

# Planning and Development Control Committee

## Agenda

Tuesday 18 July 2023 at 7.00 pm

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

Watch the meeting live: [youtube.com/hammersmithandfulham](https://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](mailto: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](mailto:charles.francis@lbhf.gov.uk). The building has disabled access.

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

For details on how to register to speak at the meeting, please see overleaf.  
**Deadline to register to speak is 4pm on Thursday 13 July 2023**

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

## **PUBLIC SPEAKING AT PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

### **Who can speak?**

Only the applicant or their agent and people who have commented on the application as part of the planning department consultation process in support or against will be permitted to speak at the meeting. They must have been registered to speak before addressing the committee. Ward Councillors may sometimes wish to speak at meetings even though they are not part of the committee. They can represent the views of their constituents. The Chair will not normally allow comments to be made by other people attending the meeting or for substitutes to be made at the meeting.

### **Do I need to register to speak?**

All speakers, except Ward Councillors, must register at least two working days before the meeting. For example, if the committee is on Wednesday, requests to speak must be made by 4pm on the preceding Friday. Requests received after this time will not be allowed.

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

### **How long is provided for speakers?**

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

### **At the meeting**

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

### **What materials can be presented to committee?**

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

### **What happens to my petition or deputation?**

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

# Planning and Development Control Committee Agenda

18 July 2023

<u>Item</u>	<u>Pages</u>
<b>1. APOLOGIES FOR ABSENCE</b>	
<b>2. DECLARATION OF INTERESTS</b>	
<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>	
<b>3. MINUTES</b>	5 - 7
<p>To approve as an accurate record, and the Chair to sign, the minutes of the meeting of the Committee held on 6 June 2023.</p>	
<b>4. SHEPHERDS BUSH POLICE STATION, 252 - 256 UXBRIDGE ROAD, LONDON W12 7JA, WHITE CITY, 2022/01953/FUL</b>	8 - 72
<b>5. LA RESERVE HOTEL, 422 - 428 FULHAM ROAD, LONDON SW6 1DU, WALHAM GREEN, 2022/03682/FUL</b>	73 - 118

6. **OSRAM COURT, 182 SHEPHERD'S BUSH ROAD, LONDON W6 7PF, ADDISON, 2022/01100/FUL** 119 - 129
7. **54 UXBRIDGE ROAD, LONDON W12 8LP, SHEPHERD'S BUSH GREEN, 2023/00262/ADV** 130 - 141
8. **FLAT GROUND AND FIRST FLOORS, 90 DEVONPORT ROAD, LONDON W12 8NU, CONINGHAM, 2023/00907/FUL** 142 - 148
9. **5 AND 7 MELBRAY MEWS, LONDON SW6 3NS, PALACE AND HURLINGHAM, 2022/02556/FUL** 149 - 182

London Borough of Hammersmith & Fulham



# Planning and Development Control Committee Minutes

Tuesday 6 June 2023

## **PRESENT**

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

### **Officers:**

Allan Jones (Team Leader Urban Design and Heritage)  
Tom Scriven (Deputy Team Leader (South))  
Ieuan Bellis (Team Leader)  
Mrinalini Rajaratnam (Chief Solicitor - Property and Planning)  
Charles Francis (Clerk)

## **1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Adrian Pascu-Tulbure.

## **2. DECLARATION OF INTERESTS**

Councillor Wesley Harcourt declared a non-pecuniary interest in relation to Item 6 - 5-7 Park Royal Road, W3 6xa (The East Site) And The Lower Park Trading Estate W3 6xa (The West Site), Lb Ealing (North Acton Ward), 2023/00608/OPDOBS as he sat on the OPDC Planning Committee. He remained in the meeting but did not participate or vote on the item.

In the interests of openness and transparency, Councillor Alex Karmel explained that in relation to Item 4, his family home was 8 doors away from the site. However, as he had moved away from there over a decade ago, he remained in the meeting and voted on the item.

### 3. **MINUTES**

The minutes of the previous meeting held on 18 April 2023 were agreed as an accurate record.

#### **ITEM 5 - 5 AND 7 MELBRAY MEWS LONDON SW6 3NS**

Item 5 was withdrawn from the agenda by officers so that additional information could be provided by the Applicant.

### 4. **70-80 LILLIE ROAD, LONDON SW6 1TN, WEST KENSINGTON, 2023/00087/FR3**

In the interests of openness and transparency, Councillor Alex Karmel explained that in relation to Item 4, his family home was 8 doors away from the site. However, as he had moved away from there over a decade ago, he remained in the meeting and voted on the item.

An addendum was circulated prior to the meeting that modified the report. Tom Scriven presented the item.

The Committee voted on the officer recommendations as follows:

Recommendation 1:

<b>FOR</b>	<b>6</b>
AGAINST:	0
NOT VOTING:	1

Recommendation 2:

<b>FOR:</b>	<b>Unanimous</b>
AGAINST:	0
NOT VOTING:	0

### **RESOLVED**

1. 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 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.

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

Councillor Wesley Harcourt declared a non-pecuniary interest in relation to Item 6 - 5-7 Park Royal Road, W3 6xa (The East Site) And The Lower Park Trading Estate W3 6xa (The West Site), Lb Ealing (North Acton Ward), 2023/00608/OPDOBS as he sat on the OPDC Planning Committee. He remained in the meeting but did not participate or vote on the item.

Ieuan Bellis presented the item. There were no registered speakers.

The Committee voted on the officer recommendation as follows:

Recommendation 1:

<b>FOR:</b>	7
AGAINST:	0
NOT VOTING:	0

**RESOLVED**

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

**Addendum**

Meeting started: 7.00 pm  
Meeting ended: 7.45 pm

Chair .....

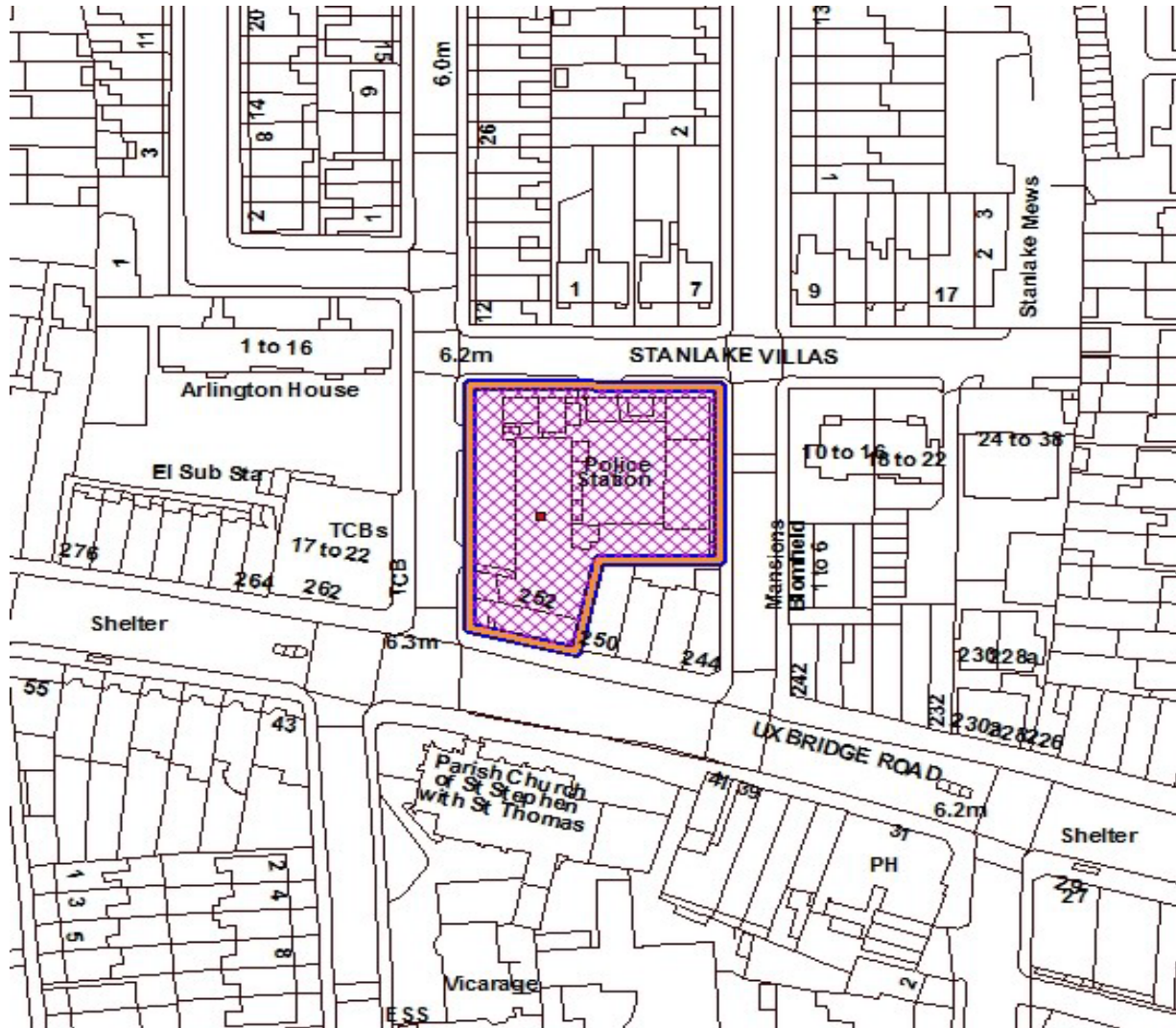
Contact officer: Charles Francis  
Committee Co-ordinator  
Governance and Scrutiny  
Tel 07776 672945  
E-mail: charles.francis@lbhf.gov.uk

# Agenda Item 4

**Ward:** White City

**Site Address:**

Shepherds Bush Police Station 252 - 256 Uxbridge Road  
London W12 7JA



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

**Reg. No:**  
2022/01953/FUL

**Case Officer:**  
Sian Brown

**Date Valid:**  
04.08.2022

**Conservation Area:**

**Committee Date:**  
18.07.2023



**Applicant:**

Mr J Bradbury  
Suites 6E And 6F 6th Floor Platform New Station Street Leeds  
LS14JB

**Description:**

Demolition of the existing building and construction of a part 1, part 4, part 5 storey building comprising 53 self-contained flats (Class C3) and 275sqm of flexible non-residential uses (Classes E, F.1 and F.2) at ground floor; associated roof top plant and enclosure; private and communal amenity space, landscaping, refuse storage, cycle and car parking.

Drg Nos: Refer to condition 2

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

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

2) That the Committee resolve that the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed Heads of Terms of the legal agreement or conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

**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:

+ Proposed floor plans and roof plans:

- o6898-D2000 Rev 04;
- o6898-D2100 Rev 17;
- o6898-D2101 Rev 19;
- o6898-D2102 Rev 16;
- o6898-D2103 Rev 15;
- o6898-D2104 Rev 15;
- o6898-D2150 Rev 16

+ Proposed elevations and section:

- o6898-D2500 Rev 05;
- o6898-D2501 Rev 00;
- o6898-D2700 Rev 06;
- o6898-D2701 Rev 06;
- o6898-D2702 Rev 06;
- o6898-D2703 Rev 08;
- o6898-D2704 Rev 05;
- o6898-D2705 Rev 05

+ Approved documents:

oDemolition Management Plan Rev 02, dated 10/05/2022, by Southern Demolition Co. Ltd.

oSustainability Statement, Ref.6210-CBC-AM-RP-S-003-P03, Revision 003, dated 07/12/2022 prepared by Cudd Bentley Consulting Ltd.

o12718-30-C03-07 and 12718-30-C04-09.

oArboricultural Method Statement, dated 18th May 2022, prepared by Arbtech and plans 6898-D2100-Rev 12 (Tree Protection Plan, and Arboricultural Impact Assessment) prepared by Arbtech.

oEnergy Statement, Ref.6210-CBC-HM-RP-S-002-P03, Revision 003, dated 27/01/2023 prepared by Cudd Bentley Consulting Ltd.

oFire Safety Planning Statement (Prepared by AM Pyro LTD), dated 29 June 2023.

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

Condition requested by Thames Water: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

- 4) The development hereby permitted shall be implemented in accordance with the approved Demolition Management Plan Rev 02, dated 10/05/2022, by Southern Demolition Co. Ltd.

To ensure that occupiers of surrounding premises are not adversely affected by noise, vibration, dust, lighting, or other emissions from the building site in accordance with Policy D14 of the London Plan (2021), Policies DC1, CC6, CC7, CC10, CC11 and CC12 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

- 5) Prior to commencement of the development (excluding Demolition, Ground and Enabling works) hereby approved, a detailed Construction Management Plan shall be submitted to and approved in writing by the Council. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays with no works permitted on Sundays and 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. Approved details shall be implemented throughout the project period.

To ensure that occupiers of surrounding premises are not adversely affected by noise, vibration, dust, lighting, or other emissions from the building site in accordance with Policy D14 of the London Plan (2021), Policies DC1, CC6, CC7, CC10, CC11 and CC12 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

- 6) Prior to commencement of the development hereby permitted (excluding Demolition, Ground and Enabling Works), details including palette and sample panel of all materials to be used on the external faces of the building and boundary treatments, shall be submitted to and approved in writing by the Council. No part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details.

