

OFFICER'S REPORT

1. BACKGROUND

- 1.1. The Council has been consulted by the OPDC on a Schedule 17 application submitted to them by HS2 Ltd, as described above. HS2 Ltd is the nominated undertaker for phase 1 of the High-Speed Rail under the (London – West Midlands) Act 2017.
- 1.2. The OPDC are the local planning authority for the area.
- 1.3. This application is being reported to the Planning and Development Control Committee (PADCC) to give Members the opportunity to consider and endorse officers' comments before these are submitted formally to the OPDC.
- 1.4. Members should be aware that the OPDC are currently aiming to report the application to their own planning committee on 27 April 2023.
- 1.5. The proposals seek amendments to a previous approval by the OPDC for the retaining walls and earthworks associated with the realignment and lowering of Old Oak Common Lane and the replacement bridges over Old Oak Common Lane and the Central Line associated with the realignment of the Great Western Mainline (GWML) tracks.

Site & Surroundings

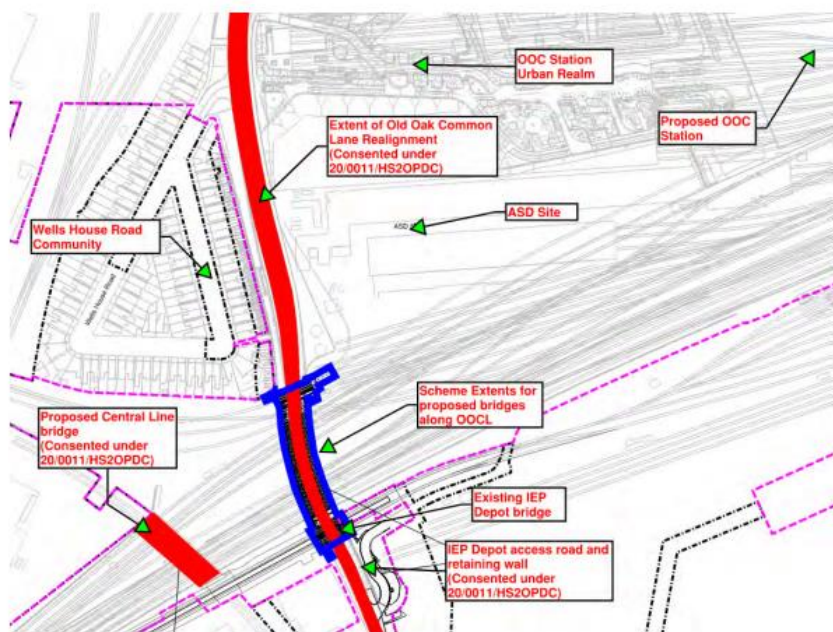


Figure 1- Location of proposed works

- 1.6. The area of works applied for under this application relates to the existing Great Western Mainline bridge and Wycombe Line bridge, as well as the area immediately to the north of this along Old Oak Common Lane. The application site is located to the southwest of the Old Oak Common Station site and sits

between the properties located along Wells House Road to the northwest (L.B Ealing) and Wormwood Scrubs located to the southeast (H&F).

