

Planning and Development Control Committee

Agenda

Tuesday 6 June 2023 at 7.00 pm

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

Watch the meeting live: [youtube.com/hammersmithandfulham](https://www.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 1 June 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

6 June 2023

<u>Item</u>		<u>Pages</u>
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATION OF INTERESTS If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent. At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken. Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest. Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Standards Committee.	
3.	MINUTES To approve as an accurate record, and the Chair to sign, the minutes of the meeting of the Committee held on 18 April 2023.	5 - 9
4.	70-80 LILLIE ROAD, LONDON SW6 1TN, WEST KENSINGTON, 2023/00087/FR3	10 - 64
5.	5 AND 7 MELBRAY MEWS, LONDON SW6 3NS, PALACE AND HURLINGHAM, 2022/02556/FUL	65 - 96

6. **5-7 PARK ROYAL ROAD, W3 6XA (THE EAST SITE) AND THE
LOWER PARK TRADING ESTATE W3 6XA (THE WEST SITE), LB
EALING (NORTH ACTON WARD), 2023/00608/OPDOBS**

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London Borough of Hammersmith & Fulham



Planning and Development Control Committee Minutes

Tuesday 18 April 2023

PRESENT

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

Officers:

Matt Butler (Head of development management)
Allan Jones (Team Leader Urban Design and Heritage)
Tom Scriven (Deputy Team Leader (South))
Neil Egerton (Team leader (North Team))
Neil Milligan (Team Leader)
Ieuan Bellis (Team Leader)
Violet Dixon (Senior Planning Officer)
Mrinalini Rajaratnam (Chief Solicitor - Property and Planning)
Charles Francis (Clerk)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rebecca Harvey and Nikos Souselous.

2. DECLARATION OF INTERESTS

Councillor Wesley Harcourt declared a non-pecuniary interest in relation to Item 7 - Old Oak Common Lane, London NW10 6DZ as he sat on the OPDC Planning Committee. He remained in the meeting but did not participate or vote on the item.

3. MINUTES

The minutes of the previous meeting held on 7 March 2023 were agreed as an accurate record.

4. 11 FARM LANE, LONDON SW6 1PU, LILLIE, 2022/03329/FR3

An addendum was circulated prior to the meeting that modified the report. Tom Scriven 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, 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 in the report as amended by 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 proposed conditions, which may include the variation, addition, or deletion of conditions, any such changes shall be within their discretion.

5. 58 UXBRIDGE ROAD, LONDON W12 8LP, SHEPHERD'S BUSH GREEN, 2021/02919/FUL

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

Neil Egerton 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 the Director of Planning and Property be authorised to grant permission subject to the conditions 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 conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

6. 330 - 332 UXBRIDGE ROAD, LONDON W12 7LL, WHITE CITY, 2022/01598/VAR

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

Neil Milligan presented the item. There were no registered speakers.

The Committee were provided with an overview of the enforcement history and noted that the new flue was compliant. In the course of discussions, the Committee considered the basement kitchen and its capacity to provide food.

Councillor Adrian Pascu-Tulbure noted that the premises offered food sales through Uber Eats, however, it was unclear from the information available whether this was cold or hot food (or both). The Committee considered the likely increase in delivery vehicles as a result of primary cooking taking place on site and the impact that would have on the highway and residential amenity. There was a general consensus that more details were required.

Councillor Alex Karmel was concerned with the additional waste that would be generated if primary cooking was allowed on site and wanted to ensure adequate waste disposal / management arrangements were secured if the committee were minded to grant the application. Councillor Alex Karmel proposed a new condition be added (and for the wording to be agreed by officers) in relation to waste storage, disposal and management (in relation to primary cooking). This was seconded by Councillor Adrian Pascu-Tulbure.

The Committee voted on the new condition as follows:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

The Chair, Councillor Omid Miri, proposed that the item was deferred for further information on current delivery services (whether the business was delivering hot and cold food) and any increase in delivery services to assess the impact on the highway and residential amenity. This was seconded by Councillor Alex Karmel.

The Committee voted on the proposal to defer the item as follows:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That 330 - 332 UXBRIDGE ROAD, LONDON W12 7LL, WHITE CITY, 2022/01598/VAR - be deferred for further information.

7. OLD OAK COMMON LANE, LONDON NW10 6DZ, COLLEGE PARK AND OLD OAK, 2023/00516/OPDOBS

Councillor Wesley Harcourt declared a non-pecuniary interest in relation to Item 7 - Old Oak Common Lane, London NW10 6DZ as he sat on the OPDC Planning Committee. He remained in the meeting but did not participate or vote on the item.

An addendum was circulated prior to the meeting that modified the report. A further verbal update was provided at the meeting on Highways matters.

Ieuan Bellis presented the item and explained that the Committee were not the planning authority in this instance but were being asked to endorse the officer's response to the application by HS2 Ltd to the OPDC, the planning authority that would be determining the application . There were no registered speakers.

The Committee voted on the officer recommendation as follows:

Recommendation 1:

FOR: 5
AGAINST: 0
NOT VOTING: 1

RESOLVED

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

Addendum

Meeting started: 7.03 pm
Meeting ended: 8.29 pm

Chair

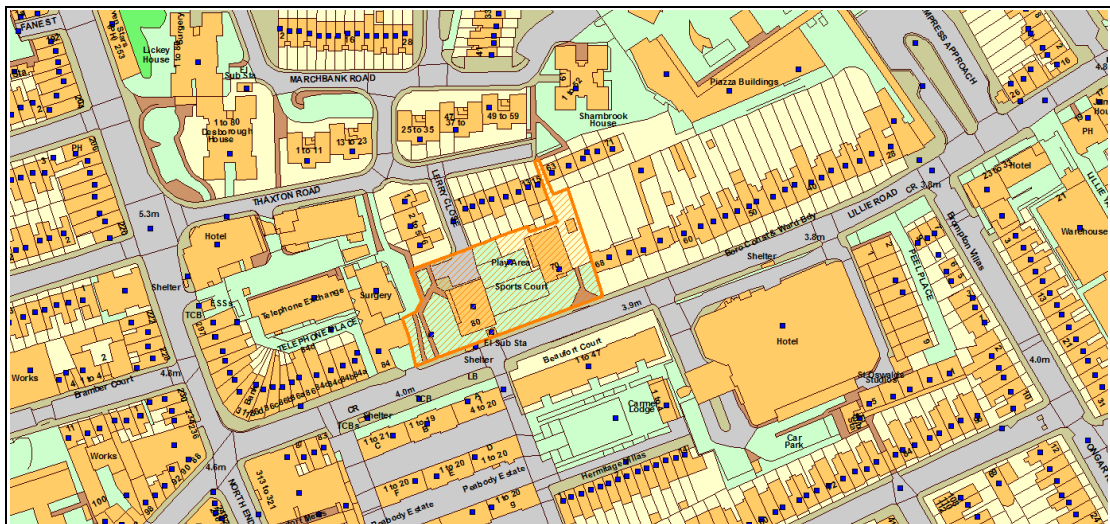
Contact officer: Charles Francis
Committee Co-ordinator
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Agenda Item 4

Ward: West Kensington

Site Address:

70-80 Lillie Road London SW6 1TN



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For identification purposes only - do not scale.

Reg. No:

2023/00087/FR3

Case Officer:

Tom Scriven

Date Valid:

26.01.2023

Conservation Area:

Committee Date:

06.06.2023

Applicant:

Strategic Regeneration And Development (LBHF)
Hammersmith And Fulham Council Town Hall King Street London
W6 9JU

Description:

Redevelopment of the Site to provide a Class C3 residential building and flexible community hall ranging in height from 4 to 5 storeys, amendment to the public right of way, replacement of existing UKPN infrastructure and associated addition of a substation, together with car and cycle parking, hard and soft landscaping, play space and other associated works.

Application Type:

Full Regulation 3 - LBHF is Developer

Officer Recommendation:

- 1) That the Committee resolve 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 Plans

- 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 B
Proposed Ground Floor Plan P0111 Rev A
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 Sections P0151 Rev B
Proposed Elevation Sheet 01 P0161 Rev B
Proposed Elevation Sheet 02 P0162 Rev B
Proposed Elevation without Landscape P0165 Rev B
Hard Landscape and Edges Plan LLR-BHSL-SW-00-L-0102 Rev P2
Soft Landscape Plan LR-BHSL-SW-00-L-0401 Rev P3
Landscape GA Plan LLR-BHSL-SW-00-L-0101 Rev P2
Cycle Storage Component Drawing (24 Spaces) P8102
Cycle Storage Component Drawing (20 Spaces) P8101
Substation Plan and External Elevations P8105

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

Materials

- 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).

Trees

- 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 May 2023) 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.

Air Quality Dust Management Plan (Demolition)

- 5) 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:

1. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries
2. Construction Site and Equipment Layout Plan

3. Inventory and Timetable of dust generating activities during Demolition site activities.
4. 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
5. 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.
6. 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>
7. 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.
8. 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.

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).

Air Quality Dust Management Plan (Construction)

- 6) 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 NOx 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 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 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 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 construction phases of the development.

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).

Ventilation Strategy

- 7) 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 forty two 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:
1. Details and locations of the ventilation intake locations
 2. 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
 3. Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{2.5}, PM₁₀) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 75% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM_{2.5}, PM₁₀) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016

The whole system shall be designed to prevent summer overheating and minimise energy usage. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications and shall be the responsibility of the primary owner of the property.

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).

Ventilation Compliance

- 8) Prior to occupation of the development hereby permitted, details of a post installation compliance report of the approved ventilation strategy as required by condition 8 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).

Zero-emission heat pumps

- 9) 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 42 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).

Emergency Generator

- 10) Prior to occupation of the development hereby permitted, details of the installation/commissioning report of Zero Emission Emergency Generator plant 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 Vehicle Charging

- 11) 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).

Delivery and Servicing Plan

- 12) 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.
 1. Times, frequency and management of deliveries and collections including collection of waste and recyclables
 2. Emergency access, and vehicle movement at the site entrance and throughout the development

3. Quiet loading/unloading mitigation including silent reversing measures in accordance with Building Design Guidance for Quieter Deliveries, TFL, June 2018,

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.

Use Class

- 13) The community facility hereby approved shall only be operated as a community use falling within use class F.2 (b) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

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

Hours of Use

- 14) Prior to the first use of the community use hereby permitted details of the operational hours for this use shall be submitted to and approved in writing by the Local Planning Authority. The community use shall only operate in accordance with the approved details.

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

Deliveries

- 15) At the community use hereby permitted no deliveries nor collections/ loading nor unloading shall occur other than between the hours of 10:00 to 16:00 and 19:00 to 21:00 hrs on Monday to Friday and 10:00 to 18:00 on Saturdays and at no time on Sundays and Public/Bank Holidays.

To ensure that occupiers of surrounding premises are not adversely affected by noise and disturbance and to minimise the impact upon the highway Policies T1, T6 and CC11 of the Local Plan 2018.

Piling

- 16) 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.

Noise Assessment

- 17) 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.

Plant Noise

- 18) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the external sound level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted from plant, machinery/ equipment will be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014+A1:2019 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.

Anti-vibration Mounts

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

permanently retained.

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

External Lighting

- 20) 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.

Contamination 21 to 25

- 21) 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).

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

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

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

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

- 26) The development shall be carried out in accordance with the measures set out in the approved Energy Statement (by Greengage dated February 2023) and Whole Lifecycle Carbon Assessment (by Greengage dated January 2023).

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.

Cycle Storage

- 27) 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.

Car Parking

- 28) No part of the development hereby approved shall be occupied until 5 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 Store

- 29) 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.

Number of Units

- 30) The total number of residential units (Class C3) hereby approved shall not exceed 42 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.

Hoarding

- 31) 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 Logistics Plan

- 32) 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:
- o site logistics and operations;
 - o construction vehicle routing;
 - o 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;

- o details of the access and egress arrangements
- o delivery locations on the site;
- o details of any vehicle holding areas; and other matters relating to traffic management to be agreed as required
- o Efficiency and sustainability measures to be undertaken for the works
- o 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.

Construction Management Plan

- 33) 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 Assessment

- 34) The development hereby permitted shall be carried out in accordance with the measures contained within the approved Flood Risk Assessment (Ref:HLEF85636). 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.

Drainage Strategy

- 35) Prior to the commencement of development an updated Drainage Strategy shall be submitted to an approved in writing by the Local Planning Authority. This shall include details of the rainwater harvesting measures, the green and green/blue roofs, the soft landscaping and permeable surfaces and attenuation tanks to demonstrate that any discharges to the sewer network are limited to no more than 2.5 l/s for all storm events up to the 1 in 100 year event + 40% climate change factor. Full plans of the Sustainable Drainage Systems (SuDS) shall also be provided showing how these connect into the drainage network and maintenance information for all features shall also be provided. The development shall be carried out and subsequently maintained in accordance with these approved details.

To reduce the impact of flooding in the area, in accordance with Policies SI 5 and SI 13 of the London Plan 2021 and Policy CC3 of the Local Plan 2018.

No Additional Plant

- 36) 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.

Aerial Details

- 37) 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

- 38) 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 and means to secure the site throughout construction in accordance with BS8300:2009. The development shall not 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

- 39) All planting, seeding and turfing approved as part of the approved Landscape GA Plan (LLR-BHSL-SW-00-L-0101 Rev P2), Soft Landscape Plan (LR-BHSL-SW-00-L-0401 Rev P3) and Planting Schedule Rev P3 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.

Landscape Management

- 40) The landscaping of the site shall be maintained in accordance with the approved Landscape Maintenance and Management Strategy Version 1.

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.

Railings

- 41) Prior to the erection of the railings at roof level detailed specifications of these railings shall be submitted to and approved in writing by the Local Planning Authority. The railings shall be implemented in accordance with the approved details prior to the first occupation of the development and subsequently maintained in this form thereafter.

To ensure that the railings do not result in an unacceptable impact upon the appearance of the building and the surrounding area in accordance with DC1, DC4 and DC8 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 elevation of the building 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).

Playspace

- 43) 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.

Entrance

- 44) 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.

Lifts

- 45) Prior to first occupation of the development hereby permitted, details of fire rated lifts shall be submitted to and approved in writing by the Local Planning Authority. Details shall include 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.

Fire Strategy

- 46) The development hereby permitted shall be carried out in accordance with the approved London Plan Fire Statement (TS210774-R04-Issue 01) 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.

Bird/Bat Box

- 47) 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).

Archaeology

- 48) 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).