To ensure a satisfactory external appearance of the development, and to preserve the character and appearance of the Conservation Area in accordance with Policies D3 and HC1 of the London Plan (2021), and Policies DC1, DC2 and DC8 of the Local Plan (2018).

- 7) Prior to commencement of the development hereby permitted (excluding Demolition, Ground and Enabling Works), details in plan, section and elevation (at a scale of not less than 1:20) of the following matters shall be submitted to and approved in writing by the Council. No part of the development shall be used or occupied prior to the completion of that part of the development in accordance with the approved details.

- a) a typical bay of the Uxbridge Road; Tunis Road; Stanlake Villas and Stanlake Road elevations; and
- b) boundary treatment

To ensure a satisfactory external appearance of the development, and to preserve the character and appearance of the Conservation Area in accordance with Policies D3 and HC1 of the London Plan (2021), and Policies DC1, DC2 and DC8 of the Local Plan (2018).

- 8) Prior to commencement of the relevant part of the development (excluding Demolition, Ground and Enabling Works) hereby permitted, details of the proposed hard and soft landscape works (including the area to the north-west at the junction of Tunis Road and Stanlake Villas) and details of the integrated children's playspace features shall be submitted to and approved in writing by the Local Planning Authority. Details of soft landscaping shall demonstrate the achievement of an Urban Greening Factor (UGF) of a minimum of 0.4, as per the approved Sustainability Statement, Ref.6210-CBC-AM-RP-S-003-P03, Revision 003, dated 07/12/2022 prepared by Cudd Bentley Consulting Ltd, and drawings 12718-30-C03-07 and 12718-30-C04-09, and details shall include confirmation that all tree planting will consist of UK native species and green roof planting will consist of 100% native seed mixes; together with confirmation of the provision of 50% native species associated with all other planting. The landscaping shall be implemented in accordance with the approved details prior to first occupation of the development and any soft landscaping within the first planting season following first occupation 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 of the development, and in the interests of urban greening and biodiversity net gain, in accordance with Policies D3, G5 and G7 of the London Plan (2021), and Policies DC1, DC2, OS1 and OS5 of the Local Plan (2018).

- 9) The development hereby approved shall be implemented only in accordance Arboricultural Method Statement, dated 18th May 2022, prepared by Arbtech; and plans 6898-D2100-Rev 12 (Tree Protection Plan, and Arboricultural Impact Assessment) prepared by Arbtech. These measures should apply to any tree on site, and any trees adjacent to the site whose theoretical Root Protection Areas extend into the site.

To ensure that trees within and around the site to be retained are protected during the building works, in accordance with Policies G5 and G7 of the London Plan (2021), and Policies DC1, DC4, OS1 and OS5 of the Local Plan (2018).

- 10) The residential units hereby approved shall only be used as a single dwellinghouses falling within use Class C3. The residential units shall not be used as housing in multiple occupation falling within Class C4 of the of the Town & Country Planning (Use Classes) Order 1987 (as amended).

The use of the property as residential units in multiple occupation rather than as single residential units would raise materially different planning considerations that the Council would wish to consider under a full planning application, in accordance with Policies DC1, HO1, HO2, HO4, HO5, HO8, HO11, CC11, CC13 and T1 of the Local Plan (2018).

- 11) Prior to occupation of the development hereby approved, Flats A.0.1; A.0.2; B.0.2; B.0.3 and B.0.4 at ground floor level shall meet the Building Regulations requirements for M4(3) for wheelchair users, and the remaining flats shall be

capable of meeting the Buildings Regulations requirements for M4(2) accessible and adaptable dwellings. The dwellings shall thereafter permanently retained in this manner.

To ensure a satisfactory provision for dwellings, meeting the needs of people with disabilities, in accordance with the Policy D7 of the London Plan (2021), and Policy HO6 of the Local Plan (2018).

- 12) The non-residential floorspace at ground floor level hereby permitted shall be used for purposes specified within Use Class E (excluding Eb), F1 and F2 only and for no other purpose (including any other separate purpose in Class E, F1 and F2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

In granting this permission, the Council has had regard to the special circumstances of the case. Certain other uses within the same use class may be unacceptable due to effect on residential amenity or traffic generation, in accordance with Policies TLC5, DC1, DC2, HO11, CC11, CC13 and T1 of the Local Plan (2018), and Key Principles of the Planning Guidance SPD (2018).

- 13) The use of the non-residential floorspace at ground floor level hereby permitted shall not be open other than between the hours of 08:00-22:00 Mondays to Saturdays and 09:00-21:00 on Sundays and Bank Holidays.

To ensure that the amenities of the occupiers of surrounding residential properties are not unduly affected as a result of noise and disturbance, in accordance with Policy D14 of the London Plan (2021), and Policies CC11, HO11 and TLC5 of the Local Plan (2018).

- 14) The ground floor entrance doors to the building and integral lift/stair cores shall not be less than 1-metre-wide and the threshold shall be at the same level as the adjoining ground level fronting the entrances to ensure level access.

To ensure the development provides ease of access for all users, in accordance with Policy D5 of the London Plan (2021), and Policies DC1 and HO6 of the Local Plan (2018).

- 15) None of the shopfronts shall be fitted with external roller shutters, and the window glass of the shopfronts shall not be mirrored, painted or otherwise obscured.

To ensure a satisfactory external appearance, in accordance with Policy D3 of the London Plan (2021), and Policies DC1, DC2, DC5 and DC8 of the Local Plan (2018).

- 16) No alterations shall be carried out to the external appearance of the building hereby permitted, including the installation of air-conditioning units, ventilation fans, extraction equipment, flues or other plant equipment and associated external pipework or ducting not shown on the approved drawings, without planning permission first being obtained. Any such changes shall be carried out in accordance with the approved details.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies D3 and D14 of the London Plan (2021), Policies DC1, DC2, DC8, CC11, CC13 and HO11 of the Local Plan (2018), and Key Principles of the Planning Guidance SPD (2018).

- 17) 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).

- 18) 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).

- 19) No water tanks, water tank enclosures or other structures, other than those set out on the approved drawings, shall be erected upon the roofs of the building hereby permitted.

It is considered that such structures would seriously detract from the appearance of the building, contrary to Policy D3 of the London Plan (2021), and Policies DC1, DC2 and DC8 of the Local Plan (2018).

- 20) The extent of the roof terraces at fourth floor level shall not exceed that indicated on the approved drawings, and the roof terraces shall not be subsequently enlarged prior to the submission and approval in writing of a further planning application. No part of any roof of the remaining building hereby approved shall be used as a roof terrace or other form of open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roof. No railings or other means of enclosure shall be erected on the roofs, and no alterations shall be carried out to the property to form access onto the roofs.

The use of the roof(s) as a terrace would increase the likelihood of harm to the existing residential amenities of the occupiers of neighbouring properties as a result of overlooking, and noise and disturbance, contrary to Policies HO11 and CC11 of the Local Plan (2018), and Key Principle 8 of the Planning Guidance SPD (2018).

- 21) Prior to commencement of the relevant part of the development hereby approved, full details of the privacy screening proposed including the material for the relevant balconies/terraces including balustrades, fixings, and samples of glazing, shall be submitted to and approved in writing by the local planning authority. The privacy screens shall have a height of 1.7m above the finished floor level of the

terrace/balcony. The use of the terraces/balconies shall not commence until the screens have been installed in accordance with the details agreed and permanently retained as such thereafter.

To ensure a satisfactory external appearance, and to prevent overlooking of the existing occupiers of neighbouring properties and a subsequent loss of privacy, in accordance with Policies DC1, DC4, and HO11 of the Local Plan (2018), and Key Principle HS8 of the Planning Guidance Supplementary Planning Document (2018).

- 22) Prior to commencement of above ground works, a statement of how 'Secured by Design' requirements are to be adequately achieved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out prior to occupation or use of the development hereby approved and permanently retained thereafter.

To ensure that the development incorporates suitable design measures to minimise opportunities for, and the perception of crime and provide a safe and secure environment, in accordance with Policy D11 of the London Plan (2021), and Policy DC1 of the Local Plan (2018).

- 23) Prior to occupation of the development hereby permitted, a Delivery and Servicing Plan (DSP) for both the residential and non-residential uses of the building shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- a) Use of Zero Exhaust Emission Vehicles in accordance with the emissions hierarchy (1) Walking Freight Trolleys (2) Cargo bike (3) Electric Vehicle, (4) Alternative Fuel e.g., CNG, Hydrogen,
- b) 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
- c) Reduction and consolidation of deliveries and collections e.g., Waste
- d) Re-timing of deliveries and collections outside of peak traffic time periods of 07:00-10:00 and 15:00-19:00 hrs
- e) Times, frequency and management of deliveries and collections including collection of waste and recyclables
- f) Location and operations of the loading bay (s) as identified on the approved drawings
- g) Emergency access, and vehicle movement at the site entrance and throughout the development
- h) Quiet loading/unloading mitigation including silent reversing measures in accordance with Building Design Guidance for Quieter Deliveries, TFL, June 2018.

The approved details shall be implemented prior to occupation and the DSP hereby permitted shall thereafter operate in accordance with the approved details. The DSP shall be regularly monitored and reviewed and any subsequent modifications or alterations to the DSP should be submitted to and approved in writing by the LPA.

In the interests of air quality and to ensure that servicing and deliveries are carried out without any significant impact on the flow of traffic and the local highway network and to prevent harm to the amenities of surrounding occupiers by reason of noise and disturbance, in accordance with Policies SI1 and T7 of the London Plan (2021) Policies T2, CC10, CC11 and CC13 of the Local Plan (2018) and SPD Key Principle TR28 (2018).

- 24) No part of the development hereby approved shall be occupied until provision has been made for car parking for disabled users in the form of 2 Blue Badge-holder spaces as indicated on the approved drawing no. D2100 Rev 17. Thereafter the provision for Blue Badge parking shall be permanently maintained in this form for the lifetime of the development.

To ensure that the development is accessible, in accordance with Policy T6 of the London Plan (2021), and Policies T4 and T5 of the Local Plan (2018).

- 25) Prior to occupation of the development hereby permitted, details of the installation including location and type of active electric vehicle charging points (22kW) for the two on-site blue badge car parking spaces must be submitted to and approved in writing by the Local Planning Authority. The approved electric vehicle charging points shall be installed and retained in working order for the lifetime of the development.

In the interests of air quality, in accordance with Policies T6 and SI1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

- 26) Prior to commencement of the relevant parts of the development hereby permitted details of safe, secure and accessible bicycle storage, for both the residential and non-residential uses, shall be submitted to, and approved in writing by the Council. The cycle parking facilities should be in accordance with London Cycling Design Standards (LCDS), and should also include electric charging facilities. The bicycle storage facilities shall be implemented as approved prior to the occupation of the residential and non-residential uses, and shall thereafter be permanently retained for such use.

To ensure satisfactory provision for the bicycle and thereby promote sustainable and active modes of transport, in accordance with Policy T5 London Plan (2021) and Policy T3 of the Local Plan (2018).

- 27) Prior to commencement of the relevant parts of the development hereby permitted details of the sightlines/visibility splays associated with the proposed off-street blue badge parking layout and access onto Stanlake Road shall be submitted to, and approved in writing by the Council. The sightlines/visibility splays should be provided in accordance with Manual for Streets standards.



In order to maintain pedestrian and highway safety in accordance with Policy T1 of the Local Plan (2018) and Key Principles of the Planning Guidance Supplementary Planning Document (2018).

- 28) No organised delivery of food (i.e. takeaway deliveries to customers) shall take place from the commercial premises hereby approved using motorised and electric powered cycles and motorised and electric powered vehicles at any time.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise, or that the development does not impact highway safety in accordance with Policies CC11, CC13, DC1, DC2, HO11, T1, T6 and TLC5 of the Local Plan (2018), and Key Principles of the Planning Guidance SPD (2018).

- 29) The development hereby approved shall not be occupied until the measures set out in the approved Sustainability Statement, Ref.6210-CBC-AM-RP-S-003-P03, Revision 003, dated 07/12/2022 prepared by Cudd Bentley Consulting Ltd, have been fully implemented on site and they shall be permanently retained thereafter.

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

- 30) The development hereby approved shall not be occupied until the measures set out in the approved Energy Statement, Ref.6210-CBC-HM-RP-S-002-P03, Revision 003, dated 27/01/2023 prepared by Cudd Bentley Consulting Ltd, have been fully implemented on site and they shall be permanently retained thereafter.

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

- 31) Prior to commencement (excluding Demolition) of the development hereby permitted, a revised Surface Water Management Strategy, shall be submitted to and approved in writing by the Local Planning Authority. Information shall include details on the design, location and attenuation capabilities of the proposed SuDS measures including rainwater harvesting, green roofs, permeable paving, attenuation tank, landscaping and new trees, together with details of maintenance. Any surface water discharged to the combined sewer network will at a rate no higher than 2l/s. The measures shall be implemented in accordance with the approved details, and thereafter all SuDS measures shall be permanently retained and maintained in accordance with the approved details.

