

Planning and Development Control Committee

Agenda

Tuesday 5 March 2024 at 7.00 pm

145 King Street (Ground Floor), Hammersmith, W6 9XY

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 29 February 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

5 March 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 - 10
<p>To approve as an accurate record, and the Chair to sign, the minutes of the meeting of the Committee held on 13 February 2024.</p>	
4. 108 - 116 GLENTHORNE ROAD, LONDON W6 0LP, GROVE, 2022/03664/FUL	11 - 58
5. RIVERSIDE STUDIOS AND QUEENS WHARF, CRISP ROAD, LONDON W6, HAMMERSMITH BROADWAY, 2022/00901/FUL	59 - 71

6. **84D LILLIE ROAD, LONDON, SW6 1TL, WEST KENSINGTON,
2023/02357/FUL** 72 - 90
7. **CONFIRMATION OF TREE PRESERVATION ORDER T439/11/23,
LAND AT HYDE MEWS, DALLING ROAD, W6, RAVENSCOURT** 91 - 98

London Borough of Hammersmith & Fulham



Planning and Development Control Committee Minutes

Tuesday 13 February 2024

PRESENT

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

Officers:

Ieuan Bellis (Team Leader)
Allan Jones (Team Leader Urban Design and Heritage)
Roy Asagba-Power (Team Leader)
Tom Scriven (Deputy Team Leader)
Jacques Du Plessis (Deputy Team Leader)
Catherine Paterson (Highways)
Mrinalini Rajaratnam (Chief Solicitor - Property and Planning)
Charles Francis (Clerk)

1. APOLOGIES FOR ABSENCE

Apologies for absence were provided by Councillor Rebecca Harvey.

2. DECLARATION OF INTERESTS

There were no declarations of interest.

3. MINUTES

The minutes of the previous meeting held on 16 January 2024 were agreed as an accurate record.

4. LAND AT ALBERT WHARF AND SWEDISH WHARF, WANDSWORTH BRIDGE ROAD, LONDON SW6 2TY. SANDS END, 2021/03898/FUL

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

Roy Asagba-Power presented the item and provided a verbal update to the Addendum which included a late letter on behalf of Cemex. The following changes to the Addendum were noted: the addition of three obligations to the legal agreement to ensure an affordable housing review mechanism, the site was able to connect to a District Heat Network should one come forward at a future date, as well as energy performance monitoring and reporting to the GLA.

There was also discussion of a noise easement, but this was not put forward as a motion.

The Applicant and the Agent spoke in support of the application.

The Committee voted on the officer recommendations as amended by the Addendum and the verbal changes to the Addendum (listed above) as follows:

Recommendation 1:

FOR	5
AGAINST:	2
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. 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 based on the heads of terms listed in the report as revised by the Addendum and updated at the meeting by the officer and subject to the conditions listed in the report as revised by the Addendum.
2. 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.

5. **FULHAM CROSS ACADEMY, KINGWOOD ROAD, LONDON SW6 6SN, MUNSTER, 2023/02122/FUL**

Tom Scriven provided a presentation which covered both the planning application and the application for Listed Building Consent.

The Agent spoke in support of the application.

The Committee voted on the officer recommendations as follows:

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That the Director of Planning and Property be authorised to grant permission subject to the conditions listed in the report.
2. 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 conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

6. **FULHAM CROSS ACADEMY, KINGWOOD ROAD, LONDON SW6 6SN, MUNSTER, 2023/02123/LBC**

The Committee voted on the officer recommendations as follows:

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That the Director of Planning and Property be authorised to grant permission subject to the conditions listed in the report.
2. 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 conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

7. FULHAM GAS WORKS, IMPERIAL ROAD LONDON, PARSONS GREEN AND SANDFORD, 2023/01146/FUL

Jacques Du Plessis provided a presentation which covered both the application for planning permission and the application for Listed Building Consent.

There were no registered speakers for either item.

The Committee voted on the officer recommendations as follows:

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That the Director of Planning and Property be authorised to grant planning permission subject to the conditions listed in the report.

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

8. FULHAM GAS WORKS, IMPERIAL ROAD LONDON, PARSONS GREEN AND SANDFORD, 2023/01147/LBC

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

The Committee voted on the officer recommendation in the report and second officer recommendation as set out in 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 Subject to there being no contrary direction from the Secretary of State that the Committee resolve that the Director of Environment be authorised to determine the application and grant permission upon the completion of a satisfactory legal agreement.
2. That the Director of Planning and Property, after consultation with the Assistant Director, Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement or proposed conditions, which may include the variation, addition, or deletion of conditions, any such changes shall be within their discretion.

9. CONFIRMATION OF TREE PRESERVATION ORDER T431/03/23 LAND AT 9 & 13 BRACKENBURY ROAD, W6

Allan Jones provided a presentation. There were no registered speakers.

The Committee voted on the officer recommendation as follows:

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

1. That the Tree Preservation Order T431/03/23 be confirmed without modification.

Addendum

Meeting started: 7.02 pm
Meeting ended: 9.25 pm

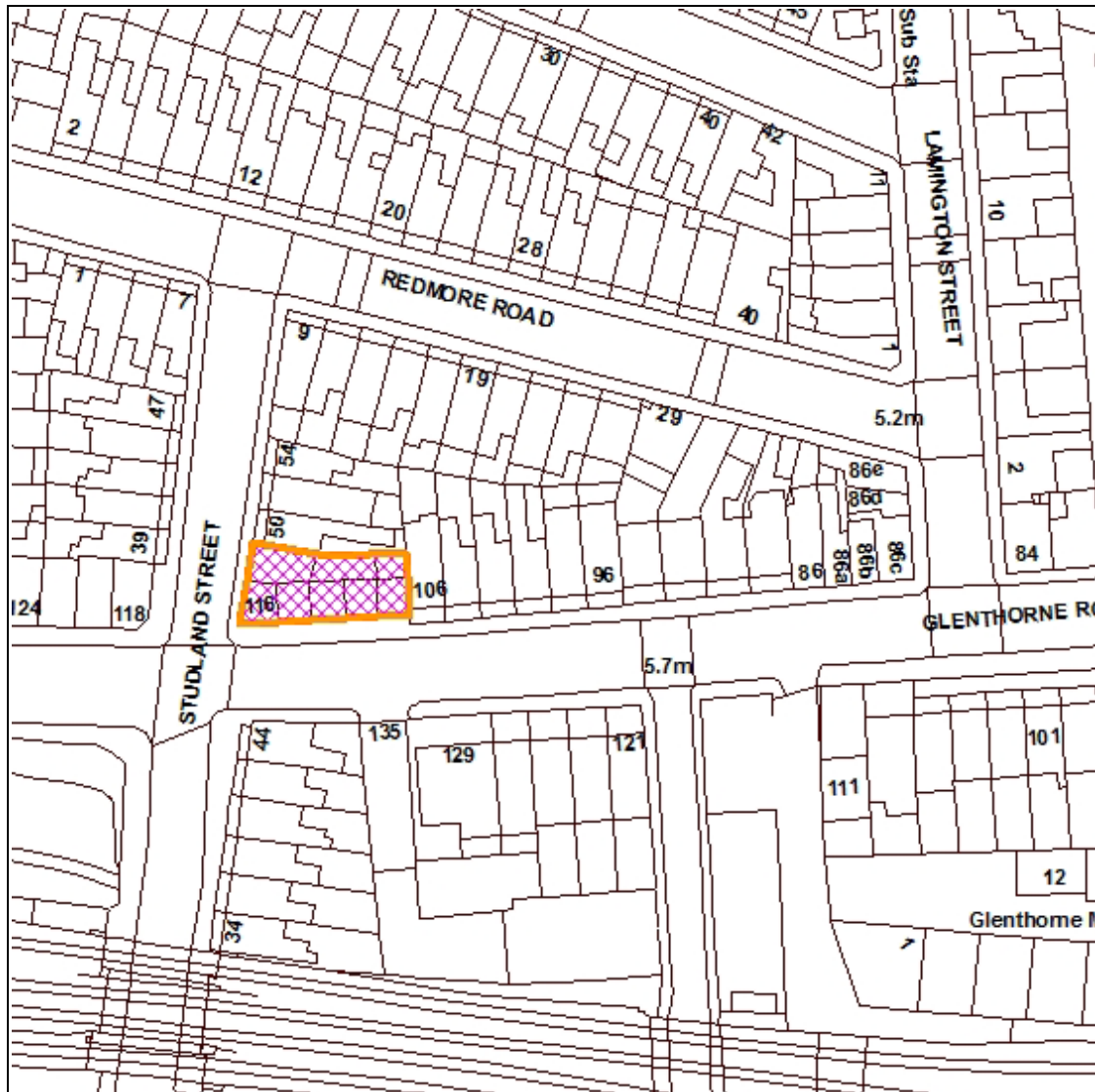
Chair

Contact officer: Charles Francis
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Ward: Grove

Site Address:

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Reg. No:
2022/03664/FUL

Case Officer:
Richard Kealey

Date Valid:
02.03.2023

Conservation Area:
Constraint Name: Bradmore Conservation Area -
Number 25

Committee Date:
05.03.2024

Applicant:

Glenthorne Limited
C/O Agent

Description:

Demolition of the existing building with the exception of the front facade and part of the side elevation fronting Studland Street and increasing the height of the front elevation, erection of a three storey plus-basement building in connection with the change of use from retail (Class E) into a hotel (Class C1) and a ground floor cafe (Use Class E); alterations to the front fenestration to include the installation of new doors and windows (to match neighbouring properties); installation of a new window at first floor level at the side elevation.

Drg Nos: See Condition 02.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

(1) That the Committee resolve, that the Director of Planning and Property be authorised to grant planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below.

(2) That the Committee resolve that the Director of Planning and Property, after consultation with the Assistant Director 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.

Conditions:

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

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

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

Floor Plans

- Rec'd 18 Jan 2024: - Proposed Highway Arrangement 4641 Drawing 003, Proposed First Floor Plan 2001, Proposed Second Floor Plan 2002, Proposed Roof Plan 2003, Proposed Site Access Plan 5000 RevC, Proposed Lightwell Detail 6000 RevA, Proposed Lightwell Site Plan 60001 RevA.

- Rec'd 29 Jan 2024: - Proposed Basement Plan Drawing 1999 Rev.D, Proposed Ground Floor Plan Drawing 2000 Rev.D.

Proposed Elevations

- Rec'd 18 Jan 2024: - Proposed Front Elevation 3000, Proposed Side Elevation 3001, Proposed Rear Elevation 3002.

Proposed Sections

- Rec'd 18 Jan 2024: - Section A-A 4000 RevB.

Proposed Demolition Plans:

Rec'd 01 Mar 2023: - First Floor Plan 6004, Section A-A 6005, Roof Plan 6006

Rec'd 18 Jan 2024: - Ground Floor 7000, Front Elevation 7001, Side Elevation 7002, Rear Elevation 7003

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

- 3) The hotel hereby approved, shall contain a maximum of 21 bedrooms. The number of lettable rooms shall not increase without the written approval of the council.

In order to control the intensity of use of this heritage building. The increase in the number of bedrooms could raise materially different planning considerations and the Local Planning Authority wishes to have an opportunity to consider such circumstances at that time, in accordance with Policies T1, E3, DC1, DC2, DC8, CC10, CC11, CC11, CC12 and CC13 of the Local Plan 2018.

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

(i) A Demolition Management Plan

Details shall include monitoring and control measures for noise, vibration, lighting, delivery locations, contractors' method statements, waste classification and disposal procedures and 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, and not on Sundays or Bank Holidays, 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 approved details shall be implemented throughout the project period.

(ii) A Demolition Logistics Plan

This shall be in accordance with Transport for London (TfL) requirements and must seek to minimise the impact of demolition traffic on nearby roads and restrict demolition trips to off peak hours only. The details shall also include the numbers, size and routes of demolition vehicles, provisions to ensure that all vehicles associated with the demolition works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. The approved details shall be implemented throughout the project period.

To ensure that demolition works do not adversely impact on the operation of the public highway, and that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, lighting or other emissions from the building site, in accordance with policies T1, T6, T7, CC10, CC11, CC12 and CC13 of the Local Plan (2018).

- 5) Prior to commencement (excluding site clearance and demolition) of the development hereby approved the following shall be submitted to, and approved in writing by, the Council:

(i) A Construction Management Plan

Details shall include monitoring and control measures for noise, vibration, lighting, delivery locations, contractors' method statements, waste classification and disposal procedures and 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 and not on Sundays or Bank Holidays, 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 approved details shall be implemented throughout the project period.

(ii) A Construction Logistics Plan

This shall be in accordance with Transport for London (TfL) requirements and must seek to minimise the impact of construction traffic on nearby roads and restrict construction trips to off peak hours only. The details shall also include the numbers, size and routes of construction vehicles, provisions to ensure that all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. The approved details shall be implemented throughout the project period.

To ensure that construction works do not adversely impact on the operation of the public highway, and that the amenity of occupiers of surrounding premises is not adversely affected by noise, vibration, lighting or other emissions from the building site, in accordance with policies T1, T6, T7, CC10, CC11, CC12 and CC13 of the Local Plan (2018).

- 6) Prior to the commencement of the demolition phase of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) to mitigate air pollution shall be submitted to and approved in writing by the Council. The AQDMP submitted shall be in accordance with the Councils AQDMP Template 'B' and shall include the following details:
- a. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries
 - b. Demolition 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 on-site and 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 Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and its subsequent amendments.
 - e. Site Specific Dust, and NOx Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall Medium Dust Risk Rating of the site and shall be in a table format.
 - f. Details of Site Dust Monitoring Procedures and Protocols including locations of a minimum of 4 x Dust Deposition monitors on the site boundaries used to prevent dust levels exceeding predetermined Site Dust Action Level (SDAL) as indicated in paragraph 4.41 of IAQM 'Monitoring in the Vicinity of Demolition and Construction Sites', Version 1.1, October 2018 guidance,
 - g. Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage V NOx and PM10 emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM for the first phase of demolition shall be registered on the London City Hall NRMM register GLA-NRMM-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

The ensure air quality is not compromised during the demolition phase, in line with Local Plan Policies CC10 and CC13.

- 7) Prior to the commencement of the construction phase of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) in order to mitigate air pollution shall be submitted to and approved in writing by the Council. The AQDMP submitted shall be in accordance with the Councils AQDMP Template 'D' and shall include the following details:
- a. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries
 - b. Demolition 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 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 Dust Monitoring Procedures and Protocols including locations of a minimum of 4 x Dust Deposition monitors on the site boundaries used to prevent dust levels exceeding predetermined Site Dust Action Level (SDAL) as indicated in paragraph 4.41 of IAQM 'Monitoring in the Vicinity of Demolition and Construction Sites', Version 1.1, October 2018 guidance,
 - g. Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage V NOx and PM10 emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM for the first phase of demolition shall be registered on the London City Hall NRMM register GLA-NRMM-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 construction phases of the development

The ensure air quality is not compromised during the construction phase, in line with Local Plan Policies CC10 and CC13.

- 8) Prior to the excavation of the lightwells, adjacent to the public footway along Glenthorne Road and Studland Street, a method statement, containing structural calculations, drawings, details to demonstrate that adequate support load is proposed and correspondence in connection to Section 179 has commenced, shall be submitted to and approved in writing by the Local Planning Authority. The statement shall outline measures that have been taken to comply with Section 179 of the Highways Act and how the adjacent footway will be retained and protected during works and how foundations will be supported during construction. Should the structural integrity of the footway be compromised during construction, the council shall immediately be informed, works cease and the full cost of repairs to the public footway shall be covered by the developer.

To ensure the structural integrity of the adjacent footway, in line with the Hammersmith and Fulham Local Plan Policies T1 and T3 and Key Principles TR12, TR16 and TR17 of the Hammersmith and Fulham SPD (2018).

- 9) No demolition pursuant to the development hereby permitted shall take place until a build contract for the redevelopment of the site in accordance with this planning permission has been entered into, and a signed copy has been submitted to and approved in writing by the Local Planning Authority.

Written notice of the demolition works shall be submitted to the Local Planning Authority prior to the commencement of the relevant works.

To prevent premature demolition works and to ensure the protection and re-provision of the Building of Merit building which is a positive contributor to the Bradmore Conservation Area and to avoid harm to the heritage asset and wider streetscene that would otherwise arise in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018) and Policy HC1 of the London Plan (2021).

- 10) Prior to the commencement of the development (excluding demolition), detailed drawings at a scale not less than 1:20 (in plan, section, and elevation) of typical sections/bays of the approved building shall be submitted and approved in writing by the Local Planning Authority. These shall include details of the proposed façade, fenestration (including framing and glazing details), balustrades, entrances, and ground floor glazing details. The development shall be carried out in accordance with the details as approved and thereafter permanently retained in this form.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, and to preserve the character and appearance of the conservation area and other heritage assets; in accordance with Policies D3, D4, D8, D9 and HC1 of the London Plan (2021), Policies DC1, DC2, and DC8 of the Local Plan (2018), and guidance contained within the Planning Guidance Supplementary Planning Document (2018).

- 11) Prior to the commencement of the relevant works sample panels detailing brick colour, bond, pointing style, and mortar colour, shall be produced for on-site inspection by Council Officers, along with the submission to the Local Planning Authority of samples of these materials, for subsequent approval in writing. The development must be carried out in accordance with the submitted material samples and sample panel, and the development shall thereafter be permanently retained and maintained as such.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, and to preserve the character and appearance of the conservation area and other heritage assets; in accordance with Policy HC1 of the London Plan (2021), Policies DC1, DC2, and DC8 of the Local Plan (2018), and guidance contained within the Planning Guidance Supplementary Planning Document (2018).

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

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

- 13) No development shall commence until a site investigation scheme is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

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

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

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

- 15) Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a remediation method statement is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

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

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

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

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

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

- 18) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the external sound level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted from plant, machinery/ equipment will be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014+A1:2019 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

- 19) Prior to commencement of above ground works in the development hereby permitted, a Ventilation Strategy Report to mitigate the impact of existing poor air quality for the Hotel (Use Class C1) shall be submitted to and approved in writing by the Local Planning Authority. This is applicable to all receptor locations where the Annual Mean Nitrogen Dioxide (NO₂), and Particulate (PM₁₀, PM_{2.5}) concentrations are equal to 20ug/m-3, 20ug/m-3 and 10 ug/m-3 respectively and where current and future predicted pollutant concentrations are within 5 % of these limits. The report shall include the following information:

- a) Details and locations of the ventilation intake locations at rear roof level or on the rear elevations of each hotel accommodation floor
- b) Details and locations of restricted opening windows (maximum 200mm for emergency purge ventilation only) for all hotel accommodation rooms.
- c) 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
- d) Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{2.5}, PM₁₀) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 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.