Justification for Approving the Application:

- 1) The principle of development with regards to the retention of a community use and the contribution towards the quantity of the borough's market and affordable housing stock is considered to be acceptable. The proposal is acceptable in visual terms and is considered to be of a high quality of design. The less than substantial harm to the significance of the nearby heritage assets would be outweighed by the public benefits of the proposal. 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: 13th January 2023

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:

Thames Water - Development Control
Environment Agency - Planning Liaison
Crime Prevention Design Advisor - Hammersmith

Dated:

09.02.23
21.02.23
14.02.23

Neighbour Comments:

Letters from:

68 Lillie Road London SW6 1TN

Dated:

07.02.23

7 Thaxton Road London W14 9UX	31.01.23
3 Lerry Close London W14 9UZ	01.02.23
Flat 4 68 Lillie Road London SW6 1TN	01.02.23
67 Marchbank Road Fulham London W14 9PJ	03.02.23
flat 39 Beaufort Court 49 Lillie Road London SW6 1UA	06.02.23
84 Lillie Road London SW6 1TL	23.01.23
6 Lerry Close London W14 9UZ	24.01.23
3 Lerry Close London W14 9UZ	20.01.23
3 Lerry Close London W14 9UZ	23.01.23
3 Lerry Close London W14 9UZ	24.01.23
63 Marchbank Road London W14 9PJ	20.02.23
No Address Given	20.01.23
3 Lerry Close London W14 9UZ	31.01.23
3 Lerry Close London W14 9UZ	31.01.23
6, Lerry Close London W14 9UZ	28.01.23
13 Thaxton Road West Kensington London W14 9UX	03.02.23
3 Lerry Close London W14 9UZ	27.01.23
9 Thaxton Road West Kensington London W14 9UX	30.01.23
5 Thaxton Road LONDON W14 9UX	31.01.23
5 Thaxton Road West Kensington W14 9UX	31.01.23
6 Lerry Close London W14 9UZ	08.03.23

1.0 SITE DESCRIPTION

- 1.1 The application site relates to a community hall and former nursery building together with associated landscaping areas. The site is on the north side of Lillie Road in a predominantly residential area, in close proximity to commercial uses along North End Road. On the opposite side of Lillie Road is Beaufort Court, a six-storey residential development. To the north, on Lerry Close, are two storey terrace residential properties. To the east is a Grade II Listed terrace at No.62-68 Lillie Road. To the west are a mix of 2 and 4-storey buildings with commercial units at ground floor level.
- 1.2 The site is in close proximity to various shops and local services particularly along North End Road to the west. The site has good public transport links, being in close proximity to 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 6a.
- 1.3 The site falls within the Fulham Regeneration Area. The site is within Flood Zone 3 in an area benefiting from flood defences. The site is not within a Conservation Area, however as set out above it is in close proximity to heritage assets, particularly the adjacent listed building and the nearby Buildings of Merit. In terms of on site constraints, there are a number of trees and an existing pedestrian access through the site.

2.0 RELEVANT PLANNING HISTORY

- 2.1 The relevant planning history is set out below:
- 2.2 In 1998 planning permission was granted (1997/02742/FUL) for the erection of a

single storey building to be used as a community centre and a single storey building to be used as a youth centre on the site. Permission was also granted for 14 residential dwellings to include 2 one bedroom maisonettes, 2 two bedroom maisonettes, 7 three bedroom houses and 3 four bedroom houses to the rear of the site (Lerry Close).

- 2.3 In 2000 planning permission was granted (ref 2000/00559/FUL) to remove and replace the existing fencing around the play area and youth centre.
- 2.4 In 2000 planning permission was granted (2000/01836/FUL) for the erection of a shed to rear of Youth Centre to be used for storage of play equipment.
- 2.5 In 2013 outline planning permission was granted (2011/02001/OUT) for the comprehensive redevelopment of the Earls Court site which included this site.
- 2.6 In 2021, pre-application advice was sought on to provide 45 residential units, including affordable housing, a new community building and associated parking and amenity space. Officers advised that the following key issues need to be considered:
 - proposed land use was acceptable in principle, subject to satisfactory provision of affordable housing and community uses,
 - heritage impact on the adjacent Grade II Listed Building and the locally listed terrace need to be carefully considered with particular regard to transition to the Listed Building.
 - a full assessment of residential amenity (privacy, outlook, and daylight and sunlight).
 - retention of the pedestrian access through the site.

3.0 PROPOSAL

- 3.1 The current proposal involves the redevelopment of the site to provide a 4 to 5 storey building for 42 residential units (Class C3) along with the provision of a flexible community centre. The proposal also includes 5 blue badge car spaces, cycle parking, hard and soft landscaping, play space, replacement of an existing substation and other associated works.
- 3.2 The residential units would consist of a mix of 1 Bed (25), 2 Bed (14) and 3 Bed (3) units. In total, 50% (21) of the units would be affordable which would be split between 57% social rent and 43% 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 (January 2023) 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 June 2022, September 2022, and November 2022.

- 4.2 Ahead of the first drop-in public consultation exhibition in June 2022, a webpage was set up and newsletters were issued to some 1,201 neighbouring residents at 3 stages: to invite residents to be part of the residents advisory panel; to introduce the; and to invite local residents to the public exhibition.
- 4.3 Before the second exhibition in September 2022, an update newsletter was sent to 1,832 neighbouring addresses to invite them to a further consultation event to review the plans. In addition, a public Zoom event was organised to encourage wider engagement.
- 4.4 In advance of the third event in November 2022 a further newsletter was sent out to 1,832 addresses to provide an update about further changes and an opportunity to attend a further exhibition. Again an online Zoom exhibition also took place to 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. Overall, the feedback received through the public consultation was mixed, with in-principle support for the redevelopment of this underused site and concerns about massing and residential amenity.

Statutory Consultation

- 4.6 The planning application was publicised by site and press notices together with 373 notification letters sent to neighbouring properties.
- 4.7 In response, 22 objections were received from 11 separate addresses. The concerns raised can be summarised as follows:
- Impact on character
 - Height at 5 storeys
 - Scale and mass compared to neighbouring buildings
 - Overdevelopment of area
 - Need for more green space/community use
 - Impact upon listed building
 - Lack of need for additional housing

 - Neighbour Amenity
 - Loss of light and overshadowing
 - Overlooking/loss of privacy
 - Right to light
 - Submission does not show the true impact upon neighbours in particular in terms of shadowing
 - Noise and pollution
 - Anti social behaviour
 - Health impact upon neighbours from reduced light and stress of building works
 - Disturbance from construction work including dust, noise and traffic
 - Highway impact
 - Increased traffic
 - Parking issues

- Lack of consultation
- Developer website and email not working

Officer Response

- 4.8 The impact upon the street scene and character of the area as well as nearby heritage assets are fully considered in the relevant sections of the report. The matters relating to residential amenity (loss of light, outlook, privacy, noise and disturbance) are also considered within the report. The information submitted is sufficient for the planning assessment including the consideration of overshadowing.
- 4.9 Regarding the lack of need for housing and the preference for further community provision are noted. However, there is a clear and identified need for housing within the Borough and there would be a reprovision of a community facility on site.
- 4.10 The highway impacts of the proposal are fully considered within the report. Notably, the development would be car free and the only spaces provided on site will be for Blue Badge holders.
- 4.11 Right to light is a civil matter between the parties concerned and is not a material planning consideration.
- 4.12 Anti-social behaviour associated with the development is addressed in the report. The Metropolitan Police were consulted to ensure that the proposal incorporates the principles of designing out crime and conditions have been attached to secure this.
- 4.13 Disturbance from construction works would be controlled by separate Environmental Health legislation. Notwithstanding this, conditions will be imposed requiring the submission of a Construction Management Plan and Construction Logistics Plan to ensure that the works are carried out in an appropriate manner and any disturbance is kept to a minimum.
- 4.14 Regarding lack of consultation, significant public engagement was carried out prior to the submission of the application as well as once the application was submitted. The consultation carried out is above and beyond the statutory requirement and it is considered that interested parties have been afforded suitable opportunity to comment on the proposals.
- 4.15 Regarding the developer website and email not working, the applicants have confirmed that the email and website (even when being updated) was working at all times.

Statutory Consultees

- 4.16 The Environment Agency raise no objection subject to conditions.
- 4.17 The Greater London Archaeological Advice Service raise no objection subject to conditions.

- 4.18 The Metropolitan Police (Designing Out Crime Officer) raise no objection subject to advice provided regarding Secured by Design measures.
- 4.19 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, regeneration area, housing / housing supply, 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) Ecology
- l) Community infrastructure levy
- m) Other Matters

LAND USE

Regeneration and Opportunity Areas

- 6.2 The Fulham Regeneration Area (47 hectares) comprises Fulham Town Centre and part of the London Mayor's Earl's Court and West Kensington Opportunity Area (which also covers part of the Royal Borough of Kensington and Chelsea) and is identified in the London Plan.
- 6.3 The Local Plan Strategic Regeneration Policy supports major regeneration and growth in the borough's four regeneration areas. The supporting paragraph 5.4 acknowledges that the regeneration areas represent an opportunity for significant new sustainable place-making and will provide the focus for new development in the borough. Each of the regeneration areas has an overall strategy and the proposals for sites of strategic importance. In taking forward these proposals, the council will aim to involve all sections of the community. Also development in each of the regeneration areas will need to respect and enhance the existing townscape context and heritage assets both within and around the area.
- 6.4 The Strategic Policy FRA sets out an approach for the Fulham Generation Area. Amongst other things policy states that proposals should contribute to the provision of 7,000 homes and 9,000 jobs; secure economic benefits for the wider community around the Fulham Regeneration Area to enable local people to access new job opportunities through training, local apprenticeships or targeted recruitment; provide appropriate social, physical, environmental and transport infrastructure to support the needs arising from the area as a whole; demonstrate a high quality of urban design and public realm; and preserve or enhance the character or appearance and the setting of heritage assets.
- 6.5 As landowner, the Council has worked with residents through public engagement as part of a lengthy preapplication process, to secure the greatest benefits from a regeneration scheme that includes the provision of much needed affordable housing and upgraded community facilities. Officers consider that the overall mix of units accords with the Local Plan Strategic Regeneration and Fulham

Community Facility

- 6.6 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.
- 6.7 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.
- 6.8 The proposal would result in the loss of the existing nursery. A loss of use assessment was submitted with the application. The assessment outlines the history of the site, confirming the decision to close the nursery over 10 years, the subsequent closure and sale of the site for housing development and its re-acquisition (again for housing). This is supported by the vacancy of the building for a number of years and its current state of disrepair.
- 6.9 The Council's Education department has confirmed that the nursery is no longer required and would not result in any gap or deficit in local service provision. Other community uses were also considered, however these were shown to be inappropriate for the building or not required in the area. Overall, based on the circumstances outlined, the loss of the nursery is considered acceptable.
- 6.10 The existing community centre will be re-provided on site. The centre has not been in use since early 2020 and the proposed reprovision of modernised floorspace will ensure that previous activities can restart and continue on-site, and enable new activities to be introduced that may not have been previously due condition and layout of the existing building. The replacement building will result in an improved community facility on the site.
- 6.11 Given the above, in this instance, the loss of the nursery use along with the reprovision of a community centre on site is considered to be acceptable and the proposals would therefore be in line with Policy S1 of the London Plan and Policy CF2 of the Local Plan.

Residential Use

- 6.12 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.

- 6.13 The proposal would provide 42 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.
- 6.14 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.
- 6.15 The site is in Public Transport Accessibility Level (PTAL) 6a using Transport for London's methodology, indicating that it has excellent accessibility by public transport. The proposed development, (0.275 hectares) would result in a residential density of approximately 153 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 high density to the east along North End Road as well as to the south side of Lillie Road. Therefore, whilst the building itself is larger than some surrounding properties the scale would conform with the character of the wider area which consists of a mix of residential scale dwelling and larger blocks of flats. As a result, the density of development is considered to be acceptable and would make the most efficient use of a site within the urban area.

Housing Mix

- 6.16 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.
- 6.17 The proposed unit mix would be as follows:
- 1 bed (b) 2 person (p): 25 units (60%)

- 2b4p: 14 units (33%)
- 3b5p: 3 units (7%)

6.18 Given the constraints of the site, the proposed unit mix would be appropriate for this site and would make a positive contribution towards identified housing need in the Borough. Therefore the proposal is considered to be in line with Policy H05 of the Local Plan.

Affordable Housing

6.19 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 42 dwellings which would trigger these thresholds.

6.20 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.

6.21 The scheme proposes 21 affordable units (50%) which is in line with the Council's 50% affordable target under Local Plan Policy H03. Normally, 60% of additional affordable units should be for social or affordable renting, especially for families and 40% should be a range of intermediate housing (e.g. shared ownerships). Neither the London Plan or the Local Plan specify whether the 60:40 split should be measured by floorspace or units, but the London Plan indicates that affordable housing should be calculated by habitable rooms or habitable floorspace. In terms of habitable rooms, the proposals achieve a policy compliant split of 62% social rent and 38% shared ownership. In respect of units, the split is 57% social rent and 43% shared ownership. Notably, a number of the larger family units across the development are to be provided as social rent and due to an odd number of affordable units (21) it is not possible to achieve a perfect 60:40 split or increase the number above 60% without reducing the number of larger units. Overall, officers are satisfied that the provision of social rent across the development would accord with the policy objectives of both the London Plan and Local Plan and would provide a suitable tenure split to meet local need.

QUALITY OF RESIDENTIAL ACCOMMODATION

Internal Space

6.22 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.

6.23 Unit sizes - Table 1.3 of policy D6 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 57sqm)

2b4p - 70sqm (range 74sqm to 85sqm)

3b5p - 86sqm (89sqm)

6.24 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.

6.25 In terms of outlook the plans demonstrate that 25 of units would benefit from some element of dual aspect which would leave 17 single aspect units. These single aspect units are not exclusively north facing ensuring sufficient levels of natural light across these units. Therefore, it is considered that the proposal would provide a suitable layout for all unit which would afford reasonable opportunity for suitable light and outlook to habitable rooms.

6.26 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.

6.27 In this instance the assessment shows that 73 (70%) of the 104 rooms assessed within the proposed development achieve the target median illuminance for their room use. This represents a good overall level of compliance with the internal daylight targets. Many of the rooms that are below guidance are deep, single aspect Living/kitchen/dining rooms. These have their kitchen areas located to the rear of the space, in the portion of the room furthest from the windows. While the kitchen areas will require supplementary electric lighting (as is common in relation to urban developments such as this), the drawings show that overall levels of daylight to the main living areas to the front of the spaces will be good. Having reviewed the daylight submissions, officers have no reason to question the conclusions of the report. Overall daylight amenity within the scheme will be good, and the level of compliance with BRE targets is good, particularly giving consideration to the urban context. Therefore, it is considered that the proposal would provide a suitable standard of amenity for future occupiers.

6.28 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 of 2.5m. Therefore, all the units would comply with the London Plan requirements on ceiling heights which indicates a good standard of accommodation.

6.29 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.

- 6.30 A Noise Impact Assessment was submitted with the application which was reviewed by the Council's Public Protection team who raised no objection to the proposal. Therefore it is considered that surrounding noise sources would not adversely impact upon the amenity of occupiers. However, 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

- 6.31 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.

- 6.32 In this instance, amenity space would be provided through small garden areas at ground floor level and balconies to upper floor units along with communal amenity space and play space. 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

- 6.33 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 4 of the units would be built to M4(3) wheelchair accessible standard (9.5%) whilst the remainder would all be M4(2). The entrance to the communal areas and external areas are designed with accessibility in mind and lifts have been provided which meets the requirements of Part M of the Building Regulations. Whilst the proposal would be marginally below the requirement of 10% the overall approach is clearly in accordance with the objective of this condition. Therefore, the proposal is considered acceptable in this regard and would provide suitable accessibility for all potential occupiers in accordance with London Plan Policy D7 and Local Plan Policy HO6.

Secured by Design

- 6.34 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

- 6.35 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.
- 6.36 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".
- 6.37 Local Plan (2018) 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.
- 6.38 Policy DC2 Design of New Build 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.

- 6.39 The Council's Supplementary Planning Guidance SPD (2018) is relevant, in particular Key Principles These Key Principles provide guidance which seeks to ensure that heritage assets are conserved in a manner appropriate to their significance in accordance with the NPPF.

