

Planning and Development Control Committee

Agenda

Tuesday 16 January 2024 at 7.00 pm

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

Watch the meeting live: youtube.com/hammersmithandfulham

MEMBERSHIP

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

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

Public Notice

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

Should exempt information need to be discussed the committee will pass a resolution requiring members of the press and public to leave.

For details on how to register to speak at the meeting, please see overleaf.
Deadline to register to speak is 4pm on Thursday 11 January 2024

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

16 January 2024

<u>Item</u>		<u>Pages</u>
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATION OF INTERESTS	
	<p>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken.</p> <p>Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.</p> <p>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Standards Committee.</p>	
3.	MINUTES	5 - 16
	<p>To approve as an accurate record, and the Chair to sign, the minutes of the meetings of the Committee held on 5 and 19 December 2023.</p>	
4.	160 - 164 HURLINGHAM ROAD, LONDON SW6 3NG, PALACE AND HURLINGHAM, 2023/00349/FUL	17 - 69
5.	9 THAMES REACH, 80 RAINVILLE ROAD, LONDON W6 9HS, FULHAM REACH, 2023/02527/FUL	70 - 85

6. **299, 301 AND 303 MUNSTER ROAD, LONDON SW6 6BJ, MUNSTER, 2023/01687/FUL** 86 - 97

London Borough of Hammersmith & Fulham



Planning and Development Control Committee Minutes

Tuesday 5 December 2023

PRESENT

Committee members: Councillors Omid Miri (Chair), Wesley Harcourt, Rebecca Harvey, Nikos Souslous, Patrick Walsh and Alex Karmel

Officers:

Joanne Woodward (Director of Planning and Property)
Matt Butler (Assistant Director of Development Management)
Ieuan Bellis (Team Leader)
Allan Jones (Team Leader Urban Design and Heritage)
Roy Asagba-Power (Team Leader)
John Sanchez (Deputy Team Leader)
Jesenska Oezdalga (Senior Planning Officer)
Catherine Paterson (Highways)
Mrinalini Rajaratnam (Chief Solicitor - Property and Planning)
Charles Francis (Clerk)

1. APOLOGIES FOR ABSENCE

Apologies for absence were provided by Councillor Florian Chevoppe-Verdier and Councillor Adrian Pascu-Tulbure.

2. DECLARATION OF INTERESTS

There were no declarations of interest.

3. MINUTES

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

4. PUBLIC CAR PARK, COOMER PLACE SW6, LILLIE, 2023/02674/FR3

An addendum was circulated prior to the meeting that modified the report. Roy Asagba-Power presented the item.

There were no registered speakers.

The Committee voted on the officer recommendations as amended by the Addendum 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 condition(s) listed in the report.
2. That the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

5. SHEPHERD'S BUSH MARKET, FORMER OLD LAUNDRY YARD, 42 AND 48 (GROUND FLOOR) GOLDHAWK ROAD, LONDON W12, SHEPHERD'S BUSH GREEN, 2023/01093/FUL

An addendum was circulated prior to the meeting that modified the report. John Sanchez, supported by Ian Dias, presented the item.

A resident spoke in objection to the application.

At 8:35pm a planned protest disrupted the meeting which prohibited the registered speakers in support of the application from addressing the Committee.

The Chair proposed a temporary suspension to which the Committee agreed.

The disruption continued until 9:20pm when the Chair formally proposed that the meeting be formally adjourned. This was seconded by Councillor Rebecca Harvey. The Committee voted unanimously to adjourn the meeting.

Addendum

Meeting started: 7.02 pm
Meeting ended: 9.20 pm

Chair

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

PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Addendum 05.12.2023

REG REF.	ADDRESS	WARD	PAGE
2023/02674/FR3	Coomer Place Car Park	Lillie	10
Page 16	<u>Condition 14</u> (Secured By Design), renumber as condition 15 and in the first line, replace 'Prior to first use' with 'Prior to commencement'.		
Page 29	<u>Para. 6.56, fifth line delete</u> 'That bedroom includes a high-level window in its rear elevation which is 1.8m above the finished floor level'.		
Page 31	<u>Para. 6.70, first line, delete</u> 'some' and replace with 7.		
2023/01093/FUL	Shepherd's Bush Market, Former Old Laundry Yard, 42 And 48 (Ground Floor) Goldhawk Road, London W12	Shepherd's Bush Green	37
Page 44	<u>Condition 5 Part (m): Infrastructure Protection – London Underground:</u> REPLACE 5 (m) with: "Demonstrate that reasonably practicable mitigation measures will be employed, to mitigate any risk to railway operations prior to the occupation and use of the proposed balcony and terraces spaces facing the London Underground elevation."		
Page 48	<u>Condition 9 (i): Construction Logistics Plan:</u> REPLACE 9 (i) with: "Details of programme of works, including measures for vehicle holding areas, HGV deliveries, hours of operation, before and after condition surveys of the highway and details on restrictions on a maximum vehicle number per hour and hours of movement accessing the site from Goldhawk Road; and other matters relating to minimising the impact of traffic and its management to be agreed and set out within an approved Construction Logistics Plan and other related documents connected to all phases of development".		
Page 63	<u>Condition 44: Balconies/Terraces</u> ADD (1 st line) "...or terrace..." after the word "balcony".		
Page 65	<u>Condition 50: 1:20 Roof Top Plant Enclosures</u> AMEND 1 st line to read: "Prior to the commencement of the relevant part of the development (excluding demolition works)..."		
Page 71	<u>Condition 71: Zero Emission Delivery Hub</u> AMEND 1 st line to read: "Prior to the occupation of the residential and /or commercial building hereby approved, details..."		
Page 75	<u>Condition 81: Commercial Building</u> DELETE: "...office space (Class E (g))..." and INSERT: "...offices and research and development uses (Class E (g) (i) and (ii))..."		
Page 76	<u>Justification (1):</u> 3 rd line: DELETE "...flexible..."		
Page 81	<u>Justification (15):</u> 1 st line: DELETE "...one..." ADD "...three..."		
Page 83	<u>Neighbour Representations (2nd Objection listed):</u> DELETE "Arch 60, SBM, W12" and ADD "Arch 160, SBM, W12"		

Page 95	Para. 2.8 (2 nd line): CLARIFICATION: “The 2012 planning permission was judicially reviewed but the Court upheld the Council’s decision to grant planning permission. The scheme was dependent upon a Compulsory Purchase Order (CPO) for its implementation. Although that CPO was made, it was quashed by the Court of Appeal on the basis that the Secretary of State had not explained sufficiently why he disagreed with his Inspector. As a result, the scheme could not proceed.”
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Page 107	Para. 3.27 (13 th line): DELETE: “...terraces...”
Page 108	Para. 3.29 (Table 1): CLARIFICATION: “90%” refers to equivalent family sized units.
Page 110	Para. 3.33 (4 th line): DELETE sentence (repetition) “The set back top floor would be constructed out of textured concrete to differentiate its volume”.
Page 119	Para. 3.53 (3 rd line): ADD “...secondary...”
Page 128	Para. 4.34 (TfL) (1 st bullet): DELETE “In a late representation...”
Page 142	Save Shepherd’s Bush Market: ADD: “...and 23 September 2023)”
Page 164	Para. 8.22 (8 th line): INSERT: “Legacy leases are made up of <u>predominantly</u> holdings protected by the 1954 Act”.
Page 165	Para. 8.26 (5 th line – 4 th sentence): REPLACE sentence: “In the interim, traders who are being relocated during the construction works <u>will be relocated to a mixture of temporary container facilities and into previously surrendered units elsewhere in the market</u> and will not be able to operate under their existing leases because the leases are location specific”.
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Page 167	Para. 8.31 (8 th line – 5 th sentence) AMEND sentence: “The Applicant intends to grant leases to the legacy traders with 1954 Act protection where legally possible <u>and the precedent lease (as detailed further above) will be used as the basis for new leases</u> ”.
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Page 211-213	Paras. 10.53 – 10.59: Amend references to NPPF as follows. Para. 10.53, update to reference to paragraph 189 of NPPF. Para. 10.5, update to reference paragraph 195 of NPPF. Para. 10.55, update to reference paragraph 197 of NPPF. Para. 10.56, update to reference paragraph 199 of NPPF. Para. 10.57, update to reference paragraph 200 of NPPF. Para. 10.58, update to reference paragraph 201 of NPPF.
Page 221	Para. 10.51 (4 th line): UPDATE ‘...,particularly the duties of s.66 and s.72...’

Page 221	Below Para. 10.51 INSERT new para. 'Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires 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, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
Page 221	Para. 10.97 – (11th line): AMEND sentence 'Although some elements of conflict with policy have been identified above, (particularly the less than substantial harm to the setting of the Shepherd's Bush Conservation Area), when considering the 'weighed balance' required by paragraph 202 of the NPPF, officers recommend that the proposed development is acceptable having regard to the NPPF...'
Page 222	Para.11.6 (2 nd line): AMEND to: "...Shepherd's Bush Market underground station..."
Page 225	<u>Para. 11.19 (S278 highway infrastructure components):</u> DELETE bullet point. ADD to last sentence: "... (as set out under the Heads of Terms – Pages 263 and 264)."
Page 232	Para. 11.45 & 11.47: AMEND: DMP/DLP & CMP/CLP secured by Conditions.
Page 249	Para. 12.74 DELETE Paragraph (Repetition of 12.73)
Page 259	<u>Legal Agreement (Heads of Terms): Market Leases: AMEND</u> ADD - (i) (ii) and (iii) to the first 3 paragraphs plus: "In each case, it is accepted that Legacy traders may change their mind and may prefer to take one of the alternative options and, for these purposes, any formal documentation that is signed up by Legacy Traders (even if different to their original Heads of Terms) will be included in the percentage thresholds detailed above". "Agreeing to include the service charge with annual 6% cap within the new long term Market leases with Legacy traders (the wording for which is already included in the precedent lease)"
Page 261	<u>Demolition/Construction AQDMP Monitoring Contribution</u> DELETE "...anniversary of..."
Page 264	<u>Legal Agreement (Heads of Terms) – EXTRA HEADINGS:</u> before "Retention of the Architect" <u>Transport for London (TfL) Infrastructure Works:</u> £250,000 financial contribution towards station improvement works at Shepherd's Bush Overground station, comprising wayfinding / signage / messaging / passenger shelters and seating, to improve circulation within the station. <u>Public Access to the ground level public realm on the site</u> (Market/Goldhawk Mews/Pennard Mews) within agreed operational times. <u>Developer to safeguard the retention of No.48 Goldhawk Road</u> as a primary pedestrian entrance and route to the development site.
Page 265	Para. 16.8 (5 th line); Before last sentence ADD 'Considering the 'weighted balance' required under paragraph 202 of the NPPF...'

Planning and Development Control Committee Minutes

Tuesday 19 December 2023

PRESENT

Committee members: Councillors Omid Miri (Chair), Wesley Harcourt, Rebecca Harvey, Patrick Walsh and Alex Karmel

Officers:

Joanne Woodward (Director of Planning and Property)
Matt Butler (Assistant Director of Development Management)
Ieuan Bellis (Team Leader)
Allan Jones (Team Leader Urban Design and Heritage)
John Sanchez (Deputy Team Leader)
Catherine Paterson (Principal Transport Planner)
Grant Deg (Assistant Director of Legal Services)
Emmanuel Amponsah (Solicitor)
David Abbott (Head of Governance)

NOTE: This was a continuation of the meeting held on 5 December 2023 which had been adjourned.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Florian Chevoppe-Verdier, Adrian Pascu-Tulbure, and Nikos Soussous.

2. DECLARATION OF INTERESTS

There were no declarations of interest.

3. **SHEPHERD'S BUSH MARKET, FORMER OLD LAUNDRY YARD, 42 AND 48 (GROUND FLOOR) GOLDHAWK ROAD, LONDON W12, SHEPHERD'S BUSH GREEN, 2023/01093/FUL**

An addendum was circulated prior to the 5 December 2023 meeting that modified the report. John Sanchez gave a summary of the presentation he gave at the meeting on 5 December 2023.

A resident spoke in opposition to the application. A representative for the applicant and three residents spoke in support of the application.

Councillor Rebecca Harvey proposed, seconded by Councillor Patrick Walsh, an additional obligation within the Section 106 agreement of £1.5m towards the Carbon Offset Contribution. The Committee then voted on the proposed obligation:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

The proposed additional obligation was agreed.

The Committee then voted on the officer recommendations as amended by the addendum circulated before the meeting on 5 December and the additional obligation noted above:

Recommendation 1:

FOR	3
AGAINST:	2
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

The recommendations were approved.

RESOLVED

- 1 That the Committee resolve that, subject to there being no contrary direction from the Mayor for London, that the Director of Planning and Property be authorised to grant planning permission upon the completion of a satisfactory legal agreement with the additional obligation agreed at the meeting and subject to the conditions listed in the report.
- 2 That the Committee resolve that the Director of Planning and Property, after consultation with the Assistant Director of 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.

Meeting started: 7.07 pm
Meeting ended: 9.43 pm

Chair

Contact officer: David Abbott
Governance and Scrutiny
Tel 07776 672877
E-mail: david.abbott@lbhf.gov.uk

PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Addendum 05.12.2023

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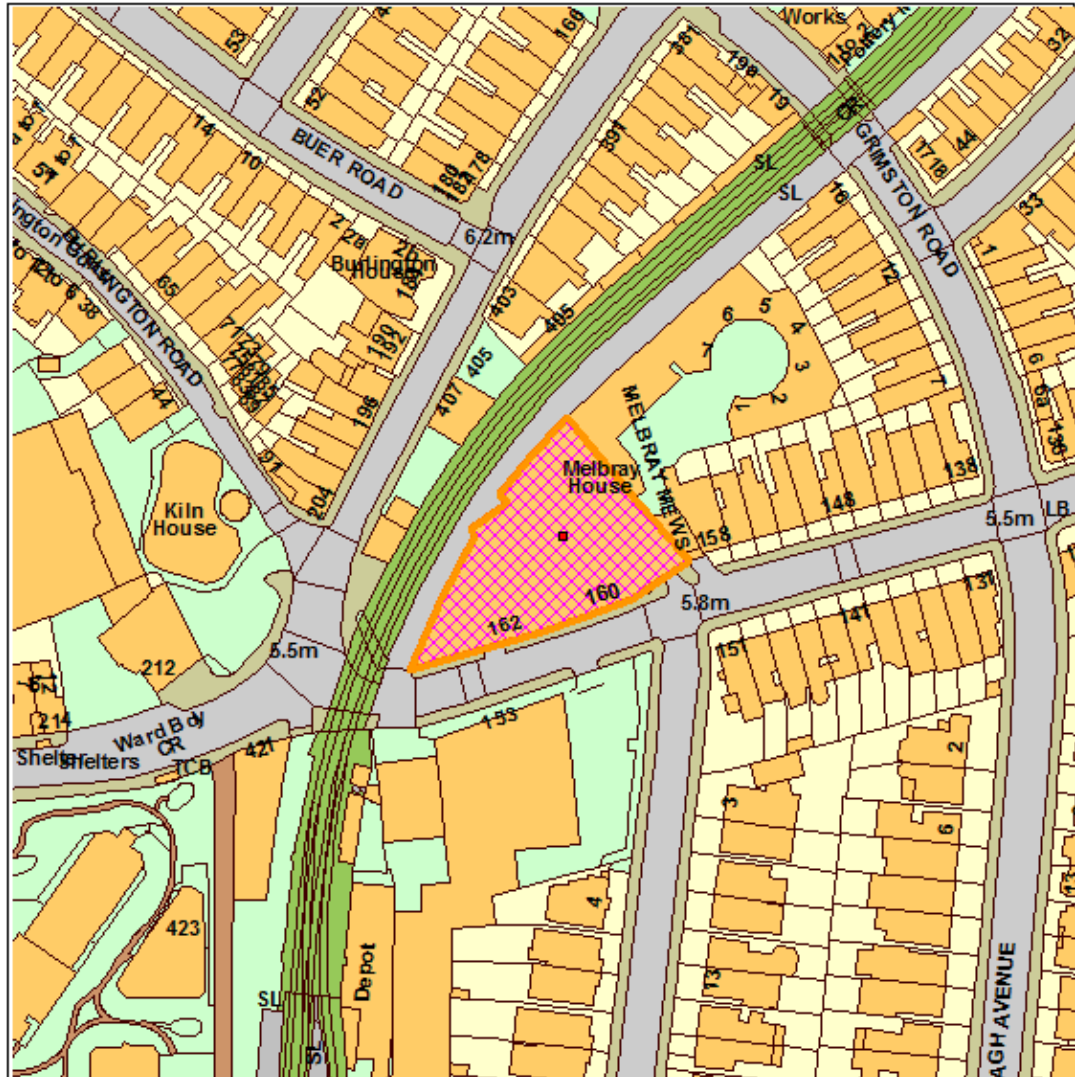
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Page 265	Para. 16.8 (5 th line); Before last sentence ADD 'Considering the 'weighted balance' required under paragraph 202 of the NPPF...'

Ward: Palace And Hurlingham

Site Address:

160 - 164 Hurlingham Road London SW6 3NG



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For identification purposes only - do not scale.