The ensure air quality is acceptable inside the new use hereby approved, in line with Local Plan Policies CC10 and CC13.

- 20) Prior to occupation of the development hereby permitted, details of a post installation compliance report of the approved ventilation strategy as required by condition 19 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 Surveyor (MRICS). Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

The ensure air quality is acceptable inside the new use hereby approved, in line with Local Plan Policies CC10 and CC13.

- 21) Prior to occupation of each phase of development hereby permitted, an Ultra Low Emission Strategy (ULES) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:
- a) Procurement policy and processes for contractors and suppliers that will incentivise and prioritise the use of Zero Exhaust Emission Vehicles in accordance with the emission hierarchy of 1) Walking Freight Trolley 2) Cargo bike (3) Electric Vehicle,
 - b) Use of Zero Exhaust Emission Vehicles in accordance with the emissions hierarchy (1) Walking Freight Trolleys (2) Cargo bike (3) Electric Vehicle,
 - c) Facilities and measures that will minimise the impact of vehicle emissions from increasing personal deliveries e.g., carrier agnostic parcel locker, concierge, Cargo bike bays etc.
 - d) Reduction and consolidation of deliveries and collections e.g., Waste
 - e) Re-timing of deliveries and collections outside of peak traffic time periods of 07:00-10:00 and 15:00-19:00 hrs

The ULES shall be monitored and reviewed on an annual basis and any subsequent modifications or alterations to the ULES should be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation and the ULES hereby permitted shall thereafter operate in accordance with the approved details.

- 22) Prior to occupation of the development hereby permitted, details of the installation/commissioning reports of the Zero Emission MCS certified Air Source Heat Pumps to be provided for space heating and hot water for the Hotel Use (Class C1) and Ground Floor Café Use (Class E) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

The ensure no new gas connections are made and to ensure air quality is not impacted as a result of heating the building, in line with Local Plan Policies CC10 and CC13.

- 23) No less than 10% of the total hotel bedrooms hereby approved shall be fully accessible for wheelchair users and designed in accordance with the requirements of 19.2.12 of British Standard BS8300-2:2018 (or any such subsequent version of this guidance).

A further 10% of hotel bedrooms shall be designed and capable of adaptation to the requirements of 19.2.12 of British Standard BS8300-2:2018.

The hotel bedrooms shall thereafter be permanently retained in this arrangement.

To ensure the provision and retention of facilities for all, including disabled people, in accordance with Policy E10 of the Local Plan (2018).

- 24) No part of the enlarged basement hereby approved shall be occupied or used until the front and side lightwells have been constructed in accordance with the approved plans and the approved metal railings have been installed as per drawing 6000 Rev B (Lightwell details) and 6001 Rev A (Site plan showing lightwell locations). The lightwells shall not project further than 800mm along Glenthorne Road. Additionally, a minimum footway width of at least 2000mm, measured from the edge of the lightwells and railings to the footway kerb shall be maintained, for the lifetime of the development.

To ensure sufficient footway clearance is provided along Glenthorne Road, uphold a suitable pedestrian environment for future users of the adjacent footway and to ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policies DC1, DC4, DC8 and DC11 of the Local Plan (2018) and Key Principles BL1, BL2, BL3, TR12, TR15 and TR29 of the Planning Guidance Supplementary Planning Document (2018).

- 25) Notwithstanding any indication given on the approved plans, all external doors shall open inwards only.

To prevent an obstruction to the safe movement of pedestrians and vehicles in accordance with Policy T1 of the Local Plan (2018).

- 26) Neither music nor amplified or loud voices emitted from the commercial part of the development shall be audible at any residential/ noise sensitive premises.

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

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

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

- 28) No outdoor seating associated with the use hereby approved shall be placed on the public highway. No tables or chairs shall be made available for customers externally, including moveable furniture.

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

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

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

- 30) Prior to commencement of the development, 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.

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.

- 31) No deliveries nor collections/ loading nor unloading shall occur at the development hereby approved other than between the hours of 10:00 to 18:00 on Monday to Friday, 10:00 to 18:00 on Saturdays and at no time on Sundays and Public/Bank Holidays.

To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise and to protect local air quality, in accordance with Policies DM H9, H11 and CC10 of the Development Management Local Plan

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

To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise, in accordance with Policies DM H9 and H11 of the Development Management Local Plan.

- 33) Prior to the first occupation of the development hereby permitted, the cycle storage at ground level, shown on approved drawing no. 2000 Rev.D (received 29th Jan 2024) shall be installed in full accordance with the approved details. The cycle storage shall thereafter be permanently retained and maintained.

To ensure adequate provision of cycle storage for employees in accordance with Policy T5 of the London Plan (2021).

- 34) Prior to the first occupation of the Hotel and Cafe, full details of the dedicated refuse and recycling store shall be submitted to and approved in writing by the Local Planning Authority. No part of the hotel hereby permitted shall be occupied prior to the provision of the waste storage as shown on approved drawing no. 2000 Rev.D (received 29th Jan 2024) and in accordance with the details within the approved Waste Management Plan (prepared by Caneparo, dated December 2022). The refuse and recycling storage for each use shall thereafter be permanently retained and maintained.

To ensure adequate provision for refuse and recycling within the development in accordance with Policy CC7 of the Local Plan (2018).

- 35) The development shall be carried out and completed in full accordance with the details contained within the approved Flood Risk Assessment Drainage Strategy including SUDS Assessment prepared by We Are Symmetrys (Rec'd 12 Jun 2023) and Flood Risk Assessment by GeoSmart (Rec'd 19 Dec 2022). No part of the development shall be used or occupied until all flood prevention and mitigation measures have been installed in accordance with the submitted details and the development shall be permanently retained in this form and maintained as necessary thereafter.

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

- 36) No external air-conditioning units, ventilation fans, extraction equipment, flues or other plant equipment and associated external pipework or ducting shall be fitted to the exterior of the building/front elevation/rear elevation unless otherwise shown on the approved drawings.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC2, DC4, DC8 and HO11 of the Local Plan (2018)

- 37) Prior to the occupation of the development hereby permitted, the windows at first floor level in the western elevation serving room 6 and room 1 [drawing 2001] and the window at second floor level in the western elevation serving room 1 [drawing 2002], shall be fitted with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, and shall be non-opening and fixed shut up to a height of 1.7m above the finished floor level. The window shall thereafter be permanently retained as approved.

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

- 38) Prior to the first occupation of each use hereby permitted, a final Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. The DSP shall detail the management of deliveries, emergency access, collection of waste, how coaches will be prevented and recyclables, times and frequencies of deliveries and collections/ silent reversing methods/ location of loading bays and vehicle movement at the site entrance and throughout the development. The approved measures shall be implemented and thereafter be permanently retained for the lifetime of the development in the relevant part of the site.

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

- 39) No demolition or development shall take place until a stage 1 Archaeological Desk Based Assessment has been submitted to and approved by the local planning authority in writing. For land that is included within the DBA, no demolition or development shall take place.

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

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

B. Where appropriate, details of a programme for delivering related positive public benefits

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

To safeguard the Archaeological Priority Area (King Street APA), in accordance with Local Plan Policy DC8, H&F SPD (2018) Key Principles AH1 and AH2 and London Plan (2021) HC1.

- 40) No advertisements shall be installed on the building hereby permitted without the prior written approval of the Council.

To ensure a satisfactory external appearance of the development in accordance with Policy D3 of the London Plan (2021), Policies DC1, DC4, DC8 and DC9 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

- 41) Prior to commencement of the development, 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 Note 01/20: Guidance Notes for the Reduction of Obtrusive Light'. Details should also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lighting, in accordance with Policies CC12 and CC13 of the Local Plan 2018.

- 42) The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific Security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of the development and shall be implemented in accordance with the approved details prior to occupation.

To ensure that the development maintains and enhances community safety in accordance with Policy DC2 of the Local Plan (2018).

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

In order to ensure that the Council can fully consider the effect of telecommunications equipment upon the character and appearance of the building and its setting, in accordance with Policy D3 of the London Plan (2021), and Policies DC1, DC2 and DC8 of the Local Plan (2018).

- 44) No development shall be occupied until confirmation has been provided that either:

1. Foul water Capacity exists off site to serve the development, or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Condition required by Thames Water as network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning.

45) No development shall be occupied until confirmation has been provided that either:

1. Surface water capacity exists off site to serve the development or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.
- Or 3. All Surface water network upgrades required to accommodate the additional flows from the development have been completed.

Condition required by Thames Water as network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://www.thameswater.co.uk/preplanning).

Justification for Approving the Application:

- 1)
 1. Land Use: The redevelopment of a vacant Class E commercial unit, outside a designated town or local centre to provide a Class C1 Small hotel (less than 50 bedrooms) in this well connected location, is considered acceptable in land use terms, subject to appropriate mitigation measures and controls. The provision of additional visitor accommodation is welcomed and will help ensure sufficient bedroom spaces are provided for visitors to Hammersmith and Fulham and bringing a vacant heritage building (building of merit) back into use. The proposed development would contribute towards the quantity of the borough's visitor overnight stay provision. The proposal is judged to accord with the NPPF, London Plan Policy E10 and Local Plan Policy E3.
 2. Quality of Accommodation: The proposed development provides an acceptable standard of visitor accommodation, in accordance with London Plan E10, all rooms would be ensuite, with at least one window and access to associated facilities.
 3. Design and Heritage: The proposals are considered to be of a good quality of design having regard to the character and appearance of the existing site and surrounding area. The proposals although allowing for partial demolition of existing building, would allow for the restoration/alteration of key architectural features of the host property, a locally listed, (Building of Merit); and on balance would not result in any harm to the non-designated heritage asset. Proposals would also not result in any harm to the character of appearance of the Bradmore conservation area. The proposal therefore accords with the NPPF, London Plan (2021) Policies HC1 and D3, Local Plan (2018) Policies DC1, DC4, and DC11, and DC8, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Impact on Neighbouring Residents: The development is considered to respect the principles of good neighbourliness in relation to the on site characteristics. The impacts on outlook, overlooking, and noise/disturbance, and sunlight/daylight are considered to be acceptable. Measures would be secured by conditions to minimise noise/odours/light pollution generated by the use/operation of the premises. A Demolition Management Plan (DMP) and Construction Management Plan (CMP) will be secured by conditions to address disturbance during the building works. The proposed development therefore accords with London Plan (2021) Policies D14, Local Plan (2018) Policies DC1, DC4, HO11, TLC4, CC11, CC12 and CC13, and Key Principles of the Planning Guidance SPD (2018).

5. Safety and Access: The development would provide a safe and secure environment for all users in accordance with London Plan (2021) Policy D11, and Local Plan (2018) Policies DC1 and DC4. Inclusive access has been considered and at least 10% of rooms would be wheelchair accessible. The proposal would provide ease of access for all people, including disabled people, in accordance with London Plan (2021) Policy D5 and Local Plan (2018) Policies DC1 and DC4.

6. Highways and Transportation: It is considered that the scheme would not have a significant impact on the highway network or local parking conditions and is thus considered to be acceptable. The application is supported by highways/transport documents. More detailed documents would be secured by condition. Subject to a satisfactory legal agreement it is considered that the development would not contribute to on-street parking stress or significant disruption to traffic flows. Satisfactory provision would be made for cycle parking and refuse storage. External impacts of the development would be controlled by conditions related to servicing and deliveries, while works to the highway will improve pedestrian comfort. The proposed development therefore accords with the NPPF, London Plan (2021) Policies T1-T7, Local Plan (2018) Policies T1, T2, T3, T4, T7 and CC7, and relevant Key Principles of the Planning Guidance SPD (2018).

7. Flood Risk and SUDS: A Flood Risk Assessment (FRA) has been submitted as required. In this respect the proposal is therefore in accordance with the NPPF (2023), London Plan (2021) Policies SI 12 and SI 13, and Local Plan (2018) Policies CC2, CC3 and CC4.

8. Air Quality: With regards to air quality considerations, a number of conditions will ensure additional mitigation is included including dust management plans, a ventilation strategy, restricted hours of deliveries and zero emission heating. The development would be acceptable and compliant with London Plan (2021) Policy SI 1, and Local Plan (2018) Policy CC10.

9. Land Contamination: Conditions would ensure that the site would be remediated to an appropriate level for the proposed use. The proposed development therefore accords with the London Plan (2021), and Local Plan (2018) Policy CC9.

10. Planning Obligations: Planning obligations to mitigate the impact of the development and to make the development acceptable in planning terms are secured. This includes, footway improvements along Glenthorne Road, coach free development, contribution towards public safety, contributions to local employment and procurement. These measures for the proposed development would therefore mitigate external impacts and would accord with London Plan (2021) DF1 and Local Plan (2018).

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

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

Application form received: 19th December 2022
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:
Thames Water - Development Control	21.03.23
Crime Prevention Design Advisor - Hammersmith	28.03.23
Historic England London Region	13.06.23
Brackenbury Residents Association	18.04.23
Thames Water - Development Control	21.06.23
Greater London Archaeology Advisory Service	08.02.24
Transport For London - Land Use Planning Team	27.06.23
Greater London Archaeology Advisory Service	05.02.24
Thames Water - Development Control	23.01.24
Greater London Archaeology Advisory Service	31.01.24
The Hammersmith Society	08.09.23

Neighbour Comments:

Letters from:	Dated:
9 REDMORE ROAD Brackenbury London W6 0HZ	09.03.23
68 Dalling Road Hammersmith W6 0JA	09.03.23
No Address Given	27.11.23
1 Redmore Road London W6 0HZ	05.04.23
50 Studland Street Hammersmith W6 0JT	17.03.23
129E Glenthorne Rd Hammersmith W6 0LJ	03.04.23
Flat B 5 Redmore Road London W6 0HZ	29.03.23
3 Redmore Road London W6 0HZ	03.04.23

Flat C, 5 Redmore Road London W6 0HZ	03.04.23
39 Studland St London W60JT	19.03.23
7 Redmore Road Hammersmith W60HZ	02.04.23
52 Studland Street London W6 0JT	15.04.23
129E G 129E Glenthorne Rd Hammersmith W6 0LJ	03.04.23
41 STUDLAND STREET LONDON W6 0JT	19.03.23
100b Glenthorne Road London W6 0LP	04.04.23

1.0 Site and Surroundings

- 1.1. The subject site includes Nos. 108-116 Glenthorne Road. The subject site is composed of a run of five two-storey mid-19th Century Buildings, fronting Glenthorne Road. The group of buildings are designated as locally listed Buildings of Merit, and located in the Bradmore Conservation Area (sub-area 1 Bradmore Park Road). The site is close to Hammersmith Town Centre and Hammersmith Regeneration Area.
- 1.2. While the sub-area is generally characterised by mainly two and three-storey cottages with small front gardens and tight knit urban grain, Glenthorne Road is more varied in character and appearance, with more diverse building typologies and heights, from a wider range of architectural eras.
- 1.3. The subject site is prominent within Key View 18 from the Bradmore Conservation Area Character Profile, which includes the buildings, which frame the view eastwards towards Hammersmith Broadway along Glenthorne Road.
- 1.4. The existing buildings hold a prominent position in the local townscape owing to their corner position at the intersection of Studland Street and Glenthorne Road, and their distinct character and appearance. The group retains a high degree of uniformity, and owing to their age, are characterised by their simple architectural expression and form. The buildings are distinguished by their decorative timber shopfronts and white rendered first floor facades with simple cornice and parapet roof level detailing. Two sets of chimney stacks are present, though these are not readily visible from street level. Decorative traditional timber shopfronts are characterful and demarcate the extent of each building and contribute to an activated ground floor that engages well with the street. Above each shopfront is a pair of timber sash windows. The western flank elevation is white painted brick for the depth of the main building, stepping down to a single storey garage with white painted double doors and a separate entrance to No.50A Studland Street.
- 1.5. The two-storey scale of the buildings with flat roofs mark them out as some of the smallest buildings in the local townscape. Directly adjoining to the east are taller two-storey Victorian terraces houses with raised ground floors and semi basements. To the west, on the western side of Studland street is a three-storey terrace of red brick buildings. To the north along Studland Street the character returns to smaller scale two-storey cottage style terrace houses with plain facades.
- 1.6. Overall, the buildings are considered to make a positive contribution to the character and appearance of Glenthorne Road and the Bradmore Conservation Area, particularly owing to their architectural design and composition.

- 1.7. The site is located within an Archaeological Priority Area and Environment Agency Flood Risk Zones 1, 2 and 3.
- 1.8. The site is located within Controlled Parking Zone A, Glenthorne Road is designated as a Local Distributor Roads and several bus routes run along the road including services 27, 110, 190, 218, 267, 306, H91, N9, N11 and N266 with destinations towards Hammersmith, Sands End and West Brompton. The PTAL is 6a indicating excellent levels of access to public transport, using TfL methodologies. Ravenscourt Park station is a short walk away which affords access to District Line services. The Hammersmith stations are also nearby with affording access to Piccadilly, District, Circle and Hammersmith & City line services.

2.0 Relevant Planning History

- 2.1 The site spans across units 108-116 Glenthorne Road. The below list outlines historic planning history on the site, which has been commercial since records began. More recently, the site was used as a fireplace shop since at least 2008, however the entire application site has been vacant since 2020.

1962/00112/HIST - 108 Glenthorne Road - The use of No. 108 Glenthorne Road, Hammersmith, as a snack bar - Granted

1961/00150/HIST - 110 Glenthorne Road - The use for a limited period of No. 110 Glenthorne Road as a betting office - Granted

1966/00586/HIST - 114-116 Glenthorne Road - Change of use of Nos. 114-116 (even), Glenthorne Road, W6 from shop to storage of scrap non-ferrous metal - Refused on land use and highways grounds

1966/00792/HIST - 114-116 Glenthorne Road - Change of use from shop to storage of scrap non-ferrous metal at 114-116 (even), Glenthorne Road, W6 - Refused on land use and highways grounds

1967/00577/HIST - 114-116 Glenthorne Road - Continued display of an advertisement hoarding measuring approximately 14'0" by 11'0", maximum height above ground level approximately 11'6", containing two panels each 6'8" by 10'0" at 116 Glenthorne Road, W6 - Refused on amenity grounds

1970/00483/HIST - 114-116 Glenthorne Road - Use of part of 114-116 Glenthorne Road, W6, for the storage of scrap non-ferrous metal - Refused on land use and highways grounds

1970/00129/HIST - 112 Glenthorne Road - Change of use to accommodation bureau at 112 Glenthorne Road, W.6 - Granted

1970/00298/HIST - 112 Glenthorne Road - Use of 112 Glenthorne Road, W.6 as employment agency and accommodation bureau - Granted

1972/01427/HIST - 108-112 Glenthorne Road - The continued use as a car hire office and the retention of a 40ft. high serial on the roof - Granted

1972/01476/HIST - 110-112 Glenthorne Road - The display at 110/112 Glenthorne Road, W6, of a non-illuminated advertising board between the windows at first floor level - Granted

1976/01367/HIST - 110 - 112 Glenthorne Road - The continued use as a car hire office and the retention of a 40ft high aerial on the roof - Granted

1980/00595/ADV - 114-116 Glenthorne Road - RETENTION OF A NON ILLUMINATED ADVERTISING BOARD MEASURING SITUATED BETWEEN THE WINDOWS AT FIRST FLOOR LEVEL. DRG. NOS. FRONT ELEVATION - Refused at committee on amenity grounds

2021/03463/FUL - 108 - 116 Glenthorne Road - Demolition of the existing building with the exception of the front facade and increasing the height of the front elevation, erection of a three storey plus-basement building in connection with the change of use from retail (Class E) into a hotel (Class C1) comprising of 23 rooms and a ground floor cafe (Use Class E); alterations to the front fenestration to include the installation of new doors and windows (to match neighbouring properties) - Application lapsed.