Height, Scale, and Massing

- 6.40 The proposed new building is 5 storeys with a recessive top floor, and western and eastern bays stepping down to 4 storeys. This massing which is articulated through the set-back top floor, the stepping down of east and west bays and the vertical slots in the brickwork which provide a visual separation which responds to the grain and rhythm of the 19th Century terraces adjacent. The building would not overly dominate the street scene and the overall scale would not appear out of character with the scale of other more recent residential buildings within close proximity to the site, particularly those located to the south west and south of the site.
- 6.41 The building has been designed with two frontages with a primary frontage onto Lillie Road and a secondary frontage facing Lerry Close (the main pedestrian route into the West Kensington and Gibbs Green Estates). The proposal would create a strong and active frontage which relates well to its local context on both sides.
- 6.42 The building reduces in scale to 4 storeys at the rear and ensures a suitable transition to the more residential scale of properties within the estate to the north of the site.
- 6.43 The public footpath, Lillie Road and the Lerry Close approaches are all activated at ground floor through the use of wrap around glazing on the ground floor of the community hall. Furthermore, the frontage to the Lerry Close approach has been designed to maximise activity through the positioning of balconies over the building cores.,
- 6.44 The main façade material would be buff brick in keeping with the predominantly brick character of the surrounding vicinity. White brick on the ground floor and east wing also references the stucco detailing of the adjacent listed buildings on Lillie Road. A darker reddish-brown brick for the western bay further articulates the massing and stitches the building into the surrounding context at this end of the site, which includes the Peabody buildings and Beaufort Court to the south.
- 6.45 The relationship between the new building and its surroundings is reinforced by the taller ground floor which reflects the traditional vertical hierarchies of historic buildings found in the area and the fenestration pattern which responds to the rhythm of the buildings adjacent.

- 6.46 The proposed scheme is considered to represent a high quality of design, with the facades of the building being well articulated and enhanced with defined entranceways. 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.
- 6.47 Landscaping proposals are considered acceptable and suggested conditions attached to this report to deal with works to trees during construction. Proposals include the loss of approximately 8 young/semi-mature trees; Whitebeam, Sycamore, Elder and Cherry Laurel trees, which are all category C trees. These trees would be replaced by 20 new tree species on-site.
- 6.48 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 would 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).

Heritage

- 6.49 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas. It is key to the assessment of these applications that the decision-making process is based on the understanding of specific duties in relation to listed buildings and Conservation Areas required by the relevant legislation, particularly the s.16, s.66 and s.72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in the NPPF.
- 6.50 S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that: 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'
- 6.51 S.72 of the above Act states in relation to Conservation Areas that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 6.52 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.
- 6.53 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.

- 6.54 Para 189 of the NPPF states that: Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 6.55 Para 195 of the NPPF states that: Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.56 Para 197 of the NPPF states that: In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.57 Para 199 of the NPPF states that: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.58 Para 200 of the NPPF states that: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 6.59 Para 201 of the NPPF states that: Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not

possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use.

- 6.60 Para 202 of the NPPF states that: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.61 The NPPF makes a clear distinction between the approach to be taken in decision-making where the proposed development would affect the significance of designated heritage assets (listed buildings, conservation areas, Registered Parks and Gardens) and where it would affect the significance of non designated heritage assets (buildings of local historic and architectural importance).
- 6.62 The NPPF also makes a clear distinction between the approach to be taken in decision-making where the proposed development would result in 'substantial' harm and where it would result in 'less than substantial' harm.
- 6.63 Case law indicates that following the approach set out in the NPPF will normally be enough to satisfy the statutory tests. However, when carrying out the balancing exercise in paragraphs 202 and 203, it is important to recognise that the statutory provisions require the decision maker to give great weight to the desirability of preserving designated heritage assets and/or their setting.
- 6.64 The Planning Practice Guidance notes which accompany the NPPF remind us that it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed.
- 6.65 The scheme would impact heritage assets indirectly, namely through impacts on setting. These impacts are considered separately in the report below.
- 6.66 In the first instance, the assessment to be made is whether the development within the setting of a designated heritage asset will cause harm to that designated heritage asset or its setting. If no harm is caused, there is no need to undertake a balancing exercise. If harm would be caused, it is necessary to assess the magnitude of that harm before going to apply the balancing test as set out in paragraphs 201 and 202 of the NPPF as appropriate.
- 6.67 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.
- 6.68 Policy HC1 of the London Plan (Heritage conservation and growth) advises that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.

- 6.69 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.
- 6.70 Local Plan (2018) 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.
- 6.71 Policy DC8 Heritage and Conservation states that the council will conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets. These assets include: listed buildings, conservation areas historic parks and gardens, the scheduled monument of Fulham Palace Moated site, unscheduled archaeological remains and buildings and features of local interest. When determining applications affecting heritage assets, the council will apply the following principles: a. the presumption will be in favour of the conservation, restoration and enhancement of heritage assets, and proposals should secure the long term future of heritage assets. The more significant the designated heritage asset, the greater the presumption should be in favour of its conservation; b. applications affecting designated heritage assets, including alterations and extensions to buildings will only be permitted if the significance of the heritage asset is conserved or enhanced; c. applications should conserve the setting of, make a positive contribution to, or reveal the significance of the heritage asset. The presence of heritage assets should inform high quality design within their setting; d. applications affecting non-designated heritage assets (buildings and artefacts of local importance and interest) will be determined having regard to the scale and impact of any harm or loss and the significance of the heritage asset in accordance with paragraph 135 of the National Planning Policy Framework; e. particular regard will be given to matters of scale, height, massing, alignment, materials and use; f. where changes of use are proposed for heritage assets, the proposed use, and any alterations that are required resulting from the proposed use should be consistent with the aims of conservation of the asset's significance, including securing its optimum viable use; g. applications should include a description of the significance of the asset concerned and an assessment of the impact of the proposal upon it or its setting which should be carried out with the assistance of a suitably qualified person. The extent of the requirement should be proportionate to the nature and level of the asset's significance. Where archaeological remains of national significance may be affected applications should also be supported by an archaeological field evaluation; h. proposals which involve substantial harm, or less than substantial harm to the significance of a heritage asset will be refused unless it can be demonstrated that they meet the criteria specified in paragraph 133 and 134 of the National Planning Policy Framework; i. where a heritage asset cannot be retained in its entirety or when a change of use is proposed, the developer should ensure that a suitably qualified person carries out an analysis (including photographic surveys) of its design and significance, in order to record and advance the understanding of heritage in the borough. The extent of the requirement should be proportionate to the nature and level of the asset's significance; j. the proposal respects the principles of accessible and inclusive design; k. where measures to mitigate the effects of climate change are proposed, the applicants will be required to demonstrate how

they have considered the significance of the heritage asset and tailored their proposals accordingly; l. expert advice will be required to address the need to evaluate and conserve archaeological remains, and to advise on the appropriate mitigation measures in cases where excavation is justified; and m. securing the future of heritage assets at risk identified on Historic England's national register, as part of a positive strategy for the historic environment.

- 6.72 The Council's Supplementary Planning Guidance SPD (2018) is relevant, in particular Key Principles AH1 (Information Requirements for applications for consent affecting heritage assets) AH2 (Protection of Heritage Assets) and BM2 (Proposals affecting buildings of merit). These Key Principles provide guidance which seeks to ensure that heritage assets are conserved in a manner appropriate to their significance in accordance with the NPPF.

Context

- 6.73 The site is in a predominantly residential area with surrounding buildings ranging between 3-6 storeys. Immediately to the east is a group of 2-3 storey early-mid 19th Century Grade II listed buildings with stucco facades. To the west of the site is a one storey community/faith building and a doctor's surgery. To the north, Thaxton Road and Lerry close are characterised by 2-3 storey late 20th Century buildings, brick with pitched roofs. On the opposite side of Lillie Road, there is a large hotel building to the south-east and part 5/part 6-storey traditional Peabody estate buildings in red and grey brickwork with stone dressings to the south-west. Directly opposite the site is Beaufort Court, a 6-storey red brick residential building.
- 6.74 Historically, this part of Lillie Road was characterised by terraced housing with a strong street edge and generous front gardens on both north and south sides of the street. This character has been eroded through time with the erection of piecemeal development and the demolition of a number of historic terraces, including one directly adjacent to the west of the existing listed group. The site was cleared and redeveloped in the mid-late 20th Century to create the existing landscaped area and community centre.

Heritage assets

- 6.75 The site is not located within a Conservation Area and does not contain any designated or undesignated heritage assets. However, the Grade II listed 62-68 Lillie Road sits directly east of the application site boundary and the Sedlescombe Road Conservation area is situated further to the south. A group of locally listed buildings are situated within close proximity of the site, including: the Empress State Building; the group of buildings including Nos. 30-58, No. 60, and No. 62a Lillie Road. The development has the potential to impact on the setting of these heritage assets and they have been considered in the assessment of this proposal.

Statutorily listed buildings

62 - 68 Lillie Road

- 6.76 62-68 Lillie Road comprises two connected pairs of Grade II listed early, mid-19th

Century painted stucco houses with horizontal rustication at ground floor and slate roofs. The buildings have undergone several interventions since their construction, including a modern two bay extension to the left of No.68. The rear elevations of the group are plainer than the front and have also undergone multiple alterations which has undermined their uniform appearance.

- 6.77 Historic maps illustrate that originally 62-68 Lillie Road formed part of a longer terrace which occupied part of the current application site. Following the redevelopment of the area in the mid-late 20th Century for housing, the adjoining buildings were demolished, and the adjoining site changed to open space with a community centre set at the rear of the site. This change rendered the original plot layout of the site illegible.
- 6.78 The existing setting does not contribute to the significance of the existing listed terrace, nor does it contribute to an understanding of its historic and architectural significance. Restoring a building edge to the site and removing the existing low-quality building has the potential to improve the existing setting of the listed buildings.
- 6.79 It is noted however that the proposed new development would result in a development of additional, height, depth and cumulative massing than the terrace that would have originally existed and would be greater in scale than the listed terrace at No. 62-68. To assess the impact on the listed buildings, a series of townscape views were requested and supplied in the townscape/heritage assessment.
- 6.80 From these studies officers consider that in views looking east and north from Lillie Road, the impact of the proposed new development would cause no harm to the setting of the listed buildings due to the set-back of the eastern bay and the slight curve in the road which results in a clear visual separation between the new building and the adjacent terrace. In views looking west along Lillie Road and within views from the rear curtilage of the gardens of the listed terrace however, the intensification of scale is more pronounced with the new building being directly appreciable behind and adjacent to the listed group, emphasising the difference in scale. Whilst the eastern bay of the new building steps down, in this view it is still taller and deeper than the historic terrace and reduces the prominence of the listed buildings in the streetscene and competing with the historic asset in these views. However, the development would not result in any impact upon the appreciation of any key architectural features of detailing of the historic asset.
- 6.81 As such, officers consider that the harm caused to the setting of this asset would be to the lower end of less than substantial harm. This assessment is based upon due consideration of the high quality of the and sensitive design of the new building. The setting of the listed buildings would also be enhanced in other ways, through the introduction of a defined street edge, improving the legibility of historic plot layouts in the street and the removal of the modern building on site and relandscaping of the site.
- 6.82 There are several other statutory listed buildings in the wider setting of the site to the east and these have been considered in the assessment of the proposal. This includes West Brompton Station, a grade II listed building, and a large group of listed structures within the registered park and garden of Brompton Cemetery.

However, as the site has no links historically, architecturally, or visually with these identified heritage assets, and makes no contribution to the understanding and or appreciation of each asset, these assets have not formed part of the assessment. This disconnection is further realised due to the curving nature of Lillie Road which obscures intervisibility between the site and the assets, and the buffer of the railway.

- 6.83 The harm caused to the setting of the statutorily listed buildings would be at the lower end of the spectrum for less than substantial harm, for which the test outlined in paragraph 202 of the NPPF would apply. Officers have given great weight to the conservation of these designated heritage assets and consider that the less than substantial harm to their significance has been fully justified and would be outweighed by public benefits as set out later in the section on planning balance.

Sedlescombe Road Conservation area

- 6.84 The Site is located approximately 150m to the north of Sedlescombe Road Conservation Area, which is defined by its genteel character and impression of coherence created by the simplicity of the buildings, repetition of details and limited palette of building materials.
- 6.85 There is no intervisibility between the site and the conservation area due to distance and scale of intervening built form. Furthermore, the conservation area has a clearly distinct character from the application site and as such, it does not contribute to the understanding or appreciation of its significance. Because of this lack of architectural or historical connection and as the proposed development would not be experienced from within the conservation area, it is considered that no impact to the setting of the conservation area would arise.

Locally Listed Buildings of Merit

- 6.86 London Borough of Hammersmith and Fulham maintain a local list of buildings and structures of local historic and or architectural interest. The Local List for can be found on the council's website.
- 6.87 A number of locally listed buildings are situated within the close proximity of the Site (Appendix 1), including the Empress State Building, and the group of buildings including Nos. 30-58, No. 60, and No. 62a Lillie Road. The site has no links historically or architecturally with these buildings and makes no contribution to the understanding and/or appreciation of their local significance as part of a wider evolved diverse townscape setting. As such, the site does not contribute to the significance of the locally listed buildings. It is considered that the proposal would not cause harm to the setting of the aforementioned locally listed structures.
- 6.88 There are several non-designated heritage assets within the site's wider setting, however, as the site has no links historically, architecturally or visually with these heritage assets, and makes no contribution to the understanding and/or appreciation of that asset's local significance as part of a wider evolved diverse urban townscape setting, the proposed development does not have the potential to affect their local significance. The assets have therefore not formed part of the assessment.

- 6.89 Considering the impact of proposals upon the setting of Sedlescombe Road Conservation Area, and the setting of the locally listed buildings of merit, officers have considered the impact of the increased scale and visual impacts of the proposals upon these heritage assets. Given the neutral contribution of the existing buildings 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.
- 6.90 In terms of their scale and massing the proposals are considered to be consistent with the established character of this part of Lillie Road, which is characterised predominantly by buildings of 3-6 storeys. The proposals would serve to create a strong and active street frontage, stitching the currently undeveloped plot into the built fabric of its surroundings, from both Lillie Road and from the Lerry Road approach and better revealing the legibility of the original plot layout.
- 6.91 Following careful consideration Officers consider that the proposals would not result in any harm to the significance of any other heritage assets including their settings and as a result their character, appearance and special interest would be preserved. The public benefits of the proposals would also create heritage benefits, particularly through the improvements to the existing landscaping and the reinstatement of a street edge.
- 6.92 It is considered that the proposed development is compliant with Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is considered that the proposals will deliver good quality architecture which optimises the capacity of the site with good quality residential accommodation. The proposed development is therefore considered acceptable in accordance with the NPPF, Policies D3 and D4 of the London Plan (2021), Policies DC1, DC4 and DC8 of the Local Plan (2018) and Key Principles AH1, AH2, CAG2 and CAG3 of the Planning Guidance SPD (2018).

RESIDENTIAL AMENITY

- 6.93 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
- 6.94 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.
- 6.95 The nearest residential neighbours are Nos.1-15 Thaxton Road, 1-6 Lerry Close and 63-71 Marchbank Road to the rear of the site, 62-68 Lillie Road to the east of the site, and flats within Beaufort Court and the Peabody Estate to the south on the opposite side of Lillie Road.