Req. No:

2023/00349/FUL

Case Officer:

Graham Simpson

Date Valid:

10.02.2023

Conservation Area:

Constraint Name: Hurlingham Conservation Area -
Number 4

Committee Date:

16.01.2024

Applicant:

Mr Gary Renton
2nd Floor The Priory Business Centre Burnham Buckingham
SL1 7LW

Description:

Demolition of the existing light industrial buildings, with the exception of the facade to 160 Hurlingham Road, and the erection of a part-4no. part-5no. storey building, to provide a Care Home (Use Class C2), together with cycle parking, refuse storage, landscaping and associated works.

Drg Nos: Refer to Condition 2

Application Type:

Full Detailed Planning Application

Officer Recommendation:

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

Conditions:**1) Time limit**

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

Reason: 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:

M10125_APL006 Rev E (Landscape Plan)
M10125_APL007 C (Basement Plan)
M10125_APL008 Rev D (Ground Floor Plan)
M10125_APL009 Rev C (First Floor Plan)
M10125_APL010 Rev C (Second Floor Plan)
M10125_APL011 Rev C (Third Floor Plan)
M10125_APL012 Rev C (Fourth Floor Plan)

M10125_APL013 Rev C (Roof Plan)
M10125_APL014 Rev C (South East Elevation)
M10125_APL015 Rev C (North West Elevation B)
M10125_APL016 Rev C (Courtyard Elevations C & D)
M10125_APL017 Rev C (Courtyard Elevation E & F)
M10125_APL018 Rev C (Street Elevations)
M10125_APL019 Rev C (Site Sections)
M10125_APL020 Rev C (Detailed Part Elevations)

- Energy and Sustainability Statement Rev P02 dated 9 November 2023
- BREEAM Pre-Assessment Report Rev P01 dated 25 January 2023
- Flood Risk Assessment Report Rev 2 dated January 2023, including additional information via email dated 20th April 2023
- Fire Statement dated 10th November 2023
- Transport Statement dated January 2023 and Addendum dated 10th November 2023

Reason: To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

3) Temporary fencing

Prior to commencement of the demolition phase of the development hereby permitted, a scheme for temporary fencing and/or enclosure of the site where necessary has been submitted to and approved in writing by the Council, and such enclosure has been erected in accordance with the approved details and retained for the duration of the building works. No part of the temporary fencing and/or enclosure of the site shall be used for the display of advertisement hoardings.

Reason: To ensure a satisfactory external appearance of the site, in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

4) Demolition Management and Logistics Plans

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

Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, dust, lighting or other emissions from the building site, in accordance with Policies CC11 and CC13 of the Local Plan

2018.

5) Construction Logistics Plan

Notwithstanding the submitted details, prior to commencement of the development (save for works of site clearance and demolition of existing building) hereby approved, a final Construction Logistics Plan (CLP) shall have been submitted to and approved in writing by the Local Planning Authority. The CLP should 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 parking; storage of any skips, oil and chemical storage etc.; access and egress points, communication strategy and; membership of the Considerate Contractors Scheme and FORS. The approved details shall be undertaken in accordance with the terms and throughout the period set out in the CLP.

Reason: To ensure that appropriate steps are taken to limit the impact of the proposed construction works on the operation of the public highway, in accordance with Policy T7 of the London Plan 2021 and T1, T6 and T7 of the Local Plan 2018.

6) Construction management plan

Notwithstanding the submitted details, prior to commencement of the development hereby approved (save for works of site clearance and demolition of existing buildings) a final Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The details shall also include any external illumination of the site during construction, contractors' method statements, waste classification and disposal procedures and locations, suitable site hoarding/enclosure, dust and noise monitoring and control. Approved details for each relevant phase, or part thereof shall be implemented throughout the project period.

Reason: To ensure that appropriate steps are taken to limit the impact of the proposed construction works on the amenities of local residents and the area generally, in accordance with Policy T7 of the London Plan 2021, Policies DC1, DC12, CC6, CC7, CC10, CC11 and CC12 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD (2018).

7) Delivery and Servicing Plan

Prior to occupation of the development, a Delivery and Servicing Management Plan shall be submitted to and approved in writing by the Council, including sustainable freight measures, times and frequency of deliveries and collections, vehicle movements, silent reversing methods, location of loading bays and quiet loading/unloading mitigation including silent reversing measures in accordance with Building Design Guidance for Quieter Deliveries, TFL, June 2018.

Reason: To ensure that satisfactory provision is made for refuse storage and collection and to ensure that the amenity of occupiers of the surrounding premises and the development are not adversely affected by noise and that servicing activities do not adversely impact on the highway, in accordance with Policy T4 of the London Plan 2021 and Policies T2, T4, T5, CC11 and CC13 of the Local Plan 2018.

8) Materials

Notwithstanding the details specified on the drawings hereby approved, the development shall not commence (save for works of site clearance and demolition of existing buildings) until particulars and samples (where appropriate) of all the materials to be used in all external faces of the buildings; including details of colour, composition and texture of the brick and painted render, the colour, composition and texture of any metal and stone work; details of all surface windows; roof surfaces; roof top plant and general plant screening; opening and glazing styles and all external hard surfaces including paving, have been submitted and approved in writing by the Local Planning Authority. A sample panel showing the external materials as appropriate shall also be erected onsite for the Council's inspection prior to commencement of the works. The development shall be carried out in accordance with the details as approved and thereafter permanently retained in this form.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policy D4 of the London Plan 2021 and Policies DC1, DC2 and DC8 of the Local Plan (2018).

9) 1:20 details

The development hereby permitted shall not commence (save for works of site clearance and demolition of existing buildings) prior to the submission and approval in writing by the Council of details in plan, section and elevation (at a scale of not less than 1:20) of the following matters, and no part of the development shall be used or occupied prior to the completion of that part of the development in accordance with the approved details.

- a) a typical bay
- b) details of the roof, to include the parapet, mansard, plant screen and all excrescences. All plant must be contained within the plant room and not project above the mesh screen.

c) details of the repair and restoration of the retained façade to 160 Hurlingham Road.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene, to preserve the character and appearance of the conservation area, and the setting and special architectural and historic interest of the locally listed buildings in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

10) External artificial lighting

Prior to commencement of above ground works, details of external artificial lighting shall be submitted to and approved in writing by the Council. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes For The Reduction Of Light Pollution 2011'. Details should also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

11) Plumbing/rainwater goods

No plumbing or pipes, other than rainwater pipes, shall be fixed externally on the front (Hurlingham Road) elevation of the building hereby approved.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

12) Rooftop water tanks/plant

No plant, water tanks, water tank enclosures or other structures that are not shown on the approved plans shall be erected on the roofs of the building hereby permitted.

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

13) Aerials

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

approved in writing by the council. The development shall only be carried out in accordance with the details hereby approved.

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

14) No additional air conditioning equipment

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

Reason: 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, DC8, CC11 and CC13 of the Local Plan (2018).

15) No adverts

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

Reason: To ensure a satisfactory external appearance and to preserve the integrity of the design of the building in accordance with DC1, DC2, DC8 and DC9 of the Local Plan (2018), and to ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting, in accordance with Policies CC12 and CC13 of the Local Plan (2018).

16) Landscaping details

The landscaping of the site, including planting schedules and details of the species, height and maturity of existing and new trees and shrubs hereby approved scheme shall be implemented in the next winter planting season following completion of the building works, or before the occupation and use of any part of the building, whichever is the earlier.

Reason: To ensure a satisfactory external appearance and to prevent harm to the streetscene, in accordance with Policies OS5, DC1, DC2 and DC8 of the Local Plan (2018).

17) Replacement planting

Any tree or shrub planted pursuant to condition 16 being removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

Reason: To ensure a satisfactory provision for planting in accordance with Policies OS5, DC1, DC2 and DC8 of the Local Plan (2018).

18) Secured by Design

Prior to the commencement of the development, a statement of how "Secured by Design" requirements are to be adequately achieved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out prior to occupation of the development hereby approved and permanently maintained thereafter.

Reason: To ensure a safe and secure environment in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

19) Flood Risk Assessment

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

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, and to reduce the impact of flooding to the proposed development and future occupants, in accordance with Policy CC2 and CC3 of the Local Plan (2018).

20) Surface Water Management Strategy

The development hereby approved shall not commence (save for works of site clearance and demolition of existing buildings) until details of a revised Surface Water Management Strategy. Details should review the inclusion of rainwater harvesting for re-use. The measures shall thereafter be permanently retained for the life of the development.

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

21) Separation of communal facilities/plant etc. noise from noise sensitive premises

Prior to commencement of the development (save for works of site clearance and demolition of existing buildings), details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ceiling/walls separating the basement plant room, kitchen, laundry and refuse store from noise sensitive premises at ground floor level, and floor/ceiling/walls separating the basement electrical room and staff facilities from noise sensitive premises at ground floor level. Details shall demonstrate that the sound insulation value $D_{nT,w}$ [and $L'_{nT,w}$] is enhanced by at least 5dB above the Building Regulations

value and, where necessary, additional mitigation measures implemented to contain noise within the premises and to achieve the criteria L_{Amax,F} of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

22) Absolute internal and external noise criteria for noise sensitive premises

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

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

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

Prior to commencement of the development (save for works of site clearance and demolition of existing buildings), 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.

Reason: 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.

24) Noise from Use and Activities

Noise from uses and activities within the building/ development site shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive / habitable rooms and private external amenity spaces.

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

25) Anti-vibration mounts and silencing of machinery etc.

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

Reason: 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.

26) External doors and windows to remain shut

The use shall not commence until all external doors to the premises have been fitted with self-closing devices, which shall be maintained in an operational condition and at no time shall any external door [nor windows] be fixed in an open position.

Reason: To ensure that the amenity of occupiers of the development site are not adversely affected by noise / odour / smoke / fumes, in accordance with Policies CC11 and CC13 of the Local Plan 2018.

27) Delivery and collection times

No deliveries nor collections / loading nor unloading shall occur at the development hereby approved other than between the hours of 08:00 to 18:00 on Monday to Friday, 09:00 to 18:00 on Saturdays and at no time on Sundays and Public/Bank Holidays.

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

28) Extraction and Odour Control system for non-domestic kitchens

Prior to commencement of the development (save for works of site clearance and demolition of existing buildings), details shall be submitted to and approved in writing by the Council, of the installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet, in accordance with Appendix 4G of the LBHF Planning Guidance Supplementary Planning Document - February 2018. Approved details shall be implemented prior to the commencement of the use and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by cooking odour, in accordance

with Policy CC13 of the Local Plan 2018.

29) Air Quality Dust Management Plan (Demolition)

Prior to the commencement of the demolition phase of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) to mitigate air pollution from the demolition phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The AQDMP submitted shall be in accordance with the Councils AQDMP Template 'A' and shall include the following details:

- a. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries
- b. Construction Site and Equipment Layout Plan
- c. Inventory and Timetable of dust generating activities during Demolition site activities.
- d. Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM10 (human health) impacts for sensitive receptors off-site of the development within 250 m of the site boundaries during the demolition phase and is undertaken in compliance with the methodology contained within the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and its subsequent amendments
- e. Site Specific Dust, and NO_x Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall High Dust Risk Rating of the site and shall be in a table format.
- f. Details of Site Particulate (PM10) and Dust Monitoring Procedures and Protocols including locations of a minimum of 2 x MCERTS compliant Particulate (PM10) monitors on the site boundaries used to prevent levels exceeding predetermined PM10 Site Action Level (SAL) of 190 µg/m³, 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 councils construction site air quality monitoring register website <https://www.envimo.uk>
- g. Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage V NO_x and PM10 emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NO_x and PM. An inventory of all NRMM for the first phase of demolition shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to

commencement of demolition works and thereafter retained and maintained until occupation of the development.

h. Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g., minimum Petrol/Diesel Euro 6 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.

Reason: In the interests of air quality, in accordance with Policy SI 1 of the London Plan 2021, and Policy CC10 of the Local Plan (2018).

30) Air Quality Dust Management Plan (Construction)

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 Low/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 µg/m³, measured as a 1-hour mean. Prior to installation of the PM10 monitors on site the calibration certificates of MCERTS compliant PM10 monitors and the internet-based log-in details to enable access to the real-time PM10 monitoring data from the PM10 monitors shall be issued to Hammersmith & Fulham Council by e-mail to

constructionairqualitymonitoring@lbhf.gov.uk. The data from the on-site Particulate (PM10) monitors shall also be made available on the construction site air quality monitoring register website <https://www.envimo.uk>

- g. Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage V NO_x and PM10 emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NO_x and PM. An inventory of all NRMM for the first phase of construction shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of construction works and thereafter retained and maintained until occupation of the development.
- h. Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g., minimum Petrol/Diesel Euro 6 (AIR Index <https://airindex.com/> Urban NO_x rating A) and Euro VI

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

Reason: In the interests of air quality, in accordance with Policy SI 1 of the London Plan 2021, and Policy CC10 of the Local Plan (2018).

31) Ventilation Strategy

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 Care Home (Use Class C2) 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, PM2.5) concentrations are equal to or exceed 30ug/m³, 20ug/m³ and 10 ug/m³ 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 at rear roof level or on the rear elevation of all floors
- 2. Details and locations of restricted opening windows (maximum 200mm for emergency purge ventilation) for habitable rooms (Bedrooms) and communal day spaces (lounges, dining rooms) on all floors
- 3. 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
- 4. Details of the independently tested mechanical ventilation system with Nitrogen

Oxides (NO_x) 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 90% 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.

Reason: In the interests of air quality, in accordance with Policy SI 1 of the London Plan 2021, and Policy CC10 of the Local Plan (2018).

32) Ventilation Strategy compliance

Prior to occupation of the development hereby permitted, details of a post installation compliance report of the approved ventilation strategy as required by condition 31 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.

Reason: In the interests of air quality, in accordance with Policy SI 1 of the London Plan 2021, and Policy CC10 of the Local Plan (2018).

33) Zero Emissions Heating

Prior to occupation of the development hereby permitted, details of the installation/commissioning reports of the Zero Emission MCS certified Air/Water Source Heat Pumps or Electric Boilers to be provided for space heating and hot water for the Care Home (Use Class C2) 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.

Reason: To comply with the requirements of Policy SI1 of the London Plan and Policy CC10 of the Local Plan (2018).

34) Aerobic Food Digester (AFD)

Prior to occupation of the development hereby permitted, details of the installation/commissioning of Aerobic Food Digesters (AFD) for the Care Home (Use Class C2) to mitigate the impact of air pollution from vehicles associated with the removal of food waste 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.

Reason: In the interests of air quality, in accordance with Policy SI 1, SI 7 and SI 8 of the London Plan 2021, and Policy CC10 of the Local Plan (2018).

35) Terraces

No part of any roofs of the new building 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 or open spaces.

Reason: The use of the roofs as a terrace or open areas as amenity spaces 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).

36) Cycle parking

The development hereby permitted shall not be occupied until details 46 cycles (40 long-stay and 6 short stay) to be provided in connection with the proposed care home have been submitted to and approved in writing by the Council, and such details as are approved shall be implemented prior to the occupation or use of the care home and permanently retained thereafter for such use.

To ensure satisfactory provision for the cycles and thereby promote sustainable and active modes of transport, in accordance with Policy T3 of the Local Plan (2018).

37) Refuse storage

No part of the development hereby approved shall be occupied prior to the provision of the refuse storage enclosures, as indicated on the approved drawings M10125_APL007 C and M10125_APL008 Rev D. The refuse storage enclosures shall be permanently retained thereafter in accordance with the approved details.

Reason: To ensure that the use does not give rise to smell nuisance and to prevent harm to the character and appearance of the Conservation Area arising from the appearance of accumulated rubbish, in accordance with Policies DC8, CC6 and CC7 of the Local Plan 2018.

38) Care home use

The premises shall be used for purposes specified within the permission (care home); and for no other purpose (including any other purpose in Use Classes C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

In granting this permission, the Council has had regard to the special circumstances of the case. Certain other uses within the same use class may be unacceptable due to effect on residential amenity or traffic generation, in accordance with Policies CC11, and T1 of the Local Plan (2018).

39) Fire Statement

The development shall be carried out and completed in full accordance with the details contained within the approved Fire Statement (Prepared by Hydrock, dated 10th November 2023). No part of the development shall be used or occupied until all mitigation, measures and means within the approved document have been implemented in full and shall thereafter be retained for the lifetime of the building hereby approved.

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

40) Preliminary Risk Assessment

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

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

41) Site Investigation Scheme

No development shall commence until a site investigation scheme, if a site investigation is to be required under the approved preliminary risk assessment, is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. The site investigation

should then progress in accordance with the agreed site investigation scheme. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling.