To reduce the impact of flooding for future occupants and the development and to make the development more resilient in the event of flooding in accordance with Policy SI12 of the London Plan (2021), and Policy CC3 of the Local Plan (2018), and to prevent any increased risk of flooding and to ensure the satisfactory storage of/disposal of surface water from the site in accordance with Policy SI13 of the London Plan (2021), and Policies CC2 and CC4 of the Local Plan (2018).

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

To ensure that the amenity of occupiers of the development site is not adversely affected by household/neighbour noise transmission to adjoining dwellings at unreasonable levels due to unsuitable layout and arrangement of rooms and communal areas, in accordance with Policy D14 of the London Plan (2021), and Policies CC11 and CC13 of the Local Plan (2018).

- 33) Prior to commencement of the development hereby permitted (excluding Demolition, Ground and Enabling Works), details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the non-residential part(s) of the premises from dwellings. Details shall demonstrate that the sound insulation value  $D_{nT,w}$  is enhanced by at least 20dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the non-residential premises and to achieve the criteria of BS8233:2014 within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

To ensure that the amenity of occupiers of the development site/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise, in accordance with Policy D14 of the London Plan (2021), and Policies CC11 and CC13 of the Local Plan (2018).

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

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment, in accordance with Policy D14 of the London Plan (2021), and Policies CC11 and CC13 of the Local Plan (2018).

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

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by vibration, in accordance with Policy D14 of the London Plan (2021), and Policies CC11 and CC13 of the Local Plan (2018).

- 36) Prior to commencement of the relevant part of the development hereby permitted (excluding Demolition, Ground and Enabling Works), details of external artificial lighting shall be submitted to and approved in writing by the Council. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the "Guidance 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).

- 37) Prior to the commencement of the demolition phase of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) to mitigate air pollution from the demolition phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The AQDMP submitted shall be in accordance with the Councils AQDMP Template "A" and shall include the following details:
- a. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries
  - b. 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 the Mayor of London "The Control of Dust and Emissions during Construction and Demolition", SPG, July 2014 and its subsequent amendments.
  - e. Site Specific Dust, and NOx Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall Medium/High Dust Risk Rating of the site and shall be in a table format.
  - f. Details of Site Particulate (PM10) and Dust Monitoring Procedures and Protocols including locations of a minimum of 2 x MCERTS compliant Particulate (PM10) monitors on the site boundaries used to prevent levels exceeding predetermined PM10 Site Action Level (SAL) of 190  $\mu\text{g}/\text{m}^3$ , measured as a 1-hour mean. Prior to installation of the PM10 monitors on site the calibration certificates of MCERTS compliant PM10 monitors and the internet-based log-in details to enable access to the real-time PM10 monitoring data from the PM10 monitors shall be issued to Hammersmith & Fulham Council by e-mail to [constructionairqualitymonitoring@lbhf.gov.uk](mailto:constructionairqualitymonitoring@lbhf.gov.uk). The data from the on-site Particulate (PM10) monitors shall also be made available on

the construction site air quality monitoring register website  
<https://www.envimo.uk>

- g. Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage V NO<sub>x</sub> and PM<sub>10</sub> emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NO<sub>x</sub> and PM. An inventory of all NRMM for the first phase of demolition shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of demolition works and thereafter retained and maintained until occupation of the development.
- h. Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g., minimum Petrol/Diesel Euro 6 and Euro VI

Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM<sub>10</sub>, PM<sub>2.5</sub>) and NO<sub>x</sub> emissions at all times. Approved details shall be fully implemented and permanently retained and maintained during the demolition phases of the development.

In the interests of air quality, in accordance with Policy SI1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

- 38) Prior to the commencement of the construction phase of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) to mitigate air pollution from the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The AQDMP submitted shall be in accordance with the Councils AQDMP Template "C" and shall include the following details:
- a. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries
  - b. Construction Site and Equipment Layout Plan
  - c. Inventory and Timetable of dust generating activities during construction site activities.
  - d. Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM<sub>10</sub> (human health) impacts for sensitive receptors off-site of the development within 250 m of the site boundaries during the demolition phase and is undertaken in compliance with the methodology contained within the Mayor of London "The Control of Dust and Emissions during Construction and Demolition", SPG, July 2014 and its subsequent amendments.
  - e. Site Specific Dust, and NO<sub>x</sub> Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall Medium Dust Risk Rating of the site and shall be in a table format.

- f. Details of Site Particulate (PM10) and Dust Monitoring Procedures and Protocols including locations of a minimum of 2 x MCERTS compliant Particulate (PM10) monitors on the site boundaries used to prevent levels exceeding predetermined PM10 Site Action Level (SAL) of 190  $\mu\text{g}/\text{m}^3$ , measured as a 1-hour mean. Prior to installation of the PM10 monitors on site the calibration certificates of MCERTS compliant PM10 monitors and the internet-based log-in details to enable access to the real-time PM10 monitoring data from the PM10 monitors shall be issued to Hammersmith & Fulham Council by e-mail to [constructionairqualitymonitoring@lbhf.gov.uk](mailto:constructionairqualitymonitoring@lbhf.gov.uk). The data from the on-site Particulate (PM10) monitors shall also be made available on the construction site air quality monitoring register website <https://www.envimo.uk>
- g. Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage V NO<sub>x</sub> and PM10 emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NO<sub>x</sub> and PM. An inventory of all NRMM for the first phase of construction shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of construction works and thereafter retained and maintained until occupation of the development.
- h. Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g., minimum Petrol/Diesel Euro 6 and Euro VI

Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM10, PM2.5) and NO<sub>x</sub> emissions at all times. Approved details shall be fully implemented and permanently retained and maintained during the construction phases of the development.

In the interests of air quality, in accordance with Policy SI1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

- 39) 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 Fifty-Three self-contained residential units (Class C3) shall be submitted to and approved in writing by the Local Planning Authority. This is applicable to all locations on all residential floors where the Annual Mean Nitrogen Dioxide (NO<sub>2</sub>), and Particulate (PM10, PM2.5) concentrations are equal to 30 $\mu\text{g}/\text{m}^3$ , 20 $\mu\text{g}/\text{m}^3$  and 10  $\mu\text{g}/\text{m}^3$  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 all residential floors
  - b) Details and locations of restricted opening windows (maximum 200mm for emergency purge ventilation only) for all habitable rooms (Bedrooms, Living Rooms, Study).

- 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 Oxides (NOx) and Particulate Matter (PM2.5, 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 (PM2.5, PM10) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.

The whole system shall be designed to prevent summer overheating and minimise energy usage. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications and shall be the responsibility of the primary owner of the property. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Policy SI1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

- 40) Prior to occupation of the development hereby permitted, details of a post installation compliance report of the approved ventilation strategy as required by condition 39 to mitigate the impact of existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. The report shall be produced by an accredited Chartered Building Services Engineer (CIBSE). Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interests of air quality, in accordance with Policy SI1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

- 41) Prior to occupation of the development, details of the installation of the Zero Emission MCS certified Air/Water Source Heat Pumps or Electric Boilers to be provided for space heating and hot water for each of the fifty-three self-contained residential units (Class C3) use and the non-residential uses (Classes E, F.1 and F.2) 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.

In the interests of air quality, in accordance with Policy SI1 of the London Plan (2021) and Policy CC10 of the Local Plan (2018).

- 42) 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 CC13 and CC9 of the Local Plan (2018).

- 43) 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 CC13 and CC9 of the Local Plan (2018).

- 44) 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 CC13 and CC9 of the Local Plan (2018).

- 45) 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 CC13 and CC9 of the Local Plan (2018).

- 46) 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 CC13 and CC9 of the Local Plan (2018).



- 47) 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 CC13 and CC9 of the Local Plan (2018).

- 48) The development shall be carried out and completed in full accordance with the details contained within the approved Fire Safety Planning Statement (Prepared by AM Pyro LTD), dated 29 June 2023. No part of the development shall be used or occupied until all mitigation, measures and means within the approved document have been implemented in full and shall thereafter be retained for the lifetime of the building hereby approved.

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

- 49) Prior to first occupation of the development hereby permitted, details of fire rated lifts in the relevant Building shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the measures to ensure that all lifts will operate at all times and that no wheelchair occupiers are trapped if a lift breaks down. The fire rated lifts shall be installed as approved and maintained in full working order for the lifetime of the development.

To ensure that the development provides for the changing circumstances of occupiers and responds to the needs of people with disabilities, in accordance with Policy D5 of the London Plan (2021), and Policies DC2 and HO6 of the Local Plan (2018).

- 50) No part of the development hereby approved shall be occupied or used until the refuse storage, including provision for the storage of recyclable materials, for both the residential and non-residential uses, have been implemented in accordance with the details provided on drawing no. D2100 Rev 17. Thereafter the provision for cycle storage shall be so maintained for the life of the development.

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

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

- 1) 1. Land Use: The redevelopment of surplus public sector brownfield land in this location is acceptable in land use terms. The relocation of the existing social infrastructure on this site to elsewhere within the borough has been established through part of a wider public service transformation plan. The proposed development would contribute towards the quantity of the borough's housing stock, including the provision of affordable housing. The creation of affordable community space, and affordable workspace are important cornerstones in the H&F Industrial Strategy, the Creative Enterprise Zone Action Plan and also the emerging Cultural Strategy. The proposal is judged to accord with London Plan (2021) Policies GG2, S1, E1, E3, D3, H1, H2, H4, H5, H6 and H10, and Local Plan (2018) Policies CF1, CF2, E1, HO1, HO3, HO4 and HO5.  
  
2. Quality of Accommodation: The proposed development provides an acceptable standard of living accommodation, in accordance with London Plan (2021) Policy D6, the Mayor's Housing Design Standards LPG (2023), the DCLG's Nationally Described Space Standards (2015), Local Plan (2018) Policies HO4, and HO11 and Key Principles of the Planning Guidance SPD (2018) which all require new housing to be of a high-quality design and be designed to have adequate internal and external space.  
  
3. Design and Heritage: The proposed development is acceptable in visual terms. The proposals are considered to be of a good quality of design having regard to the character and appearance of the existing site, area and surrounding heritage assets. The settings of nearby heritage assets would be preserved. The proposal therefore accords with the NPPF (2021), London Plan (2021) Policies HC1 and D3, Local Plan (2018) Policies DC1, DC2 and DC8, and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.  
  
4. Landscaping, Ecology and Biodiversity: Landscaping would be provided by the development, enhancing biodiversity and UGF, which would be of benefit to the area and which complies with London Plan (2021) Policies G5 and G7, and Local Plan (2018) Policies OS1 and OS5.  
  
5. Impact on Neighbouring Residents: The development would respect the principles of good neighbourliness. There would be no significant worsening of outlook, overlooking, and noise/disturbance, and no unacceptable loss of sunlight or daylight to cause undue detriment to the amenities of neighbours. Measures would be secured by condition to minimise noise/odours/light pollution generated by the use/operation of the building; and loss of privacy. 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 DC14, Local Plan (2018) Policies DC1, DC2, HO11, TLC5, CC11, CC12 and CC13, and Key Principles of the Planning Guidance SPD (2018).  
  
6. 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 DC2. The proposal would provide ease of access for all people, including disabled people, in accordance with London Plan (2021) Policies D5 and D7, and Local Plan (2018) Policies DC1, DC2 and HO6.

7. Highways and Transportation: The application is supported by several documents including; a Transport Statement, framework Travel Plan, Outline Demolition and Construction Logistics Plan, and Outline Delivery and Servicing Plan which provide a comprehensive review of all the potential transport impacts of the proposed development. 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. Subject to a satisfactory legal agreement restricting the right of occupiers to hold parking permits the development would not contribute to on-street parking stress. Satisfactory provision would be made for blue badge car parking, 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 and the submission of relevant Travel Plans, Demolition and Construction Logistics Plans, and a Car Parking Management Plan will be secured by a legal agreement. The proposed development therefore accords with the NPPF (2021), 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).

8. Flood Risk and SUDS: A Flood Risk Assessment (FRA) has been submitted as required. Detailed drainage matters would be secured by condition. In this respect the proposal is therefore in accordance with the NPPF (2021), London Plan (2021) Policies SI 12 and S1 13, and Local Plan (2018) Policies CC2, CC3 and CC4.

9. Energy and Sustainability: An Energy Statement has been submitted outlining the energy efficiency and low/zero carbon measures to be implemented as part of the development with the aim of minimising energy use and associated CO2 emissions. A Sustainability Statement has been submitted outlining the development would be consistent with consistent with the Mayor of London's sustainable design objectives. The details will be secured by condition, together with a carbon dioxide emission offset contribution secured by a legal agreement. The proposal therefore accords with the NPPF (2021), London Plan (2021) Policies SI 1 and SI 4, and Local Plan (2018) Policies CC1, DC1 and DC2.