Outlook

- 6.96 The properties closest to the rear of the site along Lerry Close, Thaxton Road and Marchbank Road consist of two storey terraced dwellings. The properties within Lerry Close are perpendicular to the site whilst those along Thaxton Road are effectively parallel to the rear of the site with rear gardens immediately adjacent to the edge of the site. The neighbours on Marchbank Road are slightly offset to the east of the site but the nearest of these properties does back onto the play space area within the site. In terms of outlook the neighbour's most likely to be impacted by the proposals are those along Thaxton Road. These neighbours have relatively uniform rear gardens between 9-11m in length and whilst there is some variation in their rear building line would have a separation distance of 20-22m to the rear of the proposed building. The existing structures on the site are relatively small scale and single storey in height whilst the proposal would present a part four part five storey rear elevation.
- 6.97 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, the separation distance to the rear boundary across the majority of its length is approximately 11m although this does vary towards the east of the site where the boundary line is less uniform. Overall the 45 degree line taken from a height of 2m on the rear boundary would be most appropriate. On this basis the proposal would breach this angle by approximately 1m. Based on an on site judgement, in the context of a building of this scale this would appear as a relatively minor breach particularly in the context of the retained separation distances. It should also be noted that the proposal does not present a single uninterrupted rear elevation and parts of the rear elevation are set further from the rear boundary, particularly the top floor and the four storey elements to either side of the building. Given the above it is considered that the proposal would not result in a significant adverse impact upon the outlook or unacceptably increase the sense of enclosure to these neighbours.
- 6.98 With regards to the neighbours on Lerry Close these properties are orientated perpendicular to the proposal with their primary windows in the front and rear elevation. As a result, whilst the proposal would be visible from the front facing windows of the terrace it would not interrupt the primary outlook to the east. There are windows in the side elevation of No.6 which do face towards the site, however the element of the proposal opposing these windows would be four storey in height, sited approximately 18m from this neighbour and would not breach the 45 degree angle taken on the boundary. As a result, it is considered that the proposal would not result in a significant loss of outlook to these neighbours.
- 6.99 The neighbours on Marchbank Road are offset to the east side of the proposed building and are orientated slightly away from the rear elevation of the proposal. At the closest point the proposed building would be some 28m from the rear elevation of these neighbours. Given the separation distance involved and the relationship between the buildings it is considered there would not be a significant impact upon the outlook of these neighbours.
- 6.100 To the east of the site the nearest neighbouring residential building would be No.68 Lillie Road. The three storey element of the proposal would project

approximately 5.5m beyond the rear of this neighbour whilst the four storey element would project some 4m to the rear. However, this rear projecting element would be sited between 5.2m and 5.6m from the shared boundary which would limit the impact upon the outlook from rear facing windows of this neighbour which would remain unimpeded to the rear. It is noted that this neighbour benefits from side facing windows, however these are considered to be secondary windows which in conjunction with the retained separation distance of the proposal to the shared boundary would ensure that any amenity impact would be limited.

- 6.101 In relation to the residential buildings on the opposite side of Lillie Road the proposal would retain a significant separation distance of approximately 29m. Given this separation distance the impact upon outlook of the front facing windows of Beaufort Court and the nearest buildings within the Peabody estate would be limited and would fall within acceptable limits.
- 6.102 The proposed outbuildings, consisting of two bike stores would be located in close proximity to the rear boundary of the site. However, these structures are single storey and given the height of the existing boundary treatment would not significantly impact upon the outlook of surrounding neighbours. The proposed substation would be located towards the west side boundary away from residential neighbours and therefore would not significantly impact upon outlook.
- 6.103 Overall, the development would have an unacceptable impact in terms of outlook and sense of enclosure to adjacent existing properties and would accord with Policies DC1, DC4 and HO11 of the Local Plan (2018).

Daylight and Sunlight

- 6.104 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.
- 6.105 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.
- 6.106 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%).

- 6.107 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%).
- 6.108 In terms of VSC there would be some impact upon neighbouring properties due to the existing very low level of built form on the site. In terms of neighbours on Thaxton Road generally, retained VSC values to the ground floor windows are upwards of 20%, with windows at upper levels naturally retaining higher levels of daylight. While the 4 ground floor windows serving number 11 would retain slightly lower values, this is in part due to the adjacent flank elevation of 13. These windows (which all serve the same room) still all retain VSC values of between 14.5% and 18.6%, which is considered to be appropriate within an urban location. The windows to number 7 would have lower levels of daylight, however this is also the case in the existing situation due to the canopy to the rear of this property. With 6 Lerry Close, also to the rear of the site there would be limited reductions in VSC and NSL which would comply with the guidance.
- 6.109 Along Marchbank Road there would be no noticeable changes to the level of light, any reductions in VSC and NSL are small and fully compliant with guidance. The situation is similar with the nearest properties to the east on Lillie Road. There would be no significant changes in daylight to these neighbours and again reductions in VSC and NSL are negligible and the change would be imperceptible.
- 6.110 In terms of buildings on the opposite side of Lillie Road, at Beaufort Court 88 of the 101 windows assessed experience minimal impact and fully accord with the guidance. The remaining windows experience proportional reductions between 20 and 24% which is not significantly in excess of the guidance. In addition all these windows would still receive a very good level of daylight in the context of an urban location. With regards to NSL of the 72 rooms assessed reductions to 62 are small and in accordance with guidance. Of the remaining 10, these rooms are single aspect and more than 5m deep. In such instances the impact upon the NSL is considered to be acceptable as achieving the guidance would be extremely difficult to achieve.
- 6.111 With regards to the nearest blocks within the Peabody Estate there would be limited impact upon VSC and NSL and these changes would fully accord with the guidance. As a result, the impact of the development would be limited.
- 6.112 Overall it is considered, the impact upon daylight to surrounding properties would fall within acceptable limits given the location of the site within the urban area.
- 6.113 In terms of impact upon sunlight reductions in sunlight to these properties are small and in full accordance with BRE APSH guidance. Therefore all neighbours will retain good access to sunlight after development.
- 6.114 In relation to overshadowing the impact on sunlight amenity to the rear gardens of neighbours to the north of the site has been assessed. This is through the BRE 2 Hour Sun on Ground test. The assessment shows that the proposal would cause

some reductions in the areas of the gardens that can receive 2 Hours of sunlight on March 21st, however this situation is not uncommon in relation to the redevelopment of a low rise, urban site. By April 21st there will be minimal changes, and all the gardens will be able to receive 2 hours of sunlight over comfortably more than 50% of their area after development. On June 21st, there will be no changes in the areas of the gardens that can receive 2 hours of direct sunlight. These results show that during the summer months, when garden areas are most likely to be used there would be a limited impact from the development. As a result the overall impacts in terms of overshadowing are considered to fall within acceptable limits.

- 6.115 The report concludes that in relation to the daylight, sunlight and overshadowing effects on the neighbouring properties the impact upon amenity will be relatively limited and appropriate in relation to the urban location of the site. Having reviewed the daylight submissions, officers have no reason to question the conclusions of the report. Overall, it is considered that Daylight and Sunlight report 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

- 6.116 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.
- 6.117 The proposal would be located more than 18m from the vast majority of neighbouring buildings. To the rear, the properties along Thaxton Road are between 20-21m from the nearest rear elevation of the proposed building. Therefore, it is considered that the proposal would not result in a significant loss of privacy to warrant refusal of the application on this ground.
- 6.118 As previously discussed the properties along Lerry Close are perpendicular to the proposal and the primary views would be towards the front garden area of these properties. No.6 does have windows and amenity space facing the proposal, however the separation distance between the elevations is approximately 18m. On this basis it is considered that the impact upon the privacy of this neighbour would fall within acceptable limits.
- 6.119 The neighbours on Marchbank Road are offset from the rear elevation from the proposal and are a significant distance from the rear of the proposal. As such the proposal would not significantly impact upon the privacy of these neighbours. This is similar with the neighbours on the opposite side of Lillie Road who would be a significant distance from the front elevation of the proposal at some 29m. At this level of separation there would not be a significant impact upon the privacy of these neighbours.

- 6.120 In relation to the neighbour to the east of the site at No.68 the proposal would present a blank flank elevation with no windows directly facing the neighbouring building. The windows in the rear elevation of the proposal would be sited beyond the rear elevation of this neighbour ensuring that direct views of the immediate private amenity space would be prevented. The views towards the rear of the garden would be expected and not significantly impact upon privacy in the context of the mutual overlooking of such areas.
- 6.121 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 in the rear elevation and closest to the boundary with No.68 Lillie Road. Whilst there are windows proposed in the rear elevation the balconies would result in additional high level views and a greater perception of overlooking. Therefore it is considered appropriate to impose a condition requiring details of screening to those balconies located closest to the neighbours on Thaxton Road and No.68 Lillie Road. On this basis it is considered the balconies would not result in a significant loss of privacy to the occupiers of this neighbouring site.
- 6.122 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

- 6.123 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.
- 6.124 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. In terms of size the majority of these external areas from first to third floor level are between 5sq.m and 13.5sqm in size which is less than the 15sq.m guidance contained within Key Principle HS8. There are a number of balconies at fourth floor level which would exceed this guidance at between 16sq.m and 25sq.m. Whilst these would afford opportunities for a greater number of people to gather, their position at fourth floor level would mean that the relative distance from neighbours would be increased. Given the small number of these larger terrace and their high level they would not result in a significant level of additional disturbance to neighbours. Therefore, when assessed as a whole it is not considered that the use of these terraces 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.
- 6.125 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. Furthermore, conditions would be added to ensure that satisfactory hours of use for the community facility, deliveries and the construction management process has an acceptable impact on the amenity of existing residential occupiers. 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

- 6.126 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.
- 6.127 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.
- 6.128 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'.
- 6.129 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".
- 6.130 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.
- 6.131 The above policies are supported by Key Principles TR1 -TR4, TR7, TR21 and TR27 of the Planning Guidance SPD.
- 6.132 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.
- 6.133 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

- 6.134 The applicant has submitted trip generation information which was derived from the TRICS database and includes 5 sites across London and adjusted modal split information based on 2011 census data. The trip generation information indicates that the residential development would generate an average of 218 total trips across the course of a typical day. These trips are comprised of 7 car trips, 157 trips by public transportation (bus, rail and underground) and 54 by active travel (walk and cycle). In terms of the community use due to the scale of this and that it primarily intended for local use with trips to be undertaken on foot and public transport, no trip generation has been provided which is accepted. The submitted trip generation information is considered representative and acceptable and indicates that the majority of trips to be generated at the site will be by public transport and active travel. On this basis the Highway Officer raised no objection to the proposal.

Car parking

- 6.135 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.
- 6.136 The site has a PTAL score of 6a using Transport for London's methodology, indicating that it has excellent 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 6a 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 5 disabled bays which is considered to be acceptable. There would be a requirement for a number of on street spaces on Thaxton Road to be removed to allow for servicing and emergency service access along Lerry Close. However, these spaces would be replaced elsewhere in the estate and this would be secured through a s278 agreement. On this basis the proposal would not increase parking demand/stress within the locality of the application site.

Cycle Parking

- 6.137 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 84 cycle parking spaces are proposed at the application site, which consists of 72 long-stay cycle parking spaces within external stores and 12 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

- 6.138 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 eight 1,100ltr Eurobins and two 240ltr food waste bins accommodated across two internal refuse storage area. 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 refuse stores would be within 25m of all units within the development. A condition will be imposed requiring the implementation and maintenance of this store.

Delivery Serving Plan

- 6.139 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

- 6.140 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.
- 6.141 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

- 6.142 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.
- 6.143 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.
- 6.144 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.

- 6.145 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.
- 6.146 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 including high levels of insulation. These measures are calculated to reduce baseline CO2 emissions by 22%, 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 can be reduced by 71% 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 £20,520 which can be secured via the legal Agreement.
- 6.147 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.
- 6.148 With regards to wider sustainable design and construction, measures are proposed in the Sustainability Statement. For example, there are sustainable transport measures proposed such as cycle parking and EV charging facilities provided for the small number of parking spaces to be provided; water efficiency measures will be implemented to limit internal water use to no more than 105 litres per person per day which is in line with London Plan and Local Plan requirements and an improvement on the Building Regulations requirements; flood risk mitigation measures and sustainable drainage features are proposed; pollution mitigation measures are also included and planting and biodiversity improvement measures are also proposed.
- 6.149 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

- 6.150 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'.
- 6.151 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.
- 6.152 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.
- 6.153 The SuDs, and Flood Risk and Water Efficiency Chapters of the Planning Guidance SPD support the above.
- 6.154 Given the large range and extent of flood risks in the borough, the Council has applied the Sequential Test and concluded that, subject to proposals satisfying the requirements of the Exception Test and the provision of an adequate Flood Risk Assessment, all parts of the borough are considered as potentially suitable for development. 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.
- 6.155 The FRA proposes a range of mitigation measures to protect the site from flooding. This includes standard water proofing measures including damp proofing and raising of the building thresholds. These measures will be secured by condition which will ensure that the development would be acceptable with regards to flood risk.
- 6.156 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 2.5 l/s. Some details remain to be concluded, therefore a condition will be imposed requiring the submission of an updated Strategy including details of the rainwater harvesting measures, the green and green/blue roofs, the soft landscaping and permeable surfaces and attenuation tanks. Full plans of the Sustainable Drainage Systems (SuDS) shall also be provided showing how these connect into the drainage network and maintenance information for all features shall also be provided.

- 6.157 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

- 6.158 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.
- 6.159 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.
- 6.160 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 Lillie Road (A3218). 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.
- 6.161 The ventilation strategy requested by the Environmental Quality officer requires the restricted opening of all habitable room windows. Whilst these comments are noted it would not be reasonable or practical to require all windows to be restricted opening due to the impact upon the amenity of future occupiers and potential solar gain along with the fact that the majority of openings afford access to balconies or terraces. 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. However, it will still be possible to provide an alternative form of mechanical ventilation which will give a suitable alternative to natural ventilation. On this basis it is considered that the proposal would provide acceptable air quality for future occupiers.
- 6.162 Furthermore, whilst the comments regarding the need for a sustainable delivery hub are noted it is not considered reasonable or necessary to make this development acceptable given the overall small scale of the development. Therefore, this condition will not be imposed on this particular scheme.
- 6.163 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

- 6.164 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.
- 6.165 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.
- 6.166 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.
- 6.167 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.

ECOLOGY

- 6.165 The proposal would include a number of elements to improve ecology and biodiversity on the site. It would result in an Urban Greening Factor of 0.6 which exceeds the minimum target of 0.4 for residential development. In addition to this the proposal would result in a biodiversity net gain of 2.65%, whilst there are currently no targets in place for this it does indicate that the proposal would be taking positive steps to improve biodiversity in the area. The Ecology Officer was consulted on the application and raised no objection to the proposals subject to the inclusion of conditions in relation to the implementation of the landscaping scheme and suitable management.