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

42) Quantitative Risk Assessment Report

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

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

43) Remediation Method Statement

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a remediation method statement, if deemed to be required in the approved quantitative risk assessment, is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. This statement will also include a plan to verify that the required remediation works are undertaken in line with the remediation method statement which will be compiled into a verification report. The remediation should then progress in accordance with the agreed remediation method statement. All works must be carried out in compliance with

the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

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

44) Verification Report

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

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

45) Onward Long-Term Monitoring Methodology

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until an onward long-term monitoring methodology report, is submitted to and approved in writing by the Council setting out where further monitoring is required past the completion of development works (as identified in the approved site investigation scheme or the approved remediation statement or the approved verification report) to verify the success of the remediation undertaken. If required, a verification report of these monitoring works shall then be submitted to and approved in writing by the Council when it may be

demonstrated that no residual adverse risks exist. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

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

46) Sustainability measures

The development hereby permitted shall not be occupied before implementation of the sustainable design and construction measures, energy efficiency, low carbon and renewable energy measures detailed in the submitted Energy and Sustainability Statement Rev P02 dated 9 November 2023. All details shall be implemented prior to occupation/use of the development hereby permitted, and thereafter be permanently retained.

Reason: To ensure a satisfactory external appearance and the integration of energy generation from renewable sources, consistent with the Mayor's sustainable design objectives in accordance with Policies SI 2 and SI 3 of The London Plan (2021), and Policies DC1, DC2, DC8, CC1 and CC2 of the Local Plan 2018.

47) Lift maintenance

Prior to first occupation of the care home, details of fire rated lifts shall be submitted and approved in writing by the Local Planning Authority. All the lifts shall have enhanced lift repair services, running 365 days/24-hour cover, to ensure 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, and Policy DC1 and HO6 of the Local Plan 2018.

48) Build contract

The development hereby approved shall not commence prior to approval by the Council of a valid and enforceable building contract for the redevelopment of the site in accordance with this planning permission, or approval by the Council of an alternative means of ensuring that it is satisfied that redevelopment of the site will take place within 6 months of the discharge of contamination conditions attached to this planning permission, and that such redevelopment will be carried out without interruption.

To safeguard the character and appearance of the conservation area, in accordance with Policies DC1, DC2, and DC8 of the Local Plan (2018).

49) BREEAM rating

The development hereby permitted shall only be carried out in accordance with the recommendations set out in the BREEAM Pre-Assessment Report Rev P01 dated 25 January 2023. Within 6 months of first occupation/use of the premises, confirmation that the development meets the requirements of the 'Excellent' BREEAM rating shall be submitted (in the form of a post-construction BREEAM assessment), to the council for its written approval.

Reason: To ensure that sustainable design is implemented, in accordance with Policy SI 2 of The London Plan 2021 and Policies DC1, DC2 and CC2 of the Local Plan (2018).

50) Internal lighting

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

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

Justification for Approving the Application:

1. Land Use: It is considered that the proposed land use is acceptable. The nursing home (Use Class C2) use is acceptable and in accordance with the NPPF (2023), Policy H13 of the London Plan (2021), and Local Plan Policy HO7.

2. Design and heritage: The partial demolition and façade retention of the existing locally listed, building of merit has been justified. The height, scale, massing, and detailed design of the replacement care home building is acceptable within the local context, and would represent a high quality of design which would enhance the character and appearance of the application site and surrounding townscape. The proposal would make a positive contribution to the urban environment and would not cause harm to the character and appearance of the Hurlingham Conservation Area. The development is therefore acceptable given due regard to section 72 of the Planning (Listed Buildings and Conservation areas) Act 1990 and in accordance with the principles of the NPPF (2023), Policies D1, D3 and D4 of the London Plan (2021), and Policies DC1, DC2 and DC8 of the Local Plan

(2018).

3. Residential Amenity and Impact on Neighbouring Properties: The impact of the proposed development upon adjoining occupiers is considered acceptable with no significant worsening of overlooking, loss of sunlight or daylight or outlook to cause undue detriment to the amenities of neighbours. Measures would be secured by conditions to minimise noise and disturbance from the operation of the care home and any associated mechanical equipment to nearby occupiers from the development. In this regard, the development would respect the principles of good neighbourliness. The development would therefore be acceptable in accordance with Policies DC1, DC2, HO11, CC11 and CC13 of the Local Plan and EN1 of the Planning Guidance Supplementary Planning Document (2018).

4. Safety and Access: The development would provide a safe and secure environment for all users in accordance with London Plan Policy D11 (2021) and Policy DC2 of the Local Plan (2018). The proposal would provide ease of access for all people, including disabled people, in accordance with Policies D5 and D11 of the London Plan (2021), Policies E3 of the Local Plan (2018) and Key Principles DA1, DA6 and DA9 of the Planning Guidance Supplementary Planning Document (2018).

5. Highways matters: Subject to conditions, and the completion of a satisfactory legal agreement relating to the submission of a Travel Plan, servicing and delivery plan, and a DLP and a CLP, there would be no adverse impact on traffic generation and the scheme would not result in congestion of the primary road network. The development would therefore be acceptable in accordance with the NPPF (2023), Policies T1, T3 and T4 of the London Plan (2021), Policies T1, T2, T3, T4, T5, CC7, CC9, CC10, CC11, CC12 and CC13 of the Local Plan (2018) and Policies TR1, TR2, TR3 and WM9 of the Planning Guidance Supplementary Planning Document (2018).

6. Flood Risk: A Flood Risk Assessment (FRA) has been submitted and has considered risks of flooding to the site and adequate preventative measures have respect the proposal is therefore in accordance with the NPPF (2023), Policy SI12 London Plan (2021), Policies CC2, CC3 and CC4 of the Local Plan (2018) and FR1 and FR3 of the Planning Guidance Supplementary Planning Document (2018).

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

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

9. Sustainability and Energy: Measures are proposed in relation to minimising energy use and CO2 emissions and sustainable design and construction.

These will be secured by conditions with a carbon-off setting payment in lieu secured through Section 106 legal agreement. The development would therefore be acceptable in accordance with Policies SI 2, SI 7 and DF1 of the London Plan (2021), Policies of CC1 and CC2 of the Local Plan (2018) and SDC1 of the Planning Guidance Supplementary Planning Document (2018).

10. Planning Obligations: The application proposes that its impacts are mitigated by way of carbon-off setting payment and financial contributions to fund construction related jobs and apprenticeships, a local procurement initiative, and improvements that are necessary as a consequence of the development. The proposed development would therefore mitigate external impacts and would accord with Policy DF1 of the London Plan (2021) and Policy INFRA1 of the Local Plan (2018).

11. Conditions: In line with the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, officers have consulted the applicant on the pre-commencement conditions included in the agenda and the applicant agrees to the addition of the conditions.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 9th February 2023
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2023
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:

Thames Water - Development Control
Crime Prevention Design Advisor - Hammersmith
Environment Agency - Planning Liaison
Historic England London Region

Dated:

07.03.23
14.03.23
08.03.23
22.02.23

Greater London Archaeology Advisory Service	08.03.23
London Underground Limited	31.03.23
London Heliport	07.03.23
Transport for London Spatial Planning	13.03.23

Neighbour Comments:

Letters from:	Dated:
146 Hurlingham road, Fulham, London London SW6 3NG	08.03.23
202a New Kings Road London SW6 4NF	11.03.23
24 Edenhurst Avenue London SW6 3PB	07.03.23
41 Foskett Road London SW6 3LY	18.03.23
3 edenhurst avenue london sw6 3pd	15.03.23
4 Edenhurst Avenue London SW6 3PB	21.03.23
4 Grimston Road Fulham London SW6 3QP	01.03.23
18 Alderville rd London SW6 3RJ	23.03.23
154 Hurlingham road London Sw6 3ng	02.03.23
100 Rivermead Court Ranelagh Gardens London SW6 3SB	22.03.23
10 Edenhurst Avenue, Edenhurst Avenue, LONDON SW6 3PB	14.03.23
10 Edenhurst Avenue, Edenhurst Avenue SW6 3PB	14.03.23
3 Edenhurst Avenue London SW6 3PD	07.03.23
202 New Kings Road London SW6 4NF	08.03.23
17 Edenhurst Avenue London SW6 3PD	15.03.23
1a Napier Avenue London SW63PS	09.03.23
146 Hurlingham road, London SW6 3NG	08.03.23
202a New Kings Rd London SW64NF	20.03.23
18 Alderville rd 18 Alderville rd London SW6 3RJ	23.03.23
24 Edenhurst Avenue London SW6 3PB	07.03.23
6 Ranelagh Avenue London SW6 3PJ	06.03.23
2-3 Melbray Mews 158 Hurlingham Road London SW6 3NS	26.06.23
17 Edenhurst Avenue London SW6 3PD	07.03.23
167 Seagrave Road London SW6 1ST	22.03.23
50 Hurlingham Road London SW6 3RQ	22.03.23
6 Ranelagh Avenue London SW6 3PJ	07.03.23
15 Edenhurst Avenue London SW6 3PD	14.03.23
34 Hofland Road London W14 0LN	22.03.23
15 Edenhurst Avenue London SW6 3PD	14.03.23
23 Ranelagh Avenue London SW6 3PJ	14.03.23
154 Hurlingham road London Sw6 3ng	07.03.23
26 napier avenue london sw63pt	20.03.23
Fulham Society 1 Rosaville Road London SW6 7BN	16.03.23
1 Ranelagh Avenue London SW6 3PJ	07.03.23
34 Hofland Road London W14 0LN	22.03.23
100 Rivermead Court Ranelagh Gardens London SW6 3SB	22.03.23
153 Hurlingham Rd 158 Hurlingham Road London SW6 3NN	08.08.23
11 Napier Avenue 11 Napier Avenue London SW6 3PS	08.03.23
4 Edenhurst Avenue London SW6 3PB	20.03.23

148 Hurlingham Road Fulham LONDON SW6 3NG	16.03.23
146 Hurlingham road Fulham, London LONDON SW6 3NG	08.03.23
22 Edenhurst Avenue London SW6 3PB	07.03.23
190 New Kings Road Dulham London SW6 4NF	20.03.23
21 Broomhouse Road London London SW6 3QU	09.03.23
10 Grimston Road London SW6 3QR	07.03.23
1 Edenhurst Avenue Lpndon SW6 3PD	22.03.23
56 Hurlingham Road LONDON SW6 3RQ	17.03.23
56 Hurlingham Road , London SW6 3RQ	10.03.23
21 Napier Avenue London SW6 3PS	22.03.23
167 Seagrave Road London SW6 1ST	22.03.23

1.0 SITE DESCRIPTION, RELEVANT HISTORY AND PROPOSALS

Site description

- 1.1 The triangular-shaped application site (0.014 ha) is on the north side of Hurlingham Road close to the junction with New Kings Road and includes single storey, light industrial units. The site is bordered by an access road and railway line viaduct to the north and west respectively. To the east is a row of terraced residential properties at 138-158 Hurlingham Road, and Melbray Mews, which provides accommodation to several small businesses and some residential dwellings. On the opposite side of Hurlingham Road adjacent to the railway tracks is a retail showroom. A service lane runs alongside the train viaduct and a number of small businesses, including a hand car wash, are located under the railway arches.
- 1.2 No. 160 Hurlingham Road is a locally listed, Building of Merit and the entirety of the site is included in the Hurlingham Conservation Area. It is also within Flood Risk Zones 2 and 3, and has a PTAL level of 6a which makes the site highly accessible by public transport.

Planning history

- 1.3 No. 160 Hurlingham Road has no relevant planning history.
- 1.4 No. 162 Hurlingham Road has the following history:

In 1999 a Certificate of Lawfulness 1999/00173/CLE was granted for the existing use as warehouse and offices relating to a printing business.

In 2007 planning permission 2007/03736/FUL was granted for the creation of a new of a larger entrance.
- 1.5 No. 164 Hurlingham Road has the following history:

In 2009 planning permission 2009/02553/FUL was granted for the change of use from office/storage (Class B1/B8) to general industrial (Class B2) to enlarge the existing garage use at 160 Hurlingham Road.

- 1.6 In 2017 planning permission 2017/02950/FUL refused the demolition of the existing single storey light industrial premises, with the exception of the facade to 160 Hurlingham Road, and erection of a part 2, part 4 and part 5 storey building plus basement to provide offices between the basement and fifth floor (Class B1) and flexible retail/restaurant (Class A1/A3) floorspace on part of the ground floor (112sq m); including associated cycle parking, refuse storage and landscaping. The application was refused on two grounds: overdominant bulk/ height that was harmful to the conservation area and insufficient details on vehicle/ pedestrian movement.
- 1.7 Following the refusal, in February 2018 planning permission 2017/04609/FUL was granted for a smaller development involving the demolition works (except for the facade to 160 Hurlingham Road), The main difference was that the maximum height was reduced from 5 to 3 storeys with reduced massing and floorspace.
- 1.8 In 2018 planning permission 2018/01638/FUL was refused for the demolition of the existing single storey light industrial premises, except for the facade to 160 Hurlingham Road, and erection of a part 5, part 4 and part 2 storey building to provide office floorspace (Class B1) together with cycle parking, refuse storage and landscaping. The application was refused on the same two grounds as the 2017 refusal (paragraph 1.6 above): overdominant bulk/ height and vehicle/ pedestrian movement.
- 1.9 The two refused applications (2017/02950/FUL and 2018/01638/FUL) were subsequently allowed on appeal (Ref. APP/H5390/W/18/3201043 and APP/H5390/W/18/3216185). The Inspector considered that:

Both proposed appeal schemes would be significantly higher than the existing building, as well as the approved scheme. They would rise well above the viaduct and be markedly higher than other buildings in this part of the Conservation Area. However, the recessed upper storeys would diminish the impression of height and bulk. The overall increased height, as compared with the approved scheme, would not, in my judgement, have a harmful effect on the Conservation Area. Indeed, I consider that the visual effect of the proposals on the Conservation Area would not be dissimilar to the scheme already approved. (para 28)

The Inspector noted that 'the site falls within the Hurlingham Conservation Area, the relevant legislation requires that special attention must be paid to the desirability of preserving or enhancing its character or appearance. Against this background, I consider that both the appeal proposals would enhance the character or appearance of this part of the Hurlingham Conservation Area. They would sustain and enhance the significance of this heritage asset, as required by the Framework and local policy.' (para 30)

Current proposal:

- 1.10 The current application is for the demolition of the existing light industrial buildings, with the exception of the facade to 160 Hurlingham Road, and the erection of a part 4/part 5 storey building to provide a Care Home (Class C2), together with cycle parking, refuse storage, landscaping and associated works.

2.0 PUBLICITY AND CONSULTATION:

Pre-Application Public Engagement

- 2.1 In accordance with the National Planning Policy Framework (NPPF), the Applicant undertook a detailed programme of pre-application engagement with the Council's Planning, Urban Design Officers, and technical officers. Pre-application discussions were held between February 2020 and February 2023 during which the scheme was developed to address concerns over the quality of accommodation for future occupiers by omitting primary habitable rooms at ground floor level facing the access road and improved fire escape arrangements.
- 2.2 The Applicant has submitted a Statement of Community Involvement which sets out the programme of engagement undertaken with local groups, and residents prior to the submission of the application.
- 2.3 The Applicant engaged with residents' groups and neighbours through a series of consultation events. A consultation process has been undertaken in accordance with the adopted Statement of Community Involvement for the borough, as well as being in line with principles of the Localism Act and the National Planning Policy Framework.
- 2.4 The Statement of Community Involvement submitted with the application summarises the pre-application engagement undertaken by the Applicant in 2022. The consultation process involved the following elements:
- A dedicated contact centre with an email address and phone number. 13 enquiries received. 1500 notification letters to neighbouring properties to raise awareness of the website and consultation activities.
 - 2 public exhibitions, held at All Saints Church Hall, 70a Fulham High St SW6 3LG on 13th and 19th October 2022. In total, 16 people attended and 7 feedback forms completed across the two days.
 - Public webinar hosted on Zoom on 13th October 2022 and 1 person attended the live event and the recording was available can for viewing in the website.
 - Meeting with local residents - 22nd November 2022 – the project team provided a formal written response to the residents following the meeting.
- 2.6 In summary, the residents were in support and recognised that the vacant site was underused.
- There was a general consensus was that a care home use would be more appropriate for this site, when compared to the previous office proposals and welcomed the proposed design/ appearance of the building.

- Concerns were raised regarding: traffic / servicing impacts; pavement width and increased footfall; car parking; daylight and sunlight due to height of the building and noise.

Design Review Panel

- 2.8 The proposals were considered at two Design Review Panels (DRP) on the 24th March 2021 and the 8th December 2022 respectively. In summary the DRP supported the general principles of the development including the external design and appearance of the scheme. However, the panel requested that further review be undertaken to ensure that the internal accommodation would be of a high quality and suitable to the specific demands and functional requirements of future residents. While the design was amended following the first panel meeting, concerns remained following the second review over the quality of accommodation particularly on the lower floors facing the railway viaduct. Further amendments to the scheme were introduced post the DRPs to address the concerns raised and improve the quality of the internal accommodation for future residents.