- 1.7. Old Oak Common Lane runs in a north - south direction, along the western edge of the proposed Old Oak Common station site. Extends from Victoria Road to the north to Old Oak Road in the south and is a single carriageway tertiary road, with a speed limit of 20mph. The road is situated within the London Borough of Ealing (LBE) and London Borough of Hammersmith and Fulham (H&F). The borough boundary between H&F and LBE currently runs along the eastern edge of the road, including across the subject site.
- 1.8. On the western side of Old Oak Common Lane and to the north of the railway tracks lies Wells House Road, a residential area located in L.B Ealing which is elevated above the road with a retaining wall forming the boundary with the public footway. Wells House Road is a triangular cul-de-sac, of around 125 generally 2/3 no. storey Victorian and Edwardian dwellings hemmed in by railway lines to the west and to the south-east. Access to the area is from Old Oak Common Lane to the east. Kildun Court, located to the north of the access to Wells House Road, with access onto Old Oak Common Lane, is a block of modern residential apartments (3 no. storey with roof setback). The closest residential properties in this borough are located approximately 250m to the south, off Old Oak Common Lane and Braybrook Street/Wulfstan Street.
- 1.9. Two triangular sites lie to the south of the Wells House Road area formed by the intersection of the GWML and the London Underground Central line tracks. These sites are generally characterised by railway infrastructure within scrub land. Further to the south beyond the GWML lie light industrial and commercial uses characterised by 2 no. storey industrial structures with access further to the south off Old Oak Common Lane.
- 1.10. The main Old Oak Common Station site is located on the eastern side of the road and Wormwood Scrubs is located to the south of this, on the other side of the railway tracks.
- 1.11. The site is located within Flood Risk Zone 1. The St Mary's Kensal Green Cemetery and Little Wormwood Scrubs recreation grounds lying to the northeast and southeast respectively are designated Local Wildlife Sites. St Mary's Cemetery is within the St Mary's conservation with several listed structures (Grade II) associated with the cemetery uses. Wormwood Scrubs lies to the south-east of the subject site which is a Local Wildlife Site with areas within also being designated as a Local Nature Reserve. The properties located on Wells House Road to the northwest of the site are identified as buildings of heritage interest within OPDC's Local Heritage Listings (2020).

2. PLANNING HISTORY

- 2.1. **20/0011/HS2OPDC** – Approved by OPDC 20 January 2021 - Application under Schedule 17 of the High-Speed Rail (London - West Midlands) Act 2017 relating to works associated with the realignment of Old Oak Common Lane and replacement Great Western Mainline and Central Line bridges (H&F consultation

reference 2020/03115/OPDOBS).

20/0012/HS2OPDC – Approved by OPDC 22 May 2020 - Application under Schedule 17 of the High-Speed Rail (London-West Midlands) Act 2017 relating to above ground works associated with the new Old Oak Common station (comprising main concourse; overbridges; stairs; escalators; lifts to conventional rail; conventional rail platforms/canopies; ventilation structures and associated works (H&F consultation reference 2022/01251/OPDOBS).

20/0013/HS2OPDC – Approved by OPPDC 22 May 2020 - Application under Schedule 16 of the High-Speed Rail (London - West Midlands) Act 2017 relating to the onsite road layout associated with the new Old Oak Common station.

20/0057/HS2OPDC - Approved by OPPDC 23 June 2020 - Application under Schedule 17 of the High-Speed Rail (London - West Midlands) Act 2017 for approval of highway routes (conditions relating to road transport) to be used by large goods vehicles associated with the main works stage including main site enabling works, excavation works (main station box), under track crossing works, Stamford Brook Sewer works, piling and diaphragm wall works, installation of tower cranes, conveyor installation, decommissioning works, ground remediation works, satellite site A/B enabling works, Wycombe line bridge demolition works and all other activities for the purposes and in connection with the scheduled and ancillary works for HS2 at four construction site compounds comprising Old Oak Common Station, Atlas Road, Willesden Euro Terminal and Satellite Sites A/B (H&F consultation reference 2022/01183/OPDOBS).

22/0064/HS2OPDC – Approved by OPDC 11 July 2022 - Application under Schedule 17 of the High-Speed Rail (London-West Midlands) Act 2017 for works associated with the urban realm for the new Old Oak Common station. design grounds (H&F consultation reference 2022/01249/OPDOBS).

22/0064/HS2OPDC – Approved by OPDC 3 April 2023 - Application under Schedule 17 of the High-Speed Rail (London-West Midlands) Act 2017 for amendments to ancillary buildings approved as part of Old Oak Common station and associated comprising of amendments to headhouses, ventilation structures and the cycle hub (H&F consultation reference 2022/01251/OPDOBS).