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. 57% Social Rent (12 units); and
 - b. 43% Shared Ownership (9 units)
- ii. Highway Works - Existing parking space '219' on Thaxton Road to be removed and relocated within the West Kensington Estate to facilitate emergency and servicing vehicle access. Provide the improvements set out in the ATZ document. Measures to be secured through s278.
- iii. 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.
- iv. 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.
- v. Construction Logistics Plan Monitoring fee £2,000
- vi. Car Permit Free - To prohibit any occupiers of the 42 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 £20,520
- ix. 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, including:
 - 4 of these jobs to be apprenticeships
 - 2 of these jobs to be paid work experience placements
 - 2 unpaid work experience placements
 - An Employment and Skills Plan agreed with the council to deliver these targets
 - £42,000 financial contribution to the council to support residents with employment and skills opportunities
 - 10% of the build cost to be spent on businesses based in Hammersmith & Fulham, - A local supply chain procurement delivery plan agreed with the council to deliver this target
 - £3,375 financial contribution to the council to support SMEs in the built environment sector to be included in supply chains.
- 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 development would be subject to this London wide community infrastructure levy which in this case would be £164,000.
- 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. In this instance the development would be located within the Earls Court and West Kensington Opportunity Area which would mean that no Borough CIL will be required.

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.

Overall planning balance

- 8.3 The NPPF requires that any harm to the significance of designated heritage assets, including their settings needs to be fully justified. In this instance harm has been identified to the setting of Grade II listed 62-68 Lillie Road. This harm is considered to be at the lower end of less than substantial harm and needs to be weighed against the public benefits of the proposal.
- 8.4 There would be urban design benefits from the proposals arising from the creating of a strong and active street frontage to Lillie Road and heritage benefits from the proposals arising from the reinstatement of the historic street edge and from landscaping of what is currently an underdeveloped and inactive site. Other benefits from the proposal include the provision of affordable homes, increased employment opportunities and the environmental credentials of the new building.
- 8.5 It is therefore considered that the identified less than substantial harm to the significance of the heritage assets would be outweighed by the public benefits of the proposal and is therefore acceptable in this regard.
- 8.6 In summary, the principle of development has been justified. The proposed community use is appropriate and the proposal would 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 and acceptable with regards to the impact upon heritage assets. Subject to conditions

the proposal would not result in unacceptable impacts upon the amenities of neighbouring residential properties. The new residential units comply with the relevant standards and provide a good quality of accommodation for the new occupants. Highways, transportation and environmental matters including energy and sustainability, ecology, 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).

- 8.7 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 and the completion of a satisfactory legal agreement.

Ward: Palace and Hurlingham

Site Address:

5 And 7 Melbray Mews London SW6 3NS



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For identification purposes only - do not scale.

Reg. No:
2022/02556/FUL

Case Officer;
Ronny Ferley

Date valid:
13.09.2022

Conservation Area:

Committee Date:
06.06.2023

Applicant:
C/O Agent

Description:
Erection of an additional floor at roof level (with 6 solar panels at main roof level) in connection with the creation of two 1 bedroom self-contained flats (1 x 1 bed at 7 Melbray Mews and 1 x 1 bed at 5 Melbray Mews) and the formation of a roof terrace at roof level to 7 Melbray Mews.

Application type:
Full Planning Application

Officer Recommendation:

- 1) That the Committee resolve that the Director of Planning and Property be authorised to grant permission subject to the condition(s) 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 conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

1) Time limit

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) Approved Drawings

The development shall be carried out and completed in accordance with the following approved drawings:

777/08 Rev C; 777/09 Rev A; 777/10 Rev A; 777/11 Rev A; 777/12 Rev B;
777/13; 777/14 Rev A; 777/15 Rev A; 777/19

In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies DC1 and DC4 of the Local Plan (2018).

3) Materials

Prior to commencement of the development hereby permitted, details (including manufacturer's specifications, photographs and/or brochures) of the external surfaces (including fenestration) and, where applicable, all areas of hard surfacing 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. 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 appearance in line with Policies DC1, DC4 and DC8 of the Local Plan (2018).

4) Noise Sensitive Rooms

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

To ensure that the amenity of occupiers of the development site is not adversely affected by 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).

5) Flood Risk Assessment

The development shall be carried out and completed in full accordance with the details of the flood mitigation measures including sustainable drainage measures contained within the hereby approved Flood Risk Assessment by ARK Ltd. (dated October 2020).

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 limit the impact on flood risk and mitigate the susceptibility of the development to flooding in accordance with Policies CC2, CC3 and CC4 of the Local Plan (2018).

6) Zero Emission Heating

Prior to occupation of the of the Residential Units (Use Class C3) development hereby permitted, details of the installation of the Zero Emission MCS certified Air/ Water Source Heat Pumps or Electric Boilers to be provided for space heating and hot water for each of the three 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.

To ensure that the development does not contribute to in an increase in air pollution locally in accordance with Policy CC10 of the Local Plan (2018).

7) Construction Logistics Plan

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

- Site logistics and operations;
- Construction vehicle routing;
- Contact details for site managers and details of management lines of reporting;
- Location of site offices, ancillary buildings, plant, wheel-washing facilities, stacking bays and car parking;
- Membership of the Considerate Contractors Scheme.

The works shall be carried out in accordance with the approved Construction Logistics Plan throughout the whole construction period.

To ensure that appropriate steps are taken to limit the impact of the proposed construction works on the operation of the public highway, the amenities of residents and the area generally in accordance with Policy T7 of the London Plan and T1, T6 and T7 of the Local Plan (2018).

8) Cycle Parking

Prior to the first occupation of the development hereby permitted, cycle parking spaces as specified on the hereby approved Dwg No. 777/08 Rev C shall be implemented and installed in full in accordance with the approved drawings and shall thereafter be retained solely for the designated use.

To ensure adequate cycle parking is available on site and to promote sustainable modes of transport in accordance with Policy T3 of the Local Plan (2018) and Policy T5 of the London Plan (2021).

9) London Underground Safeguarding

Prior to commencement of the development hereby approved, details of the following shall be submitted to and approved by the Local Planning Authority, in conjunction with London Underground / Transport for London consultation in regard to;

- Construction details on the additional floor
- The use of tall plant and scaffolding
- Demonstration of access to elevations of the building adjacent to the property boundary with London Underground infrastructure can be undertaken without recourse to London Underground entering their land
- Mitigation of the effects of noise and vibration arising from the adjoining operations within the structures.

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with Policy T3 of the London Plan (2021), and the 'Land for Industry and Transport' Supplementary Planning Guidance (2012).

10) Residential Use – Permitted Development Restrictions

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

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

11) No Alterations

No plant, water tanks, water tank enclosures, external rainwater goods, air-conditioning units, ventilation fans, extraction equipment, flues or other plant equipment and associated external pipework or ducting shall be fitted to the exterior of the building unless otherwise shown on the approved drawings.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC2, and DC4 of the Local Plan (2018).

12) Roof Terrace

Other than the area explicitly identified on the approved drawings as a terrace/balcony, no other part of the roof shall be used as a roof terrace or other form of open amenity space. No alterations shall be carried out; nor planters or

other chattels placed on the roofs. No railings or other means of enclosure shall be erected on the roofs, and no alterations shall be carried out to any elevation of the application properties to form access onto the roofs.

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

13) Windows Obscure Glazed / Non Opening

Prior to the occupation of the development hereby permitted, the windows in the east / north-eastern elevation of Flat 9 [as shown on Dwg No. 777/15 Rev A], shall be fitted with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3 and shall be non-opening and fixed shut up to a height of 1.7m above the finished floor level. The window shall thereafter be permanently retained as approved.

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

14) Details of Solar PV Panels

Prior to the occupation of the development hereby approved, details of the siting, gradient and number of Solar PV Panels to be installed on the new dwellings as shown on Dwg No.777/12 Rev A, shall be submitted to and approved in writing by the Local Planning Authority, implemented as approved and thereafter maintained.

To promote sustainable development and ensure that the proposed development does not prejudice the appearance of the nearby conservation areas in line with policies CC1 and DC8 of the Local Plan (2018).

15) Refuse / Recycling

No part of the development hereby approved shall be occupied until the provision for the storage of refuse and recycling have been made in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the provision for refuse and recycling storage shall be permanently maintained in this form for the lifetime of the development.

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

Justification for approving application:

1. Land Use: The scheme proposes two new small residential units in a sustainable mixed-use location where there is no loss of commercial floorspace and as such, the residential units would be in addition to the existing units and the proposed development would make efficient use of land by optimising residential use at the site. This would help to increase and diversify housing supply in the borough. The proposal is therefore considered to be in accordance with Policy D3 and GG2 of the London Plan (2021), Policies HO1, HO4, and HO5 of the Local Plan (2018).
2. Housing: The quality of accommodation, including internal design and layout of the new residential units, is considered to be of good quality having regard to the Mayor's Design Guidelines and compliant to London Plan (2021) Policy D6, together with Policies HO3, HO6, and HO11 of the Local Plan (2018).
3. Design: The development is considered to be sensitively designed to respect the character and appearance of the locality and surrounding conservation areas. The integrity of the host building would not be unduly compromised upon and the established built form would be largely maintained due to the moderate scale of the proposed roof additions. Therefore, the proposed development would be in accordance with the aims and objectives of policies DC1, DC4 & DC8 of the Local Plan (2018) which seek, inter-alia, that developments are of good design and having due regards to the surrounding aesthetics of the built environment, including heritage assets.
4. Residential Amenity: The impact of the proposed development upon adjoining properties is considered to be acceptable. The proposal would not have an unacceptably harmful impact on neighbouring residential amenity in terms of daylight/sunlight, outlook, privacy and noise and disturbance. The intensification of residential use is appropriate for the mixed-use location. In this regard, the proposed scheme would adhere to the principles of good neighbourliness and would therefore comply with Policies HO11 and DC4 of the Local Plan (2018).
5. Transport & Highways: The scheme is proposed as car-free and it is considered that there would be limited impacts on the local highway network or local car parking demands. The site is in a sustainable location with adequate local services, facilities and amenities reducing the need to travel and the area has a high PTAL score of 6a, indicating excellent access to frequent public transport options. The development thereby accords with Local Plan (2018) Policies CC7, T1, T3 and T7 as well as London Plan (2021) Policies T5 and T6.
6. Environmental Issues: The impact of the development with regards to land contamination, flood risk, sustainability and air quality are considered to be acceptable subject to the recommended conditions, in accordance with Local Plan (2018) Policies CC9, CC10, CC3 and CC4.

That the applicant be informed as follows:

1. In determining this application, the local planning authority has worked in a pro-active and positive manner with the applicant to foster the delivery of sustainable development, in accordance with the requirements of paragraph 38 of the National Planning Policy Framework (2018).
2. Permitted hours for building work

Construction and demolition works and associated activities at the development, audible beyond the boundary of the site should not be carried out other than between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer.

Notification to neighbours of demolition/ building works:

At least 21 days prior to the commencement of any site works, all occupiers surrounding the site should be notified in writing of the nature and duration of works to be undertaken. The name and contact details of a person responsible for the site works should be made available for enquiries and complaints for the entire duration of the works and updates of work should be provided regularly. Any complaints should be properly addressed as quickly as possible.

Dust:

Best Practicable Means (BPM) should be used in controlling dust emissions, in accordance with the Supplementary Planning Guidance issued by the GLA 2014 for The Control of Dust and Emissions from Construction and Demolition.

Dark smoke and nuisance:

No waste materials should be burnt on site of the development hereby approved.

Noise and Vibration from demolition, piling, concrete crushing, drilling, excavating, etc.:

Best Practicable Means (BPM) should be used, including low vibration methods and silenced equipment and machinery, in accordance with the Approved Codes of Practice of BS5228:2009 for noise and vibration control on construction and open sites.

3. The Police have a security standard for the manufacture of doors and windows. This standard is known as Secured by Design (SBD). Numerous long term studies have shown that by fitting Police approved specification doors and windows you will reduce the chances of being burgled.

The Met Police encourage you to purchase Secured by Design accredited products for your own build. You can find a list of product suppliers on the secured by design web site www.securedbydesign.com.

SBD products are tested and certificated by an independent third party to ensure that they meet the minimum British Security Standards as well as all other appropriate requirements.

If you are building or converting into several flats then The Met Police would recommend all communal doors, doors allowing direct access into flats, e.g. front and patio door sets, as well as easily accessible windows and balcony doors should be SBD approved, security tested and certificated or an agreed equivalent.

Ensure that there are no trades release buttons fitted/active on your entrance system. Try to ensure any utility meters are external to properties thereby avoiding the need for persons to access individual flats to 'read the meter' an excuse often used by distraction burglars.

The Met Police recommend that all glazing in doors and windows is either laminated glass or if double glazed, inner pane laminated outer toughened. All balcony or balustrade glazing should be laminated.

Always ask (if fitting a euro-profile style locks) for the enhanced anti-snap lock BS TS007 3* CCTV can help deter crime and criminal behaviour and provide reassurance for residents and visitors. It can also provide key evidence of any criminal activity. We therefore recommend a CCTV & lighting strategy around the building and communal areas.

4. The dwellings hereby approved shall not be occupied other than in accordance with a water consumption target of 105 litres or less per person per day.

Officer Report

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 7th September 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:
Met Police Crime Prevention	07.10.2022
London Underground / Transport for London	30.09.2022
Thames Water	16.09.2022

Neighbour Comments:

Letters from:	Dated:
Ground Floor Flat 158 Hurlingham Road	07.12.2022
154 Hurlingham Road	25.11.2022
4 Melbray Mews	27.10.2022
6 Melbray Mews	27.10.2022
1 st Floor Flat 7 Melbray Mews	27.10.2022
1 st Floor Flat 7 Melbray Mews /158 Hurlingham Road	25.10.2022
13 Grimston Road	12.10.2022
12 Grimston Road	12.10.2022
148 Hurlingham Road	10.10.2022
156 Hurlingham Road	10.10.2022
11 Grimston Road	08.10.2022
154 Hurlingham Road	03.10.2022
82 Merrion Square South Ballsbridge Dublin	03.10.2022

OFFICER REPORT

SITE DESCRIPTION

- 1.1 This backland application site has an irregular shape and includes two and three storey buildings around a courtyard which provide accommodation to several small businesses and some residential dwellings. The application buildings relate to Nos. 5 and 7 Melbray Mews which is in a circular shaped mixed-use building situated at the north-western part of the site and No.7 shares a flank elevation with Melbray House immediately to the southwest. The access to the site is from a vehicular undercroft along Hurlingham Road.
- 1.2 The surrounding area includes a mix of residential and commercial properties. To the south and east are the rear gardens of two and three storey residential Victorian terraces fronting Hurlingham Road and Grimston Road. To the north, is a railway line and an access road to railway arches which serve small commercial units; beyond this are the rear gardens of properties fronting New Kings Road. Immediately, to the west are Nos. 160-164 Hurlingham Road which includes vacant single storey, light industrial units.

- 1.3 The main access on Hurlingham Road falls within the Hurlingham Conservation Area, however, the remainder of the site, albeit adjacent, does not fall within any conservation area. The site also falls within Flood Zone 3 (Low Residual Risk), a Controlled Parking Zone, the London Underground Zones of Interest and has a Public Transport Accessibility Level (PTAL) of 6a (on a scale of 1- 6b with 6b having the highest PTAL).