3.0 Proposals

3.1. The application seeks full planning permission for:

- Demolition of the existing building with the exception of the front facade and part of the side elevation fronting Studland Street and increasing the height of the front elevation
- Erection of a three storey plus-basement building
- In connection with the change of use from retail (Class E) into a hotel (Class C1) and a ground floor cafe (Use Class E)
- Alterations to the front fenestration to include the installation of new doors and windows (to match neighbouring properties)
- Installation of a new window at first floor level at the side elevation.

3.2 As outlined above, this application follows on from the previously lapsed application 2021/03463/FUL. The key differences between the previous application and this application include:

- Reduction in bedroom numbers from 23 bedrooms to 21 bedrooms
- Reduction in scale and massing
- Provision of accessible bedrooms
- Other minor changes

3.3 Pre-application Consultation

3.4 The applicants have advised that following an initial pre-application with LBHF, a Public Consultation was held at Grove Neighbourhood Centre, Hammersmith on 21/09/21, arranged by Huddle Communications. A Statement of Community Involvement was provided which includes full details of public feedback.

3.5 The Statement of Community Involvement outlines '1,500 properties were identified to receive a leaflet advertising the consultation' with the creation of a website, email address to provide feedback and freephone number.

3.6 Letters were delivered on the 10th and 11th of September 2021 advertising the drop-in session held on Tuesday 21st September, 2021, between 4pm and 8pm. Amenity groups were also invited to a preview session an hour before this opened to the general public. Key points/issues raised included:

- Positivity about redevelopment of the Site and restoration of the Glenthorne Road façade.
- Mixed views on the proposed use of a hotel onsite with questions seeking clarity on its operations
- Questions seeking clarity on the type of 'boutique hotel' as residents had concerns with the operations of another hotel on Glenthorne Road.
- Questions about the frequency of servicing vehicles requiring access to the site for refuse and laundry.
- Concern about impact of proposals on neighbouring residents' daylight/sunlight.
- Concern about construction works and impact on neighbouring properties on Studland Street and Glenthorne Road.
- Criticism of no onsite parking provision and concern about the impact on local traffic generation.
- Mixed views on whether the provision of a café was suitable for the Site. One response including a potential operator who made an enquiry about running the proposed café. However, other residents felt unsure there was enough footfall to make the café viable.

3.7 In total, 32 people attended the drop-in session, with 22 of them providing contact details when signing in. These included representatives from the Brackenbury Residents Association, The Hammersmith and Fulham Historic Buildings Group and The Fulham and Hammersmith Historical Society.

4.0 Formal Consultation

4.1. In addition to site and press notices, notification letters were sent to 79 neighbouring properties. 1 (one) letter of support was received from a resident at Dalling Road, which is noted. 1 (one) letter was received from a resident neither objecting to or supporting the planning application, noting that whilst they were generally in support of the new hotel, they were concerned with the quality of the hotel and requested it be in keeping with the area.

4.2 A total of 13 letters of objection were received. Issues raised include:

- Impact on bus routes, issues with taxis, pick-up, drop-offs and general servicing of the site
- Acknowledge that things cannot stay as they are noting the building is falling apart and becoming an eyesore
- Loss of light and privacy, backyards will be dark
- Foundation concerns with the basement
- Too many hotels in the area and no justification put forward
- Massing unacceptable for a residential and conservation area
- Strain on parking stress and noise
- Devalue property nearby
- Glenthorne Road is a busy thoroughfare that is often gridlocked with heavy traffic

- Issues during construction related to demolition/noisy building works and daily activities
- Area is largely residential in nature
- Despite the applicants' claim to be "committed to continuous dialogue with local residents ... to ensure they are all informed and consulted throughout the planning process", heard nothing from them at all regarding this application.
- Route is already used as a rat run to avoid the zebra crossings for Flora Gardens school. This development will make the traffic, all noise and harmful emissions.
- Should be housing instead
- Pavement area is shallow and will create issues when loading and unloading.
- Concerns with Delivery and Servicing Management Plan including the swept path analysis of a double decker bus passing the site, but no swept paths are provided for buses or fire engines turning right out of Studland Street into Glenthorne
- Existing bus routes will also make the hotel a noisy place to stay as they accelerate away from the Studland Street junction without adequate soundproofing.
- Issues with air quality assessment e.g. asbestos/dangerous mould/pathogens
- How will smells be mitigated against relating to the cafe
- No designated smoking area for the hotel
- Will add to transient population in the neighbourhood
- The hotel is a poor business proposition which will become victim to its poor location, fail, and become derelict within the year, encouraging more antisocial behaviour, drug dealing, vandalism etc.
- Following implementation of the Clean Air Neighbourhood Trial, if roads around Brackenbury are made unusable to visiting traffic and the traffic becomes concentrated on the larger roads, Glenthorne Road will result in more pollution and traffic

4.3 A joint submission by the Hammersmith Society and the Brackenbury Residents Association requested, subject to their reasoned observations being addressed in full, would offer support for the application. The local amenity groups requested the issues are resolved prior to determination rather than dealing with these by planning condition. Observations include:

- Impact on no 50 Studland Street
- Vehicular servicing
- Issues with the West Elevation
- Ensure commitment to retain/match existing external joinery

External & Statutory Consultees

4.4 Thames Water - no objection subject to conditions relating to foul and surface water management in addition to informatives.

4.5 Historic England - Do not consider that it is necessary for this application to be notified to Historic England. No comments.

4.6 Historic England (GLAAS) - No objection subject to a condition.

4.7 Metropolitan Police (design out crime) - no objection subject to a condition.

4.8 Transport for London - Scheme is acceptable in principle, subject to points raised being addressed.

5.0 Policy Context and Planning Considerations

5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England. Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).

5.2 In this instance the statutory development plan comprises the London Plan 2021, LBHF Local Plan 2018 and the LBHF Planning Guidance SPD 2018.

National Planning Policy Framework (NPPF)

5.3 The NPPF (2023) 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.

- 5.4 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The London Plan

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

The Local Plan

- 5.6 The Council adopted the 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.

Planning Considerations

- 5.7 The main planning considerations in the assessment of this application include the following:-
- The change of use from Class E to C1 Hotel and Class E Cafe and principle of a hotel use on the site
 - Impact on the character and appearance of the host building and the Bradmore Conservation Area
 - Residential amenity of neighbouring occupiers
 - Highways impacts
 - Environmental considerations
 - Fire Safety

Planning Assessment

6.0 Land Use / Principle of Hotel Use

- 6.1 The existing site last housed a retail use fireplace shop which falls under Class E use. The premises have been vacant since the fireplace shop ceased trading from the site. The current proposal includes a change of use to C1 Hotel with ancillary café use.
- 6.2. Paragraph 97 of the NPPF advises that planning decisions should provide the social, recreational and cultural facilities and services the community needs, including public houses.

- 6.3. Policy E10 of the London Plan requires planning decisions to enhance London's visitor economy and associated employment should be strengthened by enhancing and extending its attractions, inclusive access, legibility, visitor experience and management and supporting infrastructure. Part C of this policy seeks to ensure a sufficient supply and range of serviced accommodation. Part G seeks for visitor infrastructure to be located within the CAZ or where they are well connected by Public Transport, particularly to central London. Part H requires sufficient choice and at least 10% of bedrooms to be wheelchair-accessible.
- 6.4 Policy E3 of the Hammersmith and Fulham Local Plan (2018) states that small-scale hotels may be considered appropriate outside of the town centres and Opportunity Areas subject to their meeting the below criteria:
- small scale hotels; and
 - visitor accommodation related to major visitor attractions of sub-regional or greater significance in accordance with the provisions of London Plan
- 6.5 Supporting paragraph 4.19 outlines, small hotel schemes (not in excess of 50 bedrooms) will be considered in other areas of the borough where the scale is appropriate to public transport accessibility and surrounding uses. As outlined under section 1.8 the site has a PTAL rating of 6a indicating excellent levels of access to public transport with many train and bus services nearby, including links to central London and Heathrow Airport. The application site is not in a town centre or other identified area (albeit located close to Hammersmith Town Centre) and as such only a small-scale hotel would be supported. A small-scale hotel is defined within the Local Plan as being one with no more than 50 bedrooms.
- 6.6 The proposal would not result in the loss of any priority uses i.e. permanent housing. The property has been vacant since late 2019/2020. Following re-submission of this application, at least 10% of bedrooms are now designed as wheelchair accessible and a further 10% are adaptable.
- 6.7 To support the application, a Proposed Hotel Market Need Report has been prepared by Colliers (November 2022). This report notes, "The proposed hotel will be positioned within the boutique sector, featuring a lift, air conditioning and generous floor to ceiling heights. The guest rooms and public/communal areas will be designed and finished to a high standard, efficiently designed to maximise use of space and will offer high quality facilities and amenities.....". The proposed Hotel is considered to be small scale and the room density has been reduced from 23 bedrooms to 21 bedrooms and is well connected to public transport, including to major airport hub and central London. Officers consider that the proposed use would be a viable proposal for the reinstatement of this vacant site.
- 6.8 Subject to an assessment against all other material planning considerations, the principle of the change of use is considered on balance to be acceptable and would accord with the NPPF, London Plan Policy E10 and Local Plan Policy E3.

Design and Heritage

- 7.1 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.
- 7.2 Local Plan - Policies DC1, DC2 and DC4 are particularly relevant to the assessment of design. Policy DC1 (Built Environment) states that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places. Policy DC2 (Design of new build), states that new build development will be permitted if it is of a high standard of design and compatible with the scale and character of existing development and its setting. Policy DC4 (Alterations and Extensions, Including Outbuildings) sets out to ensure that a high standard of design will be achieved in all alterations and extensions to existing buildings.
- 7.3 Given the proposed enlargement of the existing basement to the original building, Policy DC11 outlines a series of criteria for which new basement extension will only be permitted. The policy requires proposals to be designed to safeguard the structural stability of the existing building and nearby buildings, and also suggests submission of a Construction Method Statement (CMS) (carried out by a qualified structural or civil engineer).

Design Commentary

- 7.4 The design of the proposal scheme has been considered through detailed negotiations with the design team during the consideration of the application. Following these negotiations, the extent of demolition of the locally listed, (building of merit) has been reduced considerably, with the principal and side façade of the main building, including the shop frontages and stucco detailing to be retained and adapted to facilitate the hotel use of the site. Furthermore, some internal elements of the existing structures would be preserved to allow for appreciation of the original layout of the building form.
- 7.5 An existing basement would be enlarged and adapted, through the introduction of features such as lightwells, to facilitate hotel accommodation at basement level. Considering the limited scale of the application site and its commercial nature, the extent of basement development is considered to be acceptable. The proposal is supported by a structural report and a Construction Method Statement (CMS).

- 7.6 An additional storey would be developed above the retained parapet of the main building. The design of this element has been designed to introduce a mansard style roofscape, featuring projecting dormer windows. This would be finished with roof tiles to match the appearance of adjacent properties. The scale of these extensions would result in some additional visibility within views along Glenthorne Road, Studland Street and from the Dalling Road open space. However, given the sensitive approach to design and materiality of these elements, particularly reinforcing the prominence of the retained/restored building parapet, these elements of the proposal are considered acceptable and not harmful to surrounding townscape views.
- 7.7 Finally, the scheme proposes a series of rear extensions to the retained façade, (beyond the original massing of the development, these extensions largely in-fill the area between the existing building and 50 Studland Street; the area adjacent to 106 Glenthorne Road; alongside more modest extensions to general portion of the site. Consideration of these extensions upon the character and appearance of the Bradmore conservation area, is provided below. However, from a general design perspective, the scale, design and materiality of these elements is considered acceptable and would not have any undue impacts upon the surrounding townscape views.

Heritage considerations

- 7.8 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.
- 7.9 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 section 72 duties of the Planning (Listed Buildings and Conservation areas) Act 1990 and the requirements set out in the NPPF.
- 7.10 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.
- 7.11 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.

- 7.12 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.
- 7.13 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.
- 7.14 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.
- 7.15 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.
- 7.16 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.
- 7.17 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.

- 7.18 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.
- 7.19 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).
- 7.20 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.
- 7.21 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.
- 7.22 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.
- 7.23 The scheme would impact directly on heritage assets. These impacts are considered separately in the following sections.
- 7.24 Impacts are mainly focussed upon the Bradmore conservation area and 109-116 Glenthorne Road, a non-designated heritage asset. No other heritage assets would be impacted by the proposals. 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.
- 7.25 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.

7.26 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.

7.27 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.

7.28 During the course of consideration of the application, officers have worked with the applicant to review the scope of demolition and retention of historic fabric relative to the locally listed, building of merit. As a consequence of these negotiations, the extent of demolition has been significantly reduced to retain the principal and side façades of the building and supporting structures. Retention of these elements would also allow appreciation of the original plan form of the building. Furthermore, the proposed mansard extension would result in the loss of original chimneys.

Bradmore conservation area

7.29 The Bradmore conservation area was originally designated in April 1989, and covers a significant area, owing in part to the historic Bradmore medieval field which was later subject to significant development to form the houses, streets and open spaces which form the conservation area today.

7.30 Given the large expanse of coverage of the conservation area, it has been split up into several sub areas for the consideration of character and significance. The proposal site is situated in the Bradmore Park Road sub-area. This area was subject of significant development during the Victorian area, and its overriding character is of streets of two storey cottages, tightly knit, with small front and back gardens, some tree lined. Glenthorne Road is noted in the character profile for this conservation area to contain a range of building styles and dates of construction.

Assessment of impact

7.31 Officers have carefully considered the scale of proposed demolition, extensions, and alterations to the existing building as part of the assessment of harm to the character and appearance of the Bradmore conservation area. As part of these considerations, officers have also considered the positive role and current condition of the existing building which occupies a prominent location on Glenthorne Road.

7.32 It is noted that the scale of extensions to the host building, particularly those extensions to the rear of site, fronting Studland Street would introduce additional bulk visible in key localised views. However, given the tight knit grain of this area, coupled with the variety in building types and form found within this sub-area; alongside the complementary materiality of new build elements, proposals are not considered to result in harm to these views and the wider conservation area.

7.33 The character and significance of the area would remain clearly appreciable and given the sensitive scale, appearance, and materiality of the proposed extensions, these would not overly compete or dominate the character of adjacent properties. Furthermore, there would be some heritage benefit in the restoration of principal façade of the host property to the character and appearance of the conservation area.

109-116 Glenthorne Road - Locally Listed, (Building of Merit)

7.34 The application site features the terrace of 109-116 Glenthorne Road, which is a non-designated heritage asset. The main significance of the asset generally relates to its architectural character and appearance along the prominent commercial setting of Glenthorne Road and when viewed from Dalling Road open space. Here the historic shopfronts, stucco detailing and building parapet are key architectural features of the development.

7.35 The host property has remained vacant for a substantial period from 2019. During recent visits to the site, officers observed that the fabric and interiors of the building to subject of considerable deterioration and are in need of significant intervention to enable the building to be brought back into a long-term use. It is noted that the existing property provides a limited amount of internal floorspace, which is subject of subdivision and therefore would require intervention to allow for alternative uses.

7.36 As discussed above, officers have worked with the applicant to reduce the scale of demolition of the existing building, particularly to enable the preservation and reinstatement/alteration of the principal façade, (which features the most architecturally significant features). The extent of extensions to the property has also been subject to revision to provide a balanced approach to facilitate the proposed hotel/café use.

7.37 Given the vacant and deteriorating nature of the host property, coupled with the reduced extent of demotion to allow for preservation and restoration/alterations to key elements of the building, (including the principal building façade, (and other areas to identify the original plan form of the building)), officers consider that in taking a balanced view, although the extent of extensions/alterations would result in changes to visual appearance of the building, these would not be unduly harmful. As such, the proposals are not considered to result in harm to heritage significance of the locally listed, building of merit.

Archaeology

7.38 This site is located within an Archaeological Priority Area. The application site already contains an existing basement, and the proposal seeks permission to extend and excavate further. The APA identified is "King Street" - which follows finds at 120-124 King Street.

- 7.39 Key Principle AH2 of the H&F SPD (2018) seeks 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. Para 5.46 notes the King Street APA 'Iron Age prehistoric earthwork, a short section of which was excavated at 120-124 King Street. May have protected a single farmstead but may have been a more substantial settlement - a "proto-town", or possibly have been a long linear territorial boundary.'
- 7.40 As outlined under section 4.10, subject to a condition recommended by Historic England's GLAAS, no objections are raised. The pre-commencement condition will require that no demolition or development shall take place until a stage 1 Archaeological Desk Based Assessment has been submitted to and approved by LBHF. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 Written Scheme of Investigation (WSI) shall be submitted to and approved by the local planning authority in writing.
- 7.41 Subject to the abovementioned condition, the proposal would safeguard the Archaeological Priority Area (King Street APA), in accordance with Local Plan Policy DC8, H&F SPD (2018) Key Principles AH1 and AH2 and London Plan (2021) HC1.