Application Stage

- 2.9 The application has been advertised by means of a site notice and a press advert. Individual notification letters were sent to the occupiers of 389 neighbouring properties.
- 2.10 At the time writing this report, 50 responses have been received (49 objections, including an objection from the Fulham Society and one letter of support). The grounds of objection can be summarised as follows:
- Height, scale and massing, out of context with the surrounding properties
 - Fails to enhance or preserve the conservation area
 - Traffic, congestion and parking impacts from employees, visitors, servicing and deliveries
 - Loss of off street servicing
 - Traffic safety concerns
 - Disruption from construction
 - Noise and disturbance
 - Overlooking and loss of privacy
 - Increased sense of enclosure/loss of outlook
 - Light pollution
 - Loss of daylight/sunlight
 - Increased air pollution
 - Poor quality of accommodation, notably with regard to rooms facing railway viaduct receiving limited daylight, fresh air and outlook
 - Cumulative impact of this application and that being proposed opposite at 153 Hurlingham Road should be considered
- 2.11 Environment Agency - No objection.
- 2.12 Thames Water - No objection.

- 2.13 Transport for London – Made comments neither objecting nor supporting the application.
- 2.14 Historic England - No objection.
- 2.15 Greater London Archaeological Advisory Service – No objection subject to conditions.

3.0 PLANNING CONSIDERATIONS

- 3.1 The main planning considerations in light of the London Plan (2021), and the Local Plan 2018 (hereafter referred to as LP 2018) and the Planning Guidance Supplementary Planning Document 2018 (hereafter referred to as Planning Guidance SPD), and the Climate Change SPD 2023 include: the principle of the development in land use terms; quantum and intensity of development; heritage, design and appearance; existing residential amenities of neighbouring properties; environmental matters; and traffic impact on the highway network.

LAND USE:

Loss of existing use

- 3.2 Local Plan Policy E1 (range of employment uses) supports proposals including mixed use schemes for new employment uses as well as the retention, enhancement, and intensification of existing employment uses.
- 3.3 Local Plan Policy E2 requires the retention of land and premises capable of providing continued accommodation for employment or local services. Permission will only be granted for a change where: continued use would adversely impact on residential areas; an alternative use would give a demonstrably greater benefit that could not be provided on another site or it can be evidenced that the property is no longer required for employment purposes.
- 3.4 The existing site is underused and outmoded. The site comprises three warehouse units at ground and part first floor level, which was previously used for storage and distribution/mechanic workshops/industrial purposes; the site is currently vacant. The site is in close very proximity to residential properties and if the established distribution/mechanic workshops/industrial uses were reactivated it would have an adverse impact on residential amenity.
- 3.5 The building has been vacant for several years and there is no demand for the existing floorspace in its current form. The existing buildings are in poor condition with no heating or ventilation and the most recent temporary dry storage uses generated a minimal rent and no employment. The buildings

require substantial investment to upgrade them which is unlikely to be a practical proposition for any prospective tenant or owner.

- 3.6 The development would create new employment on site and would also make a contribution towards employment, training and business benefits through the construction of the development and its operation. These benefits would be secured through a S106 agreement subject to the proposals being acceptable in all other respects.
- 3.7 Overall, it is considered that the proposal would comply with Local Plan Policies E1 and E2 and as such there is no objection in principle to the loss of the existing use outmoded uses.

Care home provision

- 3.8 London Plan Policy H13 encourages Boroughs to work positively and collaboratively with providers to identify sites which may be suitable for specialist older persons housing, taking account of:
- Local housing needs information (local type and tenure of demand);
 - Well-connected sites contributing to an inclusive neighbourhood, having access to relevant facilities, social infrastructure and healthcare, and being well served by public transport;
 - increasing need for accommodation suitable for people with dementia
- 3.9 The supporting paragraphs for Policy H13 (para 4.13.1) make clear that London is expected to experience substantial growth in its older population and that appropriate accommodation is needed to meet the needs of older Londoners. By 2029 the number of older person households (aged 65 and over) will have increased by 37 per cent, with households aged 75 and over (who are most likely to move into specialist older persons housing) increasing by 42 per cent. Appropriate accommodation is needed to meet the needs of older Londoners.
- 3.10 Notably, London Plan para 4.13.14 acknowledges that Care home accommodation (C2) is an important element of the suite of accommodation options for older Londoners and this should be recognised by boroughs and applicants. To meet the predicted increase in demand for care home beds to 2029, London needs to provide an average of 867 care home beds a year. The provision of Care Quality Commission rated Good or Outstanding care home beds is growing at around 3,525 bed-spaces a year in London and provision of dementia-capable bed spaces at a rate of 2,430 places a year. If the rates of supply and demand remain constant it should be possible to meet potential demand for both care home beds and dementia care home beds
- 3.11 In respect of dementia, the London Plan recognises that it does not just affect older people; however the total number of older people with dementia in London is forecast to rise from 73,825 in 2017 to 96,939 in 2029, an increase of 31 per cent. Methods of offering support for people with dementia have improved in recent years, as have accommodation options. There is currently no clear evidence identifying the best method of provision of dementia care or

accommodation, and it is likely that a range of solutions will continue to develop. Boroughs should consider the need for accommodation for people with dementia within specialist older persons housing developments. Table 4.3 of the London Plan sets a benchmark for the delivery of specialist housing in for older people in each London borough; this is 70 beds per year within Hammersmith and Fulham.

- 3.12 Local Plan Policy HO7 states that the council will encourage and support applications for new special needs and supported housing, including specialist housing for older people, subject to the following criteria:
- a. Established local need;
 - b. Standard of the facilities;
 - c. Good level of accessibility to public transport and other facilities; and
 - d. No detrimental impact to the amenity of the local area or to local services.

Established local need

- 3.13 The justification for Policy HO7 states that although “The council considers that elderly residents should have the opportunity to access special needs housing located in the borough”, the council also “aims to create more sustainable communities to enable residents to remain in their communities through different stages of their life”.
- 3.14 The applicant’s submission includes a Care Home Needs Assessment which details elderly care requirements against projected Census population data. The Assessment also takes into account various reports at the national, regional and local level which underpin and demonstrate a local need for this type of care home accommodation.
- 3.15 The Council’s Adult Social Care Team (ASCT) have reviewed the submissions and acknowledge that there is a need for care provision for the elderly and others in need of care in the borough. The Council’s adult social care model for the elderly seeks to support independent living to enable residents to continue living in their own homes for as long as possible. Beyond this model, the ASCT acknowledge that there is also a specific need for residential care homes in particular and in this case, proposed development would contribute to meeting that demand.
- 3.16 Based on the above, officers raise no objection in principle to the proposed care home would be acceptable with regards to criteria a. of Policy HO7.

Quality of accommodation

- 3.17 The proposed care home would accommodate residents with complex health issues and a high level of dependency, providing medical care via registered nurses on a 24 hour basis. The entire facility is designed to accommodate dementia care if required, but the precise mix of dementia, nursing and residential care residents will adjust according to demand at any given point in time.

- 3.18 The scheme has been designed as essentially separate 'households', each bedroom has an ensuite (81 in total) and is grouped in blocks of 8 with a shared lounge room, kitchenette, dining room and services. There would be 2 'households' on each floor. Each household would be serviced by individual care teams. Other communal areas available to all households are located throughout the development on each floor such as a large lounge and tea room on the ground floor opening out onto the garden courtyard, and cinema, hair salon, multi-function area and treatment room interspersed throughout the upper floors. The building would be serviced by two 13 person lifts.
- 3.19 The proposed layout has been informed by ongoing discussions with the Care Home Operator, to suit operational requirements; to ensure that the building is as efficient as possible; and ensure that a high level of care and safeguarding. It is acknowledged that the site is confined on the ground floor level to the rear having outlook onto the access road servicing the railway arches, and the railway viaduct itself. The proposals have undergone a number of revisions to address this relationship, by reconfiguring the ground and first floor layout to have bedrooms facing the inner courtyard. Furthermore, although the proposed building would occupy most of the footprint of the site, it would be set away from the north-west boundary with the vehicular access that serves the railway arches.
- 3.20 The ground floor levels has been raised (1.5m above the access road level) to prevent direct overlooking into the ground floor of the building to the front and rear from passing pedestrians. The proposed raised ground floor would mitigate loss of privacy for the future occupiers.
- 3.21 The proposed rooms to the rear at ground and first floor level would be within close proximity to significant sources of noise from both the light industrial uses and the railway itself. The building would include robust sound insulation measures including additional enhanced glazing specifications for windows facing the railway. Most bedroom units will rely heavily of mechanical ventilation, and this is required in any case to meet care quality standards regarding the provision of a stable environment for the residents. Details of sound insulation and ventilation will be secured by conditions.
- 3.22 A Daylight and Sunlight Report has been submitted with the application. Officers have considered the report which shows that all rooms comply with the minimum standards for residential accommodation, meeting the standards of the Building Research Establishment Report 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice' 2022. Officers are satisfied that the proposals would provide an adequate quality of accommodation in terms of natural lighting.
- 3.23 As set out in subsequent paragraphs, the proposals are generally acceptable in terms of accessibility to public transport (excellent PTAL6a rating) and impacts on existing neighbouring residential amenities.
- 3.24 Overall, the proposed development would meet an identified need, provide good levels of residential accommodation for future occupiers within an area

of high levels of public transport accessibility and would have no undue adverse impact neighbouring amenities or local services. In this respect the proposal complies with London Plan Policy H13 and Local Plan Policy HO7.

Secure by Design

- 3.25 London Plan Policy D11 and Local Plan Policy DC1 require 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.
- 3.26 The proposals have been considered by the Metropolitan Police Designing out Crime officer and Full details of how the proposal will incorporate measures for crime prevention are to be secured by a condition including boundary treatment, secure access control, lighting, CCTV and other measures to achieve satisfactory Secure By Design accreditation.

Fire Safety

- 3.27 The matter of fire safety compliance is covered by Part B of the Building Regulations. However, London Plan Policy D12 recommends the fire safety of developments to be considered from the outset. London Plan Policy D12 states that 'all development proposals must achieve the highest standards of fire safety' and the requirements are set out in Section A (criteria 1-6). London planning D5 set out how access and inclusion will be maintained and managed, including fire evacuation procedures.
- 3.28 As required a Fire Safety Statement, prepared by an independent and qualified fire safety engineers, has been submitted in support of the proposal. The building does not fall under the category of a 'relevant building' as defined in Building Regulation 7(4) and consultation with HSE is not required. The Fire Statement has been developed with regard to the safety and health of persons in and around a building. The development has been designed and constructed to satisfy the requirements of Part B (Fire Safety) to Schedule 1 of the Building Regulations 2010 (as amended in 2019 and 2022).
- 3.29 The building is served by two staircases and a fire evacuation lift. The development will be provided with active and passive fire safety systems that will reduce the risk in case of emergency, including fire detection and alarm, ventilation systems, and a sprinkler system.
- 3.30 Officers are satisfied that the submitted Fire Statement provides sufficient information regarding the internal arrangements for fire safety. Two of the three fire exits at ground floor level would be located at the rear opening out onto a dedicated emergency access path at least 1.3m wide wholly within the application site, along the side of the service lane to the rear, which is considered acceptable.

- 3.31 Overall, the development would be acceptable in the interests of fire safety, ensuring the safety of all building users. In particular, the proposals would provide suitable and convenient means of escape, and associated evacuation strategy for all building users, in compliance with Policy D12 of the London Plan.

DESIGN, HERITAGE, and TOWNSCAPE

Design

- 4.1 The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The NPPF also requires that proposals should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- 4.2 The NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Part 12 of the NPPF outlines the requirement for good design and Paragraph 135 sets out that planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 4.3 Chapter 3 (Design) of the London Plan 2021 seeks to secure the delivery of good design through a variety of ways. Policies D3 (Optimising Site Capacity through the Design-Led Approach), D4 (Delivering Good Design), D6 (Housing Quality and Standards) and D8 (Public Realm) are particularly relevant to the consideration of this application. Policy D3 highlights that all development must make the best use of land by following a design-led approach that optimises the capacity of sites, through careful consideration of issues such as form and layout, experience, alongside consideration of quality and character. Policy D4 highlights that where appropriate, visual, environmental and movement modelling / assessments should be undertaken to analyse potential design options for an area, site, or development proposal. These models, particularly 3D virtual reality and other interactive digital models alongside use of design review should, where possible, be used to inform decision-taking, and to engage Londoners in the planning process. Policy D6, promotes a series of quality and standards new housing development should aim to achieve. Policy D8 sets a series of

criteria to ensure that ensure the public realm is well-designed, safe, accessible, inclusive, attractive and well-connected.

- 4.4 Local Plan Policies DC1 and DC2 are particularly relevant to the assessment of design. Policy DC1 (Built Environment) states that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places. Policy DC2 (Design of New Build) sets out to ensure that new build development will be of a high standard of design and compatible with the scale and character of existing development and its setting.

Scale and Massing

- 4.5 The proposal scheme relates to the redevelopment of the site, to provide part 4/5 storey building. The proposal involves the demolition of all structures on the site except for the retained frontage to 160 Hurlingham Road which is a locally listed, Building of Merit. Along Hurlingham Road, the new building would have three sections; a 5 storey element with recessed top floor adjacent to the railway viaduct; a 4 storey middle section with a recessed top floor; and to the east, 160 Hurlingham Road would feature the retained building frontage.
- 4.6 The proposal sits between the railway viaduct to the north and east and the two storey residential properties to the east. The development would step up towards the railway and would generally have a greater scale to the rear. The development would visually step down and mediate between the new taller 5 storey building and the 2 storey terrace that abuts 160 Hurlingham Road. The building entrance would be a recessed into the centrally located lobby area.
- 4.7 The previous appeal decisions, (application references: 2017/02950/FUL and ref. 2017/04609/FUL), have established the scale and massing principles for the site. The current proposal includes some reductions in scale and mass in comparison to these earlier consents. The main 5 storey building along the rear of the site backing onto the railway viaduct would be 0.7m lower than the previously approved scheme ref. 2017/02950/FUL. The centrally positioned 4 storey element which fronts Hurlingham Road would be 1.75m lower than the 2017 proposals. The massing on the eastern corner would be substantially reduced with the introduction of the courtyard behind the retained Building of Merit façade at 160 Hurlingham Road, omitting the previously consented 3 storey element in this location.
- 4.8 Considering the current proposal, the scale and massing of the scheme is considered to successfully transition and mediate between the character and quality of the Hurlingham Road frontages of the development, and the stepping of the proposals to flank the existing railway viaduct to the north.

Architectural Character

- 4.9 The architectural character of the proposal scheme is informed by both the character of the adjacent high-quality Victorian terraces to the east of the site, (and the quality of the retained façade of 160 Hurlingham Road), whilst also by bringing forward a scheme of its own architectural character to reflect the proposed care home use of the building.
- 4.10 The architecture of the development is focussed upon the creation of a scheme featuring well-ordered series of elevations and lightweight detailing to the upper floor levels. The Hurlingham Road elevations of the scheme, (which will be the most prominent within local townscape views), are composed predominantly in brick and punctuated by a deep layering of the façades which together with a variation of materials and decorative detailing within these recessive elements would give the development considerable character. These details are complemented by the upper floor detailing of the scheme which provides a contrasting light-weight detailing, and complementary material treatments to those found in the recessive elements of the lower building form. The main entrance to the development is considered to provide a clear and legible environment which would enhance the Hurlingham Road frontage, providing a double-height entrance portal. Overall, these features would give the proposal a high-quality appearance, which would provide visual interest and complement the character of the local area.
- 4.11 1:20 details, alongside further details of the proposed materials and sample panels are proposed to be secured by condition as part of the suggested conditions attached to this report. This is to ensure that the development would achieve a high quality of design.

Heritage and Townscape

- 4.12 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.
- 4.13 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.66 duties of the Planning (Listed Buildings and Conservation areas) Act 1990 and the requirements set out in the NPPF.
- 4.14 Section 72 of the Planning (Listed Buildings and Conservation areas) Act 1990 requires that: 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, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 4.15 Paragraph 195 of the NPPF states: 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 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.

- 4.16 Paragraph 201 of the NPPF states: Local Planning Authorities should identify and assess the 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.
- 4.17 Paragraph 203 of the NPPF states: 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.
- 4.18 Paragraph 205 of the NPPF states: 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.
- 4.19 Paragraph 206 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 exceptional.
- 4.20 Paragraph 207 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.

- 4.21 Paragraph 208 of the NPPF states: 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.
- 4.22 Paragraph 209 of the NPPF states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 4.23 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).
- 4.24 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.
- 4.25 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 paragraph 208, 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.
- 4.26 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.
- 4.27 The scheme would impact directly on heritage assets. These impacts are considered separately in the following sections.
- 4.28 Impacts are mainly focussed upon Hurlingham conservation area and 160 Hurlingham Road, a locally listed, (building of merit). In order to fully assess the proposal scheme, officers have agreed the scope of supporting documents with the applicant. The applicant's statements submitted with the application, identifies the significance of designated/non-designated heritage assets within a study area surrounding the application site, within Hammersmith & Fulham.
- 4.29 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 208 and 209 of the NPPF as appropriate.

- 4.30 Local Plan 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.

- 4.31 The Council's Supplementary Planning Guidance SPD is relevant, in particular Key Principles AH1 (Information Requirements for applications for consent affecting heritage assets); AH2 (Protection of Heritage Assets); CAG1 (Land Use in Conservation areas); CAG2 (Urban Design in Conservation areas) and CAG3 (New Development in Conservation areas). 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.