10. Air Quality: With regards to air quality considerations, the Council's Air Quality Officer has reviewed the Air Quality Assessment submitted with the application proposal and consider, subject to additional mitigation, the development would be acceptable and compliant with London Plan (2021) Policy SI 1, and Local Plan (2018) Policy CC10.

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

12. Planning Obligations: Planning obligations to offset the impact of the development and to make the development acceptable in planning terms are secured. This includes, the provision of affordable community use/workspace; provision of affordable housing; a financial contribution towards Local Employment, Training and Skills Development Initiatives; a carbon dioxide emission offset financial contribution; submission of Air Quality Dust Management Plan plus monitoring fees; car permit free restrictions; submission of residential

and non-residential Travel Plans plus monitoring fees; submission of Demolition and Construction Logistics Plans plus monitoring fees; Car Parking Management Plan and s278 highways works. The proposed development would therefore mitigate external impacts and would accord with London Plan (2021) Policy DF1 and Local Plan (2018) Policy CF1.

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

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

Application form received: 6th July 2022

Drawing Nos: see above

**Policy documents:** National Planning Policy Framework (NPPF) 2021

The London Plan 2021

LBHF - Local Plan 2018

LBHF – Planning Guidance Supplementary Planning Document  
2018

**Consultation Comments:**

**Comments from:**

Historic England London Region

Thames Water - Development Control

Crime Prevention Design Advisor - Hammersmith

Hammersmith And Fulham Historical Society

Historic England London Region

**Dated:**

17.08.22

25.08.22

02.09.22

20.09.22

24.08.22

**Neighbour Comments:**

**Letters from:**

**Dated:**

St Stephen's Church 1 Coverdale Road London W12 8JJ

08.09.22

61 Stanlake Road London W12 7HG

05.09.22

93 Stanlake Rd London W12 7HQ

09.09.22

93 Stanlake Rd London W12 7HQ

09.09.22

Flat 4, 29 Chiswick high road Kew London W4 2ND

15.08.22

93 Stanlake Rd London W12 7HQ

09.09.22

27 Tunis Road Shepherd's Bush W127EZ

23.01.23

27 Tunis Road Shepherd's Bush W127EZ

23.01.23

Tunis Road London W12

07.09.22

6 Blomfield Mansions Stanlake Road London W12 7HR

10.09.22

No Address Given

05.09.22

Hammersmith Town Hall King Street London W6 9JT

11.08.22

4 Abdale Road London W12 7ET

31.08.22

31 Abdale Road London W12 7ER

16.08.22

22 Tunis Road London W12 7EZ

07.09.22

43 Uxbridge Road London W12 8LA

28.08.22

69 Stanlake road London W12 7HH

06.09.22

Flat C Basement flat 11 Stanlake Road W127he	19.09.22
Flat C Basement flat 11 Stanlake Road W127he	19.09.22
LBHF Children's Services 145 King Street London W6 9XY	11.08.22
34 Westville Road London W129BD	27.10.22
47 Stanlake Road Na London W127HG	07.09.22
40 Warbeck Road London W12 8NT	06.09.22
31 Bloemfontein Road London W12	26.04.23

## 1.0 SITE LOCATION AND DESCRIPTION, AND RELEVANT PLANNING HISTORY

- 1.1 The application relates to the former Shepherds Bush Police Station, located on the northern side of Uxbridge Road, within the middle of a designated satellite parade and close to Shepherd's Bush Town Centre. It occupies the majority of a street block bounded by Tunis Road to the west, Stanlake Villas to the north and Stanlake Road to the east. The south-east corner of the street block is occupied by a Victorian terrace of four properties with commercial units on the ground floor and residential flats above (244-250 Uxbridge Road). These properties do not form part of the development site.
- 1.2 Shepherds Bush Police Station was built in the 1960's. The existing building is three storeys, including a basement plant room, on Uxbridge Road and Tunis Road; and it is U-shaped with a single storey element, incorporating a garage and workshop area, on Stanlake Road. The north side has a vehicle access into a car park occupying the centre of the site.
- 1.3 The building is currently vacant, following the closure of the Police Station in February 2021 as part of a wider strategy by the Mayor's Office for Policing and Crime (MOPAC). A temporary hoarding has subsequently been erected around the perimeter of the site for the purposes of safety and security.
- 1.4 The site is not in a conservation area and the building is not subject to any other heritage designations. However, the southern side of Uxbridge Road opposite the site is within the Coningham and Lime Grove Conservation Area, and the Parish Church of St Stephen with St Thomas, directly opposite, is a Grade II listed building. Further to the west lies the Ingersoll and Armingher Conservation Area. The White City Opportunity Area is situated approximately 140 metres east of the Site's Uxbridge Road extent.
- 1.5 The immediate area is characterised by a mix of commercial and residential properties, ranging between 3 to 4 storeys in height.
- 1.6 The site has a Public Transport accessibility Level (PTAL) of 6a - suggesting that it has excellent access to public transport. The site is in close proximity to both Shepherd's Bush Market Underground station (2 mins walk) and to Wood Lane Underground station (12 mins walk), both served by the Hammersmith and City Line and Circle Line providing direct connections to Central London. Shepherds Bush Central Station is also located approximately 750m from the site and provides direct routes into North and Central London. The site also benefits from frequent bus services, running towards Acton and Central London
- 1.7 The site is located in Environment Agency's Flood Risk Zone 1 (low risk).

1.8 There is no relevant planning history for the Site.

## 2.0 PROPOSALS

2.1 The current proposals relate to the demolition of the existing buildings and the redevelopment of the site comprising:

- o Construction of two attached blocks (A & B) within a part 1, part 4, part 5 storey building, with associated roof top plant and enclosure;
- o Provision of 53 self-contained flats (Class C3) within Blocks A & B spread over ground to 4th floors comprising 3 x studios; 26 x 1 bed; 21 x 2 bed; and 3 x 3 bed flats;
- o Provision of 275sqm of flexible non-residential uses (Classes E, F.1 and F.2) at ground floor level within Block A (with the potential to be used as 3no. flexible commercial units approximately 70sqm each);
- o Provision of private and communal external amenity space, landscaping, refuse and cycle storage, and 2 off-street accessible Blue Badge parking spaces .

+ Public Engagement

2.2 A Statement of Community Involvement (SOCl) supports the current planning application and summarises the pre-application engagement undertaken.

2.3 Leaflets were delivered to c.336 addresses in the surrounding area, including local businesses, as well as to local community groups and other key stakeholders. The leaflets provided details of a dedicated project website with various contact methods, including a Freephone telephone number and direct email address, and a Frequently Asked Questions (FAQs) section and feedback form to enable comments to be made. The presentation of the proposals was made accessible online, between 18th March - 28th March 2022. This included a live webinar which was held on the 24th March, and involved a presentation to take attendees through the details of the proposals, along with a live Q&A session where members of the technical team responded to questions.

2.4 The SOCl confirms, at the point of the application submission, c.115 unique users have visited the website generating a total of 599 page views. A total of 24 forms of feedback have been received, including 13 digital feedback forms, 10 emails and 1 telephone call. A total of 10 individuals registered for the live webinar, and 7 individuals joined the event. 17 questions were asked during the webinar and were responded to during the Q&A session.

2.5 In summary, the feedback raised the following summarised comments:

- o Design approach - out of keeping with character of area
- o Building density and height is excessive for the site
- o Loss of sunlight to neighbouring properties
- o The proposals should include underground parking, EV charging points; motor cycle and cycle parking
- o There would be increase to on-street parking, and increase in traffic resulting from use of the proposals
- o Limited provision of outdoor green spaces
- o The flexible commercial/community use was questioned
- o The community space should be given to the local police

- o Objection to food takeaway premises at ground floor level
- o The percentage and tenure of affordable housing was questioned
- o Increased pressure on local amenities
- o Traffic and parking impacts during construction phase
- o Increased carbon footprint
- o The consultation process was questioned.

2.6 The consultation website was updated following the event to allow members of the wider community to view responses to questions received during the webinar and to provide further information of relevance to the community.

### 3.0 PUBLICITY AND CONSULTATION RESPONSES

#### + Statutory Consultation

3.1 A site and press notice were published to advertise this application and notification letters were sent to the occupants of 279 surrounding properties.

3.2 To date a total 23 representations have been received comprising 5 in support, 2 neutral, and 16 in objection. A summary of the comments is provided below:

#### Objection:

- o loss of police station is unacceptable
- o existing building should be reused as offices for government related facilities/NHS
- o will the commercial use be another takeaway or for the sale of fake cigarettes
- o replacing a 3 storey building with a 5 storey building will greatly alter the look and feel of the surroundings
- o area is becoming too built up
- o design looks very cheap and not aligned with the neighbourhood
- o impact on adjoining conservation areas and St Stephens Parish Church.
- o emphasis on 1 bed flats
- o cramming 54 self-contained flats would heavily compromise living conditions for the potential residents
- o unacceptable high density
- o shortage of affordable housing in the area
- o potential to accommodate 300 people in an already overcrowded area
- o loss of light to neighbouring residential properties and to Church stained glass windows
- o noise/pollution/vibration during demolition/construction phase
- o light pollution
- o increased traffic/parking stress in locality
- o insufficient cycle storage
- o pressure on sewers
- o increased pressure on local services such as GPs/schools/refuse/parks
- o not enough green space
- o accessible external areas are at a bare minimum
- o consultation not extensive enough or during inconvenient times

Support:

- o scheme is wonderfully designed and will add vitality and more housing to the neighbourhood
- o commercial space will activate the high street
- o the architectural design is high quality and will start to lift the tone of the high street, which is very run down and in desperate need for investment
- o the provision of additional housing on a derelict, well connected and prominent site
- o provision of a car-free development

The support letters also make the following suggestions:

- o the corner of the building with Tunis Road and Uxbridge Road should be splayed to improve pedestrian visibility and accessibility
- o the flexible use should be restricted from operating as a hot food takeaway
- o a post-completion condition should be included requiring the undertaking of a noise assessment at the flats fronting the busy Uxbridge Road
- o S106 contributions should be made available to local business owners to improve their shopfronts to the benefit of the local area.

Neutral/neither objecting to or supporting:

- o 50 should be affordable
- o 10% should be wheelchair accessible

3.3 Hammersmith Society: reviewed the development with a neutral viewpoint.

3.4 The Hammersmith and Fulham Historical Society, and the Hammersmith and Fulham Historic Buildings Group were also consulted on the planning application and have not made any comments.

+ Technical Consultations

3.5 Historic England (Development Management section) have responded to state they do not wish to offer advice on this application.

3.6 Historic England Greater London Archaeological Advisory Service (GLAAS) have responded to state they do not consider it is necessary to be notified of this application.

3.7 Thames Water recommend a condition requiring a Piling Method Statement; and informatives relating to water pressure and Groundwater Risk Management Permit

3.8 Metropolitan Police Designing Out Crime Officer (DOCO) confirms the applicant consulted the DOCO on the 8th February 2022. It is recommended the applicant completes the SBD accreditation process to achieve a SBD certificate.

3.9 The London Fire and Emergency Planning Authority were consulted on the planning application and have not made any comments.



#### + Design Review Panel

- 3.10 The proposal scheme was presented to the Design Review Panel in March 2022, as part of pre-application discussions. The panel were largely supportive of the proposal and recognised the opportunity of the site to reaffirm and complete the varied character and townscape of this section of Uxbridge Road.
- 3.11 However, the panel recommended further review of the approach, particularly to the massing strategy, architecture, and appearance of the scheme; to provide a well-founded approach which positively addresses the prominence of the site along Uxbridge Road and achieves a satisfactory relationship with Stanlake Villas to the north.
- 3.12 Since this time, the scheme has been subject to a series of amendments and revisions to respond to the comments of the panel, and council officers. Further commentary upon these amendments is referenced in the design and heritage section of the report.

#### 4.0 POLICY FRAMEWORK

- 4.1 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.
- 4.2 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).
- 4.3 In this instance the statutory development plan comprises the London Plan (2021) and the Local Plan (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

#### + National Planning Policy Framework (2021)

- 4.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was subsequently revised in 2019 and more recently in 2021 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.
- 4.5 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

- 4.6 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

- 4.7 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.