2 PLANNING HISTORY

- 2.1 There are planning records for Nos.5 & 7 individually, these are detailed below:

No.5

- 2.2 In 2022, planning permission (2022/00645/FUL) was granted for the change of use of the ground and first floor levels from office (Class E) into 2 x 2 bedroom self-contained flats (Class C3); alterations to eastern elevation at ground floor level to include replacement of 2no windows with doors, and installation of new steps following the removal of existing staircase to patio garden; installation of new planter box and 2no cycle lockers to south western elevation at ground floor level.
- 2.2 In 2021, a prior approval application (ref: 2022/00656/PDAB56) was refused for the erection of additional floors at roof level (with 6no solar panels at main roof level) in connection with the creation of 2 x 1 bedroom self-contained flats (1 x 1 bedroom at no. 7 Melbray Mews and 1 x 1 bedroom at no. 5 Melbray Mews); formation of a roof terrace at roof level to no. 7 Mebray Mews on the following ground:
- The proposed development does not constitute permitted development as the height of the highest part of the roof of the extended building would exceed by more than 3.5 metres the height of the highest part of the roof of No. 1-3 Melbray Mews the cycle enclosures would extend beyond the curtilage of the existing building the cycle enclosures would be situated on land forward of a wall forming the principal elevation of the main building and the side elevation must not include windows in any wall or roof slope forming a side elevation of the building.
- 2.3 In 2014, prior approval application (2014/00798/PD56) was granted for the change of use of second floor from office (Class B1) into a one bedroom self-contained flat (Class C3).
- 2.4 In 1999, planning permission (1999/01611/FUL) was refused for the erection of an additional floor at roof level (north-eastern block); use of the whole of units 5, 6 and 7 (as extended) for office (Class B1) purposes, together with related car parking on the following grounds:
- i. Unacceptable in the interests of visual amenity; more particularly, the addition of an extra storey would result in an overdominant building which would be out of keeping with the remainder of the development and out of

scale with its general surroundings, particularly the adjacent two storey residential properties in Grimston Road.

- ii. Contrary to the Council's traffic restraint policies and car parking standards the proposed parking spaces was in excess of the maximum number of off- street car parking spaces identified in the Unitary Development Plan for a site of this size. If permitted, the proposal would establish an undesirable precedent which would make it difficult to resist similar developments with excessive on-site car parking provision, the cumulative impact of which would be to add significantly to the high levels of traffic generated on the Borough's already overstretched and congested road network, particularly at peak times, to the further detriment of the amenities of the Borough and its residents.

2.5 The subsequent appeal against the above refusal was dismissed by the Planning Inspectorate in December 2000. The Inspector concluded that the proposal would be out of keeping with its surroundings and in general the proposal was harmful to adjoining Conservation Area. The Inspector also agreed that the car parking provision was excessive.

No.7 –

2.6 In 2017, a prior approval application (2017/01481/PD56) was refused for the change of use of the first floor level from office (Class B1) into 1 x one bedroom self-contained flat (Class C3) on the following grounds:

- i. The proposal fails to assess the transport and highways impacts of the proposed development and how they are to be mitigated.
- ii. The proposal fails to assess the noise impacts of the proposed development and how they are to be mitigated.

2.7 In 2012, planning permission (2012/01003/FUL) was granted for the Change of use of existing 'live/work' unit to create a separate B1 commercial unit and a self-contained flat.

3 PROPOSAL

3.1 The application is for the erection of an additional floor at roof level (with 6 solar panels at main roof level) in connection with the creation of two 1 bedroom self-contained flats (1 x 1 bed at 7 Melbray Mews and 1 x 1 bed at 5 Melbray Mews) and the formation of a roof terrace at roof level to 7 Melbray Mews.

4 PUBLICITY AND CONSULTATION

4.1 The application was advertised by way of site and press notices and individual notification letters were sent to 64 neighbouring properties.

4.2 In response, 12 objections were received. The main issues are summarised below:

- Out of keeping with remaining development at the site
- Inappropriate height (including with mounted solar panels)
- Unsightly solar panels
- Impact on nearby conservation areas
- Loss of privacy (particularly from roof terrace)
- Loss of daylight/sunlight
- Overshadowing
- Noise and disturbance from roof terrace
- General loss of amenity (including visual amenity)
- Inaccurate drawings
- Inadequate cycle parking provision
- Car and cycle parking area not part of the application site
- Increase in traffic, congestion and pollution
- Inadequate road access (including for emergency vehicles)
- Previous similar development was dismissed at appeal
- Reasons for previous refusals not overcome
- Frequent proposals with little or no change
- Unwanted precedent
- Disruption to businesses in the Mews
- No benefit for the local community
- Lack of affordable housing.
- Construction noise and disruption.

4.3 Officer response: the main concerns outlined above are addressed within the main body of this report. This application is being considered on its own merits against and previous material planning decisions will be taken into account. Regarding, affordable housing, the application falls below the threshold of 10 new units or more to make an affordable housing contribution on or off site. In terms of whether the car and cycle parking area are/are not part of the application site, officers have reviewed the drawings and are satisfied that these are sufficiently accurate for a planning assessment.

4.4 In addition to the above material planning objections, the following non-material issues were also raised:

- Loss of views (officer response: unless a view is statutorily protected, the loss of views is not a material planning consideration)
- Encroachment/ownership issues (officer response: these are civil matters, officers are satisfied that the correct ownership certificate has been signed and any grant of planning permission would not override separate ownership rights)
- Structural damage (officer response: this is an engineering matter covered by alternative building legislation which ensures that buildings are safely constructed)

- Drawings do not accurately show adjoining properties (officer response: whilst helpful, this is not a statutory validation requirement. The impact on neighbouring properties forms part of the planning assessment in this report)
- Developers financial gains (officer response: this is not a material consideration in this case, as there is no viability assessment required for these proposals).
- Impact on property value (officer response: this not a material planning consideration).

5 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. Additionally, for sites in Conservation Areas, the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant.
- 5.2 Collectively these 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 of 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 (NPPF)

- 5.4 The NPPF (2021) 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 latest 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. As Hammersmith & Fulham is one of the 32 London Boroughs, the London Plan forms part of the development plan for the borough.

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 role of the development plan is to guide decision making on planning applications and inform investment in social and physical infrastructure.
- 5.8 The 'Planning Guidance' Supplementary Planning Document (SPD) 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 ASSESSMENT

- 6.1 The main planning considerations in this assessment include:
- Principle of Development / Land Use;
 - Quality of Accommodation;
 - Design and Heritage;
 - Residential Amenity;
 - Transport and Highways;
 - Environmental Considerations (flood risk, air quality, sustainability, contamination etc.);
 - Planning Obligations.

PRINCIPLE OF DEVELOPMENT / LAND USE

Housing Supply

- 6.2 Policy H1 of the London Plan (2021) states that 66,000 net additional units should be delivered per annum in London. From that, this Borough has a target to deliver 1,609 net additional dwellings per annum. London Plan Policy H2 supports housing on small sites, The need to increase housing supply is reiterated in Local Plan (2018) Policy HO1.
- 6.3 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 0.085 hectares in size and therefore represents a small site for the purpose of this policy. Officers consider that the proposed 2 unit scheme on this small mixed use site would contribute a more efficient use of this land. The proposals would accord with Policy H2 and would contribute to the overall housing need in the Borough.
- 6.4 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.

6.5 The site is in Public Transport Accessibility Level (PTAL) 6a using Transport for London's methodology, indicating that it has excellent accessibility by public transport. Officers consider that the addition of three 1-bed flats (6 habitable rooms) is compatible in this location which has excellent access to public transport. Whilst the resulting building would be slightly 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.

6.6 Overall, the proposal would create 2 new residential units. These additional units would contribute to the boroughs housing supply target and the proposals would accord with London Plan Policy H2 and Local Plan Policy HO1.

Housing Mix

6.7 London Plan Policy H10 (Housing size mix) expects that schemes should generally consist of a range of unit sizes. The policy recognises that a higher proportion of one and two bed units is generally more appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity. The policy also recognises that the provision of one and two bed units plays a role in freeing up existing family housing. Policy H05 of the Local Plan also 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.

6.8 The proposals include the provision of 2 Nos. 1-bed flats. The application site has a high public transport access, PTAL 6a (with 6b being the highest), indicating that access to frequent public transport options is excellent. Given the modest scale of additional units, the location and constraints of the site, the proposed unit mix would be appropriate for this small site and would make a positive contribution towards identified housing need in the Borough.

QUALITY OF ACCOMMODATION

Unit Size

6.9 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.

6.10 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:

- 50sqm for 1Bed/2person, 1 storey dwelling (52.5sqm proposed for Flat 8)
- 37sqm for 1Bed/1Person, 1 storey dwelling (43.6sqm proposed for Flat 9)

6.11 Both 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.

6.12 In terms of outlook, the plans show that the new units would benefit from predominantly south facing windows. On this basis, there would be sufficient light and outlook to the habitable rooms which would afford reasonable living conditions to future occupiers.

External Amenity Space

6.13 London Plan Policy D6 states that a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m in new housing development. Local Plan Policy HO11 and SPD Key Principle HS1 require new dwellings to have access to an area of amenity space appropriate to the type of housing being provided. Para. 3.2 of the 'Planning Guidance' SPD outlines that access to high quality and adequate amounts of private open space significantly adds to the quality of life of all occupants.

6.14 Only the larger of the two units (1b/2p) would have access to private external amenity space through a front roof terrace (of 5.2sqm). Most of the existing residential properties within this mixed-use Mews development with its courtyard, do not have access to external amenity space. There are a number of public open spaces within walking distance of the site, most notably Hurlingham Park is just 220m to the east. Given the site characteristics and its proximity to existing public open space, the proposed level of external private amenity space is considered acceptable in this case.

Daylight

6.15 The proposed development would face into an open courtyard. The nearest existing development to the proposed south facing dwellings are three storey and some 30m away. Given these particular site circumstances, the overall level of daylight provided to units within the development would be very good and would provide a suitable standard of amenity for future occupiers.

Noise and Disturbance

6.16 Local Plan (2018) Policies HO11 and CC11 are aimed at ensuring that residents of future housing are not unduly affected by noise and disturbance from adjoining sites or the wider setting. SPD Noise Key Principle NN3 concerning the sound insulation between dwellings states that "...careful consideration should be given to stacking and layout of rooms in relation to adjoining walls/floors/ceilings."

6.17 The site is in a noise sensitive location and there are commercial and industrial uses with the Mews. The Council's Environment Protection Team have reviewed the application and are satisfied that the 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 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).

- 6.18 Overall, the proposed development would provide satisfactory living conditions and amenities to future occupiers and provide generally good quality of residential accommodation, in accordance with Policies D6 of the London Plan, HO11 and CC11 of the Local Plan (2018), and Key Principle NN3 of the 'Planning Guidance' SPD.

DESIGN AND HERITAGE

- 6.19 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.
- 6.20 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".
- 6.21 Local Plan (2018) 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.
- 6.22 Policy DC2 Design of New Build 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.

- 6.23 The Council's Supplementary Planning Guidance SPD (2018) is relevant, in particular Key Principles These Key Principles provide guidance which seeks to ensure that heritage assets are conserved in a manner appropriate to their significance in accordance with the NPPF.
- 6.24 The proposal site forms part of an existing mews development which is situated in a backland location between a group of two and three storey terraced houses on Hurlingham Road and Grimston Road to the south and east, and the raised viaduct of the District Line to the north. Immediately to the west is the 3 storey Melbray House currently in industrial/commercial use which is bounded by Nos.160 – 164 Hurlingham Road. (Most recently, proposals for redevelopment of the featuring a taller, part 4, part 5 storey building where allowed on appeal in 2019, Ref. 2017/02950/FUL and 2018/01638/FUL)
- 6.25 The proposal is for the addition of two separate roof structures to serve as an extra floor on top of the existing 3 storey building. The two structures would occupy the two ends of the existing flat roof that span between Nos. 5 and 7, leaving a central gap of some 9.5m between them. They would extend from the front to the rear of the roof covering its full depth (of roughly 8m) and cumulatively cover about two thirds of the width of the whole roof (measured at approx. 27m). The overall height of the proposals would sit marginally lower than the roofline of Melbray House to the immediate west.
- 6.26 The design of the proposal scheme would be of a simple, lightweight appearance overall, with a mix of transparent and translucent glazing panels forming the main elevations and featuring a curved profile roof, detailed in a polymer roof covering.
- 6.27 The proposed solar panels would sit on top of the proposed roofscape of each additional units, and form a group lined up with each other in two rows each (6Nos. in total). The submitted drawings demonstrate that these would not protrude above the roofline and the panels would be integrated into the design of the additional floor. The panels would be installed within the envelope of the building in an unobtrusive manner and be positioned in the least intrusive location to minimise their visual impact. Details of the solar panels would be secured by condition.
- 6.28 Overall, the proposed additional floor of development in this backland location are considered to be sympathetic to the form, appearance and scale of the surrounding existing buildings and would not be visible from any public realm locations.

Heritage

- 6.29 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas. It is key to the assessment of these applications that the decision-making process is based on the understanding of specific duties in relation to listed buildings and

Conservation Areas required by the relevant legislation, particularly the s.72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in the NPPF.

6.30 S.72 of the above Act states in relation to Conservation Areas that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

6.31 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.

6.32 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.

6.33 Para 189 of the NPPF states that: Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

6.34 Para 195 of the NPPF states that: Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

6.35 Para 197 of the NPPF states that: In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

6.36 Para 199 of the NPPF states that: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential

harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 6.37 Para 200 of the NPPF states that: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 6.38 Para 201 of the NPPF states that: Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 6.39 Para 202 of the NPPF states that: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.40 The NPPF makes a clear distinction between the approach to be taken in decision-making where the proposed development would affect the significance of designated heritage assets (listed buildings, conservation areas, Registered Parks and Gardens) and where it would affect the significance of non designated heritage assets (buildings of local historic and architectural importance).
- 6.41 The NPPF also makes a clear distinction between the approach to be taken in decision-making where the proposed development would result in 'substantial' harm and where it would result in 'less than substantial' harm.
- 6.42 Case law indicates that following the approach set out in the NPPF will normally be enough to satisfy the statutory tests. However, when carrying out the balancing exercise in paragraphs 202 and 203, it is important to recognise that the statutory provisions require the decision maker to give great weight to the desirability of preserving designated heritage assets and/or their setting.
- 6.43 The Planning Practice Guidance notes which accompany the NPPF remind us that it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed.