Urban design and heritage conclusion

- 7.42 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.
- 7.43 In summary, it is considered that the proposals which allow for partial-demolition, restoration/alterations, and extensions of the existing building, would be acceptable to allow this vacant property to be brought back into use as hotel/café accommodation. The proposals although resulting in some demolition, would allow for the restoration and preservation of key architectural features of the host building, a locally listed, (building of merit). In this context, the scale of alterations and extensions to the property are not considered to cause harm the non-designated heritage asset and would represent a good quality of design.
- 7.44 In terms of impacts upon the Bradmore conservation area, the character and significance of the area would remain clearly appreciable. Although visible in localised views, particularly from Studland Street, given the sensitive scale, appearance, and materiality of the proposed extensions, these would not overly compete or dominate character of adjacent properties in this sub area of the conservation area, which features variety of building forms. As such, the development would not result in any harmful impact upon the significance of the conservation area.
- 7.45 Overall, the proposed development is considered acceptable having regard to the NPPF, Policies D3 and HC1 of the London Plan (2021) and Policies DC1, DC2, DC4, DC8 and DC11 of the Local Plan (2018).

8.0 Residential Amenity

8.1. Local Plan Policy HO11 addresses detailed residential standards and, in seeking a high standard of design, seeks to ensure the protection of existing residential amenities; including issues such as loss of daylight, sunlight, privacy and outlook. Policy DC2 advises that good neighbourliness in particular the amenities of the neighbouring properties, and other properties most directly affected by the proposal will be a key consideration when assessing proposals.

8.2. Key Principles HS6 and HS7 of the Planning Guidance SPD seek to protect the existing amenities of neighbouring residential properties, in terms of outlook, light, and privacy.

8.3 RESIDENTIAL AMENITY

8.4 Local Plan Policy HO11 states that proposals will be considered acceptable where it can be demonstrated that there is no detrimental impact on:

- Privacy enjoyed by neighbours in adjoining properties;
- Daylight and sunlight to rooms in adjoining properties;
- Outlook from windows in adjoining properties; and
- Openness between properties.

8.5 Policies DC1 and DC2 require all proposals for new builds to be formulated to respect the principles of good neighbourliness. Planning Guidance SPD Housing Key Principles 6 and 7 support Local Plan Policy HO11 and set out a more detailed means of assessment.

8.6 The area surrounding the site is predominantly residential, with a mix of terrace homes and flats to the north of the site. Heights surrounding the site range from 2 to 3 storeys. The immediately adjacent terrace Studland Street is at right angles to the site, and located to the north. The main element of the adjoining building does not have windows facing the site, though as discussed below there are windows in the back addition element of the property.

Outlook

8.7 Key Principle HS6, stipulates that extensions should not result in infringing an angle of 45 degrees to the rear boundary. Whilst not strictly applicable in the case of no. 108 - 116 Glenthorne Road, which is an enclosed commercial yard part i and ii of this Key Principle HS6 are not applicable. The existing site contains a single storey structure to the northwest of the main terrace building, adjoins no 50 Studland Street and fronts Studland Street. Additionally, another single storey outbuilding is located in the northeastern corner of the application site, which again adjoins the boundary wall with no 50 Studland Street to the north. Existing site arrangements represent a tightly knit urban grain. Following officer's site visit to 50 Studland Street, the site contains a half depth galley kitchen and other non-habitable room which is served by several windows along the flank elevation including a door which permits access into a small courtyard/amenity area.

8.8 The window adjacent to the proposed staff room, serves a ground floor bedroom. The proposal would extend the existing footprint beyond the rear facade of the main building of no 50 Studland Street, to accommodate a staff room at first floor level, the extension has been set back to not breach the rear facade of the main building of no 50 Studland Street. This set back at upper levels would ensure no harmful reduction in outlook is expected. Officers note, the existing ground floor bedroom looks onto the party wall with no 50 Studland Street and the application site and views are primarily towards the existing enclosed courtyard. Whilst the proposal would result in a marginal increase in the height of the development when viewed from the neighbouring property, the separation distance between the buildings would not be an unusual one within the neighbouring residential streets and existing site context. It is considered there is sufficient distance so that the occupiers would not suffer a loss of outlook. In view of the above it would be difficult to sustain an argument that the new building would be unacceptable due to loss of outlook and increased sense of enclosure.

Privacy

8.9 In relation to the neighbouring properties, the main extensions are set atop the existing roof of the building. Efforts have been made to step the development back at upper levels. At basement and ground floor level, windows look into a lightwell and given the existing party wall, would not harm amenity towards the residential property to the north of the application site. The window of room no 6 at first floor level, would look towards no 50 Studland's Streets courtyard and habitable windows opposite. As the separation distance is less than 18m, a condition will require this window to be obscure glazed and fixed shut. No rear windows are proposed to the rear for any other bedrooms at first or second floor level, rather looking onto Glenthorne Road or Studland Street. This would allow for some passive surveillance to take place along the road, particularly along Glenthorne Road. The flank elevation of no 44 Studland Street (south of the application site) contains a windowless flank elevation. Side windows serving room 1 at first floor level and room 1 at first floor level look towards 118 Glenthorne Road - council tax records outline this site is residential. As such, both of these windows will also be obscure glazed and fixed shut. Officer's would note, the windows to be obscure glazed along Studland Street are secondary windows and other clear glazed windows are provided along Glenthorne Road, ensuring sufficient quality of accommodation. Subject to the above referenced condition, officers judge the proposal to comply with Key Principle HS7 of the H&F SPD (2018).

Daylight/Sunlight

8.10 The Council has regard to the guidance set out in Building Research Establishments' (BRE) Report 2022 "Site Layout Planning for Daylight and Sunlight - A guide to good practice". This guidance is used as aid to prevent and/or minimise the impact of a new development on the availability of daylight and sunlight in the environs of the site. Although it provides numerical guidelines, these should be interpreted flexibly because natural lighting is only one of many factors in site layout design.

- 8.11 Vertical Sky Component (VSC) - VSC is a measure of the direct skylight reaching a point from an overcast sky. It is the ratio of the illuminance at a point on a given vertical plane to the illuminance at a point on a horizontal plane due to an unobstructed sky. For existing buildings, the BRE guideline is based on the loss of VSC at a point at the centre of a window, on the outer plane of the wall. The BRE guidelines state that if the VSC at the centre of a window is less than 27%, and it is less than 0.8 times its former value (i.e. the proportional reduction is greater than 20%), then the reduction in skylight will be noticeable, and the existing building may be adversely affected.
- 8.12 No-Sky Line (NSL) - NSL is a measure of the distribution of daylight within a room. It maps out the region within a room where light can penetrate directly from the sky, and therefore accounts for the size of and number of windows by simple geometry. The BRE suggest that the area of the working plane within a room that can receive direct skylight should not be reduced to less than 0.8 times its former value (i.e. the proportional reduction in area should not be greater than 20%).
- 8.13 Annual Probable Sunlight Hours (APSH) - In relation to sunlight, the BRE recommends that the APSH received at a given window in the proposed case should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the absolute loss is greater than 4%, then the proposed values should not be less than 0.8 times their previous value in each period (i.e. the proportional reductions should not be greater than 20%).
- 8.14 The applicant's Daylight and Sunlight report which has been carried out in line with BRE considers the potential impacts of the proposed development on daylight, sunlight and overshadowing on the following residential properties:
The full list of assessed properties is as follows;
- 50 Studland Street
 - 118a Glenthorne Road
 - 39 Studland Street
 - 44 Studland Street
 - 129 Glenthorne Road
- 8.15 The following 4 properties will experience fully BRE compliant alterations in terms of VSC, NSL and APSH:
- 118A Glenthorne Road
 - 39 Studland Street
 - 44 Studland Street
 - 129 Glenthorne Road
- 8.16 In respect of 50 Studland Street, this terraced property is located to the north flank of the Site and contains residential accommodation across the ground and 1st floor levels.

Daylight

- 8.17 There are a total of 5 windows serving 3 assumed, site-facing, habitable rooms eligible for assessment. The results show that one window (W3/11) will experience a BRE compliant alteration in VSC, with a proportional change of 13%. The remaining 4 windows will experience proportional VSC reductions in excess of 20%. Of these, a ground floor window (W1/10) will experience an arguably borderline relative VSC change of 29%. In reality, this equates to a very small actual VSC change from VSC level of 11.39, down to 8.04. It can be argued that this change is not likely to be noticeable. Furthermore, the associated room (R1/10) will experience a negligible change in daylight distribution as measured by NSL, and the daylight impact is considered minor in nature.
- 8.18 The remaining 3 windows (W2/10, W3/10 and W4/10) serve a small galley style ground floor kitchen (R2/10) and a non-habitable room. These windows are located directly facing the common boundary, and face towards the Site and would experience a 61% loss of VSC. It is inevitable that any viable development that matches the scale of the surrounding properties will result in a noticeable loss of light to this room, given this relationship.

Sunlight

- 8.19 With regards to sunlight, all 3 rooms contain a window orientated within 90° degrees due south; each will experience a technically noticeable reduction in Annual Probable Sunlight Hours (APSH). However, reductions are to be expected given the Proposed Developments location directly to the southern boundary of the property.
- 8.20 However, it is noted that the BRE Guidelines state "...that all main living rooms of dwellings, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important." As is typical for this property type, the main living room is likely located to the front of the property, and as such will remain unaffected by the Proposed Development.

9.0 Highways

- 9.1. London Plan Policy T6 sets out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards in relation to hotel uses as well as blue badge parking at Policies T6.4 and T6.5. London Plan Policy T5 sets out the requirements for cycle parking in accordance with the proposed use.
- 9.2. Local Plan Policy T1 sets out the Council's intention to "work with strategic partners to improve transport provision, accessibility and air quality in the borough, by improving and increasing the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail".

- 9.3. Local Plan Policy T2 relates to transport assessments and travel plans and states "All development proposals would be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and on the primary route network".
- 9.4. Local Plan Policies T3, T4, T5 and T7 relate to opportunities for cycling and walking, vehicle parking standards, blue badge holders parking and construction logistics. Local Plan Policy CC7 sets out the requirements for all new developments to provide suitable facilities for the management of waste.
- 9.5 Pedestrian access into the proposed hotel and cafe would be provided from Glenthorne Road via a main access in the south-western corner of the site. In addition, staff-only access would be provided from Studland Street.
- 9.6 Glenthorne Road permits one-way traffic only with vehicles required to travel in an eastbound direction. There are single yellow line parking restrictions along the site frontage on both sides of the carriageway which restrict waiting by buses or goods vehicles between midnight and 8am and 6:30pm and midnight.
- 9.7 Studland Street provides two-way traffic between Glenthorne Road and Redmore Road. The road is subject to a 20mph speed limit and forms part of the "Grove Home Zone" A single yellow line parking restriction extend along the entire length of the Studland Street site frontage.

SITE ACCESSIBILITY

- 9.8 The application site has a public transport accessibility rating (PTAL) of 6a on a scale of 0 (worst) to 6b (best). Guests, customers and employees accessing the site will therefore benefit from excellent access to public transport. Within a 2km walk distance from the Site, it is possible to reach a range of destinations including Hammersmith Town Centre and extending as far as Shepherds Bush Market station to the north, Kensington Olympia to the east, Charing Cross Hospital to the south and Chiswick Common to the west. The Site is situated close to several cycle routes which connect to a wider network of routes.
- 9.9 The nearest bus stops to the Site are located on Glenthorne Road, with two-way services located an approximate 1.5-minute / 100m walk to the east of the site. The Site is located a 3-minute /220m walk distance from Ravenscourt Park Underground Station which provides access to District Line underground services and located in Travel Zone 2, with c.15 services per hour serving the station. Hammersmith Underground Station is an 8-minute / 600m walk distance to the east of the Site and provides access to District, Piccadilly, Circle and Hammersmith and City Line services.

CAR PARKING

- 9.10. Glenthorne Road forms part of CPZ A, which allows permit holder and pay and display parking from Monday to Saturday between the hours of 0830-1830. Studland Road is located within CPZ L which restricts parking between the hours of 0900-1700.

9.11 The development is proposed to be car free which is in accordance with Policy T6 of the London Plan. To minimise the impact of the proposal on parking capacity in the vicinity of the site, a s106 obligation will remove access to parking permits. Blue badge holders will be able to park in CPZ bays surrounding the site. To minimise the impact on parking in the vicinity of the site, a contribution is sought towards a review of the hours of surrounding CPZ. As such, hotel guests would be unable to arrive to the premises by private car and park their vehicle for the length of their stay during the week. Blue badge holders will be able to park in existing bays.

TRIP GENERATION

9.12 It is anticipated that the site would generate 72 two-way Person trips daily. The majority of trips would be made on foot or by rail/ tube which is to be expected owing to the proximity of the Site to central Hammersmith and the wide array of amenities and destinations locally whilst also being located in close proximity Ravenscourt Park and Hammersmith underground stations which offer an excellent level of public transport infrastructure. The number of person movements in to or out of the Site at the peak hours is expected to be 9 -10 person movements across the two peak hours which is approximately 1 person arriving or departing every 6 minutes in a given hour.

TAXIS

9.13 It is expected that a number of journeys will be made to / from the development by taxi. The trip generation assessment indicates that the proposal will result in up to 8 taxi movements across a typical day (4 vehicles arriving and departing), equating to less than 1 vehicle in any hour. The waiting restrictions on the site frontage would allow for taxis to wait briefly on Glenthorne Road without obstructing the free-flow of traffic.

CYCLE PARKING

9.14 The development would provide 2 long stay cycle parking spaces for staff use and 1 short stay cycle parking space for guests located at ground floor within the site. Further details of the cycle parking will be secured by planning condition, that will ensure the cycle parking is in accordance with the London Cycle Design Standards (LCDS). The proposal will result in an increase in cycle trips when compared to the existing site. TfL cycle hire docking stations are located within close proximity of the site, with a 37 cycle docking station located at the southern end of Southerton Road, an approximate 400m / 5-minute walk distance to the east of the site. These could be used by visitors to the site.

TRAVEL PLAN

9.15 Staff and visitors to the site would be encouraged to travel by sustainable modes through the implementation of a Travel Plan, Staff and visitors to the site would be encouraged to travel by sustainable modes through the implementation of a Travel Plan.

COACHES

- 9.16 Due to the lack of suitable parking / waiting locations for coaches in the vicinity of the site and the constraints of the local highway network, coach travel to / from the development would be restricted. The coach restriction will be secured by obligation and the Travel Plan and hotel website will inform visitors that coach bookings will be restricted and that coaches are not able to access the hotel as a consequence of local restrictions.

WASTE MANAGEMENT

- 9.17 The refuse store will be located on the ground floor of the building with direct access from Studland Street. Further details of the bin storage will be, secured by condition

SERVICING AND DELIVERIES

- 9.18 The proposed servicing strategy for the application site involves service vehicles loading on-street on the site frontage on Glenthorne Road or Studland Street. The Delivery and Servicing Plan submitted with the application proposes to retain the existing arrangement and service vehicles would use the lengths of single yellow line parking restrictions that are located on both Glenthorne Road and Studland Street across the Site frontage. The proposed use is expected to generate approximately 38-47 deliveries per week, with up to 8 deliveries per day.
- 9.19 Owing to the width of Glenthorne Road, servicing vehicles will be able to undertake their loading activity without affecting the free flow of traffic along the road. It is anticipated that the majority of activity would occur on Glenthorne Road, whilst only refuse collection would be expected on Studland Street to align with the location of the waste store which is directly accessed from the road. Vehicle swept path analysis has been provided to demonstrate that a vehicle stopping on Glenthorne Road would not obstruct the free flow of traffic along the road,
- 9.20 Further details related to delivery and servicing at the site will be secured through a Delivery and Servicing Plan condition.

CONSTRUCTION MANAGEMENT

- 9.21 An Outline Construction Logistics Plan (CLP) was submitted with the application, The CLP outlines the construction logistics of the development and measures to manage the construction vehicles on the local highway network. Further details of the Construction Management and Logistic at the site will be secured by condition to ensure the impacts / disruption to local residents, businesses, local schools, members of the public, etc is minimised. A contribution is sought towards periodic monitoring, to ensure the development operates in accordance with the Construction Plan.
- 9.22 The proposed development incorporates the construction of light wells across the site frontage to provide sufficient light to hotel rooms within the basement. The extent of the aforementioned construction will extend beyond the existing building line beneath the site boundary, currently denoted by the area that is tarmacked across the site frontage which lies within the ownership of the Applicant.

9.23 Further details of the excavation work, including an excavation method statement should be secured to ensure the works doesn't impact on the stability of the adjoining highway. A condition is attached to this effect.

HIGHWAYS IMPROVEMENTS

9.24 A Healthy Streets Assessment was submitted with the application, it considered the quality of the pedestrian environment in the vicinity of the site.

9.25 The Healthy Streets Assessment did identify that the current footway across the site frontage is in a state of disrepair with poor quality reinstatement works which could become minor trip hazards. So, the applicant is required to enter into a S278 Agreement to secure improvement works to the footways on the site frontage on Glenthorne Road and Studland Street. The applicant is also required to improve the crossing facilities on the Glenthorne Road and Studland Street junction including the provision of tactile paving, to improve accessibility to the site.

10.0 ACCESSIBILITY

10.1. Local Plan Policy DC1 requires all development to be of a high quality and should have an approach to accessible and inclusive urban design. Policy D2 requires new buildings to follow the principles of accessible and inclusive design.

10.2. London Plan Policy E10 specifically requires that 10 per cent of hotel rooms are delivered as wheelchair accessible units from the outset or that 15 per cent of new hotel bedrooms are accessible in accordance with the requirements of 19.2.12 of British Standard BS8300-2:2018 Design of an accessible and inclusive built environment.

10.3 The development provides 2 bedrooms designed to be wheelchair accessible and a further 2 rooms are noted as being adaptable as necessary. The development is considered to comply with London Plan Policy E10 and Local Plan Policies DC1, DC2 and E3 and as such no objections are raised to this proposal.

11.0 Climate, Energy and Sustainability

11.1. In terms of energy and sustainability, a commitment has been made to integrate energy efficiency measures and low/zero emission technologies such as Air Source Heat Pumps. Although the proposal is not a major development, the proposals do meet the CO2 reduction target for major schemes of 35% set in the London Plan by achieving a 38% reduction through on-site measures. As such no objections are raised on these grounds.

12.0 Air Quality

12.1 London Plan Policy SI1 states that development proposals should not lead to deterioration of existing poor air quality, create any new areas that exceed air quality limits or create unacceptable risk of high levels of exposure to poor air quality.