## 5.0 PLANNING ASSESSMENT

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

- 5.1 Principle of Land Use (loss of the police station; provision of flexible non-residential ground floor use; provision of residential units);
- 5.2 Housing Supply (density/housing mix/affordable Housing provision);
- 5.3 Quality of the Residential Accommodation;
- 5.4 Accessibility; Secure by Design; and Fire Safety
- 5.5 Design and Heritage
- 5.6 Residential Amenity (daylight and sunlight/outlook/privacy/noise)
- 5.7 Highways and Transportation
- 5.8 Flood Risk and SUDS
- 5.9 Energy and Sustainability
- 5.10 Air Quality
- 5.11 Land Contamination
- 5.12 Arboriculture, Ecology and Biodiversity
- 5.13 Economic Development and Skills Training

## 5.1 LAND USE

### + Loss of the Police Station

- 5.1.1 London Plan Policy GG2 sets out the Mayor's strategic policy with regard to the best use of land and states that planning must enable the development on brownfield land, in particular in Opportunity Areas, on surplus public sector land and sites within and on the edge of town centres as well as utilising small sites of less than 0.25 hectares, prioritising sites with good transport links.
- 5.1.2 London Plan Policy S1 sets out that development proposals that provide high quality, inclusive social infrastructure that addresses a local or strategic need and supports service delivery strategies should be supported. This policy states redundant social infrastructure should be considered for full or partial use as other forms of social infrastructure before alternative developments are considered.
- 5.1.3 Local Plan Policy CF1 (point 6) states that the Council will "[Protect] all existing community facilities and services throughout the borough unless there is clear evidence that there is no longer an identified need for a particular facility or service, or where that facility or service can be appropriately replaced or provided elsewhere in the locality."

5.1.4 Local Plan Policy CF2 refers to the enhancement and retention of community uses. It states: 'In any development proposal, existing community uses should be retained, enhanced or replaced, unless there is clear evidence that there is no longer an identified short or long term need for a particular facility or service, or where the existing facility or service can be appropriately replaced or provided elsewhere in the locality.'

5.1.5 The existing site is vacant. The closure of the Shepherds Bush Police Station in February 2021 and the case for consolidation has already been reviewed and agreed by the Mayor's Office for Policing and Crime (MOPAC) as part of a wider public service transformation plan. In 2017, MOPAC and the Metropolitan Police Service produced a Public Access Strategy setting out the steps to be taken in order to address a reduction in government funding and the need to deliver £400 million of savings. Part of this strategy included the closing of facilities and disposing of buildings where services can be suitably relocated, and which do not offer public access. The application site was one such building which did not house a front counter at the time and was listed as being suitable for disposal. It is understood, prior to its closure, the Shepherds Bush Police Station did house a front counter however this was a temporary facility in response to the refurbishment/upgrade of Hammersmith Police Station on Shepherds Bush Road. The front desk and services previously provided on the site have now been permanently relocated and consolidated to the new Hammersmith Police Station .

5.1.6 In accordance with the above policies there is clear evidence that there is no longer an identified need for a police facility/service at this site; and given the service has since been appropriately re-provided at Hammersmith Police Station there is no overall loss of policing capacity in the borough. In principle the redevelopment of the site for alternative uses is acceptable.

#### + Flexible Non-Residential Use

5.1.7 At ground floor level 275 sqm of floorspace would be provided for a flexible non-residential use (Class E, F1 and F2). This would equate to approximately 26% of the existing floorspace.

5.1.8 As stated earlier, London Plan Policy S1 and Local Plan Policy CF2 support the enhancement of community uses, and development which provides inclusive social infrastructure that addresses a local or strategic need and supports service delivery strategies.

5.1.9 Local Plan Policy E1 requires flexible and affordable space suitable for small to medium enterprises. London Plan Policy E3, recognises that planning obligations may be used to secure affordable workspace at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose. This is augmented by the recently adopted Affordable Workspace SPD (October 2022).

5.1.10 Following negotiations with officers the applicant has agreed to offer the space at ground floor level for community uses and affordable workspace uses. This will be secured by a s106 agreement. The space will be offered in perpetuity at a reduced rate (50% market rent) and will be fitted out to an agreed standard. Appropriate

arrangements for managing the space would be 1) the developer leases the space to a provider on the council's approved provider list; or 2) the affordable space is leased directly to an end user on council's approved list. A Workspace Management Plan will be finalised and signed off via the s106 agreement.

5.1.11 Creating both more affordable community space, and affordable workspace will comply with the council's objectives of supporting growth in priority industries such as creative businesses and emphasising social value in the borough which are important cornerstones in the H&F Industrial Strategy, the Creative Enterprise Zone Action Plan and also the emerging Cultural Strategy. The proposed uses would integrate well within the local area given the location of the site, close to Shepherd's Bush Town Centre and with a PTAL level of 6a.

5.1.12 On this basis, the social benefits derived from the use of the ground floor unit represent the delivery of the Council's spatial vision and strategic objectives. Subject to a s106 agreement to secure the benefits identified and agreed, the proposal accords with the above policies.

+ Residential Use

5.1.13 London Plan Policy H1 requires an annual average of 66,000 net additional homes to be delivered with Table 4.1 setting an annual target of 1,609 net additional dwellings for Hammersmith and Fulham. Policy HO1 of the Local Plan, seeks to exceed an annual target of 1031 until 2025 and continue to seek a minimum of 1,031 net additional dwellings per year up until 2035. The proposed scheme would contribute to these targets by providing a net increase of 53 residential units on the Site.

## 5.2 HOUSING SUPPLY

+ Density

5.2.1 In order to optimise the use of land London Plan Policy D3 and GG2 state development should proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling. Para. 3.3.21 states comparing density between schemes using a single measure can be misleading as it is heavily dependent on the area included in the planning application site boundary as well as the size of residential units.

5.2.2 London Plan Policy H2 (Small sites) sets out that Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making. The site is approximately 0.19 hectares in size and therefore represents a small site for the purpose of this policy.

5.2.3 Local Plan Policy HO4 expects housing in existing residential areas to be predominantly low to medium density and to consist of low to medium rise developments, it recognises that high density development may be appropriate in highly accessible areas, subject to design, compatibility with local contexts and transport impacts and highway capacity. It adds that high density housing with limited car parking can help ensure housing output is optimised and may be

appropriate in locations with high levels of PTAL, provided it is compatible with the local context and principles of good design and is satisfactory in other respects.

5.2.4 The proposed development, (0.19 hectares) would result in a residential density of approximately 279 units per hectare. This reasonably high level of density is compatible with its location in an area with good access to public transport (PTAL 6a) and within close proximity to the town centre. Therefore, whilst the building itself is larger than some surrounding properties the proposed scheme has been designed to take account of its local context in terms of the form and character of surrounding development, impact on neighbours, as well as complying with the Council's standards on the size of residential units. In accordance with the above Policies, the proposed 53-unit scheme on this small site within an urban area would make efficient use of this land and would contribute to the overall housing need in the Borough.

+ Housing Mix

5.2.5 London Plan Policy H10, together with the Mayor's Housing SPG seek to promote housing choice and a balanced mix of unit sizes within new developments.

5.2.6 Local Plan Policy HO5 seeks to ensure that developments provide a mix of housing types and sizes, in particular, it seeks to increase the proportion of family accommodation. Developments should aim to meet the following mix subject to viability, locational characteristics and site constraints being considered on a site by site basis:

a. for social and affordable rented housing approximately:

1 bedroom: 10% of units;  
2 bedrooms: 40% of units;  
3 bedrooms: 35% of units;  
4+ bedrooms 15% of units;

b. for intermediate housing approximately:

1 bedroom: 50%;  
2 bedroom: 35%;  
3 or more bedrooms: 15% of units;

c. for market housing, a mix of unit sizes including larger family accommodation.

5.2.7 The proposed mix would include 3 x studios (6%); 26 x 1 bed (48%); 21 x 2 bed (40%); and 3 x 3 bed flats (6%), and would comprise a combination of market and affordable housing. When considering Policy HO5 above the unit mix would be as follows:

a. for social rent housing approximately: 12 units in total (23% of all units)

4 x 1 bedroom (33% of social rent units);  
5 x 2 bedroom (42% social rent units);  
3 x 3 bedroom (25% social rent units)

b. for intermediate housing approximately: 7 units in total (13% of all units)

7 x 1 bedroom (100% of intermediate housing units)

c. for market housing: 34 in total (64% of all units)

2 x studios (6% of market units);

15 x 1 bedroom (44% of market units);

17 x 2 bedroom (50% of market units)

5.2.8 The proposed housing mix does not fully align with the prescribed targets set out in Policy HO5, primarily due to the emphasis on 1 and 2 bedroom units, and a shortfall of family sized accommodation. However, the policy is clear that schemes will be considered on a site-by-site basis, subject to viability, locational characteristics and site constraints. The justification to Policy HO5 acknowledges that some sites may be more appropriate for families with children, and that town centre housing at higher densities close to public transport facilities is especially suitable for one and two person households. In this case the site is very close to the Town Centre. Furthermore, as discussed in subsequent paragraphs below, the viability of the development has been subject to an analysis both by the Council's and the applicant's advisors, and in this case Officers are satisfied that the quantum and mix of units proposed represent the maximum viable offer. It is however noted the development would provide family sized units on social rented tenures thereby meeting the overarching aim of Policy HO5.

+ Affordable Housing

5.2.9 The Mayor's threshold approach to affordable housing on public land (Policies H4 and H5 of the London Plan 2021) recognises that there is potential for development on surplus public sector land to make a higher contribution to affordable housing delivery than private sector land. In order for the development to qualify for the GLA's fast-track route, 50% affordable housing should be provided, and the scheme should meet the relevant tenure split outlined in London Plan Policy H6 (30% low-cost rented homes, 30% intermediate products and 40% to be determined by the borough). The GLA are also clear the off-site contributions should only be permitted in exceptional circumstances.

5.2.10 Local Plan Policy HO3 sets a borough-wide target of at least 50% of all dwellings built to be affordable. Of this, 60% should be for social or affordable renting, especially for families, and 40% should be for a range of intermediate housing. Planning applications will not be required to provide viability information where they deliver 50% or more affordable housing on site which is consistent with the relevant tenure split outlined under Local Plan Policy HO5 above and meet all of the other relevant Local Plan policy requirements and obligations. A financial contribution to off-site provision will only be considered in exceptional circumstances.

- 5.2.11 The scheme proposes 19 (35%) affordable units which fails to meet both the London Plan's 50% affordable housing target for public sector land (Policies H4 and H5) and the Council's 50% affordable housing target as outlined in Local Plan Policy HO3. The split, 63% social and 37% shared ownership, and the housing mix (as outlined above) also fail to comply with Local Plan Policies HO3 and HO5. The remaining 34 units would be provided for private sale.
- 5.2.12 In line with London Plan Policy H4 and Local Plan Policy HO5, the application is supported by a financial viability appraisal (FVA) to demonstrate 35% is the maximum reasonable level of affordable housing provision. Officers, together with the Council's independent viability consultants (Carter Jonas) scrutinised the initial FVA which proposed an affordable housing offer comprising 32%, including 17:83 (Social Rented: Shared Ownership) split. In response to officer's challenging the alternative land use value (AUV) a revised FVA was submitted which increased the offer to 35% including 63:37 (Social Rented: Shared Ownership) split. Additionally, in recognising the shortfall, officers have also sought to provide additional public benefits in the way of affordable community use/affordable workspace at ground floor level (outlined in detail earlier), which has also been factored into the applicants revised FVA.
- 5.2.13 In respect to the 35% affordable housing and the 50% discount rent for the ground floor unit the applicant's FVA concludes the Residual Land Value (RLV) is below the Benchmark Land Value (BLV) (-£116k and £2.18m respectively) and therefore the scheme would result in a predicted deficit of -£2.28m. Despite this, the applicant is prepared to offer 35% affordable housing, together with 50% discount rent for the community use/affordable workspace.
- 5.2.14 In their assessment, while Carter Jonas agree that the proposal would result in a deficit, they disagree with applicant's BLV and RLV and in turn predict the extent of the deficit would be less than -£2.28m. They note as the predicted deficit is smaller, any positive market movements over the course of the project could reverse the deficits indicated. To illustrate this point Carter Jonas have undertaken sensitivity analysis to showing the impact on land value from stepped changes in both private residential values and base build costs to demonstrate that relatively small positive market movements could result in a project surplus accounting for the sites benchmark land value.
- 5.2.15 London Plan Policy H5 allows for an early and late stage review via the Viability Tested Route. The process is designed to assess the maximum level of affordable housing that a scheme can deliver in cases where the threshold level of affordable housing cannot be met. While it is accepted the scheme at present would provide the maximum reasonable level of affordable housing provision, it is recommended that the Council is adequately protected in the form of a suitable review mechanism should the scheme outperform current market expectations. This will be secured as part of the s106 agreement.
- 5.2.16 Overall, the scheme would deliver an increase in affordable housing units via Social Rent and Shared Ownership. Whilst the provision does not meet the 50% target prescribed by the London Plan and Local Plan, as detailed earlier in the report, officers have negotiated the provision of community use/affordable workspace with discounted rent at ground floor level to help alleviate the shortfall in affordable housing, and maximise the public benefits of the site. The split, 63%

social and 37% shared ownership, and the housing mix has been determined as being acceptable in this location by the council's housing officers. The split represents a small deviation from policy and the family sized units have been provided on social rented tenures thereby meeting the overarching aim of Policy HO5.

5.2.17 In this regard, the proposals would secure an uplift in housing provision, including affordable homes, representing a substantial benefit to the Council where, like most of London, there is a considerable need for new homes particularly affordable homes. Subject, to the securing of the affordable housing by a s106 agreement, together with a suitable review mechanism in order to ensure that affordable housing contributions are increased if viability improves over time, the proposal is judged to comply with the objectives of London Plan Policies H4, H5 and H6 and Local Plan Policies HO3 and HO5.