3. PROPOSAL

- 3.1. The High-Speed Rail (London - West Midlands) Act 2017 provides powers for the construction and operation of Phase 1 of HS2. HS2 Ltd is the nominated undertaker in relation to the works. Section 20 to the Act grants deemed planning permission for the works authorised by it, subject to the conditions set out in Schedule 17, which require the following matters to be approved or agreed by the relevant Local Planning Authority (OPDC in this case).
- Construction arrangements (including large goods vehicle routes).
 - Plans and specifications.
 - Bringing into use requests; and
 - Site restoration schemes.

- 3.2. Schedule 17 sets out the grounds on which the LPA may impose conditions on approvals or refuse requests for approval, namely:
- (a) The design or external appearance of the building works ought to be modified:
- (i) To preserve the local environment or local amenity,
 - (ii) To prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or
 - (iii) To preserve a site of archaeological or historic interest or nature conservation value, and is reasonably capable of being so modified, or
- (b) The development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits.
- 3.3. The proposals seek to facilitate greater accessibility to and from the proposed Old Oak Common Station in line with OPDC's aspirations for the Park Royal area, along with the wider London area, and more broadly on a UK wide basis. The works submitted for approval relate to the extension of the approved GWML Bridge structure further northwards and construction of a new steelwork rail bridge and associated works. The works are for the realignment of Old Oak Common Lane which is being widened and lowered to facilitate its use by double decker buses accessing the proposed Old Oak Common Station and the wider area.
- 3.4. These elements have previously been approved under OPDC (ref. 20/0011/HS2OPDC) which granted S17 consent for the new bridge and associated works. The current proposals (permanent works) (extension to the previously consented GWML Bridge and a new bridge to safeguard the potential for a future extension of the Chiltern Line over Old Oak Common Lane) supersedes the bridge elements approved under the 2021 decision. The existing Intercity Express Programme (IEP) bridge located south of the replacement GWML bridge will be retained.
- 3.5. The current application seeks to amend the consented structures as follows:
- Extension of GWML bridge previously consented 2021 (by about 10m to accommodate two additional railway tracks for the Chiltern Line and new separate bridge also proposed immediately to the north of this to accommodate a third additional railway track).
 - New bridge adjacent (north) of replacement GWML bridge.
 - New collision protection beam between the existing IEP Bridge and replacement GWML Bridge.
 - Modification to abutments of existing IEP bridge.
 - Earthworks (includes retaining walls, to facilitate the lowering of Old Oak Common Lane and provision of an elevated footway and cycleway beneath the bridges).
 - Guardrails to footway and cycleway.
 - Track access stairs.

- Fencing.
 - Lighting equipment.
- 3.6. The proposed works would facilitate greater accessibility to/from the proposed Old Oak Common Station. The site is within OPDC's Old Oak and Park Royal masterplan area, which proposes major redevelopment catalysed by the new Old Oak Common station.
 - 3.7. The proposed scheme (together with the previously approved HS2 Schedule 17 scheme for the realignment/lowering of Old Oak Common Lane) considered are important improvements. Rail bridges proposed are required to future proof for the potential extension of the Chiltern Line to the new Old Oak Common station which would further promote Old Oak Common station as a state-of-the-art multi-modal transport interchange in the area.
 - 3.8. The proposal seeks to integrate a future segregated cycle scheme in the form of a two-way segregated cycle lane under the bridges (eastern side). Details of design of segregated cycle lane not for approval as part of the Schedule 17 (will be submitted for approval as part of the final permanent highways scheme for Old Oak Common Lane in the future under Schedule 4 of the HS2 Act). Final highways scheme will be submitted for approval to both H&F and Ealing as the highway authorities.
 - 3.9. The proposal seeks approval for the earthworks, retaining walls and guardrails that would enable the future provision of a segregated cycle lane (along the eastern side of the Old Oak Common Lane and footway area underneath the bridges). The excavation will result in the proposed carriageway level being reduced by approximately 2.2m. There would be an increase in the headroom by the lowering of the carriageway to enable to movement of double decker buses, whilst maintaining standard gradients for pedestrians and cyclists. The footway/segregated cycle lane would be raised above the carriageway level to provide separation for cyclists/pedestrians from vehicles using the highway.
 - 3.10. The walls are proposed to be washed with colour lighting to bring a warmth to the underpass environment and to deter graffiti and antisocial behaviour. The section of Old Oak Common Lane below the existing IEP bridge, as well as the proposed GWML and Chiltern Line bridges, is proposed to be illuminated. Lighting will be wall mounted LEDs, fixed to the bridge abutment walls. A Lighting Report has been provided for information which sets out the lighting design strategy for the scheme in further detail. The design aspirations for the lighting will assist in creating a pedestrian and cyclist friendly environment underneath the bridges. A void between the new GWML Bridge and the existing IEP Bridge will be maintained on the southern side. A further void will be provided on the northern side between the GWML Bridge and the new Chiltern Line bridge. These voids are proposed to provide a level of natural light during the day, and views to the sky to help reduce the perceived length of the underpass below the GWML and Chiltern Line bridges and assist drivers to quickly adjust to the environment under the bridges.