- 12.2. The development site is within the borough wide Air Quality Management Area (AQMA). The development proposal would introduce new receptors into an area of existing poor air quality due to traffic along Glenthorne Road.
- 12.3 On this basis, the Council's Environmental Quality officer has considered the proposal and has recommended conditions relating the submission of an dust management plan for during the works, a ventilation strategy and details of the installation of Zero Emission /Air Source Heat Pumps or Electric Boilers for space heating and hot water, ultra low emission strategy, and restrictions on delivery times. The implementation of the ventilation strategy will be secured via condition.
- 12.4 In terms of demolition and construction works a demolition and construction dust management plan will be required. This will be secured by condition and will ensure that air quality would not be adversely impacted by the works on the site. Car parking and coach use would be controlled via clauses in the S106 legal agreement.
- 12.5 On the basis of the above conditions it is considered that the proposed development would not detrimentally impact on Air Quality and would be in accordance with the policies cited above.
- 13.0 Flood Risk
- 13.1. London Plan Policy SI12 sets out that proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed.
- 13.2. Local Plan Policy CC2 requires major developments to implement sustainable design and construction measures, including making the most efficient use of water.
- 13.3. Local Plan Policy CC3 requires a site-specific Flood Risk Assessment (FRA) for developments in Flood Zones 2 and 3 that: a. addresses the NPPF requirements; b. takes account of the risk of flooding from all relevant sources; c. integrates appropriate flood proofing measures where there is a risk of flooding; and d. provides structural waterproofing measures in subterranean elements and using non-return valves or equivalent to protect against sewer flooding.
- 13.4. The application site is within Flood Risk Zone 3 with a high residual risk of flooding. A flood risk assessment has been submitted which sets out the required mitigation for flood risk from fluvial, surface water and groundwater sources. The provision of the required mitigation is to be secured by condition.
- 13.5. Thames Water have raised no objection to the scheme, however, they have requested two conditions to protect their infrastructure. These conditions will secure surface and foul water details prior to occupation of the new use.

14.0 Land Contamination

14.1. The council's Land Contamination Officers have advised that potentially contaminative land uses are understood to have occurred at, or near to, this site; or a sensitive use is proposed. As such conditions are proposed to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan.

15.0 Fire Safety

15.1. Policy D12 of the London Plan states that major applications should be accompanied by a fire statement, prepared by a suitably qualified third-party assessor, demonstrating how the development proposals would achieve the highest standards of fire safety, including details of construction methods and materials, means of escape, fire safety features and means of access for fire service personnel.

15.2. Fire Statement information was outlined within the updated DAS. This shows evacuation routes and all communal stair cores will be protected. A fire safety statement has also been produced by Fire Safety London (Dated Feb 15th 2023). This statement is judged to be acceptable. Fire safety will also further be considered under the building regulations.

16.0 Designing Out Crime

16.1. Policy DC2 of the Local Plan requires developments to be designed in line with the principles of Secured by Design.

16.2. The proposals have been reviewed by the Metropolitan Police's design out crime officer. A series of recommendations have been made which could feasibly be incorporated into the hotel. The proposal would accord with the aims of Policy DC2, subject to secured by design accreditation being achieved.

16.3 A condition will ensure the development is secure by design accredited.

17.0 Planning Obligations and CIL

Mayoral CIL

17.1. Mayoral CIL (Community Infrastructure Levy) came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. Under the London wide Mayoral CIL the scheme would be liable for a CIL payment. An estimate of £56,960 based on the additional floorspace has been calculated. This would contribute towards the funding of Crossrail. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy DF1.

Local CIL

- 17.2. The Council has also set a CIL charge. The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area. The Council's CIL runs alongside Section 106 Agreements (S106s) which will be scaled back but will continue to operate. The CIL Charging Schedule was presented to Council and approved 20 May and has formally taken effect since the 1st September 2015.
- 17.3. Hotels and public houses do not attract a charge under the adopted CIL Charging Schedule. Accordingly, no CIL payment would be due on this development.
- 17.4. London Plan Policy DF1 recognises the role of planning obligations in mitigating the effects of development and provides guidance of the priorities for obligations in the context of overall scheme viability.
- 17.5. The applicant would be required to enter into a legal agreement in the event that planning permission were to be granted. The Legal Agreement would include the following obligations:
- 1) Contribution towards apprenticeships for the demolition/construction phase of the development (estimated £10,500)
 - 2) Contribution/commitment towards end user employment for local community (say 20% of staffing) and how you propose to achieve and demonstrate this
 - 3) Contribution towards facilitating the Council in supporting local Small to Medium Enterprises to bid for contracts tendered in the supply chain (estimated £4,500)
 - 4) Commitment towards 10% of build costs to be procured locally, and how this would be achieved
 - 5) Contribution towards Community Safety (£35,000)
 - 6) Contribution towards Environmental Improvements (£25,000)
 - 7) Operational Management Plan to be submitted to help ensure that a quality hotel is provided and maintained on the site
 - 8) Clauses in S106 to Not to permit any Occupation of any Hotel Room by an Occupier for more than 30 consecutive days, and to provide to the Council on request written reports detailing the number of people that have stayed at the hotel and the length of their stay.
 - 9) Submission of a Travel plan including monitoring fee of £3,000 per submission (submissions on years 1, 3 and 5, depending on build program)
 - 10) Coach Free development
 - 11) On-street car parking permit-free development
 - 12) Construction Monitoring obligation £3000 per annum
 - 13) Contribution towards a review of the hours of surrounding CPZ (£15,000)
 - 14) Enter into a s278 agreement to secure improvement works to the footways on the site frontage on Glenthorne Road and Studland Street, and improvements to the crossing facilities on the Glenthorne Road and Studland Street junction including the provision of tactile paving.
 - 15) A commitment to meet the costs of the Council's associated legal fees.

18.0 CONCLUSION

18.1. The proposal would result on the restoration and use of the application site. The proposals are considered to be of a good quality of design having regard to the character and appearance of the existing site and surrounding area. The proposals although allowing for partial demolition of existing building, would allow for the restoration/alteration of key architectural features of the host property, a locally listed, (Building of Merit); and on balance would not result in any harm to the non-designated heritage asset. The proposal is considered to be acceptable in land use terms, in its design and appearance, in its limited impact on traffic generation and parking, having a satisfactory relationship to surrounding buildings and would contribute to the range of visitor accommodation on offer in the local area and the adjacent Hammersmith Town Centre .

18.2. The proposal is recommended for approval, subject to conditions and a legal agreement.

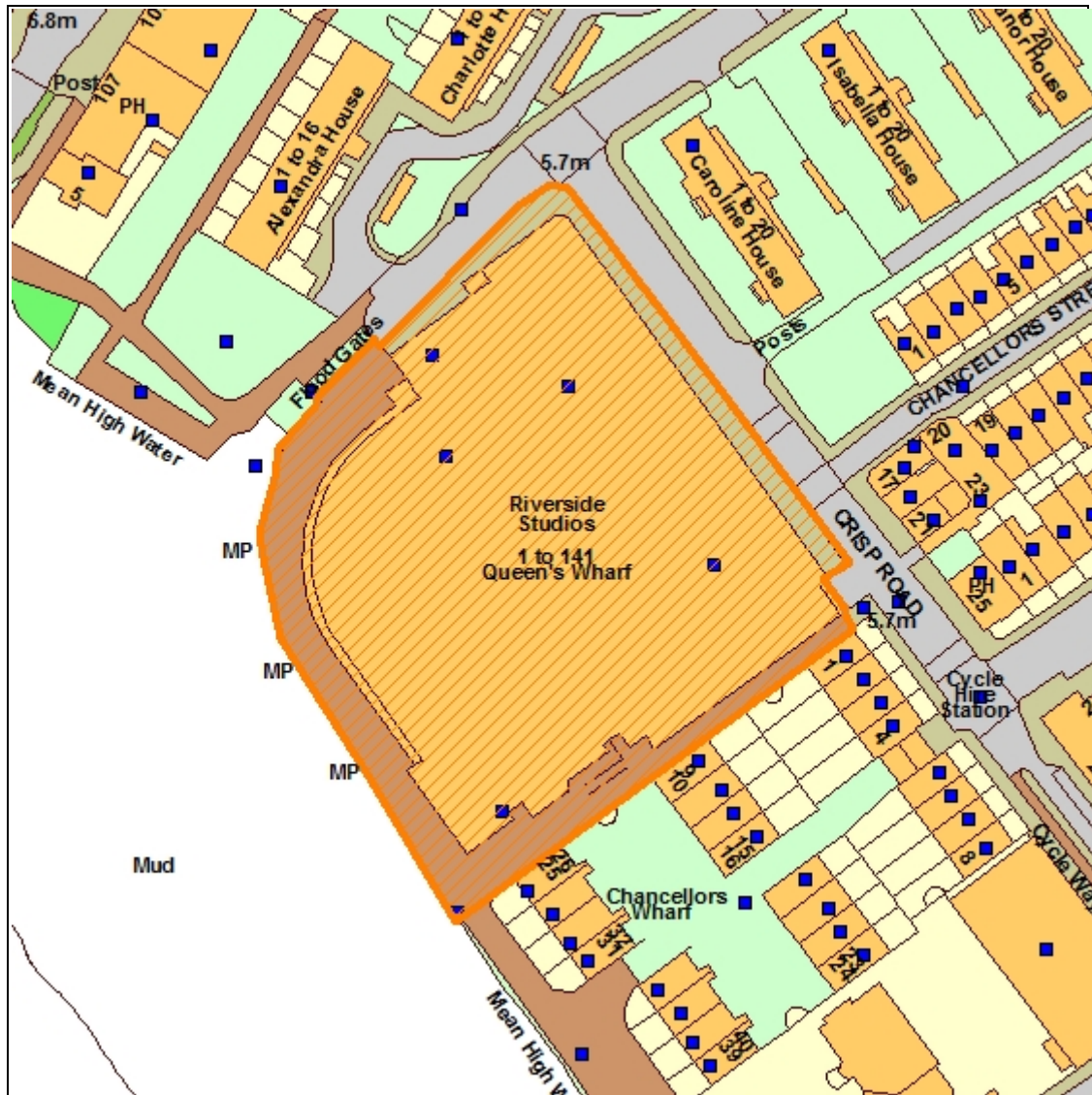
19.0 RECOMENDATION

19.1. That planning permission be approved in line with the recommendations above.

Ward: Hammersmith Broadway

Site Address:

Riverside Studios And Queens Wharf Crisp Road London W6



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For identification purposes only - do not scale.

Reg. No:
2022/00901/FUL

Case Officer:
Sian Brown

Date Valid:
30.03.2022

Conservation Area:
Constraint Name: The Mall Conservation Area -
Number 2
Constraint Name: Fulham Reach
Conservation Area - Number 39

Committee Date:
05.03.2024

Applicant:

Mount Anvil Ltd
140 Aldersgate Street London EC1A 4HY

Description:

Retention of 2no. Air Handling Units within the podium courtyard to serve the Riverside Studios arts and media centre located on the ground and first floors.

Drg Nos: MA-RSS-101 Rev P3; MA-RSS-500 Rev P3; MA-RSS-701 Rev P3; MA-RSS-702 Rev P3

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 condition(s) listed below:

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

Conditions:

- 1) Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission in so far as it relates to the development (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the date of this decision notice.

To ensure clarification of the works commenced in accordance with Section 73A of Chapter 8, Part III, of the Town and Country Planning Act 1990 (as amended).

- 2) Within 3 months of the date of this decision details of soft landscaping of the planters and trellis associated with the air handling unit 1 (AHU 1), including planting schedules shall be submitted to the Council and subsequently approved in writing. The development shall be carried out in accordance with the approved details during the next available planting season and shall be permanently retained in this form. Any trees, shrubs or planting associated with the soft landscape details that is removed, or seriously damaged, dying, or diseased within five years of the date of planting shall be replaced in the next planting season with a similar size and species to that originally required to be planted.

To ensure a satisfactory external appearance, in accordance with Policies DC1, DC4, DC8 and OS5 of the Local Plan (2018).

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

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

- 4) The air handling units (AHUs) hereby approved shall be permanently mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

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

Justification for Approving the Application:

1. Design: The proposal is judged to be acceptable in visual terms. The proposals do not harm the character, setting or significance of the Fulham Reach Conservation Area or the neighbouring historic assets. The proposed development is therefore considered acceptable in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF (2023), Policies D3 and HC1 of the London Plan (2021), and Policies DC1, DC4 and DC8 of the Local Plan (2018).

2. Residential Amenity: The impact of the proposed development upon adjoining occupiers is considered to be acceptable. The proposal would not have an unacceptably harmful impact on neighbouring residential amenity in terms of light, outlook or privacy and noise and disturbance. In this regard, the development would respect the principles of good neighbourliness, and would therefore be acceptable in accordance with the NPPF (2023), Policy D14 of the London Plan (2021), and Policies HO11, CC11 and CC13 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: 29th March 2022
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: Cinema Theatre Association	Dated: 21.04.22
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Neighbour Comments:

Letters from:	Dated:
58 Queen's Wharf 2 Crisp Road London W6 9NE	23.01.23
138 Queen's Wharf 2 Crisp Road London W6 9PF	26.04.22
164 Queen's Wharf 2 Crisp Road London W6 9PF	19.04.22
123 Queen's Wharf 2 Crisp Road London W6 9PF	03.05.22
123 Queen's Wharf 2 Crisp Road London W6 9PF	03.05.22
Flat 141, Queens Wharf, 2 Crisp Road, London W69PF	20.04.22
137 Queens wharf Crisp road London W6 9PF	04.05.22
11 Queen's Wharf 2 Crisp Rd London W6 9NE	08.04.22
Flat 123, Queens Wharf 2 Crisp Road London W6 9PF	22.01.23
Flat 58 Queens Wharf, 2 Crisp Road London W6 9NE	03.05.22
Apartment 3 Queen's Wharf, 2 Crisp Road, London W6 9NE	02.05.22
38 St. Peters Square London W6 9NW	29.01.23
123 Queen's Wharf 2 Crisp Road London W6 9PF	03.05.22
38 St. Peters Square London W6 9NW	02.05.22
24 queen's wharf crisp road london w6 9ne	04.05.22
151 Queens Wharf 2 Crisp Road London W69PF	04.05.22

1.0 SITE CONTEXT AND CONSTRAINTS

+ Site Context:

- 1.1 The application site is the former Queens Wharf and Riverside Studios buildings which have been redeveloped following the grant of planning permission in 2014, in the form of a new building comprising 165 residential units (Class C3) and 8,633 sqm of commercial floor space including a new facility for Riverside Studios. The application itself relates to the podium courtyard of the building.
- 1.2 The site is located on the north bank of the River Thames in a highly prominent riverside location within the setting of the iconic Grade II* listed Hammersmith Bridge. The site also lies next to the historic Queen's Drawdock, Beckett's Wharf (now a raised river terrace with seating) and at the end of the view along Lower Mall with its many listed buildings. The Drawdock is a public right of way to the river.
- 1.3 The site is also bound by Crisp Road to the east, Chancellors Wharf residential development to the south and Queen Caroline Street to the north.

2.0 RELEVANT PLANNING HISTORY

- 2.1 In January 2014 planning permission and conservation area consent (2013/03799/FUL and 2013/03800/CAC) was granted for the demolition of the existing buildings and the redevelopment of the site via a comprehensive proposal comprising the erection of a six to eight storey building with balconies and roof terraces and the provision of 165 residential units (Class C3) and 8,633 sqm of commercial floor space for television and film recording studios, storage, dressing rooms, offices, theatre, cinema and other facilities ancillary to those uses including cafe, restaurant, bar and other uses for the sale of food and drink, together with car and cycle parking, storage and plant space and the creation of a riverside walk along the frontage of the site facing the River Thames.
- 2.2 The above Planning Permission has subsequently been amended by section 96a applications 2014/01290/NMAT and 2014/04247/NMAT.

3.0 PROPOSAL

- 3.1 The development subject to the planning permission and conservation area consent (2013/03799/FUL and 2013/03800/CAC) was completed on 31 October 2017 (with the Riverside Studios opening May 2019).
- 3.2 On 1 July 2020, as part of the construction work, two Air Handling Units (AHUs) were installed within the podium courtyard of the building to serve the Riverside Studios arts and media centre located on the ground and first floors. The two AHUs were not part of the extant permission. The proposal seeks to regularise the planning situation.
- 3.3 A planning application for the retrospective installation of the two Air Handling Units within the podium courtyard (ref. 2021/04036/FUL) was withdrawn by the applicant to allow additional noise data to be collated and agreed with the Council's Environmental Protection team.

- 3.4 The current planning application is a re-submission, and includes an updated Acoustic Assessment.
- 3.5 The AHUs are used to provide air changes to the studios at a reduced airflow rate as not to be audible within the recording studios which is paramount in order for them to function. In turn, this helps cool the considerable heat produced by the stage lighting and create comfortable conditions for performers and members of the audience.
- 3.6 The application is supported by a letter from the Executive Director of Riverside Studios explaining the need for the AHUs. He states:

"The majority of theatre productions take place in Studio 2, and without the air handling units they could not operate the space at all.....Being unable to operate Studio 2 would be the end of Riverside Studios as a cultural venue in the Borough. It is our major performance space with a capacity of up to 440 people. We normally stage 6-8 performances a week in Studio 2 and reach around ten to twelve thousand people, primarily local residents, per production."

4.0 PUBLICITY AND CONSULTATION RESPONSES

+ Statutory Consultation

- 4.1 A Site and press notice were published to advertise this application and notification letters were sent to the occupants of 260 surrounding properties.
- 4.2 15 representations have been received, all objecting to the application on the following summarised grounds:
- o The space was intended for residents only as part of the communal gardens.
 - o Noise generated from the equipment, particularly as the flats are naturally ventilated
 - o Visual amenity - eyesore
 - o Trellising and Astroturf does not mitigate harm
 - o The equipment was installed without planning permission
 - o Lack of consultation between the Riverside Studios and the residents
 - o The equipment should be relocated to the plant room
 - o Report was undertaken in 2021 when the studios would have been closed due to the pandemic and as such noise levels would have been lower.
 - o The units should be relocated
 - o Impacts upon access
 - o Existing landscaping around the site was the result of poor workmanship and is dying.
 - o Do residents have to pay for the associated use of electricity?
 - o Properties mis-sold on account of high-quality landscaping/communal gardens with picturesque views no longer being provided
 - o Applicant should pay compensation to all residents
 - o Equipment devalues properties
 - o Expulsion of air from the units is a health issue
- 4.3 Theatres Trust support the application.

5.0 POLICY FRAMEWORK

5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.

5.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).

5.3 In this instance the statutory development plan comprises the London Plan (2021) and the Local Plan (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

+ National Planning Policy Framework (2023)

5.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was subsequently revised in 2019, 2021 and more recently 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 forms the Spatial Development Strategy for Greater London and sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth. It forms part of the development plan for Hammersmith and Fulham.