### 5.3 QUALITY OF RESIDENTIAL ACCOMMODATION

5.3.1 London Plan Policy D6 places a significant focus on internal space standards for dwellings. The purpose of the policy is to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures. Together with the recently adopted Mayor's Housing Design Standards LPG, and the DCLG's Nationally Described Space Standards it provides detailed standards which set out the minimum level of quality and design that new homes should meet.

5.3.2 Local Plan Policies HO4 and HO11 requires all housing to provide a high-quality residential environment and be well designed internally and externally. Planning Guidance SPD Key Principles HS1 and HS2 are also relevant with regards to internal space and amenity space provision for new dwellings, and reflects the requirements set out in the abovementioned London and National standards.

#### + Internal Space

5.3.3 Unit sizes - Table 1.3 of London Plan Policy D6 and Planning Guidance SPD Key Principle HS2 set out space standards for different residential units. In addition, standard C2.2 of the Mayor's Housing Design Standards LPG sets out best practice space standards which provides additional space, over and above the minimum space standard, to ensure new homes are fit for purpose and of the highest residential quality.

5.3.4 For the units proposed as part of this scheme the standards would be as follows:

1b1p - 39sqm/best practice 43sqm (range 42sqm to 47sqm)  
1b2p - 50sqm/best practice 55 (range 50sqm to 61sqm)  
2b3p - 61sqm/best practice 67 (range 61sqm to 80 sqm)  
2b4p - 70sqm/best practice 77 (range 70sqm to 81sqm)  
3b4p - 74sqm/best practice 84sqm (91sqm)  
3b5p - 86sqm/best practice 97sqm (90sqm )

5.3.5 All the units would comply with the London Plan, with the majority also complying with the Mayor's best practice standards for their given size. As a result, the units would be of a sufficient size to provide a suitable internal living arrangement.



#### + Ceiling Heights

5.3.6 To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, London Plan Policy D6, standard C2.3 of the Mayor's Housing Design Standards, and SPD Key Principle HS2 require a minimum floor to ceiling height of 2.5 metres for at least 75% of the gross internal area of each dwelling. The flats have been designed to accord with this standard which indicates a good standard of accommodation.

#### + Aspect, light and outlook

5.3.7 The reception of light and outlook is important to the quality of life. The Mayor's Housing Design Standards LPG recognises that dual aspect dwellings, with opening windows on at least two sides, have many inherent benefits including better daylight, greater chance of direct sunlight for longer periods, natural cross ventilation, and greater capacity to address overheating, mitigating pollution, a choice of views and greater flexibility in use of rooms. Standard C4.1 of the Mayor's Housing Design Standards LPG states developments should minimise the number of single aspect dwellings, and single aspect dwellings that are north facing should be avoided. Where it cannot be met, housing schemes should demonstrate the provision of good amenity for its residents. Standard C4.3 states all homes should allow for direct sunlight in conjunction with solar shading. As a minimum, at least one habitable room should receive direct sunlight - preferably the living area and/or the kitchen and dining space.

5.3.8 In terms of outlook the plans demonstrate that the majority of units would benefit from some element of dual aspect. Those units which are single aspect are orientated towards the east and west, and none are exclusively north facing .

#### + Sunlight and Daylight

5.3.9 A daylight and sunlight report supports the application which includes an assessment of the new residential units. The report is based on the latest 2022 revision of the BRE guidelines and uses the illuminance (daylight) and sunlight exposure methodologies.

#### Daylight (Illuminance)

5.3.10 Illuminance methodology uses Climate Based Daylight Modelling (CBDM) to determine the levels of illuminance (lux) achieved from daylight for at least half of the daylight hours in a typical year. The UK National Annex gives illuminance recommendations of 100 lux in bedrooms; 150 lux in living rooms; and 200 lux in kitchens. It is recommended that at least 50% of a room should exceed the recommended lux, for 50% of the total daylight hours in a year, for its use.

5.3.11 In this instance the assessment shows that 107 (81%) of the 132 rooms assessed within the proposed development achieve the target median illuminance for their room use. This represents a good overall level of compliance with the internal daylight targets. Where a small number of rooms fall below the guidance these rooms have their access to daylight restricted by balconies above. The balconies are clearly an asset to the flats they serve, and so the well-lit external

amenity space they provide should be balanced against the reduced daylight to the rooms below. Overall, on balance the overall level of daylight provided to units within the development would be acceptable.

#### Sunlight Exposure

5.3.12 The BRE no longer recommends the use of the APSH assessment to assess sunlight potential in new dwellings, and instead concludes that a dwelling will appear reasonably sunlit provided at least one main window wall faces within 90 degrees of due south; and a habitable room, preferably a main living room, can achieve a total of at least 1.5 hours of sunlight in 21 March.

5.3.13 There are 67 rooms within the development that are served by windows orientated within 90-degrees of due south and the analysis shows that 54 of these (81%) would receive at least 1.5 hours of sunlight on 21 March. A further 34 rooms would also comply with the guidance, despite being served by windows orientated in a slightly northerly direction. Overall, it is considered that the future occupiers of the development will have access to adequate levels of sunlight amenity.

5.3.14 In summary, the results demonstrate a high level of compliance, particularly given the urban context and constraints of the site. The policy framework clearly supports the flexible application of daylight, sunlight and overshadowing guidance in order to make efficient use of land, and not to inhibit density. Taken together with the generous size of the flats it is considered the proposed units would be afforded sufficient light and outlook.

#### + External amenity space

5.3.15 Local Plan Policy HO11 and SPD Key Principle HS1 require all new developments to make provision for open space to meet the needs of occupiers and users. Standard C10.1 of the Mayors Housing Design Standards LPG and Planning Guidance SPD Key Principle HS1 require a minimum of 5sqm. of private outdoor space to be provided for 1-2 person dwellings and an extra 1sqm. for each additional occupant. Key Principle HS1 also states that every new family (3 or more bedrooms) dwelling should have access to amenity or garden space, and for family dwellings on upper floors this space may be provided either as a balcony or terrace and/or communally within the building's curtilage. The Policies do however recognise that in some cases, site constraints may make it impossible to provide private open space for all dwellings.

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

- have a well designed area for children's play adequate to meet the needs of the development;
- be overlooked by surrounding development;
- be accessible to wheelchair users and other disabled people;
- be designed to take advantage of direct sunlight;
- have suitable long term management arrangements in place to ensure open space is well managed over the life of the development.

5.3.17 Local Plan Policy OS3 requires new residential development which provides family accommodation to provide accessible and inclusive, safe and secure communal playspace on site. London Plan Policy S4, requires residential developments likely to be used by children and young people to provide at least ten square metres of play space per child. In this case, using the GLA child yield calculator the scheme would generate a benchmark play space of at least 157.3sqm.

5.3.18 In this instance, amenity space would be provided through small garden areas at ground floor level; balconies and roof terrace to a number of upper floor units; and communal amenity space including integrated play space within the centre of the site. The 6 ground floor units would benefit from defensible private amenity space in the form of small garden or patio areas. Across the remainder of the building with the exception of 12 units all would benefit from external balconies or terrace areas in excess of the prescribed standards.

5.3.19 In terms of those flats without private amenity space, this is due to design changes requested by officers including alterations to the front elevation of the building and the inclusion of a set back to the north eastern corner. Notwithstanding this, equivalent area of floorspace has been afforded to each of the 12 flats in lieu of the private outdoor space requirement.

5.3.20 The flats would also have access to the newly landscaped communal courtyard approximately 180sqm (excluding areas of defensible space). The space would comprise a mix of hard and soft landscaping which will provide outdoor seating, dining table and benches, as well as integrated children's playspace features including a wobbly sheep, boulders, stepping stones and log trails through planting. While the courtyard is not exclusively designated as playspace, the focus is on providing doorstep play for under 5's which is sensitively integrated into the courtyard in a multifunctional manner, with seating for parents and so that the amenity space can be enjoyed by all residents. In this case the provision is judged to be acceptable. The open space would be in the centre of the development, overlooked by the new units so that it would be a safe, welcoming space for everyone to use. Final details of landscaping would be secured by a condition.

5.3.21 Separately, Shepherds Bush Common is within a short walking distance away which provides an alternative multi-functional area of amenity space where existing public open space facilities already exist including a children's playground. Given the availability of both on-site and off-site amenity space provisions, it is considered the proposal would provide a suitable residential environment for future occupiers.

+ Noise

5.3.22 Paragraph 10.8 of the Planning Guidance SPD specifies that poor design and layout of rooms often lead to neighbour noise complaints, and accordingly Key Principle NN3 of the Planning Guidance SPD expects all parts of adjoining dwellings to enhance the sound insulation, including where the adjoining room is of a similar use. Standard C5 of the Mayor's Housing Design Standards LPG states where necessary, sound-attenuation measures should be adopted to reduce the external noise experienced within to an acceptable level.

5.3.23 In this case there is potential for noise transmission between the new residential units, and from the new non-residential floorspace at ground floor level and from Uxbridge Road. In order to ensure suitable internal noise levels conditions would be attached in respect sound proofing between different room types/uses and from plant equipment. Subject to these conditions, the proposal would provide an acceptable living environment for occupiers in accordance with Local Plan Policies CC11 and CC13 and Key Principle NN3 of the Planning Guidance SPD.

5.3.24 For the reasons set out above, Officers are satisfied that the development would provide a suitable standard of accommodation in accordance with London Plan Policy D6, Local Plan Policies HO4 and HO11, the Mayor's Housing Design Standards LPG and the DCLG's Nationally Described Space Standards.

#### 5.4 ACCESSIBILITY; SECURE BY DESIGN; AND FIRE SAEFTY

##### + Accessibility

5.4.1 In accordance with the London Plan Policy D7 and Local Plan Policy HO6 the standards for access require 90% of the units to be built to building regulations standard M4(2) 'Accessible and adaptable buildings', with the remaining 10% built to standard M4(3) 'Wheelchair accessible dwellings'. In this instance 5 (10%) of the units would be built to M4(3) wheelchair accessible standard whilst the remainder would all be M4(2). The wheelchair accessible dwellings would comprise a mix of units (2 x 1b2p; 2 x 2b3p; 1 x 3b5p), and all would be located at ground floor with level access, and direct access to private external amenity via the main living spaces. In addition, two Blue Badge parking spaces are provided on the Site, accessed via Stanlake Road. In terms of the remaining 90% accessible and adaptable units, both Blocks A and B are served by a lift. The provision of the M4(2) and M4(3) will be secured by a condition. A condition will also ensure level access and appropriate door widths are provided for the ground floor non-residential use. In this respect, the proposal would provide suitable accessibility for all potential occupiers in accordance with London Plan Policies D5 and D7 and Local Plan Policy HO6.

##### + Secure by Design

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

##### + Fire Safety

5.4.3 The matter of fire safety compliance is covered by Part B of the Building Regulations. However, London Plan Policy D12 recommends the fire safety of developments to be considered from the outset. London Plan Policy D12 states that 'all development proposals must achieve the highest standards of fire safety' and the requirements are set out in Section A (criteria 1-6).

5.4.4 As required a Fire Safety Statement, prepared by an independent and suitably qualified third party, has been submitted in support of the proposal. The building does not fall under the category of a 'relevant building' as defined in Building Regulation 7(4) and consultation with HSE is not required. The Fire Strategy evaluates the proposal alongside British Standards, demonstrating the fire safety measures to be implemented as part of this development in respect to life safety of the occupants and facilitating adequate fire service access.

5.4.5 In this case Blocks A and B have been treated as separate blocks for fire safety purposes. Both Blocks will be served by a single residential staircase. The development will be provided with active and passive fire safety systems that will reduce the risk in case of emergency, including fire detection and alarm, ventilation systems, and a sprinkler systems. Officers are satisfied that the submitted Fire Safety Statement provides sufficient information for the planning stage. A condition will secure its implementation.

## 5.5 DESIGN AND HERITAGE

### DESIGN

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

5.5.2 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".

5.5.3 Local Plan 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.

5.5.4 Policy DC2 (Design of New Build) states that new build development will be permitted if it is of a high standard of design and compatible with the scale and character of existing development and its setting. All proposals must be designed to respect: a. the historical context and townscape setting of the site, and its sense of place; b. the scale, mass, form and grain of surrounding development and connections to it; c. the relationship of the proposed development to the existing townscape, including the local street pattern, local landmarks and the skyline; d. the local design context, including the prevailing rhythm and articulation of frontages, local building materials and colour, and locally distinctive architectural detailing, and thereby promote and reinforce local distinctiveness; e. good neighbourliness and the principles of residential amenity; f. the local landscape context and where appropriate should provide high quality landscaping and public

realm with good permeability; g. sustainability objectives; including adaptation to, and mitigation of, the effects of climate change; h. the principles of accessible and inclusive design; and i. principles of Secured by Design.