4. PUBLICITY & CONSULTATION

- 4.1. The Schedule 17 application has been submitted to the OPDC and they are the local planning authority responsible for determining the submission. There is no statutory requirement to undertake public consultation on Schedule 17 applications in the Act (only Natural England, the Environment Agency and Historic England are required to be consulted, and only where the application relates to issues relevant to those organisations). However, in this case the OPDC have publicised the application by means of site notices and 139 notification letters sent to neighbouring properties. Consultation letters have also been sent to relevant stakeholders, including H&F, Ealing, Brent, RBKC, TfL and the GLA) and amenity groups.
- 4.2. In addition to the above HS2 held their own community engagement event on the proposed Old Oak Common Lane Rail Bridges Schedule 17 submission on 17 January 2023. Residents and stakeholders in the Old Oak and Park Royal area were invited to the event via various communication methods. This included invitation postcards delivered through doors, HS2 email alerts, and the HS2 event webpage. The drop-in event attracted 10 visitors and several information boards were provided for the public to view and discuss with BBVS and HS2. The Schedule 17 submission was also discussed at the Community Representative Group meeting on 25 January 2023 and at the Wells House Road Community Meeting on 7 February 2023.
- 4.3. H&F have not received any representations in relation to this application.

5. PLANNING FRAMEWORK

High Speed Rail (London - Midlands) Act 2017

- 5.1. The High-Speed Rail (London - West Midlands) Act 2017 (the 'Act') grants deemed planning permission for the construction of phase one of the High Speed Two (HS2) railway from London to the West Midlands. This deemed planning permission is subject to conditions set out in Schedule 17 ('conditions relating to deemed planning permission') of the Act. As the nominated undertaker for the delivery of HS2, High Speed Two Limited (HS2 Ltd) must apply to local planning authorities for the approval of certain details.
- 5.2. Paragraphs 2 and 3 of Schedule 17 require an application to be submitted to the local planning authority for the approval of plans and specifications relating to building works and other construction works including, but not limited to, earthworks, fences, and walls. The grounds that the local planning authority may consider when determining the request for approval are also prescribed in these paragraphs. For the works involving replacement bridges, earthworks and retaining walls, the OPDC may only refuse to approve plans or specifications on the grounds that:
 - (a) The design or external appearance of the works ought to be modified:
 - (i) To preserve the local environment or local amenity,

- (ii) To prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area, or
- (iii) To preserve a site of archaeological or historic interest or nature conservation value, and is reasonably capable of being so modified, or

(b) The development ought to, and could reasonably, be carried out elsewhere within the development's permitted limits. (For earthworks, this is only applicable if the development does not form part of a scheduled work).

- 5.3. The Act also places controls on the HS2 development which sit outside of the Schedule 17 process. For example, works to the public highway require the consent of the local highway authority under Schedule 4 of the Act.