+ Local Plan

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

6.0 PLANNING ASSESSMENT

6.1 The main considerations material to the assessment of this application have been summarised as follows:

- Visual amenity; and
- Impact on amenities of neighbouring residential properties

VISUAL AMENITY

- 6.2 The NPPF (section 12) states that development should respond to local character and history and the surrounding environment and setting, whilst not preventing innovation but extends this to recognise a role for change and increased densities. The NPPF (section 16) advocates a positive strategy for conserving and enhancing the historic environment, taking account of (amongst other things) the desirability of new development to make a positive contribution to local character and distinctiveness. The NPPF states that economic, social and environmental gains are to be sought jointly and simultaneously in order to deliver positive improvements in the quality of the built, natural and historic environment.
- 6.3 Section 66(1) of the Listed Buildings Act applies to the determination of planning applications. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that:
- 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'
- 6.4 Section 72 of the above Act states in relation to Conservation Area 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.'
- 6.5 London Plan Policy D3 specifies that development must take a design led approach that optimises the capacity of sites, with specific regard to form and layout, experience, quality and character. London Plan Policy HC1 states that development proposals affecting heritage assets, and their setting should conserve their significance and avoid harm and identify enhancement by integrating heritage considerations early on the design process.
- 6.6 Local Plan Policy DC1 states that 'Development 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. In particular, development throughout the borough should be of the highest standard of design that respects local context and character and should protect and enhance the character, appearance and setting of the borough's conservation areas and its historic environment'.
- 6.7 Local Plan Policy DC4 states that 'The council will require a high standard of design in all alterations and extensions to existing buildings. These should be compatible with the scale and character of existing development, their neighbours and their setting. In most cases, they should be subservient to the original building. Alterations and extensions should be successfully integrated into the architectural design of the existing building. In considering applications for alterations

and extensions the council will consider the impact on the existing building and its surroundings and consider the following:

- a) Scale, form, height and mass;
- b) Proportion;
- c) Vertical and horizontal emphasis;
- d) Relationship of solid to void;
- e) Materials;
- f) Relationship to existing building, spaces between buildings and gardens;
- g) Good neighbourliness; and
- h) The principles of accessible and inclusive design.'

6.8 Local Plan Policy DC8 states that the council will '...aim to protect, restore or and enhance the quality, and character, appearance and setting of the borough's conservation areas and its historic environment, including listed buildings, historic parks and gardens, buildings and artefacts of local importance and interest, archaeological priority areas and the scheduled ancient monument'. This is supported by Planning Guidance SPD Key Principle CAG3.

6.9 The site is located on the northern bank of the River Thames in a highly prominent riverside location within the setting of the iconic Grade II* listed Hammersmith Bridge. The site also lies next to the historic Queen's Drawdock, Beckett's Wharf (now a raised river terrace with seating) and at the end of the view along Lower Mall with its many listed buildings.

6.10 The two AHUs have been installed in the lower section of the podium courtyard and measure:

- o AHU 1: 7m (L) x 2.4m (W) x 3m (H)
- o AHU 2: 7.3m (L) x 1.6m (W) x 2.2m (H)

6.11 Due to their location they are not visible to the public domain outside of the site. As such the retention of the AHUs would not harm the character, setting or significance of the Fulham Reach Conservation Area, or neighbouring heritage assets including the Grade II* listed Hammersmith Bridge.

6.12 Within the site the units have been sited at the edges of the podium courtyard to minimise their prominence and so as not to impact upon the useability of the amenity space. Artificial turf has been laid on the roofs of both AHUs, and in the case of AHU1 trellising and raised planters have been added to the edges of the unit to encourage climbing plants to grow that will soften the appearance. Trellis on AHU2 is not practicable due to there being louvres on all sides of the unit that are required to maintain air flow.

6.13 The artificial grass replicates that installed throughout the remainder of the podium garden as approved under condition 4 of the extant consent (Ref. 2014/04793/DET). Despite this, the potential for the inclusion of a biodiverse roof on the AHUs has been explored. However, it is concluded that this cannot be feasibly delivered. The additional weight would require a supporting structure to be constructed around the AHUs rather than simply laid on the roof of the existing enclosure, which would notably increase the bulk and mass of the AHUs. In addition, the biodiverse roof would place an increased structural load on the

podium courtyard, which it has not been designed to support. On this basis, the use of artificial grass is considered acceptable.

- 6.14 Details of the soft landscaping associated with the trellis and planters and the associated maintenance are secured by a condition to ensure the planting is retained for the lifetime of the development.
- 6.15 In view of the above, the proposal to retain the AHUs is judged to be acceptable in visual terms. The proposals do not harm the character, setting or significance of the Fulham Reach Conservation Area and neighbouring historic assets. The proposed development is therefore considered acceptable in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, London Plan Policies D3 and HC1 and Local Plan Policies DC1, DC4 and DC8.

IMPACT TO RESIDENTIAL AMENITY

- 6.16 The properties that potentially stand to be most impacted by the AHU equipment are the residents of the 165 flats within the development site which surround the podium.
- 6.17 Local Plan Policy HO11 states that proposals for extensions and alterations will be considered acceptable where it can be demonstrated that there is no detrimental impact on:
- Privacy enjoyed by neighbours in adjoining properties;
 - Daylight and sunlight to rooms in adjoining properties;
 - Outlook from windows in adjoining properties; and
 - Openness between properties.
- 6.18 Due to the location of the AHUs there would be no harm to neighbouring properties in respect to light, outlook and privacy. The main consideration with regards to neighbouring amenity is noise generated from the operation of the equipment.
- 6.19 NPPF Paragraph 191 states that new development should be appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and the quality of life.
- 6.20 London Plan Policy D14 states in order to reduce, manage and mitigate noise to improve health and quality of life, development proposals should manage noise by avoiding significant adverse noise impacts on health and quality of life.
- 6.21 Local Plan Policy CC11 seeks to control the noise and vibration impacts of developments, requiring the location of noise and vibration sensitive development 'in the most appropriate locations'. Noise assessments providing details of noise levels on the site are expected 'where necessary'. Local Plan Policy CC13 seeks to control pollution, including noise, and requires proposed developments to show that there will be 'no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties'.
- 6.22 For developments that have the potential to increase noise or vibration levels Planning Guidance SPD Key Principle NN1 requires the submission of a noise

and/or vibration survey and report. SPD Key Principle NN4 requires all noise generating uses, including plant, machinery and equipment, will be subject to requirements to minimise noise to relevant criteria in order to protect residential and other noise sensitive amenity.

6.23 Under the extant permission the following conditions were attached to ensure the amenity of occupiers of the development site are not adversely affected by noise and vibration from plant/mechanical installations/ equipment:

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

28) Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of building vibration levels, together with appropriate mitigation measures where necessary. The criteria to be met and the assessment method shall be as specified in BS 6472:2008. The relevant part of the development shall not be occupied until the approved details have been implemented. Approved details shall thereafter be permanently retained.

29) Prior to commencement of the development details shall be submitted to and approved in writing by the Council, of the external noise level emitted from plant/ machinery/ equipment. The measures shall ensure that the external noise level emitted from plant, machinery/ equipment will be lower than the lowest existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:1997 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 noise 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.

6.24 Although the proposals for the AHUs have been submitted under a stand alone planning application Officers consider it to be reasonable to use these conditions for the basis of the assessment in terms of environmental nuisance.

6.25 The current application is supported by an Acoustic Report dated 7th March 2022 prepared by ACA Acoustics and a subsequent Technical Note dated 28th September 2023 which includes the results of a noise survey with the AHUs in place to demonstrate compliance with the above conditions. In more detail, the reports confirm that the AHU equipment would not be subjectively audible to noise sensitive properties and the limited noise generated would not be tonal or intermittent. Furthermore, the reports conclude there is no noticeable change in the measured sound levels with the equipment switched off or operating. Results of the sound level survey confirm that the specific level of the equipment is at least 10dB below the measured background soft level. On this basis Environmental Protection Officers are satisfied that the proposal complies with the requirements of condition 29.

- 6.26 With regard to vibration, the Acoustic Report also confirms that there is no noticeable change in measured vibration levels with the equipment operating or switched off. Results are exceptionally low and significantly lower than recommended criteria within the relevant British Standard (BS 6472-1:2008) and as such it is unlikely that residents would be able to detect any vibration. The AHU equipment is also provided with sufficient isolation to provide a good reduction in vibration. On this basis the Environmental Protection Officers are satisfied the parameters noted within conditions 26 and 28 have been fulfilled.
- 6.27 During the course of the application a resident of the building provided a video with sound recordings of the AHU equipment taken by a phone application to dispute the noise levels stated in the Acoustic Report. This was reviewed by Environmental Protection Officers, where it was concluded that the measurements taken are not precise enough to make a proper assessment of noise. In the first instance, using a phone application does not give an accurate reading, and the measurement taken would also include all environmental noise. Furthermore, it was noted that the recordings were made next to the plant rather than at the nearest dwelling, whereby levels are obviously higher, and noise levels within their home are not taken into account. On this basis, the findings of the submitted Acoustic Report by an acoustic professional consultant is deemed to be the most reliable/accurate assessment.
- 6.28 In conclusion, on the basis of the above, officers are satisfied that the operation of the AHUs do not have a negligible impact on the amenities of residents surrounding the podium. Conditions however will ensure the plant noise limits and anti-vibration measures remain in compliance with the above assessment. If complaints are received officers can assess the noise levels and determine any non-compliance, and appropriate action can be taken. On this basis, the proposals are considered to comply with London Plan Policy D14 and Local Plan Policies CC11 and CC13.

+ FLOOD RISK

- 6.29 The application site lies within the Environment Agency's Flood Risk Zone 3. Whilst a detailed flood risk assessment would typically be required for development within Flood Risk Zone 3 the AHUs are located on the first floor podium and accordingly do not raise flood risk issues. The proposal complies with the NPPF, London Plan Policy SI12 and Local Plan Policies CC2 and CC3.

7.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The proposals are not liable for either the Mayor's or Council's Community Infrastructure Levy.

8.0 CONCLUSION

- 8.1 In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

- 8.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance.
- 8.3 In summary, it is considered that the proposal would not have an unacceptable impact on the existing amenities of the occupiers of neighbouring residential properties, and would be of an acceptable visual appearance. It is not considered that the development would harm the existing character or appearance of the Conservation Area or the setting of nearby heritage assets. 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).
- 8.4 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report it is considered, having regard to the development plan as a whole and all other material considerations, that planning permission should be granted subject to the conditions listed.
- 9.0 RECOMMENDATION
- 9.1 Grant planning permission subject to conditions.

Agenda Item 6

Ward: West Kensington

Site Address:

84D Lillie Road London SW6 1TL



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For identification purposes only - do not scale.

Reg. No:
2023/02357/FUL

Case Officer:
Hasna Miah

Date Valid:
15.09.2023

Conservation Area:

Committee Date:
05.03.2024

Applicant:

Erlandsson
84D Lillie Road London SW6 1TL

Description:

Change of use of the ground and basement floor levels from retail (Class E) into a two bedroom self-contained flat (Class C3); alterations to the rear part of basement and ground floor level to include: formation of a double height rear lightwell with perimeter full height windows; installation of a walk on pavement light to front of the property.
Drg Nos:

Application Type:

Full Detailed Planning Application

Officer Recommendation:

- 1) That the Committee resolve that the Director of Planning and Property be authorised to refuse permission based on the reasons set out below:

Reasons for Refusal:

- 1) The principle of the change of use of the development is unacceptable and is considered to result in a detrimental impact to the vitality and viability of the town centre and the existing commercial parade along Lillie Road. In particular, the loss of the existing retail use and the proposed residential use spanning across the entirety of the ground floor level would not be complementary to the shopping frontage, maintain or increase the vitality and viability of the town centre and would result in an adverse impact on the local area. In this respect, the proposal is contrary to Policy TLC2 of the Local Plan (2018).
- 2) The proposal would include a substandard residential accommodation and generally poor living conditions, which would fail to provide adequate outlook, natural light and ventilation for future occupiers. In particular, at basement level, outlook is heavily reliant on constrained lightwells, whilst at ground floor level, the existing window to the front elevation is located some distance away from the proposed bedroom on this floor and the proposed window to the rear elevation would result in very limited outlook for future occupiers. The self-contained unit would therefore give rise to unacceptably low standards of accommodation for future occupiers to the detriment of their residential amenity and general well-being. The proposal is therefore contrary to Policies HO4 and HO11 of the Local Plan (2018).
- 3) The proposal is unacceptable with regard to visual amenity. In particular, the loss of the existing retail unit would mean that the application site would be the only building within the surroundings that would no longer have an active frontage and therefore, this element of the proposal would break up the existing commercial parade and significantly detract from the visual amenity of the application property and its surroundings. Thus, the proposal would be out of

keeping with the surrounding area and would be contrary to Policies DC1, DC4 and DC5 of the Local Plan (2018).

- 4) In the absence of a signed legal agreement through a Unilateral Undertaking under Section 106, removing residential car parking permit rights, the proposal fails to demonstrate that the scheme would be car-free and would not increase vehicular movements or adversely impact on on-street car parking demands and highway conditions, to the detriment of sustainable transport modes, the free flow of traffic, cyclist, pedestrian and highway safety. This would also increase the risk of poor localised air quality generated by motor vehicle journeys in the area. The proposal is therefore contrary to Policies CC10 and T4 of the Local Plan (2018) and Policies SI 1, T2 and T6 of the London Plan (2021).
- 5) The proposal, by reason of the lack of convenient, safe and accessible cycle parking facilities is contrary to the principle of sustainable transport choices which minimise the impacts of the development in relation to congestion, air pollution and carbon dioxide emissions, and maximise opportunities including for health benefits and providing access to services, facilities and employment. As such, the scheme would not promote sustainable transportation and is thereby contrary to Policy T3 of the Local Plan (2018), Policies T1, T2 and T5 of the London Plan (2021) and Chapter 8 of the London Cycling Design Standards (2016).

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

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

Application form received: 8th September 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:
Crime Prevention Design Advisor - Hammersmith
Thames Water - Development Control

Dated:
05.10.23
20.09.23

Neighbour Comments:

Letters from:

86 Lillie road London sw6 1tl
No Address Given
84D Lillie Road London SW6 1TL
15 Bendemeer Road London SW15 1JX

Dated:

06.10.23
11.10.23
26.09.23
02.10.23

Officer's Report

1.0 SITE DESCRIPTION, RELEVANT HISTORY AND PROPOSALS

Site description

- 1.1 This application relates to a four-storey mixed-use terrace property located on the north side of Lillie Road, near the intersection with North End Road. The ground floor of the property was previously occupied by a Post & Packing shop, consisting of a postal logistic centre under Class E use; however, this is now vacant. At first, second and third floor levels, the property comprises residential uses. This application relates to the basement and ground floor levels.
- 1.2 The site has a PTAL rating of 6a, indicating a very good level of public transport accessibility, making the site highly accessible by public transport.
- 1.3 The site is situated within the Environmental Agency's designated Flood Risk Zone 3. The site does not comprise a locally or statutorily listed building and is not situated within a conservation area.

2.0 RELEVANT PLANNING HISTORY

- 2.1 The relevant planning history is set out below:
- 2.2 In 1984, planning permission was granted under Ref. 1984/01232/FUL for the retention of a new shop front, erection of a single storey ground floor rear extension and external ducting in connection with the change of use of the ground floor and rear part of basement to a restaurant.
- 2.3 In 2015, planning permission was granted under Ref. 2015/04869/FUL for the conversion of an existing six bedroom maisonette at first, second and third floor levels into 3no. two bedroom flats; erection of a rear roof extension; erection of a rear extension at second floor level over part of the existing back addition; installation of 3no. rooflights in the front roofslope.
- 2.4 In 2016, pre-application advice was sought under Ref. 2016/05397/PRRM2 for the erection of rear extensions at ground and first floor level; excavation of part of the rear garden to form a lightwell; installation of new rooflights above the roof of the single storey back addition; installation of a new door at ground floor level to the front elevation; conversion of part of the basement and ground floor level into 1 x

one bedroom self-contained flat; conversion of part of the first floor level into 1 x one bedroom self-contained flat, whereby Officers advised the following:

The Council holds serious concerns about the proposal. It is not considered that the site is suitable to provide additional residential units which would provide an acceptable quality of accommodation. The proposal would not be supported at full planning application stage.

- 2.5 In 2017, planning permission was granted under Ref. 2017/02384/FUL for the erection of a rear extension at first floor level, on top of the existing back addition in connection with the conversion of rear part of the first floor level to provide 2 x one bedroom self-contained flat; replacement of 2no windows with new windows at first floor level to the side of rear back addition; installation of 2no rooflights in the side roofslope of the first floor rear back addition; replacement of 1no window with a new window at second floor level and bricking up of the residential entrance door at ground floor level to the rear elevation; alterations to the front elevation at ground floor level to include the installation of a new residential entrance door and timber panelling to part of the front elevation; change of use of part of the ground floor restaurant unit (Class A3) to residential (Class C3).
- 2.6 In 2019, planning permission was sought under Ref. 2019/00744/FUL for the installation of a new shopfront; installation of a new rear window at ground floor level; sub-division of the existing A3 unit into 2 x A3 units. This application was refused due to the following:
- The proposed shopfront design would be unsympathetic to the character and appearance of the subject property and would fail to be consistent with the form and pattern of development along this part of Lille Road and have a significant adverse impact on the appearance of the parade. It is considered that the proposal would fail to preserve or enhance its character and appearance. For these reasons, the proposal fails to comply with Policies 7.4 and 7.6 of the London Plan and Policies D1, DC4 and DC5 of the Local Plan (2018), and Key Principles SD1 and SD2 of the Planning Guidance SPD (2018).
- 2.7 In 2019, planning permission was granted under Ref. 2019/02019/FUL for the installation of a new shopfront; installation of a new rear window at ground floor level; sub-division of the existing A3 unit into 1 x A3 unit to the front and a B1 unit to the rear (Office Use).
- 2.8 In 2022, planning permission was granted under Ref. 2022/01059/FUL for the change of use of the rear part of ground and lower ground floor level from office (Class E) into 1 bedroom self-contained flat (Class C3); alterations to the rear ground floor level to include, installation of 2no. rooflights on top of the flat roofs, replacement of an existing window with a new window involving an increase in height by lowering cill to the rear elevation; alterations to the rear lower ground floor level to include, installation of crittall glazing with openable top section to replace existing glazing, installation of a new door to replace existing to the rear elevation.
- 2.9 In 2023, pre-application advice was sought under Ref. 2023/01410/PRR1 for the change of use of the basement and ground floor level from retail (Class E) into a three bedroom self-contained flat (Class C3); installation of French doors at

ground floor level to the rear elevation; installation of a rooflight above the roof of single storey back addition; installation of a walk on pavement glass to form a front lightwell; formation of a rear lightwell, whereby Officers concluded the following:

Officers consider that the principle of the development is not acceptable. The use of the front and rear part of ground floor as part of the three-bedroom self-contained flat (Class C3) would impact upon the existing Class E usage at ground-floor level, which would harm to the character and vitality/viability of the Town Centre and the existing retail frontage.