#### + Site Context

5.5.5 The existing, former Police station building occupying the application site consists of a 3 storey block occupying the western portion of the site, (fronting back Uxbridge Road and Tunis Road), and a linked single storey block, (fronting Stanlake Road). To the north of the site, (Stanlake Villas) currently features the main vehicular entrance to the site and single storey ancillary buildings.

5.5.6 Completing the block to the east of the application site, features a 3 storey commercial terrace with a part mansard roofscape. This terrace is significantly set-back above ground floor along the prominent Uxbridge Road frontage.

5.5.7 Adjacent to the site boundary, the area due west includes the development of 4 storey mixed-use terrace along Uxbridge Road and the flatted block of Arlington House.

#### + Height, Scale, and Massing

5.5.8 The proposal scheme brings forward a part 4-5 storey development to western portion of the site, with a 4 storey block fronting the north-eastern extent of Stanlake Villas.

5.5.9 Along the Uxbridge Road frontage, the scheme seeks to reaffirm the townscape composition of the adjacent terrace, with a single storey commercial frontage. At upper floors the development would be set-back to reflect the established building line of adjacent block; and provide a transitional 3 storey block at the interface with the existing terrace, leading to the predominantly 4 storey block to the western portion of the site. The upper level of this block is designed to be recessive in character significantly set-back from the main parapet of the lower building and designed in contrasting materials. At roof level, this element of the scheme includes provision of an enclosure, (for acoustic reasons), to screen roof-top plant, including provision of air-source heat pumps to serve the development.

5.5.10 The Stanlake Villas frontage of the scheme, is typically of a 4 storey scale, with the eastern portion of the block featuring a set-back at upper floor level. The development is significantly set-back from the site boundary and includes provision of deck-access accommodation.

5.5.11 The Stanlake Road frontage of the scheme generally includes the provision of a landscaped courtyard, providing external amenity for residents.

5.5.12 The overall scale of development is considered to represent an optimisation of the development capacity of the site and would not appear out of character with the scale of other buildings within close proximity to the site, particularly those located to the west of the site.

## + Architecture and Appearance

- 5.5.13 The architectural composition of the proposal is largely focussed upon creating a contemporary language to the development; using brick as the main interface material of the scheme, coupled with framed precast concrete, recessive balconies and a projecting bay feature to provide character and detailing to the scheme.
- 5.5.14 Considering the prominent Uxbridge Road frontage, the scheme provides a high-quality and animated frontage; this would complement high-quality shopfronts along this stretch of Uxbridge Road. Shopfronts are framed with pre-cast concrete portals. At upper floors the block is designed to incorporate a link-block to transition between the 3 storey adjacent terrace and the 4 storey block to the west. This block is designed to incorporate a contemporary triple-height bay feature; which is designed complement the character of other bay features found along Uxbridge Road.
- 5.5.15 The recessive upper floor is treated in an alternative brickwork detailing. Plant enclosures above this element are required to provide acoustic screening for air source heat pumps to serve the development. This element of the scheme will have additional prominence, (particularly from medium range views along Tunis Road looking south). This element is treated in lightweight materials in an attempt to limit the visual dominance of this element.
- 5.5.16 Other elevations of the scheme include brickwork detailing as the main interface material for the scheme. These elevations are enriched through the provision of framed elements of pre-cast concrete which provide external balconies and deck-access to the development. Recessed balconies are also included in the Tunis Road and internal elevations to break-up the mass of the scheme. Further detail of materials and 1:20 details of elevations would be subject to future consideration, through the provision of suggested conditions.
- 5.5.17 The proposed scheme is considered to represent a good quality of design, with the facades of the building being well articulated and detailed to provide additional character to the development and a positive response to the surrounding townscape.

## + Landscaping and Public Realm

- 5.5.18 Landscaping proposals are considered acceptable and suggested conditions will enable provision of additional detail in relation to hard/soft landscaping across the site. The proposals scheme includes provision of a central landscaped courtyard which as an area of amenity for future occupiers of the development. As outlined elsewhere in this report, within this space, the landscaping plan includes provision of areas of seating, informal areas of play and soft landscaping with 13 new trees proposed (A mix of cherry, maple and rowan trees). The other key area of improvement to the public realm will be to the north of the site along Stanlake Villas. Here, the development will provide additional active frontage and an enlarged forecourt to the entrance to the development. As discussed later in this report, the scheme has been designed to enable the retention of existing trees outside of the site boundary.

5.5.19 It is considered that the proposal would be a good quality development in keeping with the visual appearance of the locality and would make a positive contribution to the urban environment in this part of the Borough. The development would therefore be acceptable in accordance with the NPPF (2021), London Plan (2021) Policies HC1 and D3, Policies DC1, DC4, and DC8 of the Local Plan (2018) and Key Principle CAG3 of the Planning Guidance SPD (2018).

## HERITAGE

5.5.20 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas. It is key to the assessment of these applications that the decision-making process is based on the understanding of specific duties in relation to listed buildings and Conservation Areas required by the relevant legislation, particularly Section 66 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in the NPPF.

5.5.21 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.'

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

5.5.23 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was most recently revised in 2021 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.

5.5.24 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.

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



- 5.5.26 Para 195 of the NPPF states that: Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 5.5.27 Para 197 of the NPPF states that: In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; Page 200 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.
- 5.5.28 Para 199 of the NPPF states that: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.5.29 Para 200 of the NPPF states that: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 5.5.30 Para 201 of the NPPF states that: Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 5.5.31 Para 202 of the NPPF states that: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 5.5.32 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).
- 5.5.33 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.
- 5.5.34 Case law indicates that following the approach set out in the NPPF will normally be enough to satisfy the statutory tests. However, when carrying out the balancing exercise in paragraphs 195 and 196, it is important to recognise that the statutory provisions require the decision maker to give great weight to the desirability of preserving designated heritage assets and/or their setting.
- 5.5.35 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.
- 5.5.36 The scheme would impact heritage assets indirectly, namely through impacts on setting. These impacts are considered separately in the report below.
- 5.5.37 In the first instance, the assessment to be made is whether the development within the setting of a designated heritage asset will cause harm to that designated heritage asset or its setting. If no harm is caused, there is no need to undertake a balancing exercise. If harm would be caused, it is necessary to assess the magnitude of that harm before going to apply the balancing test as set out in paragraphs 201 and 202 of the NPPF as appropriate.
- 5.5.38 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.
- 5.5.39 London Plan Policy HC1 (Heritage conservation and growth) advises that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.
- 5.5.40 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.

5.5.41 Local Plan 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.

5.5.42 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.

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

+ Heritage assets

5.5.44 The application site is not located within a Conservation Area and does not contain any designated or undesignated heritage assets.

5.5.45 However, there are a number of heritage assets which are situated to the south of this stretch of Uxbridge Road, there are:

- The Church of St Stephen and St Thomas - Listed at Grade II
- Coningham and Lime Grove Conservation Area
- Groups of locally listed, (buildings of merit); 33 - 41 Uxbridge Road and 43 - 55 Uxbridge Road

5.5.46 The development has the potential to impact on the setting of these heritage assets and they have been considered in the assessment of this proposal.

+ Statutory Listed Buildings: The Church of St Stephen and St Thomas

5.5.47 The significance of the Church of St Stephen and St Thomas, largely relates to its use and architecture. Developed around 1849-1850, the building has been subject to some modification, largely through the removal of the original spire and replacement with a tower occupying the prominent north-west corner to Uxbridge Road. The building includes rubblestone with ashlar dressings and slate roof, with the decorated tower with low copper spire being the more detailed element of the building.

5.5.48 The existing setting is varied and does not contribute to the significance of the Church, nor does it contribute to an understanding of its historic and architectural significance. The different buildings found within this setting, illustrate the evolution of Uxbridge Road as a key route and connection to Shepherds Bush and Central London. Commercial/residential buildings to the north of Uxbridge Road, are far more varied than the terraces occupying the south eastern/western plots adjoining the church. The existing Police Station building occupying the site, makes a neutral contribution within this setting.

5.5.49 The proposal scheme is not considered to result in any harm to the character or significance of the heritage asset. Although at ground floor, the development would project closer to the church, the scale of this development would be consistent with the established building lines created by other commercial frontages in this location; the extent of active frontage provided by the scheme is considered acceptable in this regard. The recessive upper floors to the block fronting Uxbridge Road would also reaffirm the building line of the existing terrace adjoining the application. As such, the scale, massing and appearance of the proposal scheme is not considered to result in any harmful impacts to the heritage asset, with the character and significance of the asset remaining clearly capable of appreciation within this setting.

+ Coningham and Lime Grove Conservation area

5.5.50 The significance of the Coningham and Lime Grove Conservation Area is largely focussed upon the development of the area between Uxbridge Road and Goldhawk Road during as part of the Victorian expansion of West London. The majority of the Conservation Area to the west focussed upon the residential terraced development, with the eastern portion of the site featuring a number of education and religious buildings.

5.5.51 The proposal site is clearly separated from the Conservation Area by Uxbridge Road and given the detachment in the alignment of Coverdale Road and Tunis Road, the extent of intervisibility of the proposed development from views/vistas within the Conservation Area would be extremely limited. Furthermore, the conservation area has a clearly distinct character from the application site and as such, it does not contribute to the understanding or appreciation of its significance. Because of this lack of architectural or historical connection and as the proposed development would not be experienced from within the conservation area, it is considered that no impact to the setting of the conservation area would arise.

+ Locally Listed Buildings of Merit

5.5.52 London Borough of Hammersmith and Fulham maintain a local list of buildings and structures of local historic and or architectural interest. The Local List for can be found on the council's website.

5.5.53 Two groups of locally listed buildings are situated within close proximity of the proposal site, 33 - 41 Uxbridge Road and 43 - 55 Uxbridge Road. The site has no links historically or architecturally with these buildings and makes no contribution to the understanding and/or appreciation of their local significance as part of a wider evolved diverse townscape setting. As such, the site does not contribute to the significance of the locally listed buildings. It is considered that the proposal would not cause harm to the setting of the aforementioned locally listed structures.

5.5.54 Following careful consideration, officers consider that the proposals would not result in any harm to the significance of any heritage assets including their settings and as a result their character, appearance and special interest would be preserved. As such, it is considered that the proposed development is compliant with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is considered that the proposals will deliver good quality architecture which optimises the capacity of the site with good quality residential accommodation.

5.5.55 The proposed development is therefore considered acceptable in accordance with the NPPF (2021), Policies D3 and HC1 of the London Plan (2021), Policies DC1, DC4 and DC8 of the Local Plan (2018) and Key Principles AH1, AH2, BM2, CAG2 and CAG3 of the Planning Guidance SPD (2018).

## 5.6 RESIDENTIAL AMENITY

5.6.1 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.

5.6.2 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, 7 and 8 support Local Plan Policy HO11 and set out a more detailed means of assessment.

5.6.3 The area surrounding the site is predominantly residential, with a mix of terrace homes and apartment buildings to the east, west and north elevations. Heights surrounding the site range from 3 to 4 storeys. Along Uxbridge Road uses are mixed with a range of convenience and hot food takeaway uses located at the ground floor of terraced buildings on the north side of the road. The immediately adjacent terrace along Uxbridge Road has a protruding ground floor in retail use and set back upper floors in residential use which is a pattern repeated along the wider street scene.

#### + Outlook

5.6.4 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.244-250 Uxbridge Road, which has a substantial commercial ground floor rear addition extending the full depth of the plot, the proposed building would not infringe a 45 degree notional angle taken from the first floor residential windows in the rear elevation of those properties. The proposals would result in a noticeable increase in the height of the development when viewed from the opposing properties to the north, east and west, however the separation distance between the buildings would not be an unusual one within the neighbouring residential streets. It is considered there is sufficient distance from the proposed building to the opposing flats 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

5.6.5 In relation to the neighbouring properties, the building has been set back to ensure window to window separation distances are a minimum of 18m along Stanlake Villas and Stanlake Road, as well as between the south facing windows of Block B and the rear widows of no.244-250 Uxbridge Road, across the central courtyard. There is a slight shortfall between the new flats facing Tunis Road and the balconies of the upper floor flats of 17-22 Arlington House on the adjacent corner, however, this relationship is not unusual for corner sites leading off Uxbridge Road. As stated earlier, the distances between the proposed building and opposing properties reflects the separation distance between properties within neighbouring residential streets. In view of the above it would be difficult to sustain an argument that the new building would result in unacceptable overlooking. In accordance with Key Principle HS8, where balconies/terraces would be located which have the potential to overlook into neighbouring properties, privacy screening is proposed which would protect the privacy of neighbours.

#### + Daylight/Sunlight

5.6.6 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.

5.6.7 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.

5.6.8 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%).

5.6.9 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%).

5.6.10 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;

- o 12 Tunis Road;
- o 1 to 9 Stanlake Villas (odd numbers);
- o 10-16 Stanlake Villas;
- o Blomfield Mansions, Stanlake Road;
- o 238-242 Uxbridge Road;
- o Church of St Stephens, Uxbridge Road;
- o 43 Uxbridge Road;
- o 244 to 250 Uxbridge Road (even numbers);
- o 1-22 Arlington House, Tunis Road.