Application site – Heritage constraints

- 4.32 The application site is situated in the Hurlingham Conservation area and 160 Hurlingham Road is a locally listed, Building of Merit.

Hurlingham conservation area

- 4.33 The Hurlingham conservation area was designated in 1971, with the application site forming part of an extension to the conservation area in 2002. The conservation area covers a large area, and its significance mainly relates to its riverside location and the evolution and development of the area around three important open spaces, the Hurlingham Club, Hurlingham Park and South Park.
- 4.34 The area within which the application site is found is referred to as the 'western housing development' sub-area, which is typified by Victorian housing development, with properties set on a rectilinear street pattern giving the area a compact grain and cohesive feel. Although of generally uniform design, the detailing of the terraces differs, providing interest and variety. Many properties have timber sash windows and gables, and some have ornate wrought iron balconies. These elements form the focus of the character and significance of this element of the conservation area.
- 4.35 The earlier appeal decisions in 2019 provide helpful guidance as to how the contribution of the application site to the conservation area should be considered:

'It reflects an 'area of transition' between a cohesive residential area to the east and a more varied industrial and commercial area bookended by the railway viaduct and bridge to the west. So, whilst the residential properties of

Hurlingham Road to the east create a unified and homogenous feel, the appeal site's immediately surrounding area is far more eclectic, with a varied and somewhat disparate character...

Overall, I consider that this diversity creates scope for a building of a different design, scale, and form: there is no compelling reason why new development should necessarily mimic what is currently on the site. However, there is no doubt that because of site's location within the Conservation Area, and the close proximity of residential dwellings, this is a sensitive site.'

- 4.36 In assessing the quality of the appeal schemes, the Inspector concluded that the proposals would represent a high quality of design and would retain the façade of the locally listed, building of merit. The inspector also commented that notwithstanding their increased heights to the existing buildings occupying the site and immediate surroundings, the appeal proposals would not represent a harmful effect to the conservation area, instead that the proposals would represent an enhancement to the character and appearance of this part of the Hurlingham conservation area.

Assessment of Impact

- 4.37 In assessing the impact of the proposal scheme upon the character and appearance of the conservation area, officers have given due regard to the earlier appeal decisions for this site. Like the appeal proposals, the current proposal would bring forward a scheme of an increased scale and massing to the existing buildings occupying the site. These buildings, (notwithstanding the locally listed façade of 160 Hurlingham Road), make a limited contribution to the character and significance of the conservation area. The proposal scheme would introduce a development of high quality with well-ordered and highly articulated façades/detailing which would provide a positive and animated frontage to Hurlingham Road; providing an enhancement to localised townscape views within this area overall. As such, the development is not considered to result in any harmful impacts to the character or appearance of the Hurlingham conservation area.

160 Hurlingham Road Locally Listed (Buildings of Merit)

- 4.38 The buildings occupying the site were originally constructed as a London General Omnibus Depot. However, since this time the buildings have been subject to multiple uses and modifications particularly to their façades. The building occupying 160 Hurlingham Road is however designated as a locally listed, (Building of Merit). The main interest of the building relates to its historic use and townscape quality of the main retained façade. The proposal scheme seeks to retain this façade in part integrating this within the internal resident amenity spaces and towards the eastern extent as a frontage/enclosure to an external resident's amenity area. As such, the proposals are considered to retain elements of the historic asset which are both architecturally attractive and provide legibility as to the previous, historic

function of the site. Consequently, the interest of this asset would largely be retained, and any harm to the asset would be negligible.

- 4.39 The development would not result in any harm to the character or appearance of the Hurlingham conservation and the locally listed, building of merit 160 Hurlingham Road, having regard to and applying the statutory provisions in Section 72 of the Planning (Listed Buildings and Conservation areas) Act 1990.

Design, Heritage, and Townscape Conclusion

- 4.40 The proposal scheme would bring forward a scheme of a high-quality of design with rich and well-articulated façades and architecture. The scale and massing of the proposal scheme is considered to be acceptable and would not result in any harm to the character or appearance of the Hurlingham conservation and the locally listed, building of merit 160 Hurlingham Road.
- 4.41 Officers have assessed the impact of the proposal on the heritage assets and consider that for the reasons summarised above it is appropriate to grant planning permission having regard to and applying the statutory provisions in Section 72 of the Planning (Listed Buildings and Conservation areas) Act 1990. The proposal is also in line with national guidance in the NPPF and strategic local policies on the historic environment and urban design. Overall, the Proposed Development is considered acceptable having regard to the NPPF, Policies D3, D4, D6, D8, and HC1 of the London Plan (2021) and Policies DC1, DC2, DC7 and DC8 of the Local Plan (2018).

5.0 RESIDENTIAL AMENITY

- 5.1 Policies DC1, DC2, CC11, CC13 and HO11 of the Local Plan require all proposals to be formulated to respect the principles of good neighbourliness. SPD Housing Key Principles 6, 7 and 8 seeks to protect the existing amenities of neighbouring residential properties in terms of outlook, light, privacy and noise and disturbance.
- 5.2 The nearest residential properties are those to the east within Melbray Mews, which although mainly commercial offices, does have some residential properties, and the immediately adjoining property at 158 Hurlingham Road. There is a row of terraced houses to the south east with the nearest being on the south-east corner of Hurlingham Road and Edenhurst Avenue (151 Hurlingham Road).

Outlook:

- 5.3 SPD Housing Key Principle Policy HS6 acknowledges that a building's proximity can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties. Although it is dependent upon the proximity and scale of the proposed development a general standard can be adopted by reference to a line produced at an angle

of 45 degrees from a point 2 metres above the adjoining ground level of the boundaries of the site where it adjoins residential properties. If any part of the proposed building extends beyond these lines then on-site judgement will be a determining factor in assessing the effect which the extension will have on the existing amenities of neighbouring properties.

- 5.4 There are windows and a roof terrace in the rear elevation of 158 Hurlingham Road at first floor level adjacent to the north east boundary of the application site. The proposed massing which is predominantly towards the rear of the site, is however set away from No. 158, with an adjoining garden area proposed behind the retained front elevation fronting Hurlingham Road. This provides a setback from 158 Hurlingham Road minimising any sense of enclosure and maintaining the outlook at the rear of the property. Therefore, in terms of outlook, the rear windows and terrace to No. 158 Hurlingham Road, which are angled away from the boundary reducing the potential impact from the proposal, would not be adversely impacted.

Privacy:

- 5.5 SPD Housing Key Principle HS7 states that new windows should normally be positioned so that they are a minimum of 18 metres away from existing residential windows as measured by an arc of 60 degrees taken from the centre of the proposed window. In addition, it states that a roof terrace/balcony is unacceptable if it would result in an additional opportunity for overlooking and consequent loss of privacy.
- 5.6 The proposal would not result in a loss of privacy or overlooking. There are no windows facing Melbray Mews to the east, and all other windows are angled so as not have any direct views. The proposed development complies with Policies HO11 and DC1 and DC2 of the Local Plan , and SPD Housing Key Principle HS7.

Noise and disturbance:

- 5.7 Policies CC11 and CC13 of the Local Plan relate to environmental nuisance and require all development to ensure that there is no undue detriment to the general amenities enjoyed by existing surrounding occupiers, particularly those of residential properties. SPD Key Principle HS8 adds that roof terraces or balconies likely to cause harm to the existing amenities of neighbouring properties by reason of noise and disturbance will not be supported.
- 5.8 The proposals do not include any outside roof terraces as per the 2018 approved scheme, although a garden space is proposed at ground floor level adjacent to No. 158 Hurlingham Road. Given the nature of the occupants, it is highly unlikely that the development would harm the existing residential amenities of adjoining occupiers in terms of noise and disturbance.
- 5.9 The proposed development is in accordance with Policies HO11, CC11 and CC13 of the LP 2018 and SPD Key Principle HS8 regarding noise.

Daylight and Sunlight:

- 5.10 A Daylight and Sunlight Report has been submitted by the applicant to assess the impact of the development on the surrounding properties in terms of daylight/sunlight and overshadowing. Officers have considered the report and concur with the conclusions that the proposal would not have any significant impact on any neighbouring properties.
- 5.11 The Report assesses 130 neighbouring windows. All windows meet Vertical Sky Component (VSC) standards. Where applicable all rooms pass the daylight distribution test, complying with BRE daylight requirements.
- 5.12 The supporting report demonstrates that the gardens and amenity areas to the rear of 154 and 156 Hurlingham Road would retain adequate sunlight. In respect of the existing ground floor garden at 158 Hurlingham Road a small portion (11%) of the area receives the minimum 2 hours of direct sunlight during the spring equinox on 21 March. This is below the minimum 50% criteria suggested in the BRE guidance. This is mainly because of the north facing orientation of the garden which is also self-shaded by the main parent building of 158 Hurlingham Road. Therefore an assessment was undertaken of the amenity area on the summer solstice June 21, which shows that the amenity area fares better in the summer months and comfortably receive the BRE target for sunlight in the existing scenario. The introduction of the proposed development would therefore not cause material changes to the neighbouring amenity areas, and at least 50% of each space is able to receive 2hrs of direct sunlight.
- 5.13 The results of the assessment demonstrate that the neighbouring amenity spaces will receive adequate levels of sunlight during the summer months, while the change in winter will not be material. Overall, due to the small amount of direct sunlight experienced on the ground floor garden area to the rear at No. 158 Hurlingham Road officers consider that it is unlikely that the proposal will result in undue material harm in this urban setting. Officers acknowledge that the BRE Guidelines should be applied flexibly as natural light is only one factor affecting site layout. On this basis, it is considered that overall daylight and sunlight submitted are satisfactory.
- 5.14 Officers consider that the neighbouring habitable rooms, and neighbouring gardens would have sufficient access to daylight and sunlight after the development has been constructed complying with Policies HO11, DC1 and DC2 of the Local Plan, SPD Housing Key Principle HS7 and guidance set out in the Building Research Establishments' (BRE) Report 2021 "Site Layout Planning for Daylight and Sunlight - A guide to good practice".

Light pollution

- 5.15 Policy CC12 of the LP 2018 seeks to control the adverse impacts of lighting arrangements including that from signage and other sources of illumination. The care home use is likely to feature a more continuous form of illumination

due to the nature of its use. However, officers do not consider the level of illumination likely to be harmful or out of character with the location. A condition requiring a strategy securing how internal lights to be turned off when not required is to be attached to any permission to mitigate against unnecessary harm to sensitive receptors. In addition, further details are to be secured of all proposed external illumination to ensure a positive environment without harmful impacts upon adjacent residents or harm to the character of the area. As such officers consider that the proposal would accord with the requirements of Policy CC12 of the Local Plan.

6.0 HIGHWAYS

- 6.1 Policies T1, T2, T3, T4, T5, T6.4 and T7 of the London Plan set out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards.
- 6.2 Policy T1 of the Local Plan (2018) supports The London Plan. Policy T2 of the Local Plan (2018) states that all development proposals will be assessed for their contribution to traffic generation and their impact on congestion. Policies T3 and T4 of the Local Plan (2018) set out vehicle parking standards, which brings them in line with London Plan standards and circumstances when they need not be met. These are supported by SPD Policies TR1 - TR15.

Trip Generation

- 6.3 The transport assessment submitted for the previously approved scheme which was accepted at the time showed that the consented scheme for the B1 use (Ref. 2018/01638/FUL) had the potential to generate in the order of 234 people trips during the morning peak hour and 232 during the evening peak hour.
- 6.4 The Transport Assessment for the current application includes a calculation of the person trip generation of the proposed development, extrapolating TRICS data to provide person trip rates for C2 (Residential Institution) use. Residents are not expected to travel from the site, and if so, would be on a very infrequent basis. Staff are expected to use public transport, cycling or arrive by foot. There would be no on-site parking for staff. Over a 14-hour day, the TRICS data indicates that there will be 148 person arrivals and 149 person departures throughout the day. Relative to the consented use on site, the number of two-way person trips is well below that set by the benchmark approved for the previous submitted application and therefore is considered acceptable. The analysis demonstrates that the forecast traffic generation will have no significant impact on the highway and public transport networks in this regard.

Car Parking:

- 6.5 The site benefits from excellent level of accessibility as reflected by its 6a PTAL rating enabling employees to access the site by a range of public transport facilities. Three bus routes (22, 424 and N22) operate along New Kings providing regular services to central London. Putney Bridge Tube Station is 250m to the south of the site providing regular services to central London and Wimbledon. Both bus stops and the station are within walking distance of the site for commuters.
- 6.6 The proposed development is proposed to be car-free in accordance with Local and London Plan maximum parking standards which is supported by officers. The submissions note that the application site is located in Controlled Parking Zone U, which has operating hours of 09:00-17:00 on Monday to Saturday. This raises concerns over the potential for an increase in car parking pressures in the immediate vicinity of the site. At the request of officers, the applicant has undertaken parking beat surveys to understand the existing parking stress during the daytime and parking stress surveys to understand overnight parking stress. The overnight parking stress surveys, undertaken in September 2022, indicate that parking stress within 200m walking distance of the site was an average of 88% and 87% respectively. As parking stress is usually considered high from between 80%-85%, the overnight parking stress results indicate a saturation of parking in the area. The daytime parking beat surveys indicate that parking stress within the 200m walking distance of the site has an average parking stress between 65% and 79% during survey hours (09:00-17:00). The daytime survey indicates available parking in the vicinity of the site, which may be an indication of the impact of the controlled parking zone hours. In order to ensure the proposals are acceptable, the applicant is required to fund the required review, consultation, and implementation of any changes to the existing Controlled Parking Zone hours, as well as car free arrangement to restrict resident and business parking permits (with the exception of Blue Badge holders), which is to be secured by a Section 106 agreement.

Cycle:

- 6.7 London Plan Policy T5 and Local Plan Policy T3 seeks to increase and promote opportunities for cycling and walking, including by requiring new developments to include the provision of convenient, accessible and safe cycle parking. The Climate Change SPD Key Principle KPC12 sets out key aims which includes the promotion of pedestrian-friendly and cycle-friendly transport network.
- 6.8 To ensure that the proposal contributes towards making cycling an attractive and convenient proposition for all users, it is required that of 40 spaces currently provided in the type of cycle parking should be varied accordingly. As such the two-tier stands will need to be reduced in size, so that 5% of the total number of spaces (2 spaces) is provided through the provision of a Sheffield Stand (providing 2 spaces for larger cycles). This has been agreed to be integrated into the design to ensure there is sufficient room to accommodate the larger cycles and as such this will form part of the detailed design process

for cycle storage within the basement. It is acknowledged that further details of the cycle parking including details of charging facilities for mobility scooters / e-bikes is therefore to be secured by condition. The proposed use is in line with the aim of promoting sustainable transport options and the Mayor's objective of reducing the use of private cars. The proposals are therefore considered to accord with Policies T5 of the London Plan and T3 of the Local Plan, and the Climate Change SPD.

Servicing and Delivery:

- 6.9 London Plan Policy SI 7 outlines the Mayor's approach to waste management. CC7 and CC13 of the Local Plan require development to incorporate suitable facilities for the storage and collection of segregated waste.
- 6.10 It is proposed that delivery and servicing activities would take place from the highway as no off street provision was to be made. The applicant initially requested dedicated bays for the application site, however it was considered that existing highway provision could accommodate modest numbers of delivery, servicing and ambulance trips to and from the site. It is proposed that all servicing, deliveries, refuse collection and ambulances would utilise existing yellow lines on fronting the site on Hurlingham Road, utilising the yellow lines located at the western existing access. The submissions state that the site would generate one refuse trip per week. Based on the survey results of the a comparative care home site, it is estimated that the site would generate approximately 13 ambulance trips per week. It is also estimated that the site would generate 6 deliveries per day. Further details regarding the Delivery and Servicing Plan are to be secured to ensure the management of these activities by future tenants does not impact the operations of the public highway.
- 6.11 The delivery and servicing plan document is therefore to be secured through condition. In addition, monitoring fees for reviewing the plan would be secured through S106 agreement.

Travel Plan

- 6.12 The application is accompanied by a draft Travel Plan which sets out the anticipated transport impacts of development and measures to promote and encourage sustainable travel. The Council's Highways Officer has considered the draft document and is satisfied with its contents; and recommends an Active Travel Plan in line with Transport for London guidance is submitted together with allowance for monitoring by the Council. This is to be secured by a S106 obligation that would also require an annual review and revision of the travel plan, if necessary, after one, three and five years of operation.

Construction Phase:

- 6.13 A construction Logistics Plan (CLP) has been submitted with this application. The CLP consider nearby developments and the cumulative impact on the highway is minimised.

- 6.14 The Council's Highways Team have considered the CLP and are satisfied that the construction works would not adversely impact on the operation of the public highway. A final CLP is to be secured by condition together with a Build Contract and subject to this, the proposals would accord with Policies T1, T2, T6, CC7, CC11, CC12 and CC13, SPD (2018) HS1, TR1, TR2 and TR3 of the Local Plan and London Plan Policy T7.