- 6.44 The scheme would impact heritage assets indirectly, namely through impacts on setting. These impacts are considered separately in the report below.
- 6.45 In the first instance, the assessment to be made is whether the development within the setting of a designated heritage asset will cause harm to that designated heritage asset or its setting. If no harm is caused, there is no need to undertake a balancing exercise. If harm would be caused, it is necessary to assess the magnitude of that harm before going to apply the balancing test as set out in paragraphs 201 and 202 of the NPPF as appropriate.
- 6.46 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.
- 6.47 Policy HC1 of the London Plan (Heritage conservation and growth) advises that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.
- 6.48 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.
- 6.49 Local Plan (2018) 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.
- 6.50 Policy DC8 Heritage and Conservation states that the council will conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets. These assets include: listed buildings, conservation areas historic parks and gardens, the scheduled monument of Fulham Palace Moated site, unscheduled archaeological remains and buildings and features of local interest. When determining applications affecting heritage assets, the council will apply the following principles: a. the presumption will be in favour of the conservation, restoration and enhancement of heritage assets, and proposals should secure the long term future of heritage assets. The more significant the designated heritage asset, the greater the presumption should be in favour of its conservation; b. applications affecting designated heritage assets, including alterations and extensions to buildings will only be permitted if the significance of the heritage asset is conserved or enhanced; c. applications should conserve the setting of, make a positive contribution to, or reveal the significance of the heritage asset. The presence of heritage assets should inform

high quality design within their setting; d. applications affecting non-designated heritage assets (buildings and artefacts of local importance and interest) will be determined having regard to the scale and impact of any harm or loss and the significance of the heritage asset in accordance with paragraph 135 of the National Planning Policy Framework; e. particular regard will be given to matters of scale, height, massing, alignment, materials and use; f. where changes of use are proposed for heritage assets, the proposed use, and any alterations that are required resulting from the proposed use should be consistent with the aims of conservation of the asset's significance, including securing its optimum viable use; g. applications should include a description of the significance of the asset concerned and an assessment of the impact of the proposal upon it or its setting which should be carried out with the assistance of a suitably qualified person. The extent of the requirement should be proportionate to the nature and level of the asset's significance. Where archaeological remains of national significance may be affected applications should also be supported by an archaeological field evaluation; h. proposals which involve substantial harm, or less than substantial harm to the significance of a heritage asset will be refused unless it can be demonstrated that they meet the criteria specified in paragraph 133 and 134 of the National Planning Policy Framework; i. where a heritage asset cannot be retained in its entirety or when a change of use is proposed, the developer should ensure that a suitably qualified person carries out an analysis (including photographic surveys) of its design and significance, in order to record and advance the understanding of heritage in the borough. The extent of the requirement should be proportionate to the nature and level of the asset's significance; j. the proposal respects the principles of accessible and inclusive design; k. where measures to mitigate the effects of climate change are proposed, the applicants will be required to demonstrate how they have considered the significance of the heritage asset and tailored their proposals accordingly; l. expert advice will be required to address the need to evaluate and conserve archaeological remains, and to advise on the appropriate mitigation measures in cases where excavation is justified; and m. securing the future of heritage assets at risk identified on Historic England's national register, as part of a positive strategy for the historic environment.

6.51 The Council's Supplementary Planning Guidance SPD (2018) is relevant, in particular Key Principles AH1 (Information Requirements for applications for consent affecting heritage assets) AH2 (Protection of Heritage Assets) and BM2 (Proposals affecting buildings of merit). These Key Principles provide guidance which seeks to ensure that heritage assets are conserved in a manner appropriate to their significance in accordance with the NPPF.

6.52 With the exception of the access from Hurlingham Road, the application site is not situated within a Conservation Area but is adjacent to the Hurlingham Conservation Area to the west and south which includes properties along Hurlingham Road. Additionally, the Fulham Park Gardens Conservation Area lies beyond the railway viaduct to the north.

6.53 As such, the impact of the proposals upon the setting, character and significance of these heritage assets require due consideration. The Council has a statutory duty under Section 72 of the Planning (Listed Buildings and

Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, together with the requirements set out in the NPPF.

- 6.54 The designated heritage asset that stands to be affected by the proposals is the character, appearance, and setting of the Hurlingham Conservation Area which was designated in 1971 and subsequently extended in 1981 and 2002. The northern part of this Conservation Area includes the properties on Hurlingham Road and the Putney rail bridge provides the western boundary of the Conservation Area.
- 6.55 The Hurlingham Conservation Area Character Profile was approved in 1997 as supplementary planning guidance and splits the conservation area into 4 sub-areas to distinguish areas of similar character and similar periods of historic development. The front of the application site falls into the Western Housing Development (sub-areas C) which consists of three-storey residential terraces and semi-detached properties. The residential terraced properties fronting Hurlingham Road are three storeys, or two storeys with further accommodation in the roof space. The majority are late nineteenth century in date. The terraces have different detailing from each other which provides variety and interest and helps to capture the space along the road frontage.
- 6.56 The western end of Hurlingham Road around the application site is relatively enclosed space due to the terraced nature of the development with solid facades and the compact grain. By contrast, the eastern end of the Road within the Conservation Area is more open due to the presence of Hurlingham Park with its green open edge on the south side of the road.
- 6.57 The proposed development does not include any works along the Hurlingham Road frontage. The proposed works would take place at the rear of the site and views to and from that location are largely screened by the existing railway viaduct and intervening development. The elevational treatment and materiality of the proposed additional floor would be sympathetic to the existing building and would not compete or appear incongruous with the surrounding building typologies. The proposed height would broadly match other properties in and around the mews and would not be visible from the street. In this form, it is considered that the proposal would be of an acceptable scale not out of keeping with its surroundings.
- 6.58 In assessing the impact of the proposals upon the setting, character and appearance of the adjacent Conservation Areas, officers have given due consideration to the earlier appeal decision, in 2000 against the planning refusal (ref 1999/01611/FUL) which included the erection of an additional floor at No 5 Melbray Mews; one of the grounds stated that the addition of an extra storey would be out of keeping with its surroundings and in general, the proposal was harmful to adjoining Conservation Area.
- 6.59 In the substantive intervening period since this decision was taken, there have been significant changes to the character of this section of the Conservation Area owing to the cumulative scale of rooftop additions to properties situated within the

Hurlingham Conservation Area. Coupled with these changes, officers have also given due regard to the earlier appeal decisions allowed for the development of 160-164 Hurlingham Road, which would introduce a part 4/5 storey building to the west of the site, which would rise well above the viaduct and be markedly higher than other buildings in this part of the Conservation Area. In granting permission for this development, the inspector did not conclude the development would result in any harm to the Conservation Area.

6.60 Consequently, considering the current context of the site, coupled with the lightweight design of the proposal scheme, officers suggest that the proposals would have limited visibility from surrounding views of both Conservation Areas. Whilst the development would introduce some minor change to dynamic views encountered when travelling by tube, it is not considered that this would unduly change the appreciation of the Hurlingham Conservation Area. As such, it is considered that the development forms an appropriate response to this context; which would not result in any harm to the setting and therefore, character or appearance of the Hurlingham Conservation Area.

6.61 Furthermore, officers consider that the proposals would not harm the Fulham Park Gardens Conservation Area which lies beyond the railway viaduct to the north. Overall, the small scale and sensitive design of the proposal scheme is not considered to result in any harm to the setting of any heritage assets.

Design and Heritage Conclusion

6.62 Subject to conditions, the proposed works, due to their design, scale and situation, would not have any harmful impacts on the character, significance or setting of the Conservation Area. The works are designed sympathetically to the character of the site; the development would preserve the character and appearance of the Hurlingham Conservation area.

6.63 Officers have assessed the impact of the proposal upon the setting of adjacent heritage assets and consider that the proposals would not result in any harm to these assets overall. As such, the scheme is considered to comply with s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also in line with national guidance in the NPPF and strategic local policies on the historic environment and urban design. The proposed development is also considered acceptable in accordance with the NPPF, the London Plan and Policies DC1, DC2, and DC8 of the Local Plan, and Key Principles of the Planning Guidance SPD.

RESIDENTIAL AMENITY

6.64 Local Plan Policy DC4 states all proposals must be formulated to respect the principles of good neighbourliness. Policy HO11 (Detailed Residential Standards) state that the council will ensure that the design and quality of all new housing, including new build, conversions and change of use, is of a high standard and that developments provide housing that will meet the needs of future occupants and respect the principles of good neighbourliness. Key Principles HS6, HS7, and HS8 of the Planning Guidance SPD seeks to protect the existing amenities of

neighbouring residential properties in terms of outlook; daylight, sunlight, and overshadowing, privacy, and noise and disturbance.

- 6.65 Policies CC11, CC12 and CC13 of the Local Plan (2018) relate to environmental nuisance and require all developments to ensure that there is no undue detriment to the general amenities enjoyed by neighbouring occupiers.

Outlook

- 6.66 'Planning Guidance' SPD Key Principle HS6 notes that the proximity of a development can have an overbearing and dominating effect detrimental to the amenities of adjoining residential occupiers. Although it is dependent upon the proximity and scale of the proposed development, a general standard can be adopted by reference to a line produced at an angle of 45 degrees from a point at ground level or at 2m on the rear curtilage. On-site judgement will be a determining factor if any part of the proposed building extends beyond these lines.
- 6.67 Currently, there are no other third floor windows within the Mews itself and all the existing habitable room windows are located at ground, first or second floors. This situation is replicated at the residential properties along Hurlingham Road and Grimston Road. Due to the unusual shape of the plot, the 45 degree rule is not strictly applicable within the Mews. But given the modest scale of the additional floor, the offset from the lower two floors and the lightweight appearance at the front elevation, officers consider that a satisfactory sense of openness would be retained.
- 6.68 The proposed additional floor would be separated by between some 25m – 37m from the residential properties along Hurlingham Road and this is sufficient to limit any loss of outlook, sense of enclosure and overbearing impacts.
- 6.69 The residential properties at Nos.14 – 16 Grimston Road which lie parallel to the eastern elevation of No.5 have gardens of less than 9m in depth and when measured from a point at the rear residential boundary at ground level, the proposed additional floor would infringe on a 45 degree line. However, the existing eastern elevation of the host building already infringes on this line and based on an on-site judgement, the proposals would have an acceptably modest impact that would not significantly worsen the existing situation for the occupiers at Nos.14 – 16 Grimston Road.
- 6.70 Overall, the proposals accord with Policy DC4 and HO11 of the Local Plan (2018), and Key Principle HS6 of the 'Planning Guidance' SPD.

Daylight / Sunlight

- 6.71 The British Research Establishment (BRE) guide on 'Site layout planning for daylight and sunlight', set out good practice for assessing daylight and sunlight impacts for new development. In urban and city centre areas, BRE Guidelines advise that the guidance be applied flexibly.

6.72 The applicants have submitted a Daylight and Sunlight Report and this document is based on the latest changes to the BRE assessment methodologies made in June 2022. In total, 26 windows in the closest residential properties within the Mews and at Nos.14 – 16 Grimston Road were tested under Vertical Sky Component, No Sky Line and Annual Probable Sunlight Hours.

6.73 The submissions conclude that the siting of the proposed additional floors would have no adverse detrimental impact and the proposals would be compliant with the BRE guidelines. Officers have reviewed this submission and have no reason to question the conclusions of the report. Therefore, 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.

Privacy

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

6.75 The proposed front facing windows would be orientated and be separated by the same distance as the existing windows in the front elevation of the floors below by between 12m and 16m, and the views from the proposed windows would be no closer to opposing windows within the Mews. The proposed windows in the east/ north-eastern elevation facing the rear gardens of Nos. 14 – 16 Grimston Road are high level and would include 1.7m high obscure glazing from the finished floor level to prevent overlooking and this would be secured by condition.

6.76 A small roof terrace is proposed for Flat 8, and this would be sited to the side/front of the dwelling, it would face the front of the building and courtyard below and the windowless north-eastern elevation of Melbray House. Part of the terrace would have a staggered layout which includes a partial offset behind the front windows and the proposed terrace would not directly face any opposing windows within the Mews. Beyond the Mews, are the rear elevations of the properties fronting Hurlingham Road which are at least 25m away. In its proposed form, the development would have an acceptable impact in terms of overlooking.

6.77 The proposal would not result in any undue loss of privacy or harmful overlooking and therefore accords with Policies DC4 and HO11 of the Local Plan, and Key Principle HS7 of the 'Planning Guidance' SPD.

Noise and Disturbance

- 6.78 'Planning Guidance' SPD Key Principle HS8 adds that roof terraces or balconies likely to cause harm to the existing amenities of neighbouring properties by reason of noise and disturbance will not be supported.
- 6.79 Only Flat 8 (1bed/2person) would have access to the proposed roof terrace (5.2sqm) which is well below the maximum size of 15sqm set out under Key Principle HS8. Officers consider that the proposed size of the terrace would limit the number of people that could congregate in that space and in turn limit potential harmful impact of noise and disturbance.
- 6.80 It is not considered that the additional comings and goings at this mixed-use residential site would cause undue nuisance to existing residents.
- 6.81 The proposed solar PV panels would be fairly low scale and low profile with a marginal protrusion level above the roof which would make them appear as subtle and unimposing. The solar panels would absorb rather than reflect sunlight and would not cause any undue impact in terms of solar glare. Further details of the panels would be secured by condition.
- 6.82 The proposed development is therefore considered to comply with Policies DC4, HO11, and CC11 of the Local Plan (2018), and SPD Key Principle HS8.

Conclusion – Residential Amenity

- 6.83 Overall, the proposals would have an acceptable impact on the residential amenities of existing neighbouring occupiers. The proposals would therefore accord with Local Plan Policy HO11, CC11, CC12 and CC13 and SPD Key Principles HS6, HS7 and HS8.

TRANSPORT AND HIGHWAYS

Car Parking

- 6.84 Policy T4 of the Local Plan 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.
- 6.85 The site lies in an area with a PTAL 6a indicating that there is excellent access to frequent public transport options, and it is in a sustainable location for both transport and amenities. The Council's Highways Team have assessed the proposal in relation to parking and have confirmed that because the application site has a PTAL 6a rating, the proposed residential units must be made car permit free to be in accordance with Policy T4 of the Local Plan. This will be secured through a legal agreement.

Cycle Parking

- 6.86 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. Local Plan Policy T3 seeks to increase and promote opportunities for cycling and walking and states that new development to include provision of accessible and safe secure parking within the boundary of the site.

- 6.87 The proposals include secured and covered cycle storage for 4 bicycles. The Council's Transport officers have considered the proposals and are they are satisfied that the proposed storage arrangements with the application site are appropriate and a condition will be imposed requiring the implementation of the cycle stores.

Refuse and Recycling

- 6.88 Local Plan Policy CC7 states that new developments, including conversions should aim to minimise waste and should provide convenient facilities for future occupiers.
- 6.89 Given the existence of other residential units within the Mews, it is considered that adequate refuse and recycle facilities for residential use is already in place at the site which the proposed units can make use of. The applicants submitted Transport Note states that "bins and refuse storage for the new flats will be added to the existing store within the site grounds. Also, refuse collection will operate using the existing servicing arrangements. Details of the additional storage and servicing will be secured by condition.
- 6.90 The proposed arrangement is accepted by officers, and it would accord with Key Principle WM7 of the 'Planning Guidance' SPD.

Construction Impacts

- 6.91 The main impact of the development in highway terms would be during the construction stage. In accordance with Local Plan Policy T7 and Planning Guidance SPD Key Principle a detailed Construction Logistics Plan will be secured by a condition.
- 6.92 Transport for London have been consulted due to the close proximity of the site to London Underground's infrastructure (the viaduct to the north serving the Wimbledon branch of the District Line); they have raised no objection subject to a condition to ensure the safeguarding of their infrastructure during the construction phases.

Conclusion – Transport and Highways

- 6.93 Overall, in terms of highways and transport implications, subject to appropriate conditions, the proposed scheme would comply with Policies CC7, T1, T2, and T3 of the Local Plan and relevant Transport Key Principles of the 'Planning Guidance' SPD.

ENVIRONMENTAL CONSIDERATIONS

Flood Risk

- 6.94 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. This is echoed within London Plan Policy SI 12.
- 6.95 Local Plan Policy CC3 requires that new development reduce the use of water and be designed to take account of increasing risks of flooding. Policy CC4 states that new development would be expected to manage surface water run off by implementing a range of measures, such as sustainable drainage systems (SuDs) where feasible and the use of water efficient fittings and appliances.
- 6.96 The site is within the Environment Agency's Flood Zone 3 and a Flood Risk Assessment (FRA) is submitted in support of the application. The FRA references the existing ground floor units but they are not part of the application. Although in a Flood Zone 3 area, the nature of the proposed development, with an additional floor on the roof, means that flood risk is not a significant issue for the proposed residential units. The Council's Environmental Protection team have no issues to raise in this respect. However, as new residential units are being created, there is a requirement under Policy CC3 that internal water use should be no more than 105 litres per person / per day which can be achieved by installing water efficient fixtures/fittings and appliances. This can be covered by condition.