In addition, the proposal fails to provide adequate cycle storage and refuse facilities for the proposed 3-bedroom self-contained unit. There are also significant concerns regarding the provision of a suitable residential environment. A Daylight and Sunlight assessment would be necessary in order to fully assess this, however this alone will not be sufficient to demonstrate an acceptable level of amenity for future occupiers with particular concerns regarding the lack of outlook and amenity space. A Flood Risk Assessment would also be necessary given the introduction of more vulnerable development across basement and ground floor level.

2.10 This application seeks to rectify the points raised within the pre-application advice given by the Council under Ref. 2023/01410/PRR1 and will be assessed against the relevant Council Policies.

3.0 PROPOSAL

3.1 The current proposal involves the change of use of the ground floor and basement floor levels from retail (Class E) into a two bedroom self-contained flat (Class C3); alterations to the rear part of basement and ground floor level to include: formation of a double height rear lightwell with perimeter full height windows; installation of a walk on pavement light to front of the property.

4.0 PUBLICITY AND CONSULTATIONS

Initial statutory consultation

4.1 The planning application was initially publicised by site and press notices, together with 55 letters sent to neighbouring properties. 4 letters of support were received and can be summarised as follows:

- Contribution to existing aesthetic of the area
- Low footfall
- Would contribute to reviving the area which currently suffers from vacant premises'
- Would result in additional housing within the borough
- Responsible and professional freeholder

Officer response

4.2 The neighbouring comments received in support of this application are acknowledged, however it should be noted that this application will be assessed against the relevant policies outlined within the National Planning Policy

Framework (2023), the London Plan (2021), the Council's Local Plan (2018) and the relevant guidance outlined within the Council's Supplementary Planning Document (2018).

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 include:

- the principle of the development in land use terms;
- quality of accommodation;
- design and character;
- existing residential amenities of neighbouring properties;
- transport and highways;
- environmental and highways matters;
- other matters (flood risk, air quality, contamination etc.)

LAND USE:

Loss of existing use

- 6.2 The application property forms part of the retail frontage along Lillie Road and within Fulham Town Centre. The ground floor of the property was previously occupied by a Post & Packing shop, consisting of a postal logistic centre under Class E use; however, this is now vacant as the owners have gone into bankruptcy. Although the submitted application form alongside this application outlines that the proposal involves the 'Change of use of the front part of ground and lower ground floor level from retail into a two bedroom self-contained flat (Class C3); alterations to the rear ground floor and basement level to include, installation of a double-height rear lightwell with perimeter full height windows', it is assumed that the reference to the front of the ground floor is to differentiate between the previously approved application under Ref. 2022/01059/FUL which involved the change of use of the rear part of the ground floor. When assessing the proposed plans and elevation drawings submitted alongside the proposal, it is noted that the proposal involves the change of use of the entirety of both of the ground and basement floor levels from retail (Class E) into a two bedroom self-contained flat (Class C3) and thus, the proposal will be assessed accordingly.
- 6.3 Policies E1 and E2 of the Local Plan (2018) are relevant to the proposal. Policy E1 specifies that the Council will support the retention, enhancement and intensification of existing employment uses. Policy E2 (Land and premises for employment uses) states that the council will require 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:
1. continued use would adversely impact on residential areas; or
 2. an alternative use would give a demonstrably greater benefit that could not be provided on another site; or
 3. it can be evidenced that the property is no longer required for employment purposes.
- 6.4 A Marketing Report by Ian Scott International has been prepared and submitted alongside the application. The Marketing Report outlines that Ian Scott were instructed to identify and secure a suitable tenant to occupy the premises and the property was launched to market by this firm on April 20th 2022, after a lengthy marketing period with another agent Vause Cribb, which began in August 2019. Ian Scott finally secured a suitable tenant trading under the 'Post and Packing'

franchise with the lease completing on August 8th 2022. The tenant vacated on 2nd March 2023. Ian Scott were then instructed to relaunch the property which was actioned on 13th March 2023, whereby the property was marketed through Costar and Loopnet platforms, PIP and EACH website, as well as advertised via a lettings board.

- 6.5 The statement argues that in the current climate of moderate recession, high inflation and high interest rates, consumer spending has declined, whereby many local tenants have accrued significant rent arrears from the forced closures during the pandemic lockdown periods. The statement further states that even at a reduced below market rent, Ian Scott have little confidence in securing a tenant who would thrive in this location, given that they have had 12 enquiries with 862 views of the property on their website and from the enquiries received, only 3 parties completed inspections.
- 6.6 Although a marketing report has been submitted in this instance, it should be noted that the submission of this document is required under Policy TLC3 of the Local Plan (2018). Given the nature of the proposal and the designation of the application site within Fulham Town Centre, Policy TLC3 cannot be applied in this instance. Instead, Policy TLC2 of the Local Plan is applicable to the proposal. Nevertheless, the marketing report is acknowledged. When assessing the surroundings of the application site, it is noted that the site lies within a particularly busy town centre location, with little to no vacant premises at present. Given the desirable location and the relatively spacious scale of the unit spanning across both ground and basement floor levels (totalling 1,352 sq ft), it is not considered that the unit is completely unmarketable and it is thought that the unit may be able to support a more varied range of employment uses.
- 6.7 Policy TLC2 of the Council's Local Plan (2018) outlines that in designated town centres, changes from the former Class A use (now Class E) at street level would be permitted for alternative uses which can be shown to be complementary to the shopping frontage, maintain or increase the vitality and viability of the town centre and do not have an adverse impact on the local area. In particular, permission for changes of use will be considered on the following basis:
1. No more than 40% of the length of the prime retail frontage as a whole will be permitted to change to non-class A1 uses;
 2. Additional A4 and A5 uses (pubs, bars and takeaways), betting shops, pay day loan shops, amusement centres, mini cab offices and residential uses will not be permitted on the ground floor of the prime retail frontages;
 3. The nature and characteristics of the proposed use are complementary to the shopping frontage;
 4. The proposed use contributes to the function of the centre in terms of the size of the unit, the length of its frontage and the location of the unit within the centre;
 5. Planning conditions will be imposed in any permission for such changes of use to secure provision of a shop style fascia, and window display at street level, and to control the hours of opening of class A3-A5 uses; and
 6. Consent will not be granted for residential use within the ground floor frontage.
- 6.8 The explanatory note beneath this policy states that criteria 3-6 will apply outside of non prime retail frontages, this is the case in this instance. The proposal involves the change of use of the entirety of the basement and ground floor levels

from retail (Class E) into a two bedroom self-contained flat (Class C3) and would therefore result in the complete loss of the existing retail frontage. Given the nature of the change of use element of the proposal, it is assumed that the lower section of the existing retail frontage would need to be obscure glazed to screen the residential use from views from the public realm whilst the upper section would remain as existing to provide windows for the future occupiers however, this is assessed further in the 'Design and character section of this report'.

- 6.9 Point 6 of Policy TLC2 explicitly outlines that residential uses will not be permitted at ground floor level. The proposal would directly contradict this criteria through the change of use of the ground floor level from retail (Class E) into residential use. It is therefore considered that the proposed residential use would not be complementary to the shopping frontage, maintain or increase the vitality and viability of the town centre and would result in an adverse impact on the local area. Additionally, the proposed residential use at ground floor level would result in the reduction of the stock of accommodation for other commercial uses and would break up the existing commercial parade along Lillie Road. Therefore, the change of use of the entirety of the ground floor level and the complete loss of the existing retail frontage would be contrary to the vitality and viability of the town centre and is thus considered to be unacceptable in principle. Given the above, the proposal would also be contrary to criteria 3 and 4 of Policy TLC2.
- 6.10 Overall, it is considered that the principle of the change of use of the entirety of the ground floor level from retail (Class E) into a two bedroom self-contained flat (Class C3) is unacceptable and is considered to result in a detrimental impact to the vitality and viability of the town centre and the existing commercial parade along Lillie Road. Thus, the proposal is contrary to Policy TLC2 of the Local Plan (2018).

QUALITY OF ACCOMMODATION

Housing supply and mix

- 6.11 The National Planning Policy Framework (2023) and the London Plan (2021) advise that local authorities should seek to deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The NPPF also outlines at para. 60 that local authorities should seek to significantly boost the supply of housing. This is reflected in Policy HO1 of the Local Plan (2018) which mentions that the Council will work to exceed the London Plan minimum target.
- 6.12 The proposal would involve the creation of a 1 x 2 bedroom self-contained unit, spanning across the entirety of the ground and basement floor levels. This would make a small contribution to housing delivery within the borough however, it is considered that this limited benefit would not outweigh the harm identified regarding the principle of the development in land use terms and the harm to the vitality and viability of the commercial area as set out in the section above.
- 6.13 Local Plan Policy HO4 seeks to ensure that all housing development is provided to a satisfactory quality and has an appropriate mix of types and sizes. This approach is reflected in SPD Housing Standards Key Principles HS1 and HS2 of the Council's Planning Guidance SPD, which set out minimum floor areas and

internal room sizes, as well as Policy HO11 of the Local Plan which states that floor areas and room sizes in new build dwellings, conversions and changes of use, must meet the Nationally Described Space Standards (NDSS) requirements which is replicated in the London Plan where relevant. According to the NDSS and Policy D6, Table 3.1 of The London Plan, a 2-bed, 3 persons unit spanning across two-storeys is required to have a minimum internal floor area of 70sqm.

- 6.14 In this instance, the unit would exceed the minimum floorspace in GIA space standards as prescribed by the NDSS and the London Plan for a 2-bed, 3 persons dwelling. The bedroom at basement floor level would meet the minimum size and width as per London Plan Policy D6 / NDSS, although the bedroom at ground floor level would fall short of the required 11.5sqm by appx. 0.81sqm however, this shortfall is considered to be marginal and as the rest of the unit would meet the required standards, it is not considered that the proposal would warrant a refusal on the basis of this minor shortfall.

Ceiling height

- 6.15 Policy D6 of the London Plan states that the minimum floor to ceiling height for residential units should be 2.5m for at least 75% of the Gross Internal Area. In this instance, the ceiling heights of the proposed unit spanning across basement and ground floor levels would exceed the guidelines outlined in the London Plan.

Layout/ orientation

- 6.16 Outlook and light are important considerations with regard to ensuring the provision of good-quality residential units. Key Principle HS2 of the Planning Guidance SPD concerns aspect, and states that 'North facing (i.e. where the orientation is less than 50 degrees either side of north) should be avoided wherever possible.
- 6.17 A Daylight and Sunlight Assessment has been submitted alongside this application. The report outlines that the proposed habitable rooms meet the BRE guidelines for daylight provision in "hard to light" new dwellings, such as those that form the conversion of an existing building. The report further outlines that the proposed dwelling shall enjoy sunlight in excess of BRE requirements for new dwellings, due to the generous south facing window to the ground floor.
- 6.18 Although the Daylight and Sunlight Assessment concludes that the proposed unit will enjoy good levels of daylight and sunlight, meeting or exceeding relevant numerical BRE guidelines, it is noted that a number of rooms within the unit would not benefit from a window opening. In particular, whilst the proposal involves the formation of a double height rear lightwell with perimeter full height windows and the installation of a walk on pavement light to the front elevation, these constrained lightwells would form the primary source of outlook and light for the kitchen and living areas at basement level. Although an internal vaulted ceiling has been included to attempt to mitigate this, the lighting and, in particular outlook, is still limited. As such it is considered the proposed lightwells would not provide adequate levels of natural light and outlooks to the proposed unit. In addition, the proposed bedroom at ground floor level would rely heavily on the south facing window opening to the front elevation which is likely to have to be partially obscured to protect the privacy of occupiers. There is significant distance

between this opening and the bedroom and therefore, it is not considered that this bedroom would benefit from adequate levels of light and outlook. Whilst it is noted that the room would be served by a small window opening to the rear lightwell area, this lightwell would be significantly enclosed and therefore the light and outlook to this room would remain limited.

6.19 Overall, it is considered that the proposal would largely restrict outlook from all of the habitable rooms within the unit, resulting in an oppressive living environment, particularly given that at basement level, outlook is heavily reliant on constrained lightwells, whilst at ground floor level, the existing window is located some way away from the bedroom on this floor and the proposed window to the rear elevation would provide very limited outlook. Therefore, it is considered that this proposal would result in a constrained unit, whereby future occupiers would not benefit from satisfactory living conditions. This is contrary to relevant policies and guidance which aim at ensuring reasonable housing quality and thus, the proposal would fail to accord with Policies HO4 and HO11 of the Local Plan (2018).

External amenity space

6.20 Policy D6 of the London Plan also states that 5m² of private outdoor space should be provided for 1-2 person dwellings and an extra 1m² should be provided for each additional occupant. In this instance, the proposal does not include the provision of any private outdoor amenity space, although it is noted that due to site constraints, this is difficult. The proposal would include the creation of 1 x 2 bedroom unit and is therefore not considered to be 'family sized'. It is also noted that the affected property in this case is located in close proximity to Normand Park, an easily accessible public amenity space which is located a 5-min walk away. Lillie Road Recreation Ground is also situated a 16-min walk away from the property. Therefore, given that this unit does not constitute a family-sized dwelling and considering the existing site constraints, the lack of amenity space would not warrant a reason for refusal in this instance.

Access

6.21 The proposal involves the formation of 1 x 2 bedroom unit spanning across ground and first floor levels. The unit would be accessible via the existing main entrance at ground floor level, as well as via internal staircases.

Noise

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

6.23 The Council's Public Protection and Safety Team have reviewed the proposal and raise no objections subject to conditions relating to transport and/or industrial noise sources, separation of commercial and noise sensitive premises and absolute internal and external noise criteria for noise sensitive premises.

DESIGN AND CHARACTER

- 6.24 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.
- 6.25 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".
- 6.26 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.
- 6.27 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.
- 6.28 Policy DC5 of the Local Plan relates to shopfronts and outlines that the council will encourage high quality shopfronts that are designed to respect the age and architectural style of the building concerned, achieving a satisfactory relationship between the ground floor and the rest of the building. The scale of the shopfront should be carefully considered with its proportions, detailing (including vertical and horizontal subdivision) and materials, which have an affinity with the building. Policy DC5 further outlines that where a commercial premises with an original shopfront is converted to another use or a traditional shopfront remains, the council will expect it to be retained and restored.
- 6.29 The proposal would involve the change of use of the entirety of the ground and basement floor levels from retail (Class E) into a two bedroom self-contained flat (Class C3) and would thus result in the loss of the existing retail use. Given the nature of the proposal, it is assumed that the lower section of the existing retail frontage would be obscure glazed to screen the residential use from views from the public realm whilst the upper section would remain as existing in order to

provide window openings for the future occupiers. When assessing the character and appearance of properties along this side and the opposing side of Lillie Road, it is noted that there is an existing commercial parade, with shopfronts of varied scales and appearances. However, despite the variety in appearance, the vast majority of the properties along this side and the opposing side of Lillie Road have retained the existing retail shopfront at ground floor level. The application site would be the only anomaly within the frontage with the likely use of obscure glazing and the lack of an active frontage breaking up the existing commercial parade and significantly detracting from the visual amenity of the application property and its surroundings. Thus, this element of the proposal would be out of keeping with the surrounding area and would be contrary to Policies DC1, DC4 and DC5 of the Local Plan (2018).

- 6.30 To the rear elevation at basement and ground floor levels, it is proposed to install a double height rectangular shaped lightwell with perimeter full height windows and would include an open air courtyard area at basement floor level. The lightwell would measure appx. 1.5m front to back. Given that this lightwell would be confined to the rear elevation and would not be visible from the public realm due to the siting of the adjoining neighbouring properties in this location, it is not considered to detract from the character of the subject property or the application terrace.
- 6.31 It is further proposed to install a lightwell to the front elevation at pavement level. The lightwell would not exceed 800mm when measured front to back, as per the Council's guidelines and would include walk-on lights. Although this element of the proposal would be visible from the streetscene, in this instance, it is noted that there are similar front lightwells within pavements along this side of Lillie Road and thus, it is not considered that this element of the proposal would significantly detract from the visual amenity of the application property, terrace and the streetscene.
- 6.32 Overall, whilst the proposed alterations involving the lightwells are considered to be of an appropriate scale and design, the alterations relating to the loss of the existing retail use and likely alterations to the shopfront would significantly detract from the visual amenity of the application property, terrace, surroundings and the streetscene. Thus, the proposed alterations relating to the retail shopfront would fail to accord with Policies DC1, DC4 and DC5 of the Local Plan (2018).

RESIDENTIAL AMENITY

- 6.33 Local Plan Policy HO11 states that the council will ensure that the design and quality of all new housing, including new build, conversions and change of use, is of a high standard and that developments provide housing that will meet the needs of future occupants and respect the principles of good neighbourliness. In particular proposals should ensure protection of existing residential amenities, including issues such as loss of daylight, sunlight, privacy and outlook.

Outlook

- 6.34 '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. In this instance, the proposal does not include the erection of any additional built form. To the rear elevation, the proposal solely relates to the demolition and excavation of the area where the rear lightwell would be sited. Therefore, the proposal is not considered to result in any impact on outlook or light to neighbouring properties beyond the rear elevation. Thus, the proposed alterations would accord with Key Principle HS6.

Privacy

6.35 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'. To the rear elevation, the proposal includes the installation of a lightwell at basement and ground floor levels. The lightwell would include openings both at ground and basement floor levels that would face into a small lightwell area where there are no existing neighbouring window openings. Given the siting of the proposed openings at a low level with limited views it is not considered that the proposed openings would result in an undue loss of privacy to neighbouring properties. Thus, the proposed alterations would accord with Key Principle HS7 (iii).

6.36 In general, the scheme would have no undue impacts on neighbouring amenity given the context and surrounding built form.

TRANSPORT AND HIGHWAYS

Car parking provision

6.37 Policy T1 of the Local Plan (2018) seeks to promote and support initiatives to encourage modal shift away from private vehicles, to consider alternative modes such as cycling and walking, and other sustainable means of transport. Policy T4 of the Local Plan sets out vehicle parking standards and Policy T3 concerning the increase and promotion of opportunities for cycling and walking.