7.0 ENVIRONMENTAL QUALITY

Flood Risk

- 7.1 A Flood Risk Assessment (FRA) has been provided with the application. The application relates to the provision of office and other commercial space uses on the site, which are less vulnerable uses in terms of flood risk. Although the site is in Flood Zone 3, it is well protected from flooding from the River Thames by the existing flood defences in the form of the Thames Barrier and local river wall defences. If these were to be breached or overtopped, Environment Agency modelling shows that flood water would not be expected to impact on the site. Parts of the borough are known to have increased potential for elevated groundwater, but this site is not in such an area. In terms of sewer/surface water flood risk, the site is not in a flooding hotspot although as a basement is planned where it is intended to include facilities such as showers and toilets, there could be a risk of sewer surcharge flooding. The submission provides details of the structural flood proofing and sewer surcharge measures for the basement, which are considered acceptable and are to be secured through condition.

Sustainable Urban Drainage Systems (SUDs):

- 7.2 In terms of managing surface water run-off from the site, a separate Drainage Strategy has been provided which considers sustainable drainage measures for the site. The proposal is to use a combination of a green roof and bioretention area. Other options have been considered and ruled out, however, it is considered that additional measures may be viable and should be explored further.
- 7.3 The principles of the proposals are largely satisfactory. Although, it is considered that inclusion of a condition would be necessary which requires submission of the finalised strategy showing how preferred SuDS measures such as those outlined in the Drainage Strategy will be included to limit the final discharge of surface water to the sewer to no more than 1 l/s. Furthermore, the condition would secure full details of features such as green roofs, permeable paving, bioretention planting and any rainwater harvesting measures such as water butts along with plans showing their location and drainage connections. Maintenance information for all SUDS are also to be secured through the condition. It is therefore considered acceptable to attach a condition requiring the submission on the provision of a revised Drainage Strategy that deals with these points.

Air Quality:

- 7.4 The London Plan Policy SI 1 and Local Plan Policy CC10 seeks to reduce the potential adverse air quality impacts of new developments. The Climate Change SPD Key Principle KPC14 sets out key aims which includes making provision to address local problems of air quality. Mitigation measures to reduce emissions and exposure to poor air quality must be taken. The application site is located within the borough wide Air Quality Management Area (AQMA), and in an area of existing poor air quality due to the road traffic vehicle emissions from Fulham Road. The impact of transport emissions during the demolition, construction, and energy plant emissions during the operational phase will have an impact on local air quality. The development proposal will introduce new receptors into an area of poor air quality.
- 7.5 The Council's Air Quality Officer has considered the proposed development and submitted Air Quality Assessment and raise no objections subject to conditions relating to air quality, namely with regard to Air Quality Dust Management Plan (Construction), Ventilation Strategy, Ventilation Strategy compliance, Zero Emissions Heating, and Aerobic Food Digester (AFD). The proposals are therefore considered to accord with London Plan Policy SI 1, Local Plan Policy CC10 and the Climate Change SPD.

Sustainable Design and Construction:

- 7.6 A Sustainable Design and Construction Statement has been submitted with the application. The Statement shows that the sustainable design and construction measures for the proposed buildings will meet the "Excellent" BREEAM rating. The proposals meet the requirements of Local Plan Policy CC2, London Plan Policy SI 2 on Sustainable Design and Construction and the Climate Change SPD Key Principle KPC9.
- 7.7 Further details for the implementation of the sustainable design and construction measures are required regarding the submission of a post construction BREEAM assessment, to confirm achievement of the "Excellent" rating and confirmation of the implementation of the residential measures are to be secured by condition.

Carbon Reduction

- 7.8 London Plan Policy SI 2 states that major developments should meet the minimum standards for sustainable design and construction. Local Plan Policy CC1 and London Plan Policy SI 2 states that the Mayor will work with boroughs and developers to ensure that major developments meet targets for CO2 emissions reductions in new buildings. These policies are supported by the Climate Change SPD Key Principle KPC7 which seeks to promote Net Zero Carbon Buildings.
- 7.9 As required, an Energy Assessment has been carried out for the new care home, including integration of energy efficiency measures, improved air permeability measures to reduce heat loss and also energy efficient lighting.

Low carbon Heat Pumps are proposed and renewable energy generation is planned in the form of solar PV panels.

Emissions reductions

- 7.10 The energy assessment shows an improvement of 18% in terms of CO2 emissions reductions compared to the minimum requirements of the Building Regulations. This falls short of the 35% target contained in the London Plan. The energy efficiency target of reaching 15% improvement in CO2 emissions through energy efficiency measures only is also missed as only 6% is achieved. Additional information has been provided to explain the shortfall.
- 7.11 The proposals reduce annual CO2 emissions by just over 3 tonnes through energy efficiency measures, equivalent to 6% and by just under 6 tonnes from inclusion of renewables (equivalent to 12%) for a total CO2 reduction of 18%.
- 7.12 The London Plan targets for on-site CO2 reduction are not met. The particular use of the new building as a specialist care home does lead to an increase in energy use in order to provide a higher standard of services to meet minimum care quality requirements such as ventilation and cooling. Notwithstanding this, the energy assessment shows that the building is being designed to go significantly beyond the Building Regulations standards in terms of other areas, for example, all building elements such as walls, floors, roof, windows all perform well beyond minimum requirements in terms of reducing heat loss. Low energy LED lighting will also be specified. On-site energy generation will also be included in the form of Air Source Heat Pumps and solar PV Panels on the roof.
- 7.13 Officers did query the initial energy assessment in terms of whether a better performance was possible and additional information was provided. As noted above, many of the energy efficiency measures provide a performance at a level twice as good as required by Building Regs. The high energy use is explained as being due to the nature of the proposals which requires mechanical systems rather than just passive systems to provide cooling and ventilation for vulnerable residents. It has also been clarified that mechanical systems are required for all units and cannot be limited to just a proportion.
- 7.14 Consideration has also been given to including additional measures such as triple glazing but this creates knock on effects such as a need for more cooling demand (and therefore higher energy use and CO2 emissions). Using triple glazing also creates additional embodied carbon impacts. It is stated that overall, the building elements have been pushed to their performance limits.
- 7.15 In considering the energy assessment it should be borne in mind that the GLA accept that non-residential schemes may find it more challenging to meet the London Plan targets and this development appears to have some atypical requirements which affect the energy demand and associated CO2 emissions. It is therefore considered that the additional information has been useful in helping to explain why the targets cannot be achieved, showing that energy efficiency performance is well beyond the minimum requirements and

demonstrating that the inclusion of on-site Heat Pumps and solar PV Panels on the roof helps reduce the development's carbon footprint. Consideration also needs to be given to the fact that the CO2 baseline assessment for non-residential developments now includes low carbon heating as standard. This has the effect of reducing the CO2 reduction figures for non-residential developments relative to the baseline. However, applicants are still be expected to follow the energy hierarchy to maximise carbon savings before offsetting is considered. In conclusion it is therefore considered that the proposals are acceptable.

- 7.16 A payment in lieu will be required to offset the remaining CO2 emissions and meet the net zero carbon target, which is to be secured via a S106 agreement.
- 7.17 Subject to conditions securing the energy measures in the energy statement and the CO2 offset payment being included in any s106 Agreement, the proposal is considered acceptable with regards to Local Plan Policy CC1, London Plan Policy S13 and the Climate Change SPD.

Land contamination

- 7.18 Potentially contaminative land uses, past or present, are understood to occur at, or near to this site. Site investigation together with a risk assessment, remediation and long-term monitoring would all need to be carried out during and following any redevelopment works, to ensure that no unacceptable risks would be caused to humans, controlled waters or the wider environment. Following review of the application the Council's Land Contamination Team consider the proposals satisfactory subject to details to be secured by conditions.

8.0 COMMUNITY INFRASTRUCTURE LEVY

Mayoral CIL

- 8.1 Mayoral CIL came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. This development will be subject to a London-wide community infrastructure levy. This will contribute towards the funding of Crossrail, and further details are available via the GLA website at www.london.gov.uk. The GLA expect the council, as the collecting authority, to secure the levy in accordance with London Plan policy 8.3. An estimate of £391,760.00 + indexation, based on the additional floorspace has been calculated.

Local CIL:

- 8.2 The Council has also set a CIL charge. The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development to fund infrastructure that is needed to support development in the area. The Council's CIL runs alongside Section 106 Agreements (S106s) which will be scaled back but will continue to

operate. The CIL Charging Schedule was presented to Council and approved 20 May and has formally taken effect since the 1st September 2015. Class C2 care homes developments are exempt from the Council's CIL.

9.0 PLANNING OBLIGATIONS

9.1 In dealing with planning proposals, local planning authorities consider each on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused. However, in some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable, using planning conditions or, where this is not possible, through planning obligations. London Plan Policy DF1 and Local Plan Policy INFRA1 recognise 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.

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

1) Contribution to economic development (circa £13,875) including the following:

- a. Contribution of circa £10,500 to provide two construction period apprenticeships, one of which will be provided directly by the developer
- b. 10% of labour employed on the construction of the development to be H&F residents
- c. Contribution of £3,375 towards facilitating the Council in supporting local Small to Medium Enterprises to bid for contracts tendered in the supply chain
- d. 10% of build costs to be spent locally on H&F businesses
- e. Submission of delivery and monitoring plans
- f. 10% local labour target during the first 24 months of the operational phase (based on employees being within one of the Council's target groups, otherwise a target of 20% applies)

2) 10% local labour target during the first 24 months of the operational phase (based on employees being within one of the Council's target groups, otherwise a target of 20% applies)

3) Fund necessary highway works arising from the development to Hurlingham Road frontage (A S278 agreement towards highways works including

- reinstatement/ improvement works to the footway on the site frontage on Hurlingham road including closures of redundant crossovers
- Amending the existing waiting restrictions on the site frontage to informal parking but allow waiting /loading associated with ambulances drop offs and pickups.
- Tree planting, urban greening in vicinity of site frontage on Hurlingham road

- Cycle Wayfinding improvements at Hurlingham road/New Kings Road junction including signage and lines
 - Improvements to the existing pedestrian crossing facilities at the Hurlingham Road/New Kings Road junction, and on New Kings Road, including the provision of tactile paving and realignment of dropped kerbs.
- 4) Provision of a Travel Plan, and fund associated reviews and monitoring year 1, 3, and 5 (£3,000 per review)
 - Resident and business car parking permit free
 - Contribution to Controlled Parking Zone Review (£15,000)
 - 5) Servicing and Deliveries Management Plan monitoring year 1, 3, and 5 (£3,000 per review)
 - 6) Provision of a Demolition and Construction Logistics Plans, and fund liaison with Local Contractor Co-ordination Group associated with monitoring of the demolition and construction process (£3,000 per annum)
 - 7) Carbon-off setting to achieve net zero carbon emissions payment in lieu of the development (£113,289)
 - 8) AQDMP Compliance monitoring of £6,000 per annum of the demolition and construction phase of the development
 - 9) Reduced rate at 20% discount for 5 beds allocated for LBHF
 - 10) Sessions in local schools to promote care careers
 - 11) A commitment to meet the costs of the Council's associated legal fees

10.0 CONCLUSION

- 10.1 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.
- 10.2 In the assessment of the application regard has been given to the NPPF, London Plan, Publication London Plan, and Local Plan policies as well as guidance.
- 10.3 In summary, the redevelopment of surplus commercial brownfield land in this location is acceptable in land use terms. The proposed development would contribute towards the quantity of the borough's specialist care home provision. The proposal is acceptable in visual terms and is considered to be of a high quality of design which would not adversely impact upon the character and appearance of the Hurlingham Conservation Area or the

nearby historic buildings. Subject to conditions the proposal would not result in unacceptable impacts upon the amenities of neighbouring residential properties. The new care home complies with the relevant standards and provides a good quality of accommodation for the new occupants. Highways, transportation and environmental matters including energy and sustainability, flood risk, air quality, land contamination, and ecology and biodiversity 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 (2023), the London Plan (2021), the Local Plan (2018) and the relevant Key Principles within the Planning Guidance Supplementary Planning Document (2018).

- 10.4 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report it is considered, having regard to the development plan as a whole and all other material considerations, that planning permission should be granted subject to the conditions listed, and the completion of a s106 agreement.
- 10.5 In line with the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, Officers have consulted the Applicant on the pre-commencement conditions included in the agenda and the Applicant has raised no objections.

11.0 RECOMMENDATION

- 11.1 The application is therefore recommended for approval, subject to conditions and the completion of a legal agreement.

Agenda Item 5

Ward: Fulham Reach

Site Address:

9 Thames Reach 80 Rainville Road London W6 9HS



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For identification purposes only - do not scale.

Reg. No:
2023/02527/FUL

Date valid:
29.09.2023

Committee Date:
16.01.2024

Case Officer:
Hasna Miah

Conservation Area:
Conservation Area – Number 39

Applicant:

Mr R Price

co Agent co Agent co Agent DT11 0PH

Description:

Erection of a sun room following the removal of observatory over part of the existing upper roof terrace; erection of an additional floor over part of the existing lower roof terrace, and replacement of existing bathroom roof and glazing on top of the lower roof terrace; associated upgrade works and alterations.

Drg. Nos:

Revised drawings received 14.12.2023:

PL02 [REV A]

PL05 [REV A]

PL06 [REV A]

PL07 [REV A]

Application type:

Full Detailed Planning Application

Officer Recommendation:

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

Conditions:**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.

Reason: 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:

Revised drawings received 14.12.2023:

- PL02 [REV A]
- PL05 [REV A]
- PL06 [REV A]
- PL07 [REV A]

Reason: To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies DC1, DC2 and DC8 of the Local Plan (2018).

3. Materials:

Notwithstanding the details specified on the drawings hereby approved, the development shall not commence (save for works of site clearance and demolition of existing buildings) until particulars and samples (where appropriate) of all the materials to be used in all external faces of the buildings; including details of colour, composition and texture of the glazing, the colour, composition and texture of any metal and stone work; details of all surface windows; roof surfaces; opening and glazing styles and all external hard surfaces including paving, have been submitted and approved in writing by the Local Planning Authority. A sample panel showing the external materials as appropriate shall also be erected onsite for the Council's inspection prior to commencement of the works. The development shall be carried out in accordance with the details as approved and thereafter permanently retained in this form.

Reason: To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policy D4 of the London Plan 2021 and Policies DC1, DC2 and DC8 of the Local Plan (2018).

4. Water tanks

No water tanks, water tank enclosures or other structures shall be erected upon the roofs of the extensions hereby permitted.

Reason: It is considered that such structures would seriously detract from the appearance of the building, contrary to Policies DC4 and DC8 of the Local Plan (2018).

5. Construction Management Plan and Construction Logistics Plan:

A Construction Logistics Plan and a Construction Management Plan shall be submitted to, and approved in writing by the Council. The details shall include the numbers, size and routes of construction vehicles and how it will be managed to ensure that highway network will not be blocked during the construction stage and details of other matters relating to traffic management to be agreed with the Network Management and the Permit Coordinators of the council shall also be

submitted. Approved details shall be implemented throughout the project period and any changes to the document must be reported back to the council's planning and highways department.

Reason: To ensure that appropriate steps are taken to limit the impact of the proposed demolition and construction works on the operation of the public highway, the amenities of local residents and the area generally in accordance with The Local Plan 2018 Policy T7 and SPD Key Principle TR21.

Justification for Approving the Application:

1. Design and heritage:

It is considered that the proposal would be of an acceptable design and visual appearance that would not detract from the application building, the street scene or townscape character of this section of the river frontage. The proposals would not result in harm to the character and appearance of the Fulham Reach Conservation Area, or to the setting of the Crabtree Conservation Area. The development would therefore be acceptable given due regard to section 72 of the Planning (Listed Buildings and Conservation areas) Act 1990 and in accordance with the NPPF (2023), relevant London Plan (2021) policies, Local Plan policies DC1, DC4 and DC8 (2018) and Key Principles CAG2 and CAG3 of the Planning Guidance Supplementary Planning Document (2018).

2. Residential amenity and impact on neighbouring properties:

The impact of the proposed development upon neighbouring occupiers is considered to be acceptable with regards to noise and impacts on overlooking and outlook. In this regard the development would respect the principles of good neighbourliness. The development would therefore be acceptable in accordance with policy 7.15 of the London Plan (2021), policies CC11, CC13 and DC4 of the Local Plan (2018) and Key principles HS6 and HS7 of the Planning Guidance Supplementary Planning Document (2018).

3. Conditions:

In line with the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, officers have consulted the applicant on the pre-commencement conditions included in the agenda and the applicant agrees to the addition of the conditions.