Air Quality

- 6.97 London Plan Policy SI 1 and Policy CC10 of the Local Plan seek to reduce the potential adverse air quality impacts of new developments by requiring appropriate consideration and mitigation of air quality issues.
- 6.98 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 New Kings Road (A308) and Hurlingham Road. The Council's Environmental Quality team have considered the proposal and have recommended conditions relating to Ventilation Strategy and Zero Emission Heating. The ventilation strategy requires the limited opening of windows (to 200mm) amongst other things.
- 6.99 However, the only openable windows proposed in both units would face within the Mews away from the main roads. Given this and the fact that there are existing similar residential windows without restricted openings in the building, it is not considered as reasonable to impose the ventilation strategy condition. But the use of Zero Emission MCS certified Air/ Water Source Heat Pumps or Electric Boilers is justifiable in this case and would be required via condition.
- 6.100 The proposals accord with Policy London Plan Policy SI 1 and Policy CC10 of the Local Plan.

Land Contamination

- 6.101 Local Plan Policy CC9 state that the Council will support the remediation of contaminated land, and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place.
- 6.102 Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. However, the proposed new residential units would be on third floor of the building and no excavation or landscaping works are proposed at ground level which would potentially bring human into contact with contaminated land or cause contamination to controlled waters. As the units would effectively be new builds, there is also no potential of internal contamination from past uses in this case.

Sustainability

- 6.103 The London Plan Policy SI 2 and Local Plan Policy CC1 both require proposals to including carbon curbing measures where appropriate. This is applicable for all major applications and highly encouraged in all other types of development.
- 6.104 Solar energy technologies have been identified as one of the most practical and feasible way of achieving regulated on-site carbon emissions reduction target and is a popular choice in both commercial and residential schemes. The Council will support all measures which tackle climate change and promote the use of renewable sources of energy, so therefore the use of the Solar PV panels is welcomed.

PLANNING OBLIGATIONS / LEGAL AGREEMENT

- 6.105 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'.
- 6.106 London Plan (2021) Policy DF1 recognises the role of planning obligations in mitigating the effects of development and provides guidance on the priorities for obligations in the context of overall scheme viability. 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 Section 106 Agreements (s106).
- 6.107 A unilateral legal undertaking will be required to secure a car free development to prohibit any occupiers of the residential unit, other than Blue Badge Holders, from obtaining a parking permit, under Section 16 of the Greater London Council (General Powers) Act 1974.

COMMUNITY INFRASTRUCTURE LEVY

- 6.108 This development would be subject to the London-wide Community Infrastructure Levy. The Mayor's new CIL charging schedule (MCIL2) came into effect on 1st April 2019 and will be used to fund Crossrail 1 and Crossrail 2. As the Collecting Authority, the Council is expected to secure the levy in accordance with London Plan (2021) Policy DF1 and is chargeable at £80 per sqm uplift in floorspace, regardless of the use. This development would be subject to this London wide community infrastructure levy which in this case would be £7,688 plus indexation.
- 6.109 In addition, the development would also be subject to the Borough's own local CIL, which is to help pay for facilities and community services such as transport, schools, health services and open space. Local CIL is chargeable at £200 per sqm for a residential development in this part of the borough. 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 £38,440 plus indexation.

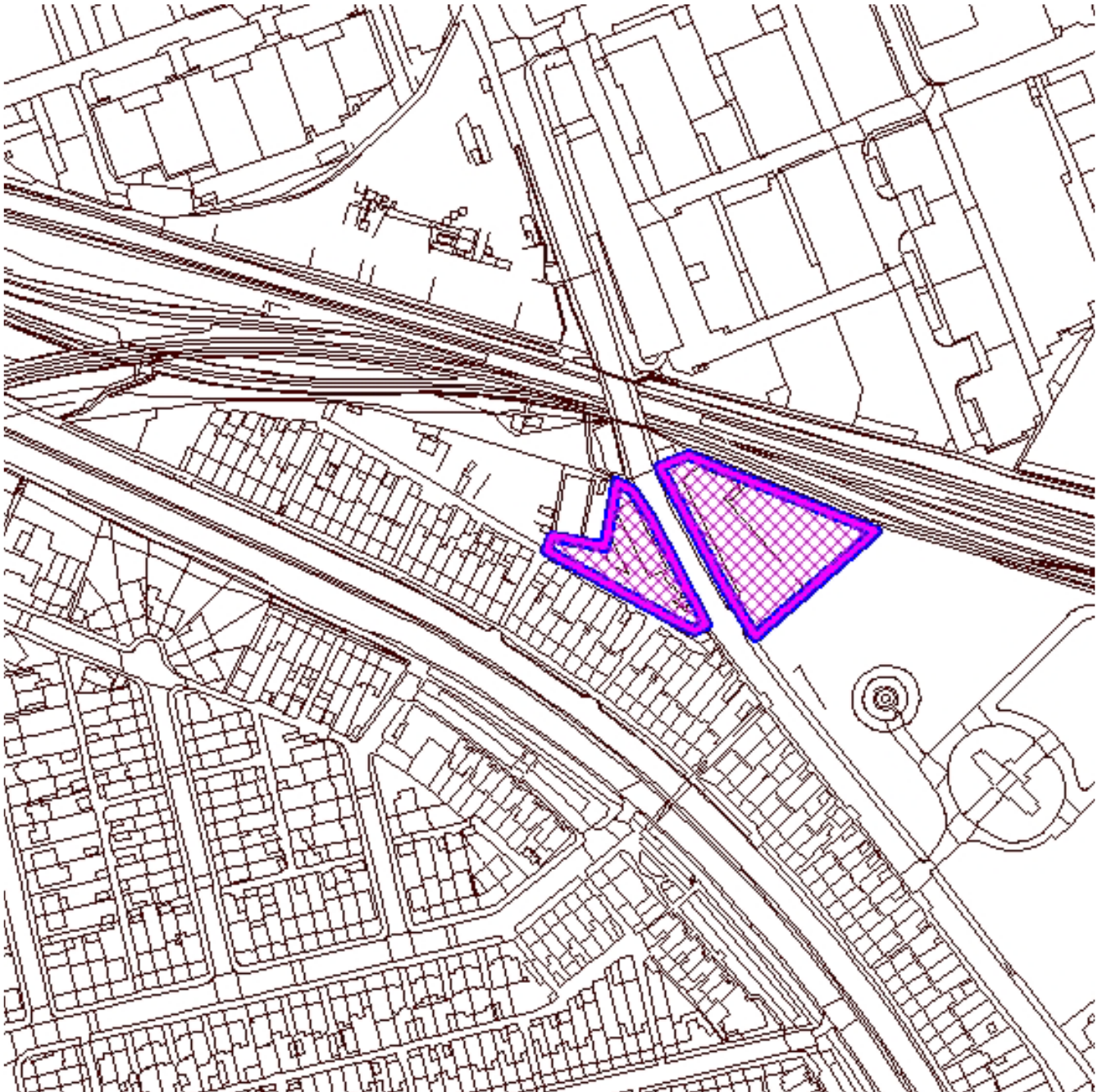
7 CONCLUSION

The proposals would contribute towards the quantity of the borough's housing stock. The proposal is acceptable in visual terms and is considered to be of a high quality design which would not adversely impact upon the setting of the Conservation Areas. Subject to conditions, the proposals would not result in unacceptable impacts upon the amenities of neighbouring residential properties. The new residential units comply with the relevant standards and provide a good quality of accommodation for the future 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 applicable Key Principles contained within the 'Planning Guidance' Supplementary Planning Document (2018).

Ward: LB Ealing (North Acton ward)

Site Address:

5-7 Park Royal Road, W3 6XA (the East Site) And The Lower Park Trading Estate W3 6XA (the West Site)



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Reg. No:

2023/00608/OPDOBS

Date valid:

09.03.2023

Recommendation Date:

25.05.2023

Case Officer:

Nathaniel Soneye-Thomas

Conservation Area:**Committee Date:**

06.06.2023

Applicant:

Claire O'Brien (OPDC)

Brent Civic Centre, 32 Engineers Way, Wembley, HA9 0FJ

Description:

Demolition of all existing buildings and structures and the redevelopment of the sites through construction of a 33-storey building plus basement levels at Block A (east site) for student accommodation (sui generis) comprising up to 988 bed spaces with ancillary facilities including classrooms, flexible space and two auditoriums, and light industrial (Class E(g)(iii) use comprising 1, 902 sqm GIA; construction of a 15-storey building at Block B (west site) comprising of 82 residential units (use class C3) with flexible commercial uses (Class E) at ground floor comprising 355 sqm GIA; and, associated works of landscaping, public realm improvements and other works associated with the development. (OPDC ref: 23/0014/FUMOPDC).

Drg. Nos: OPDC Consultation letter dated 08 March 2023 regarding (ref: OPDC Ref. 23/0014/FUMOPDC).

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 case officer named above:

Application form received: 8th March 2023

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:**Neighbour Comments:**

1. BACKGROUND

- 1.1. The Old Oak & Park Royal Development Corporation (OPDC) has consulted the Council on a planning application submitted to them (OPDC Ref. 23/0014/FUMOPDC) for the redevelopment of the East and West sites, Park Royal Road. The site is in LB Ealing (west of North Acton underground station) but within the Old Oak & Park Royal Opportunity Area for which the OPDC is the local planning authority.
- 1.2. The Old Oak & Park Royal Opportunity Area is expected to accommodate at least 25,500 new homes and 65,000 new jobs. Policy H1 of the London Plan sets a ten-year housing target for the OPDC of 13,670 completions.
- 1.3. This application is being reported to the Planning and Development Control Committee to give Members the opportunity to consider and endorse the officers' recommendations before these are formally submitted to the OPDC. It is for the OPDC to determine the planning application, but the Council's representations will be included in their committee report and will form part of their consideration of the proposals.
- 1.4. The OPDC are currently intending to report the planning application to their Planning Committee for determination on the 20th July 2023.

Site & Surroundings

- 1.5. The application site comprises two plots which are bisected by Park Royal Road, 'Site A' (5-7 Park Royal Road) on the eastern side and 'Site B' (Lower Park Trading Estate) on the western side. The plots have a combined area of 0.43 hectares and fall within the London Borough of Ealing, but within the administrative area of the OPDC. The plots are both located within the sub-region of Park Royal West as set out in the OPDC Local Plan and the Park Royal Opportunity Area. Site A is an industrial building used for storage and distribution comprising 1,321 sqm GIA. Site B contains a commercial building used for offices, comprising 450sqm GIA
- 1.6. To the north of the sites is an existing railway line (and HS2 safeguarding area) which runs east to west connecting North Acton Station with Hanger Lane and West Acton. There are two sites of importance for nature conservation (SINC) near Site A, the areas of SINC run along the railway line and comprise the Acton Cemetery. South-west of the application site is an extensive area of suburban 2-storey residential dwellings.
- 1.7. The A40 Western Avenue at the Gypsy Corner junction is some 600 metres to the south-east. North Acton station provides access to Central line services approximately 600 metres to the east. The site is also served by several bus routes, with the nearest stops on Park Royal Road. The site has a public transport access level (PTAL) of 5, on a scale of 0 to 6b, where 6b represents the most accessible locations.

2. PLANNING HISTORY

- 2.1. There is no planning history on the application site relevant to the issuing of the LBHF consultation response to the OPDC.

3. PROPOSAL

- 3.1. Demolition of all existing buildings and structures, to facilitate the redevelopment of the sites in the form of a 33-storey (plus basement levels) building (Block A) on the east site, providing purpose-built student accommodation (up to 988 bed spaces and ancillary facilities including classrooms, flexible space and two auditoriums), together with light industrial use (1,902 sqm. GIA); a 15-storey building (Block B) on the west site, comprising 82 residential units above 355 sqm GIA of ground floor flexible commercial uses (Class E); and associated works of landscaping, public realm improvements and other related works..

4. PUBLICITY & CONSULTATION

- 4.1. The planning application has been submitted to OPDC who are the Local Planning Authority. At the time of writing the OPDC have received 11 representations from residents in the vicinity of the site.
- 4.2. LBHF have not received any representations on the proposals.

5. PLANNING 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. 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).
- 5.2. The statutory development plan for the Council comprises the London Plan 2021, LBHF Local Plan 2018 and the LBHF Planning Guidance SPD 2018. Regard also given to the OPDC - Post Submission Modified Draft Local Plan (2021).
- 5.3. In this case the application site is not in the borough and the council is not the determining planning authority. Consequently, the primary consideration is the extent to which the proposed development would impact on us as a neighbouring borough.

6. PLANNING CONSIDERATIONS

URBAN DESIGN & HERITAGE

- 6.1. No objection raised to the proposals.
- 6.2. The proposed development comprises 2 separate development blocks with building heights of 33-storeys and 15-storeys. The application is referable to the Mayor of London and a stage I report has been issued to the OPDC which states that

“Further work is required to resolve matters relating to density, height and massing of the development and agent of change principle.”

- 6.3. From the council’s perspective, whilst the development includes a 33-storey and a 15-storey building the site is some distance from the borough boundary. The key issue therefore is the extent to which the buildings would impact on views from the borough.
- 6.4. The application has been accompanied by a TVIA which highlights several key views within the surrounding context inclusive of a view from St Mary’s cemetery and Wormwood scrubs situated within LBHF. The submitted views outline 3 images including the existing view, the proposed view and a proposed cumulative view which considers nearby developments most notably Mitre Yard and North Kensington Gate
- 6.5. Officers are aware of the sensitivities around the increased densities within the Acton area however in this instance, given the specific context and the fact that the proposed development would fall short of the tallest consented buildings (partially under construction), it is not considered that there would be markedly different views experienced from the borough, either cumulatively or in its existing form.
- 6.6. Accordingly, officers are not proposing to object to the OPDC on heritage or townscape grounds.

HIGHWAYS

- 6.7. Whilst we remain the local highways authority for land that is within the OPDC area but within the borough, the application site in this case is in Ealing. The issue therefore is whether, notwithstanding its location, the development would be likely to have a harmful impact on the road network within the borough. This is not considered to be the case.
- 6.8. The GLA stage I consultation includes comments from TFL stating that *“The servicing and public realm layout to both sites should be reviewed. Further information is required regarding Healthy Streets improvements and a Road Safety Audit (RSA). Contributions towards public transport and active travel improvements are required.”*
- 6.9. In terms of the likely impact on the borough, it is noted that development would be car permit free, except for 5 blue badge spaces. Whilst there would be a high number of student bed spaces provided it is not considered that the development would result in any adverse impacts on the borough in relation to trip generation, parking stress or public transport impacts.
- 6.10. Accordingly, officers are not proposing to object to the OPDC on highways grounds.

AFFORDABLE HOUSING PROVISION

- 6.10. Given the location of the site this is primarily a matter for the OPDC and Ealing to assess and address. However, as currently proposed the applicants are seeking to argue that taken together and based on habitable rooms (where the student bed spaces equate to a single habitable room) the combined affordable provision

across the site (so the affordable student accommodation and the affordable element of the new homes) would equate to 35%.

- 6.12. Given the site's location it is not considered that the proposals would directly impact our own aspirations regarding the provision of affordable housing in the borough. Accordingly, officers are not proposing to object to the OPDC on affordable housing grounds.