Cycle storage

6.38 The proposed plans submitted alongside this application indicate that 2no cycle parking spaces would be located internally in the hallway at ground floor level. The internal hallway has a width of appx. 1m and thus is inappropriate for the siting of cycle storage given it fall short of the minimum width of 1.2m required to ensure a 'well located' internal residential cycle parking space, as per Chapter 8.5.3 of the London Cycling Design Standards. When combined with the need for access along this hallway this is clearly an unsuitable location for cycle storage. Therefore, the proposed cycle parking spaces are considered to render the internal hallway unusable and would result in inadequate, unsafe and inconvenient cycle parking to the detriment of future occupiers. It is not clear that this storage could be located elsewhere within the unit. Thus, the scheme would not promote

sustainable transportation and is thereby contrary to Policy T3 of the Local Plan (2018) and Policies T1, T2 and T5 of the London Plan (2021).

Car parking

- 6.39 The creation of a new residential unit is required to be car-free in line with Policy T4 of the Local Plan and Policy T6 of the London Plan. Policy T4 also states that "All development with good access to public transport should aim for significantly less than 1 car space per unit". In view of this, the applicants are usually required to enter into a legal agreement through a Unilateral Undertaking Agreement to restrict car parking permits right to disabled parking only for those possessing a blue badge. This is to ensure that the existing high levels of parking stress are not exacerbated by the proposal, to encourage the use of sustainable modes of transport and further reduce vehicle emissions.
- 6.40 Had the proposal been acceptable on all other grounds, the Council would have sought a Unilateral Undertaking Agreement however, as the scheme is being refused planning consent, the Unilateral Undertaking Agreement has not been sought in this instance. Therefore, in the absence of the signed legal agreement, the scheme fails to ensure the proposal is car-free and does not lead to increase demands in on-street car parking, which would in turn have an impact on highways safety and condition, as well as on localised air quality which is currently poor. The proposal is therefore contrary to Policies CC10 and T4 of the Local Plan (2018) and Policies SI 1, T2 and T6 of the London Plan (2021).

Refuse storage

- 6.41 Policy CC7 (On-site waste management) of the Local Plan (2018) states that all developments, including where practicable, conversions and change of use, should aim to minimise waste and should provide convenient facilities with adequate capacity to enable the occupiers to separate, store and recycle their waste both within their own residence and via accessible and inclusive communal storage facilities, and where possible compost green waste on site.
- 6.42 The proposed plans indicate that the refuse storage would be located internally within the kitchen area at basement floor level. Given the existing site constraints, this is considered acceptable in this instance.

OTHER MATTERS

Flood risk

- 6.43 Policy CC3 of the Local Plan requires that new development is required to reduce the use of water and to minimise current and future flood risk. This is supported by Policy CC4 which seeks that developments manage surface water run-off and to promote the use of water efficient fittings and appliances. The application site is partly in the Environment Agency's Flood Zone 3 and partly in Flood Zone 2. The Council's Environmental Policy team have reviewed the Flood Risk Assessment submitted alongside the proposal and raise no objections, subject to a condition to ensure compliance with the submitted Flood Risk Assessment, as well as informatives relating to water efficient fixtures/fittings/appliances and water butts.

Had the proposal been acceptable on all other grounds, the above condition and informatives would have been attached accordingly.

Air quality

6.44 Policy SI 1 of the London Plan states that development proposals should not lead to deterioration of existing poor air quality, create any new areas that exceed air quality limits or create unacceptable risk of high levels of exposure to poor air quality. Policies CC1 and CC10 of the Local Plan (2018) seeks to reduce potential adverse air quality impacts arising from new developments and sets out several requirements. These are supported by Planning Guidance SPD Key Principles AQ1 to AQ5.

6.45 The development site is within the borough wide Air Quality Management Area (AQMA) and an area of existing poor air quality due to the road traffic emissions from Lillie Road (A3218) and North End Road (B317). This location is in the 99th national percentile of the most polluted UK addresses. The development proposal will introduce new residential receptors into an area of existing poor air quality. On this basis, the Council's Environmental Air Quality officer has considered the proposal and has recommended conditions relating to ventilation strategy and Zero Emission Heating Compliance. Had the proposal been acceptable on all other grounds, the relevant conditions to the proposal would have been attached accordingly.

Land contamination

6.46 Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site and/or the applicant is proposing a sensitive use. The Council's Land Contamination Team have requested conditions to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, however, given the small scale of the alterations proposed under this application, had the proposal been acceptable on all other grounds, an informative would have been more appropriate.

Community Infrastructure Levy (CIL)

6.47 The Mayor of London's Community Infrastructure Levy (CIL) came into force on 1st April 2012. The Community Infrastructure Levy (CIL) enables a charge to be levied on the net increase in gross internal area floorspace arising from development in order to fund infrastructure that is needed to support development in the area. Any new-build development involving a net increase in gross internal area (GIA) floorspace above 100m² (or the creation of 1 or more dwellings) for new buildings where people normally go is liable to pay CIL.

6.48 On the 1st September 2015 the Borough's Community Infrastructure Levy (CIL) came into force. This means that CIL liable development proposals will need to pay the borough CIL in addition to the Mayoral CIL which is already in place. The site is within the south charging zone.

6.49 The proposal would result in the formation of an additional unit and would have therefore been liable to both the Mayor CIL and the Borough's CIL.

Other Matters

Prior Approval fallback position under Class MA

- 6.50 In addition to an application for planning permission it is also possible to carry out changes of use to a building under permitted development via a prior approval process. In terms of a change of use from Class E (commercial, business and service) to C3 (residential) this prior approval process is set out under Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2015.
- 6.51 Whilst it is acknowledged that this provides a potential fallback position this prior approval process does not allow for external changes to the building. The current proposal is heavily reliant on external changes in order to provide lightwells and windows. As such it would not be possible to carry out the change of use under permitted development via this prior approval route.
- 6.52 In addition to the above, both the transport impacts and the quality of the residential environment form part of the prior approval process. In this instance, as set out in the relevant section of the report, there are significant concerns relating to these matters in the consideration of the current planning application. As such the proposal would also be likely to be unacceptable in relation to matters requiring prior approval.
- 6.53 It is noted that for any Class MA applications submitted on or after the 5th of March 2024, the previous limitations relating to floor space and the requirement for the building to be vacant for 3 months will no longer apply. However, in this instance, the application property comprises a small vacant unit and thus, the changes in March would not impact the application property. The issues identified above would still remain following the changes to the regulations.
- 6.54 Overall, the proposal as currently set out would not constitute permitted development and are likely to be unacceptable in relation to matters requiring prior approval. Therefore, a permitted development fallback position does not exist with regards to the current proposal.

7.0 CONCLUSION

- 7.1 The principle of the change of use of the entirety of the ground floor and basement floor levels from retail (Class E) into a two bedroom self-contained flat (Class C3) is unacceptable. This element of the proposal would have a detrimental impact upon the existing Class E usage at ground-floor level and would involve the loss of the existing retail use and active frontage, thus, resulting in harm to the character and vitality/viability of the town centre, as well as to the visual amenity of the surroundings. Additionally, given the lack of adequate window openings to habitable rooms within the unit and the heavy reliance on constrained lightwells, the proposal would fail to provide adequate outlook, natural light and ventilation for future occupiers, giving rise to unacceptably low standards of accommodation. Furthermore, in the absence of a signed Unilateral Undertaking Agreement, the scheme fails to ensure the proposal is car-free and does not lead to increase

demands in on-street car parking. The proposal would not have any undue impacts residential amenity impacts on neighbouring property.

8.0 RECOMMENDATION

8.1 Refuse planning permission.

**PLANNING AND DEVELOPMENT CONTROL COMMITTEE
5th MARCH 2024**

SUBJECT:

CONFIRMATION OF TREE PRESERVATION ORDER T439/11/23

LAND AT HYDE MEWS, DALLING ROAD, W6

WARD/S:

RAVENSCOURT

OFFICER:

ADAM O'NEILL, PRINCIPAL URBAN DESIGN & HERITAGE OFFICER

RECOMMENDATION:

The Committee resolve that the Tree Preservation Order T439/11/23 be confirmed without modification.

CONFIRMATION OF TREE PRESERVATION ORDER T439/11/23
LAND AT HYDE MEWS, DALLING ROAD, W6

1 DOCUMENTATION

1.1 TPO location plan. Photograph of the trees taken from Dalling Road.

2 BACKGROUND

2.1 On 15th November 2023 delegated authority was given to make a Tree Preservation Order (TPO) at Hyde Mews, Dalling Road. The TPO includes one Lime tree (T1) and one Himalayan Birch (T2), as shown on the enclosed TPO location plan. The Order was made under Section 201 of the Town and Country Planning Act 1990 and became effective for a period of six months from 17th November 2023.

2.2 The Order was made following the receipt by the Council of Conservation Area tree works notice 2023/02479/TREE to fell the Lime tree (T1). Officers also received a number of requests from local residents to protect the tree.

2.3 The trees are visible from the public highway in Dalling Road.

2.4 Under the Tree Regulations the Council is obliged to consider representations to the Order, made within 28 days of its service before confirming it. In this case the consultation period was extended to provide more time for representations to be made. Representations have been received from the agent of the owner of 2 Hyde Mews and a resident at 5 Wingate Road.

2.5 Policy OS5 of the Council's Local Plan (2018) states that:

'The council will seek to enhance biodiversity and green infrastructure in the borough by:

- a. maximising the provision of gardens, garden space and soft landscaping, seeking green or brown roofs and other planting as part of new development;*
- b. protecting back, front and side gardens from new development and encouraging planting in both back and front gardens;*
- c. seeking to prevent removal or mutilation of protected trees;*
- d. seeking retention of existing trees and provision of new trees on development sites; and*
- e. adding to the greening of streets and the public realm.'*

3 CONSULTATION RESPONSES TO THE ORDER

3.1 Email dated 29th January 2024 from agent on behalf of the owner of 2 Hyde Mews, Dalling Road

This representation raised an objection to the confirmation of the Provisional TPO in relation to tree T1:

- *“We wish to formally object to the provisional tree preservation order T439/11/23 being made permanent to the Lime Tree referenced on the map attached with the order as T1. We have no objection to a permanent tree preservation order to the Himalayan Birch referenced on this same map as T2.*
- *The basis of this objection in relation to Lime Tree T1 is outlined as follows:*
 - *Lime Tree T1 is within the demise of 1 Hyde Mews however the strip of land where the tree has been planted is under the ownership of the legal owner of 2 Hyde Mews as per the Right of Way Survey Plan 2 undertaken by David J. Powell Surveys Limited experts in boundary disputes and demarcation.*
 - *The legal owner of 2 Hyde Mews instructed the boundary survey in response to a challenge by the director of Optima Properties the legal owner of 1 Hyde Mews, to the width dimensions of the legal right of access across 1 Hyde Mews. This was primarily to suggest that the access for construction vehicles to undertake the development works detailed in Planning Permission 2020/00556/FUL could not be achieved due to the width restrictions of the right of access.*
 - *It was also meant as a point of negotiation to persuade the legal owner of 2 Hyde Mews to rent 1 Hyde Mews to enable the construction phase works to proceed. If this was not agreed, then the owner of 1 Hyde Mews would erect a fence on the right of access as a point of demarcation of the available width which at the time was disputed between the partes [sic]. This would then prevent construction vehicles using the right of access as Lime Tree T1 would obstruct use of the full width of the right of access to include the section of private land owned by 2 Hyde Mews.*
 - *To avoid a boundary dispute which will be dealt with at a later date, the rental of 1 Hyde Mews including unrestricted use of the garden demise was negotiated for a period of 80 weeks at the full market rent from 05 August 2023.*
 - *For this reason, the provisional tree preservation order has no impact on the construction phase of the works which is scheduled to complete within the lease term. However, regardless of the construction works. the owner of 2 Hyde Mews has easement rights to the uninterrupted right of access with or without a vehicle to his property across 1 Hyde Mews as per the attached Title Deed.*
 - *It is for this reason that [name redacted] Planning Officer and [name redacted] Aboricultural [sic] Officer attended Hyde Mews on Thursday 07 September 2023 to inspect the width of the right of access which had been marked out with string by the owner of 1 Hyde Mews. A vehicle was made available during the visit, and it was clear that this could not be driven across the right of access to enter 2 Hyde Mews without accessing the private land. This would have resulted in a collision with T1 Lime Tree which was obstructing the access route and is therefore a breach of the easement right awarded in the Title Deed.*

- If the obstacle to uninterrupted access of the right of way was not permanently fixed and could be moved out of position for the purpose of accessing 2 Hyde Mews, then it would be deemed reasonable for this to be maintained as per the Right of Access Act. However, T1 Lime Tree is clearly fixed by its roots and is significant in height and volume which is the basis of the application for this to be removed to protect the legal right of uninterrupted access across 1 Hyde Mews with or without a vehicle as defined by the Title Deed.

- In summary, it is hoped that this representation clearly demonstrates that the removal of Lime Tree T1 is only proposed as the basis to uphold the easement right to the uninterrupted right of access to 2 Hyde Mews across 1 Hyde Mews within the hatched area noted in the boundary survey. For a vehicle to use this right of access without interruption it will be necessary to drive over the private land marked in red on the boundary survey which as previously demonstrated is currently permanently obstructed by Lime tree T1.”*

3.2 Email dated 3rd December 2023 from resident of 5 Wingate Road

This representation supported the confirmation of the Provisional TPO on both trees:

- “I am writing in support of this TPO remaining in force in relation to both trees. Both trees are close to and visible from Dalling Road; the Himalayan birch particularly so. However the lime tree is also visible over the gates to Hyde Mews. Both trees contribute positively to the amenity of the neighbourhood. The trees are in a conservation area and very close to the border of another conservation area. Trees contribute positively to the built environment of a city and should not be felled or damaged if at all possible. Dalling Road is a road with heavy pedestrian traffic close to a school and the trees are seen and enjoyed by hundreds of people very day. The Himalayan birch is in a crucial position at a bend in Dalling Road, and is particularly visible for that reason, and has very attractive trunks.*
- As you are aware the demolition and rebuilding of number 2 Hyde Mews has planning permission and is due to commence imminently. I attach a copy of letter recently circulated to neighbours confirming demolition will commence on 4 December 2023. I am concerned that skip lorries entering the site will potentially damage the Himalayan birch.*
- I attach 2 photos of the entrance to Hyde Mews taken on 22 November 2023, evidencing the state of condition of the Himalayan birch prior to works starting. I also attach a further photograph taken on 3 December 2023 from the other side of Dalling Road showing the lime tree in the background (without leaves). Please note that the current gates are temporary and slightly over 2.6m high. Once the original gates are restored, which are around 2m high, the trees will be more visible.*
- Given the significant works taking place at number 2 Hyde Mews and to protect the amenity of the locality I urge that the TPO is confirmed.”*

3.3 Officer's comment

Under s.198 of the Town and Country Planning Act 1990 Local Planning Authorities have the power to make provision for the preservation of trees in their area if it is considered expedient in the interests of amenity.

The trees are some of the largest in the immediate vicinity and are visible from the public highway in Dalling Road. The trees have significant amenity value, provide a green foil to

the surrounding development and make a positive contribution to the character and appearance of the Conservation Area.

The development at 2 Hyde Mews currently under construction was approved under 2020/00556/FUL and is subject to condition 3 requiring any tree works and tree protection measures necessary in relation to the implementation of the approved development to be set out in an Arboricultural Impact Assessment (AIA) to be approved by the Council. The AIA was submitted under 2023/01972/DET, no major defects were identified to tree T1 and it was estimated to have a significant remaining life expectancy. The AIA was assessed by the Council's Arboricultural Officer who was satisfied with the submitted details and the condition was discharged. Some minor tree works were carried out to the Himalayan Birch (T2) as per the approved details. The purpose of making the Provisional Tree Preservation Order was to control works to the trees in the longer term, any impacts in relation to the approved development can be controlled through condition 3 on the planning permission.

The owner's agent has explained that the presence of the trees is not an impediment to the implementation of the planning permission due to the arrangements that have been made to lease 1 Hyde Mews for the duration of the construction works and sufficient access is available for construction traffic. These matters have also been fully considered as part of the planning application process.

In the longer term, the width of the vehicular access to 2 Hyde Mews is a civil matter that would need to be resolved between the parties involved. It is not relevant to the consideration of whether or not the Provisional TPO should be confirmed, as this decision should only be taken in the interests of amenity. The ownership of the land and civil matters do not prejudice the Council's ability as a Local Planning Authority to make decisions in relation to the protection of trees where such decisions are made in the interests of amenity.

The confirmation of the Provisional TPO is justified in the interests of amenity and would provide a legal framework by which the Council could control any works to the trees in the longer term. The owner's agent has been advised that an application for the Council's consent to fell any of the trees can be made at any time and that any such application would be considered on its merits. To date no such application has been received.

The Council declared a Climate and Ecological Emergency in 2019 and has published its Climate and Ecology Strategy which sets out the route to net zero greenhouse gas emissions by 2030 for the borough. Improving air quality and biodiversity and responding to Climate Change are major priorities for the Council.

In 2023 the Council adopted a Climate Change Supplementary Planning Document (SPD) to provide guidance for the planning policies contained in the council's Local Plan that relate to climate change and to help implement the actions contained in the council's Climate and Ecology Strategy. Key Principle KPC17 in the Climate Change SPD advises that existing trees should be maintained and protected.

If confirmed, the TPO would not prevent works such as pruning or even felling from being carried out to the trees in the future; it only requires that consent be obtained from the Council before such works are carried out. The confirmation of the TPO would enable the Council to control such works so that they are not detrimental to the health or

appearance of the trees or in the case of felling, to require the planting of a replacement tree and to specify its size, species and location in order to preserve tree cover and amenity in the local area.

4 OPTIONS

4.1 The Council could allow the TPO to lapse, in which case tree T1 is likely to be felled and the Council would have no power to require the planting of a replacement tree.

4.2 Alternatively, the Council is empowered to confirm the TPO without modification. Having carefully considered all the representations received, Officers recommend this option in order to protect the amenity value provided by the trees and to provide a legal framework for the future management of works to the trees.

4.3 There is also provision within the Regulations to allow for confirmation of the TPO with modification, for example in order to exclude one of the trees from the Order, but Officers do not recommend such action in this case.

5 ARGUMENTS FOR THE RECOMMENDED ACTION

5.1 The confirmation of the Order will ensure that the amenity value of the trees is preserved and as such will prevent an unnecessary reduction in the quality of the environment in this part of the Borough and preserve the character and appearance of the Conservation Area.

6 IMPLICATIONS

6.1 There are no major financial, legal or staffing implications relating to the confirmation of a TPO.

7 CONCLUSION

7.1 The confirmation of the TPO is justified, as it would protect the amenity value provided by the trees, the character and appearance of the Conservation Area and the quality of the environment within the local area.

8 RECOMMENDATION

8.1 Confirm the Tree Preservation Order without modification.





Figure 2:
Photograph of trees T1 and T2 as viewed from the pavement in Dalling Road.