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

All Background Papers held by case officer named above:

Application form received: 28th September 2023
Drawing Nos: See Condition 2

Policy Documents: National Planning Policy Framework (NPPF) 2023
The London Plan 2021
LBHF - Local Plan 2018
LBHF - Planning Guidance Supplementary Planning Document 2018

Consultation Comments:

Comments from:	Dated:
Environment Agency - Planning Liaison	26.10.23
Port of London Authority	10.10.23
Port of London Authority	03.01.24

Neighbour Comments:

Letters from:	Dated:
3 Thames Reach 80 Rainville Rd London W6 9HS	04.01.24
6 Thames Reach 80 Rainville Rd London W6 9HS	05.01.24
6 Thames Reach 80 Rainville Rd London W6 9HS	31.10.23
Flat 17 Thames Reach 80 Rainville Rd London W6 9TA	23.10.23
Flat 17 Thames Reach 80 Rainville Rd London W6 9TA	23.10.23
5 Thames Reach 80 Rainville Road London W6 9HS	30.10.23
3 Thames Reach 80 Rainville Road London W6 9HS	25.10.23
8 Thames Reach 80 Rainville Road London W6 9HS	01.11.23
7 Thames Reach 80 Rainville Road London W6 9HS	03/10/23
12 Thames Reach 80 Rainville Road London W6 9HS	31.10.23
Flat 21 Thames Reach 80 Rainville Road London W6 9HS	30.10.23
7 Thames Reach 80 Rainville Road London W6 9HS	23.10.23
20 Thames Reach Block C 80 Rainville Rd London W6 9HS	30.10.23
Flat 17 Thames Reach 80 Rainville Rd London W6 9TA	23.10.23
Flat 17 Thames Reach 80 Rainville Road London W6 9HS	26.10.23

1.0 SITE DESCRIPTION, RELEVANT HISTORY AND PROPOSALS

- 1.1 The application site relates to the two-bedroom top floor flat on the southern-most eastern building of three apartment blocks that form part of the 5-storey Thames Reach development. The site is bounded to the north-west by King Henrys Reach, to the south-west by the River Thames and river towpath, to the north-east by Rainville and Colwith Road, of which predominantly comprise residential properties and to the south-east by Thames Wharf.
- 1.2 The site has a Public Transport Accessibility Level (PTAL) of 0 (where 0 is the lowest and 6 is the highest), indicating particularly poor PTAL, although it should be noted that the area immediately towards the north-west of the site fronting Rainville and Colwith Road benefits from a PTAL rating of 4.

- 1.3 The site is also located within the Fulham Reach Conservation Area and is also adjacent to the Crabtree Conservation Area. The site is situated within a Flood Risk Zone 3 and is in close proximity to the River Thames.

2.0 RELEVANT PLANNING HISTORY

- 2.1 The relevant planning history is set out below:

- 2.2 In 1987, planning permission was granted (ref. 1987/00923/FUL) for the conversion of Flat 9 to two self-contained two-bedroom flats.
- 2.3 In 1992, planning permission was granted (ref. 1992/00786/FUL) for the renewal of the 1987 planning permission for the conversion of Flat 9 to two self-contained two-bedroom flats.
- 2.4 In 2023, officers provided the applicant with a positive pre-application response for a new and replacement extensions to the lower and upper terrace at roof levels.

Officers raised no objections to the replacement structure in the upper roof terrace which included a slightly enlarged footprint. Similarly, the new extension on the lower terrace to provide an additional bedroom together with its associated enclosed, glazed corridor and external staircase was considered acceptable. Overall, the extensions were considered sympathetic and complementary to the existing building, as well as the surroundings. Furthermore, the proposed siting and the separation distance between neighbouring buildings, would cause no undue impact on the residential amenity of neighbouring properties.

3.0 PROPOSAL

- 3.1 The current proposal involves the erection of a sun room, following the removal of observatory over part of the existing upper roof terrace, the erection of an additional floor over part of the existing lower roof terrace, the replacement of the existing bathroom roof and glazing on top of the lower roof terrace, as well as the associated upgrade works and alterations.
- 3.2 The proposals have been amended during the course of consideration. The footprint of the proposed extension to the lower roof terrace has been reduced and setback; the amended proposals now match the submissions considered at pre-application stage.

4.0 PUBLICITY AND CONSULTATIONS

- 4.1 The planning application has been subject to two rounds of public consultation. The original submissions were publicised by site and press notices, together with 35 individual notification letters to neighbouring properties.
- 4.2 In response, 12 objections were received, as well as an additional response

neither objecting nor supporting the proposal. The concerns raised can be summarised as follows:

- Setting a precedent
- Heavy, bulky structure
- Noise, disturbance and dust as a result of building works
- Potential strain on existing communal services
- Disruption to neighbouring buildings
- Inadequate Heritage Statement/in Planning Statement
- Harm to heritage assets; impacts to character/appearance of the building and conservation area
- No public benefit
- Potential breach of lease covenant due to intervention
- Dishonesty regarding approval from former architects

Officer response

4.3 Regarding precedent of development, each planning application is considered on its own merits and previous planning decisions are a material consideration. The impacts on the character and appearance of the building as well as heritage assets are fully considered in the relevant sections of the report.

4.4 Based on site visits and other data held by the Council officers are satisfied that sufficient information has been provided to carry out a planning and heritage assessment.

4.5 Disturbance caused by temporary construction works is 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.

4.6 Matters relating to breaches of lease covenants constitute private legal matters between the interested parties and is not a material planning consideration.

Statutory consultees

4.7 The Environmental Agency raise no objections, subject to informatives.

4.8 The Port of London Authority raise no objections.

Second round of consultation

4.9 Following the submission of amended plans which included a smaller extension with a reduced footprint and mass, the application was subject to a second round of consultation. The application was publicised by site and press notices, together with 35 individual notification letters to neighbouring properties.

4.10 In response, 2 objections were received, raising the same issues as outlined in the first round of consultation. The only additional issues raised after the second consultation can be summarised as follows:

- Lack of comparison and explanation of design
- Not in accordance with Policy DC8 of the Local Plan (2018)

4.11 Regarding the lack of comparison and explanation of the amended design, this does not constitute a material planning consideration.

4.12 Matters relating to heritage and conservation as per Policy DC8 of the Council's Local Plan (2018) are addressed within the 'Design and heritage' section of this report.

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.

The National Planning Policy Framework

5.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was most recently revised in 2023 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 planning considerations in the assessment of this application can be summarised as follows:

- Impact on the character and appearance of the host building, Fulham Reach Conservation Area and the adjacent Crabtree Conservation Area
- Residential amenity of neighbouring occupiers

DESIGN AND HERITAGE

Height, massing and design

6.2 The National Planning Policy Framework (NPPF 2023) 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.

6.3 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".

6.4 Policy DC1 of the Local Plan (2018) DC1 states that all development within the borough, should create a high-quality urban environment that respects its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that demonstrates how good design, quality public realm, landscaping and land use can be integrated to help regenerate places.

6.5 Policy DC4 of the Local Plan states that the Council will require a high standard of design in all alterations and extensions to existing buildings. In particular, design in all alterations and extensions should be:

- compatible with the scale and character of existing development, neighbouring properties and their setting;
 - successfully integrated into the architectural design of the existing building; and
 - subservient and should never dominate the parent building in bulk, scale, materials or design.
- 6.6 Policy DC7 of the Local Plan (Views and Landmarks) goes on to state, 'Local views afforded by the open nature of the borough's riverfront are important in determining the character of each stretch of the riverside.'
- 6.7 Policy DC8 of the Local Plan builds on the policies mentioned above, to ensure that the council will conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets. The Council's heritage 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. Policy DC8 also outlines a list of principles that are applicable when determining applications affecting heritage assets.
- 6.8 Local Plan RTC3 (Design and Appearance of Development within the Thames Policy Area) asserts that development within the Thames Policy Area should respects the riverside, including the foreshore, context and heritage assets, an is of a high standard of accessible and inclusive design, and maintain o enhances the quality of the built, natural and historic environment.
- 6.9 The Council's Supplementary Planning Guidance SPD (2018) is relevant, in particular Key Principle CAG2 and CAG3. 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.
- 6.10 The application site forms part of the Thames Reach development on the Hammersmith waterfront, consisting of 3 blocks of which are divided into two tall buildings joined by a bridging middle piece. The buildings can be appreciated in full elevation from the river and the riverside walkway on the opposite bank of the Thames.

Replacement pod on the upper roof level

- 6.11 The existing oval pod on the upper terrace is used as an observatory and is set in from the south-east boundary with Thames Wharf. It is proposed to replace this structure with a similar, slightly wider structure of the same height. The replacement observatory would incorporate a solid roof whilst the main body of the structure itself would emulate the existing structures' design and materiality. The replacement observatory would be enclosed by a lightweight bottom hung glass windbreak, similar to the existing. Materially, the structure would still be glazed and lightweight and would not dominate the original building, remaining sympathetic to the style and design of the Thames Reach development.
- 6.12 The Council would usually seek to resist development, unless the roofline of the

application terrace has been significantly impaired by an established pattern of development at roof level. In this instance, existing building already has roof-top additions and similar extensions have been approved at neighbouring properties including No 24 (Ref. 2009/01506/FUL) and No 25 (Ref. 2019/03091/FUL) Thames Reach. The scale of the proposed replacement pavilion structure at upper roof level would not be out of keeping with the existing roof structures and the approved roof top extensions at No's. 24 and 25.

New extension on lower roof terrace

- 6.13 The proposed extension to the lower roof terrace would provide a bedroom suite, bathroom and a dressing area. The new structure would be lightweight with full height glazing to match the existing structures at roof level and would have a dimension of approximately 10.3m x 4.0m (spanning across approximately 38sqm), retaining some open space from its elevations. The height of the new structure would not exceed that of the observatory.
- 6.14 The proposal would have a curved capsule-shaped pod design and would be no higher than existing structures already occupying the roof form of this building. and the proposal would include a set back from the building edges to reduce its visual prominence in a similar manner to the existing structures at roof level. This element would replicate and would complement the curved form of the existing pod extension and its replacement on the upper roof terrace. The new structure would be glazed and lightweight and complement the high quality of the main building form. Given the scale and set-back of the proposals, the scheme is not considered to visually dominate the original building or its setting. This element would appear subservient and sympathetic to the previously approved structures at No's. 24 and 25.

Minor Repair Works

- 6.15 The Council's Climate Change SPD was approved in 2023 and amongst other things it recognises that developments need to be designed and built to provide adequate ventilation and avoid causing overheating in the summer. For existing buildings, there are retrofitting measures that should be considered to help improve air flow and keep over-heating to a minimum. Key Principle KPC5 relates to Householder and Minor Developments and requires applicants to: assess ventilation provision and overheating risks and include mitigation measures where necessary; use building design to improve ventilation and reduce the risk of overheating; include passive ventilation measures as the priority and manage overheating without having to rely on energy intensive mechanical air conditioning systems.
- 6.16 No. 9 Thames Reach is split into single-height and double-height volumes with a glazed, steel-framed pavilion structure on each of its split-level roof terraces. The lower structure contains a bathroom whilst the upper structure contains an observatory. By virtue of their extensively glazed walls and roofs, these structures suffer from excessive heat gain in summer and heat loss in winter. Differential movement has resulted in failure of joints between the steel frame

and glass block walls of the bathroom structure and the exposure of the roof terraces to prevailing winds makes them generally unusable. To provide a more thermally efficient building fabric, it is proposed to replace the existing glazed roof of the lower structure containing the bathroom with a new Zinc clad insulated roof that would incorporate adiating powder coated aluminium fins when viewed internally. It is also proposed to replace some of the existing failed glass blockwork and junctions with 2 crittal style window openings to allow cross flow ventilation into the existing space, as well as restore the existing steel structural members.

- 6.17 The Council's Urban Design and Conservation Team objected to original submissions and raise no objections to the amended design which are regarded as more sympathetic and acceptable to preserve the design quality of the original development.
- 6.18 Overall, it is considered that the proposed new and replacement extensions would be of an appropriate scale and appearance that would appear sympathetic and not out of keeping with the existing development, or the surrounding site. The proposal would respect existing wider development at Thames Reach. the street scene, the Fulham Reach Conservation Area and views across the river and the proposal would accord with Policies DC1, DC4, DC7, DC8 and RTC3 of the Local Plan.

Heritage

- 6.19 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.
- 6.20 Section 72 of the above Act states in relation to Conservation Areas that:
'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 6.21 Section 16 of the NPPF (Conserving and enhancing the historic environment) notes under Paragraph 195 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 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'.
- 6.22 Paragraph 203 of the NPPF states that 'Plans should set out a positive strategy

for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account: a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation; b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; c) the desirability of new development making a positive contribution to local character and distinctiveness; and d) opportunities to draw on the contribution made by the historic environment to the character of a place’.

6.23 Paragraph 205 of the NPPF states that: 'When considering the impact of 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.'

6.24 Paragraph 206 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.'

6.25 Policy 7.8 of the London Plan relates to Heritage Assets and Archaeology and states that development affecting heritage assets and their setting should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.

6.26 Policy DC8 of the Local Plan (2018) relates to heritage and conservation, and states that the Council will conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets. 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, and applications should conserve the setting of, make a positive contribution to, or reveal the significance of heritage assets.

6.27 The application site is situated within the Fulham Reach Conservation Area and is also adjacent to the Crabtree Conservation Area. Fulham Reach was designated in 1991, at this time the Thames Reach development had been completed. As outlined within the Fulham Reach Conservation Area profile, 'The main feature within the conservation area, and the principal elements in defining its character, are the river itself, the riverbank and views along and across the Thames'. The river frontage section of the Conservation Area was noted to have a varied form and mixed-use character, including introduction more modern developments.

6.28 During officer negotiations the design has been refined to ensure that the top floor is recessive and its scale was reduced to so that it does not dominate the roof top and key views from the river corridor. The revised development would only be visible from long range views and would appear modest when considered against the backdrop of the existing buildings. Given that the

revisions complement and have a sympathetic design to the host property, it is considered that the overall character and appearance of the Fulham Reach Conservation Area would be preserved and as such it is not considered that harm to the significance of the Fulham Reach Conservation Area. Similarly, considering the impacts upon the setting of the Crabtree Conservation Area, the rooftop extensions would have very limited intervisibility within views from this conservation area. The existing Thames Reach development is of a contrasting character and scale to the Victorian character and significance of the Crabtree Conservation Area. Consequently, it is not considered that given the modest scale of proposals, there would be any negative impact or harm to the setting of this heritage asset. The proposal is acceptable given due regard to section 72 of the Planning (Listed Buildings and Conservation areas) Act 1990 and in accordance with the relevant sections of the National Planning Policy Framework (2023) relating to heritage and conservation, Policy 7.8 of the London Plan (2021) and Policies DC1, DC4, DC7, DC8 and RTC3 of the Local Plan (2018).

RESIDENTIAL AMENITY

- 6.29 Local Plan Policy HO11 states that extensions will be considered acceptable where it can be demonstrated that there is no detrimental impact upon the amenities enjoyed by neighbouring properties to include privacy, daylight and sunlight, and outlook.

Outlook

- 6.30 '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.

- 6.31 The application site is bounded to the north-west by King Henrys Reach, to the south-west by the River Thames and river towpath and to the south-east by Thames Wharf. There are no windows serving residential properties at either of these elevations. The closest affected residential properties lie to the north-east by Rainville and Colwith Road, and those properties are situated over 18m away; given the existing separation distance, the confinement of the proposal to roof level and the existing outlook from habitable room windows along Rainville and Colwith Road, the proposal would not result in any undue loss of outlook. The proposal accords with SPD Key Principle HS6.

Privacy

- 6.32 Key Principle HS7 (iii) states that 'Any new windows should be positioned at least 18 metres from existing habitable room windows. This will be measured by an arc of 60 degrees taken from the centre of the proposed new window to

ensure there is no loss of privacy'. Given the closest affected residential properties at Rainville and Colwith Road are over 18m away, the proposal would not result in an undue loss of privacy. The proposal complies with Key Principle HS7 (iii) of the SPD.

Noise and disturbance

- 6.33 Local Plan Policy CC11 states that noise and vibration sensitive development should be located in the most appropriate locations and protected against existing and proposed sources of noise and vibration through careful design, layout and use of materials, and by ensuring adequate insulation of the building.
- 6.34 In this instance, the proposed extensions would reduce the scale of the existing outside terrace areas and overall, the proposals would not give rise to undue noise and disturbance.
- 6.35 A Construction Management Plan and Construction Logistics Plan would be secured by condition. In addition, an informative would be attached construction and demolition works.
- 6.36 Overall, the proposal is not considered to result in a detrimental impact upon the amenities of neighbouring properties in relation to loss of privacy, overlooking and noise and disturbance and would accord with Policies CC11, HO11, HS6 and HS7 of the SPD (2018).

TRANSPORT AND HIGHWAYS

- 6.37 Policy T7 of the Local Plan (2018) outlines that 'All construction, demolition, utilities and major logistic activities within the borough will be required to work with the council in developing the scope and impact of their operations. In order to mitigate the impact of any additional traffic or potential disruption to the network, careful planning and co-ordination with the council is required to ensure the smooth operation of the highway network'.
- 6.38 A construction logistics plan will be secured by condition and given the nature and scale of the temporary works, it is not considered that the proposals will give rise to significant impacts on transport and highways. The proposal accords with Policy T7 of the Local Plan (2018).

Flood Risk

- 6.39 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.
- 6.40 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.

- 6.41 The application site lies within the Environment Agency's Flood Zone 3. The proposal has been reviewed by the Council's Environmental Policy team of whom note that the main element of the works are limited to roof terrace level and as such, flood risk is not a significant issue and the submission of a Flood Risk Assessment is not required to be provided in this instance. Notwithstanding this, an informative will be attached in relation to new fixtures and fittings.