Planning Policy

- 5.4. Planning policies are only relevant to the determination of the application insofar as they relate to the matters prescribed in paragraphs 2 and 3 of Schedule 17.
- 5.5. The relevant development plan documents for the application site area are:
- London Plan (2021)
 - OPDC - Post Submission Modified Draft Local Plan (2021)

6. ASSESSMENT

- 6.1. In summary, a previous Schedule 17 application (ref: 20/0011/HS2OPDC) relating to the realignment and lowering of Old Oak Common Lane and the realignment of the Great Western Main Line (GWML) tracks over Old Oak Common Lane and the Central Line was granted permission by the OPDC on 20 January 2021.
- 6.2. The main considerations relate to:
- Whether the proposals would have an acceptable impact on views or the setting of heritage assets.
 - Whether the proposals would have an acceptable impact on neighbouring living conditions of nearby residents in the borough; and
 - Whether the proposals would have an acceptable impact on the highways.

Urban Design & Heritage

- 6.3. The proposals contained within the s17 submission, relate to alterations to the 2021 OPDC decision. Following review of these amendments, the details of the proposed changes are considered acceptable and would not raise any additional urban design or heritage considerations. The proposals seek to bring forward improvement to pedestrian movement within this section of Old Oak Common Lane including more generous widths of pedestrian footpaths, enhanced lighting and designing out hiding spaces when compared to the current arrangement of the space. The proposal would be acceptable in accordance with Policies DC1 and DC8 of the Local Plan.

Residential Amenity

- 6.4. The proposals contained within the s17 submission, relate to alterations to the 2021 OPDC decision. It is not considered that the proposed amendments would result in harm to residential amenities to the nearest residential properties. The closest residential properties within the H&F are located approximately 250m away on Wulfstan Street and Braybrook Street.

Highways

- 6.5. The proposed scheme indicates the provision of a two-way segregated cycle lane under the bridges on the eastern side of the carriageway. The details of the design of this segregated cycle lane are not for approval as part of this Schedule 17 submission. The details of the cycle lane will be submitted for approval as part of the final permanent highways scheme for Old Oak Common Lane in the future under Schedule 4 of the HS2 Act. The final highways scheme will be submitted for approval to both the London Borough of Ealing (LBE) and the London Borough of Hammersmith and Fulham (LBHF) as the highway authorities for Old Oak Common Lane.
- 6.6. The proposed scheme seeks approval for the earthworks, retaining walls and guardrails that would enable the future provision of a segregated cycle lane along the eastern side of the Old Oak Common Lane footway area underneath the bridges.
- 6.7. The future segregated cycle lane under the bridges is shown on the eastern side of the carriageway as the width of the footway on the western side would not accommodate both a segregated cycle lane and a footway for pedestrians. A cycle lane on the western side of this stretch of the highway north of the bridges would also inhibit pedestrian access to the Wells House Road Stairs.
- 6.8. The footway and segregated cycle lane would be raised above the carriageway level to provide separation for cyclists and pedestrians from vehicles using the highway, to maintain suitable gradients for cyclists and pedestrians, and to overcome the level constraint of the existing IEP bridge foundations.
- 6.9. The proposed bridge works will allow for the operation of double buses along it in the future and permit a more efficient bus operations are provided along Old Oak Common Lane, in line with Policy T3 of the London Plan. The headroom under the bridges will be increased from 3.8m to a minimum of 4.8m to enable double decker buses to pass under the railway access the new OOC Station and areas further north along Old Oak Common Lane.
- 6.10. Though the Highway Authority raises no objections to the proposal, mitigation measures are considered necessary to minimise the impact to residents and the local highway network, particularly Old Oak Common Lane and the nearby roads. Officers have previously raised concerns over the width of sections of the proposed cycle lane, requesting a minimum width of 4 metres. Officers have also sought further information to ensure the proposed footway widths beneath the bridges can safely accommodate the predicted future pedestrian demand on Old Oak Common Lane. It is noted that detailed information regarding the

proposed footways, cycle lane and carriageway are to be provided within the Schedule 4 application, however information regarding Construction Logistics/Management and Traffic Management should be sought and secured with this Schedule 17 application in accordance with Policy T7 of the Local Plan.

7. CONCLUSION & RECOMMENDATION

- 7.1. Officers recommend that the Council raises no objections to the OPDC in relation to this application, subject to an informative reflecting the comments in paragraph 6.10 above.