7.0 CONCLUSION

- 7.1 The proposed replacement pod, new pod extension and alterations would be sympathetic to the existing building and the surrounding area, Furthermore, the proposal respects the street scene, and would not result in any harm to character or appearance of the Fulham Reach Conservation Area, or to the setting of the adjacent Crabtree Conservation Area, views across the river and existing developments at Thames Reach. The proposal would not have any undue impacts residential amenity impacts on neighbouring property.

8.0 RECOMMENDATION

- 8.1 Grant permission subject to conditions.

Agenda Item 6

Ward: Munster

Site Address:

299, 301 And 303 Munster Road London SW6 6BJ



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For identification purposes only - do not scale.

Reg. No:

2023/01687/FUL

Case Officer:

Robert Cook

Date Valid:

27.06.2023

Conservation Area:

Committee Date:

16.01.2024

Applicant:

Mr Charles Dean
303 Munster Road London SW6 6BJ UK

Description:

Erection of an additional floor at roof level to No.s 299, 301 And 303 Munster Road.
Drg Nos: A-01-03 01; A-01-05 01; A-01-07 01; A-01-09 01; A-01-11 01; Flood Risk
Assessment (dated 19.06.2023).

Application Type:

Full Detailed Planning Application

Officer Recommendation:

That the Committee resolve that the Director of Planning and Property be authorised to refuse permission for the following reason(s):

- 1) In the absence of any appropriate mechanism to secure the delivery of each of the three roof extensions in their entirety, demonstrable harm would arise through the piecemeal or incomplete implementation of the proposed development by reason of a loss of uniformity to the unimpaired terrace that would be detrimental to the character and appearance of the host terrace and surrounding area. The proposals would therefore fail to comply with Policies DC1 and DC4 of the Local Plan (2018).

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

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

Application form received: 26th June 2023
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2023
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:

Dated:

Neighbour Comments:

Letters from:

Dated:

18 Turneville Road London W14 9PS
Brett House 305 Munster Road London SW66BJ

30.06.23
04.09.23

1.0 SITE DESCRIPTION

- 1.1 The application site includes three adjacent two-storey properties within a terrace of five properties. The site is on the western side of Munster Road, close to the junction with Lillie Road. The three properties are situated towards the southern end of the terrace, and No.299 is a corner property at the junction with Strode Road. Each property is comprised of commercial units to the ground floor, with residential units above.
- 1.2 The site is not located within a Conservation Area, but is located within 50m of the Twynholm Baptist Church which is identified as a Building of Merit. The site is also located within the Environment Agency's Flood Zones 2 and 3.

2.0 RELEVANT PLANNING HISTORY

- 2.1 The relevant history includes the following:

299 Munster Road

2.2 1987/01087/FUL- Erection of new brick boundary walls and rebuilding of storage building. (Approved).

2.3 1988/00343/FUL- Erection of extensions to flank and rear of shop at ground and first floor level. (Approved).

2.4 1988/01911/FUL- Erection of an additional floor at roof level and extension to back addition at second floor level for use as ancillary office and storage space. Refused on the grounds of: unacceptable overdevelopment out of keeping with the character of the area; proposed size and position would result in an over dominant building that would harm the amenities of adjoining property and the surrounding area; the lack of off-street parking, would create conditions of on-street parking congestion.

2.5 1990/01254/FUL- Alterations including an additional floor at first floor level and an extension at ground floor level in connection with the use of the garage as offices. Refused on the following grounds: additional floor at first floor level would result in loss of outlook; overdevelopment/ subdivision of an already extensively developed site would set an undesirable precedent.

2.6 1999/02679/FUL- Use of first floor for residential purposes and erection of additional floor for use in connection with new residential unit at first floor level; erection of additional floor to store building at rear and its use as a self-contained one bedroom residential unit. Refused on the following grounds: additional floor would result in a visually dominant and obtrusive feature; overbearing development that results in loss of outlook and sunlight; use as a separate residential unit result in over-development/ intensification; no private amenity space.

2.7 2000/02828/FUL- Use of the first floor for residential purposes and erection of additional floor for use in connection with new residential unit at first floor level; erection of additional floor to store building at rear and its use as a self-contained one bedroom residential unit. This application resulted in a non-determination appeal (APP/H5390/A/01/1060806) that was dismissed on the following grounds:

The proposed roof extension would be bulky/ over-dominant and harmful to the character of the area, and result in parking stress and loss of sunlight.

2.8 2005/00281/FUL- Use of the first floor as a 2-bedroom flat; alterations to the Strode Road elevation at ground floor level, comprising the installation of a new door. (Approved)

301 Munster Road

2.9 1987/01221/FUL- Alterations to the Munster Road elevation at first floor level. (Approved)

2.10 2023/00735/FUL - Replacement and extension of existing single storey rear conservatory, replacement of atrium glazing to the rear elevation; replacement of single glazed windows to the front elevation at first floor level with white timber framed double glazed windows, to match existing; and installation of 4no. solar PV panels to the flat roof of the two storey back addition. (Approved).

303 Munster Road

2.11 1987/00661/FUL- Erection of rear extensions at basement, ground and first floor levels in connection with the conversion of the basement and ground (rear) and first floors as two self-contained three bedroom maisonettes. (Approved).

2.12 2014/01147/FUL- Replacement of existing rear conservatory with enlarged conservatory (Approved).

2.13 In December 2022, officers provided a negative pre-app response to a single additional floor including a roof terrace above one of existing properties within the terrace. Officers advised that a roof extension above a single property on this otherwise unimpaired terrace would be unacceptable due to the incongruous appearance and subsequent harmful visual impact on the character of the terrace.

3.0 PROPOSED DEVELOPMENT

3.1 The current application seeks planning permission for the erection of an additional floor at roof level above Nos. 299, 301 And 303 Munster Road. During the application process, the proposals were revised to include amendments to the design of the proposals.

4.0 CONSULTATION AND NOTIFICATION

4.1 Notification letters were sent to 45 neighbouring properties. Two representations were received, both in support of the proposals. One suggested that the extension would match existing extensions nearby, while the other highlighted that they were considering a similar proposal.

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. 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 National Planning Policy Framework (NPPF) was first published on 27 March 2012 and updated in July 2018, February 2019, July 2021 and September 2023. The NPPF 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.

5.9 The Council's Climate Change Supplementary Planning Document (SPD) was approved in October 2023 and provides supplementary guidance for the planning policies contained in the council's Local Plan that relate to climate change to help implement the actions contained in the council's climate change strategy.

6.0 PLANNING CONSIDERATIONS

6.1 The main planning considerations in the assessment of this application include the following: -

- Design and impact upon the character and appearance of the application property and the surrounding area.
- Impact on neighbouring residential amenity.
- Flood Risk.

DESIGN AND VISUAL IMPACT

6.2 The National Planning Policy Framework (NPPF 2023) recognises that the 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.

6.3 Paragraph 124 of the NPPF, making effective use of land, recognises the role of airspace in providing opportunities for new homes. This paragraph suggests that decisions should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers. They should also allow mansard roof extensions on suitable properties.

6.4 Policy D1 (London's form, character and capacity for growth) of the London Plan (2021) notes that development should have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings.

6.5 Policy D3 (Optimising site capacity through the design-led approach) of the London Plan (2021) 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".

6.6 Policy HC1 of the London Plan (2021) specifies 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.

6.7 Policy DC1 (Built Environment) of the Local Plan (2018) states that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets.

6.8 Policy DC4 require a high standard of design in all alterations, and that extensions to existing buildings be compatible with the scale and character of existing and neighbouring development and their setting, integrated into the architectural design of the existing building, and subservient in terms of its bulk, scale, materials, and design.

6.9 Policy DC8 of the Local Plan (2018) specifies that applications affecting designated heritage assets (including alterations and extensions) to buildings will only be permitted if the significance of the heritage asset is preserved. Key Principles AH2, CAG2 and CAG3 of the Planning Guidance Supplementary Planning Document [SPD] (2018) outlines that there will be a presumption in favour of the conservation of heritage assets, and the more significant the heritage asset, the greater the presumption in favour of its conservation will be.

6.10 It is proposed to erect roof extensions to nos. 299, 301 and 303 Munster Road. The principal elevations to the front and side elevations would incorporate mansard roofs and would be set back from the existing building lines by 500mm. This set back from the existing relatively high parapet walls result in a projection above this of 2m. To the rear, the extensions would be set back from the existing parapet wall by 250mm, 4.75m from the rear building line of the two storey rear elements, and 7.88m from the rear elevation of the rear ground floor elements. A consistent roofline would be incorporated across the three properties, with dormer windows to the front and southern side elevations, and uniform windows to the rear elevations. The proposed materials consist of zinc cladding and grey windows.

6.11 The existing application terrace is an unimpaired and uniform group of five properties, with a largely consistent roof line and no extension beyond the parapet. The property immediately to the north (no.327) has been rebuilt with an additional storey, however this is considered to relate more closely to the properties to the north-west than the application terrace.

6.12 The proposed extensions are considered to be of a design, scale and massing that would appear subordinate to the existing terrace. The set back from the existing parapet walls and the incorporation of mansard elevations would significantly reduce the sense of massing and the prominence of the proposals as viewed from the main public vantage points of the highways to the front and south. The limited projection of 2m above the relatively parapet walls would also restrict the sense of massing.

6.13 Furthermore, the proposals would be notably lower than the neighbouring properties to the north and to the southern side of Strode Road, which are generally three storeys with additional roof extensions, ensuring that the extensions would not appear unduly dominant or out of character in the street scene.

6.14 The existing terrace is currently unimpaired; it includes no roof extensions. Furthermore, mansard roof extensions are not a traditional feature of properties within the local area, although have been introduced to a limited number of properties more recently.

6.15 Given the modest scale of the existing buildings forming this terrace, (299-305 Munster Road/325 Lillie Road), the introduction of additions at roof level would be highly visible from a series of localised views.

6.16 In light of this context, it is considered that the proposed extensions to three of the five properties in the application terrace would retain a level of uniformity across the majority of the terrace; albeit changing the character of the terrace. In particular, the inclusion of no.299 would ensure a strong and consistent feature and design to

the most prominent property on the terrace, due to its position on the corner plot and two public facing elevations. This would not be the case if individual roof extensions were to be developed unilaterally. Simultaneous development would be the only way to bring forward roof extensions which would limit localised townscape impacts.

6.17 The current proposals contrast with the unacceptable pre-application proposals that were considered in December 2022; those proposals involved the erection of a single extension. Any proposed extensions involving less than the majority of the terrace i.e. to only one or two of the properties, would fail to achieve a sense of uniformity and pattern of development, and would be incongruous and disrupt the uniformity of this unimpaired terrace. In particular, the omission of the proposed extension to no.299 which is in an especially prominent position, would result in a weak corner and two mid-terrace extensions which fail to relate well to or respect the character and appearance of the rest of the terrace.

6.18 During negotiations throughout the course of the current application, the applicants have indicated that at least one of the applicants/owners of the other two properties are uncertain about whether to implement a proposed extension included in the current proposals. This would result in failure to fully implement the proposals or a piecemeal development.

6.19 The Council has previously tried to use conditions to control single applications involving the implementation of multiple roof extensions. In determining a recent appeal (APP/H5390/W/19/3239206) in March 2020 involving 5 additional floors at roof level at Nos. 2-10 Hopgood Street, the Inspector considered that the use of conditions was not appropriate. The Inspector concluded that

where extensions are joint ventures and individual owners have no control over their neighbour's land and no other binding mechanism, conditions requiring the completion of the extensions as a single operation or preventing occupation until full implementation would not be reasonably enforceable. The appeal application to remove the condition was therefore allowed.

6.20 In dismissing a more recent appeal in May 2023 for the erection of roof extensions at 49-55 Finlay Street (2022/02265/FUL, APP/H5390/W/22/3311871), the Inspector highlighted that in cases where properties are in different ownership,

'a condition to require that the works to each property were carried out simultaneously would not be reasonable or enforceable' and

'in the absence of any legal agreement or other mechanism to properly secure the carrying out of the development as a whole, I cannot be sure that each extension would be completed' and

'piecemeal development of this nature would harmfully erode the uniformity of the currently unaltered front roofline of the terrace group on the appeal site'

6.21 A condition to ensure full implementation or the carrying out of works simultaneously would not satisfy the six tests for the use of conditions set out in the NPPF (2021) and in Planning Practice Guidance (para 003). Given this and the above appeal decisions, the only reasonable and justified mechanism available to the Council to secure full implementation would be through a legal agreement. As such, this has been outlined to the applicant in detail and an example agreement was provided. However, the applicants have refused to enter into the legal agreement and have requested that the application be approved without a legal agreement. A separate application or legal agreement omitting one property was suggested by the agent, but officers considered that this would not secure full implementation or sufficient uniformity on the terrace.

6.22 In the absence of an appropriate legal agreement to secure the full implementation of the proposals, officers cannot be sure that the works would not result in a piecemeal and/or incomplete form development which would harm the appearance and uniformity of the existing unaltered terrace.

6.23 The proposals, in the absence of a satisfactory legal agreement, could result in significant visual harm to the character and appearance of the application terrace and local townscape, and therefore fail to comply with Policies DC1 and DC4 of the Local Plan (2018).

IMPACT UPON NEIGHBOURING AMENITY

6.24 Local Plan policy HO11 relates to ensuring new developments do not impact on existing residential standards; 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.

6.25 Key principles of the Council's 'Planning Guidance' Supplementary Planning Document (SPD) 2018 also provide a framework for assessment of impact on neighbouring properties.

Outlook and Light

6.26 The application site is comprised of three of five properties of a two storey terrace to the western side of Munster Road. The terrace is surrounded by public highway to the front (east) and south, with neighbouring residential properties to the rear (west) and the two remaining properties of the application terrace to the north.

6.27 The highway to the front ensures a separation of over 16m from the opposing terrace to the eastern side of Munster Road, while the highway to the southern side ensures a separation of over 11m to the properties on the southern side of Strode Road. Given this separation, in addition to the limited height and massing of the extensions due to the set back from the parapet walls and the incorporation of mansard roofs to these elevations, the proposals would not result in any notable or harmful loss of light or outlook to the opposing terraces or properties to either the east or south.

6.28 Officers consider that the proposals comply with Key Principle HS6 (Development, extensions, and alterations - scale and massing) of the Council's SPD, which states that where a rear garden of an application site measures less than 9m in depth, the proposals should not result in an infringing angle of more than 45 degrees taken from the ground level at the rear boundary. In this case, the proposed roof extensions, by virtue of their set back from the rear building line, would result in no additional massing beyond the existing two storey elements to the rear. As such, the proposals would not result in any additional sense of enclosure or loss of openness or outlook to the properties to the rear.

6.29 Officer also consider that the proposals comply with Key Principle HS7 (Residential development - windows and outlook) criterion i, which states that proposed extension should not worsen the outlook from any rear habitable room window located lower than the proposed extension. In this case, the proposed extensions would not project beyond any adjacent windows which form the primary and sole source of light to primary habitable rooms. As such, neither no.305 or 307 would suffer from a significant loss of light or outlook.

6.30 Furthermore, immediately to the rear of the site is a blank side elevation of no.2 Strode Road. There are openings to the east and southern elevations of no.307 Munster Road, sited to the north-west, however a good separation would be retained from the proposed extensions and this neighbouring property. It is also sited at an oblique angle from the proposed extension and would retain adequate light and outlook.

Privacy

6.31 Officers consider that the proposals comply with criterion iii of Key Principle HS7, which state that windows should be positioned at least 18m from existing habitable room windows, or should be designed to ensure that no loss of privacy will occur. In this case, the windows to the front (east) elevation only provide views available from windows below, albeit from a higher vantage point. The additional second floor windows to the southern side elevation of no.299, both serving bedrooms, would fall within 18m of the properties to the southern side of Strode Road. However, these would also provide similar views to those available from existing windows below, and would reflect an established relationship and separation between various other neighbouring properties in the area. Double windows are proposed to the rear of each property at second floor level, each serving a bedroom. However, given that the rear building line would be set back 4.75m from the rear building line of the two storey outriggers/extensions, any potential additional downwards views from these windows would be screened by the existing built form at ground and first floor level to the rear. It is therefore considered that, while new windows are positioned within the 18m specified by Key Principle HS7, the additional windows have been designed and positioned so as to avoid any additional opportunities for overlooking or a loss of privacy to neighbouring properties.

6.32 Overall, the proposal is considered unlikely to result in any serious negative impacts on neighbouring residential amenities including impacts to daylight and sunlight, serious impacts on outlook from adjoining properties, and negative impacts on the openness between properties. The proposed development would not impact negatively on the privacy enjoyed by neighbouring properties. Officers consider that the proposed development complies with Policy HO11.

FLOOD RISK

6.33 The site is located within the Environment Agency's Flood Zones 2 and 3. A Flood Risk Assessment has been submitted and includes some mitigation measures to reduce the risk to the proposed development from flooding. As the proposals are all at roof level of existing residential properties, it is considered that the proposals would not result in additional flood risk or introduce more vulnerable uses. The FRA and outlined mitigation measures are considered to be acceptable and the proposal is therefore considered to comply with Policy CC3 and CC4.

7.0 RECOMMENDATION

7.1 Refuse planning permission.