Daylight

5.6.11 In terms of daylight amenity, the majority of neighbours will not experience a noticeable change in the daylight amenity within their properties. 92% of the windows assessed on the neighbouring buildings would comply with the BRE Report using the VSC test and 95% of the rooms would comply with the guidelines using the NSL test.

5.6.12 Where failings do occur these are either marginal or the result of existing obstructions. At 1 and 3 Stanlake Villas, the ground floor window to each property and the basement window to 1 Stanlake Villas (understood to be living/dining rooms) would retain 0.78 times the VSC in the existing conditions, only marginally below the 0.80 recommended in the BRE Report. The basement windows of nos 1, 3 and 5 Stanlake Villas (understood to be living/dining rooms) would retain direct skylight (NSL) between 66% and 74% of the room area, again only marginally below the 80% recommendation.



- 5.6.13 At 1-16 Arlington House, 1 ground floor bedroom would retain 0.79 times the existing VSC, only marginally below the 0.80 recommendation. The room would comply with the guidelines using the NSL test. There would also be reductions to 3 kitchens in 17-22 Arlington House, with all 3 windows retaining between 0.51 and 0.78 times the VSC in the existing conditions, below the 0.80 recommendation, and the first floor kitchen retaining direct skylight (NSL) to 69% of its area, compared to the 80% recommendation. However, these rooms are served by windows located beneath projecting balconies which provide an obstruction to daylight amenity in the existing conditions. In such situations, the BRE Report recommends a supplementary assessment is undertaken removing the overhangs from the calculation. The results omitting the balconies in the existing and proposed conditions show that, without balconies, at least one window serving each kitchen would comply with the BRE Report guidelines and all three kitchens would comply with the guidelines using the NSL test. This assessment demonstrates that the overhangs are the main factor in the relative loss of light rather than the proposed development.
- 5.6.14 Finally, 2 windows at first and second floor levels of 250 Uxbridge Road (understood to serve bedrooms) nearest to the new development, would retain 0.75 and 0.79 times the existing VSC, only marginally below the BRE Report recommendation of 0.80. The NSL results show these rooms would comply with the BRE Report guidelines.
- 5.6.15 In summary, the majority of neighbours will not experience a noticeable change in the daylight amenity within their properties. Overall, it is considered that the retained levels of daylight amenity to the neighbouring properties would be acceptable in the context of this urban setting.

#### Sunlight

- 5.6.16 Turning to sunlight amenity, the majority of neighbours will not experience a noticeable change within their properties. During the winter months, the basement windows at 1 and 3 Stanlake Villas would retain 4% APSH, only marginally below the 5% recommendation, however in terms of the APSH as a whole the windows would comply. The BRE guidance does states "if the overall annual loss of APSH is 4% or less, the loss of sunlight is small."
- 5.6.17 The only other exceptions would be the kitchen windows on 17-22 Arlington House, referenced above, and one bedroom window at 1-16 Arlington House. The supplementary analysis demonstrates that at least one window to each kitchen would meet the guidance if the balconies were not there.

#### Overshadowing

- 5.6.18 Assessment of the external amenity areas shows that the communal area at Arlington House and private gardens to 10-16 Stanlake Villas and 12 and 14 Tunis Road would continue to receive high levels of sunlight on 21st March. Analysis on 21st June demonstrates that all the neighbouring external amenity areas would receive high levels of sunlight in the summer months when they are likely to be used more frequently.

## Conclusion

5.6.19 Overall, it is considered that the development would not have an unacceptable effect on the daylight and sunlight amenity to the neighbouring properties. Where reductions do occur, these are either marginal or the result of existing obstructions, and all of the affected properties would retain sufficient access to daylight and sunlight complying with London Plan Policies DC1, DC4 and HO11.

### + Environmental Nuisance

5.6.20 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.

5.6.21 Local Plan Policy CC11 states that noise-generating development will not be permitted if it would be liable to materially increase the noise experienced by the occupants of existing noise-sensitive uses in the vicinity. Policy CC13 states that the Council will, where appropriate require mitigation measures if a nuisance (such as smoke, smell, or noise) would be likely to occur. Local Plan Policy CC12 seeks to control the adverse impacts of lighting arrangements including that from signage and other sources of illumination.

5.6.22 It is not expected a non-residential use at ground floor level would result in undue noise and disturbance given the location of the site in the middle of a designated satellite parade comprising a mix of uses and close to Shepherd's Bush Town Centre. However, given the flexible use hours will be restricted to 08:00-22:00 Mondays to Saturdays and 09:00-21:00 on Sundays and Bank Holidays.

5.6.23 Conditions relating to enhanced sound insulation, plant noise levels and plant anti-vibration measures would also be required in respect to both the residential and non-residential uses. In terms of lighting, a condition would ensure that all external artificial lighting associated with the building shall be in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Note 01/21 for the reduction of obtrusive light 2021'.

5.6.24 Finally, the use of the proposed balconies/terraces is not considered likely to cause significant noise disturbance to neighbouring residents due to the relatively modest sizes (less than 15sqm), which would limit the number of people which could use them at any one time, in accordance with SPD Key Principle HS8.

## + Demolition and construction phases

5.6.25 In accordance with SPD Key Principle NN7 a Demolition Management Plan (DMP) and Construction Management Plan (CMP) support the application to address disturbance during the building works. The DMP identifies the process for the licensed Asbestos Removal, Rubbish Removal, Soft Strip and Demolition of the Site. The Environmental Protection Officer has considered the document and is satisfied the amenity of neighbouring properties would not be adversely affected during the demolition works. The implementation of the measures outlined in the DMP will be secured by a condition. With respect to the construction phase, given that the level of detail required will not be available until such a time that the specialist contractors are on board, an Outline Construction Management Plan has been prepared. A final CMP is recommended by a condition.

## 5.7 HIGHWAYS AND TRANSPORTATION

5.7.1 The NPPF requires that developments should ensure that appropriate opportunities to promote sustainable transport modes are taken and that safe and suitable access to sites can be achieved; and development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe. All developments that will generate significant amounts of movement should be required to provide a travel plan, and should also be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

5.7.2 London Plan Policies T1, T2, T3, T4, T5, T6.4 and T7 set out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards.

5.7.3 Local Plan Policy T1 sets out the Council's intention to 'work with strategic partners to improve transport provision, accessibility and air quality in the borough, by improving and increasing the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail'.

5.7.4 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".

5.7.5 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. These are supported by Key Principles TR1-TR4, TR6-TR7, TR17 and TR21 and TR27 of the Planning Guidance SPD.

5.7.6 Local Plan Policy CC7 sets out the requirements for all new developments to provide suitable facilities for the management of waste. Planning Guidance SPD Key Principles WM1, WM2, WM7 and WM11 are also applicable which seek off-street servicing for all new developments.

5.7.7 In accordance with the above policies a Transport Statement, Draft Travel Plan, draft Delivery and Servicing Plan, and draft Demolition and Construction Logistics Plan have been prepared to support the planning application.

5.7.8 The site has a PTAL of 6a - suggesting that it has excellent access to public transport. The site is in close proximity to Shepherd's Bush Market Underground station (2 mins walk) and to Wood Lane Underground station (12 mins walk), both served by the Hammersmith and City Line and Circle Line providing direct connections to Central London. Shepherds Bush Central Station is located approximately 750m from the Site and provides direct routes into North and Central London. The Site also benefits from frequent bus services, running towards Acton and Central London.

#### + Transport Assessment

5.7.9 The Transport Statement submitted with the application undertook a Healthy Streets style review / assessment of the pedestrian and cycle environment between the application site and nearby amenities/facilities, including public transport facilities. The assessment undertook an Active Travel Zone (ATZ) assessment of the routes that would be used to access key facilities including education, leisure/sports, health/medical facilities in the vicinity of the site. The findings of the assessment concluded the routes are of good quality with good footways and street lighting, but also highlighted a number of issues along the routes which could be improved.

5.7.10 In response, the applicant has agreed to several S278 Highways Works obligations to address some of the issues identified in the ATZ route assessment. These include, improvements to the footways on Uxbridge Road, Tunis Road, Stanlake Road and Stanlake Villas; tree planting on Uxbridge Road to improve air quality; improvements to the Cycling facilities along Uxbridge Road to address the road safety issues identified in the assessment of Personal Injury Collision data covering the two ATZ routes; and improvements to the informal pedestrian crossing facilities on Uxbridge Road, including the provision of dropped kerbs/tactile paving and improving the alignment of the obstructed crossings.

#### + Car Parking

5.7.11 The application site has a Public Transport Accessibility Level (PTAL) of 6a. Local Plan Policy T4 and Key Principle TR3 of the Planning Guidance SPD sets out vehicle parking standards and states that the council will require car parking permit free measures on all new developments, particularly those in Public Transport Accessibility Level (PTAL) areas of 3 and above, unless evidence is provided to show that there is a significant lack of public transport available. London Plan Policy T6 specifies that car-free development should be the starting point for all development proposals in places that are well connected by public transport. London Plan Policy T6.1 requires the provision of blue badge parking for 3% of the total number of dwellings and also requires proposals to demonstrate as part of a Parking Design and Management Plan, how an additional 7% of dwellings could be provided if required.

5.7.12 The proposed development would be car-free, except for the provision of 2 off-street blue badge parking spaces, which is in accordance with the London Plan parking standards. The proposed off-street spaces would be located on the Stanlake Road frontage, and both spaces are proposed with electric vehicle charging.

5.7.13 A condition will secure the implementation of the 2 blue badge spaces, and their retention for the lifetime of the development. In line with London Plan Policy T6.1 a Car Parking Management Plan including details of how the 2 off-street blue badge spaces are allocated, how access to the off-street spaces is controlled, a periodic monitoring/review system of blue badge parking and EVCP demand, together with an obligation to meet the cost of any additional blue badge and EVCP demand generated on-street (up to London Plan policy requirement of 7%) if spaces are required will be secured under the s106 agreement. Prohibition of future residents to obtain parking permits is to be secured through section 16 of the Greater London (General Powers) Act 1974.

5.7.14 The off-street parking spaces would be accessed via a new vehicle crossover, which would require an amendment to the existing adjacent parking bays on Stanlake Road. The vehicle crossover works and associated amendments to parking on Stanlake Road will be secured by a S278 Highways Works obligation.

5.7.15 Separately, the existing parking areas off Tunis Road frontage and those within the site leading from Stanlake Villas would also be removed as part of the proposed redevelopment of the site, and the associated vehicle crossovers would be reinstated as footway. These works are also be secured through a S278 Highways Works obligation within the s106 agreement.

+ Cycle parking

5.7.16 London Borough of Hammersmith and Fulham is a borough where higher minimum cycle parking standards apply.

5.7.17 London Plan Policy T5 and Local Plan Policy T3 seeks to increase and promote opportunities for cycling and walking, including by requiring new developments to include the provision of convenient, accessible and safe cycle parking.

5.7.18 The proposed scheme will include cycle parking in accordance with the requirements of London Plan Policy T5. A total of 94 long stay residential cycle parking spaces will be provided using a combination of two-tier racks and Sheffield stands and 2 non-residential long stay spaces in dedicated secure and covered blocks on the ground floor of the building. This will include an allowance for adapted and cargo cycles as per the London Cycle Design Guide. The scheme will also provide 4 short stay spaces (2 residential and 2 non-residential spaces). Full details of the proposed cycle parking, together with the inclusion of electric charging facilities will be secured by a condition.

#### + Servicing and Deliveries

5.7.19 The majority of the vehicle trips to the proposed development would be associated with delivery and servicing activities. Given the use class / end user for the non-residential space is unknown at this stage a draft Delivery and Servicing Plan (DPS) has been submitted as part of the application. The deliveries to the residential element of the development would mainly be undertaken by vans or small 8 tonne lorries making internet shopping or supermarket food deliveries. These deliveries could be undertaken via Tunis Road or Stanlake Villas, utilising the existing single yellow lines or parking bays. The deliveries associated with the proposed non-residential space could make use of the existing loading facilities on Uxbridge Road or on the existing single yellow line restriction as in the existing situation. A final DSP will be secured by a condition.

#### + Travel Plan

5.7.20 A framework travel plan supports the application which includes mode share targets, and initiatives and measures to encourage sustainable travel at the site. To promote sustainable travel to and from the site, a Residential Travel Plan and a Non-Residential Travel Plan are secured under the s106 agreement, together with associated monitoring fees. The Residential Travel Plan could include measures such as car club membership, cycle training and bike maintenance events to support sustainable modes of travel at the site.

#### +Building Works

5.7.21 To manage the construction phase of the development and the associated impacts of construction traffic accessing the site, an outline Demolition and Construction Logistics Plan (DLP/CLP) was submitted with the application. The submission includes details of the anticipated number of construction vehicles associated with the development of the site, the duration of the works, how the site will be managed and how construction traffic will be managed in terms of arrivals and routing. A final DLP/CLP will be secured by a s106 agreement including associated monitoring fees, and will remain live a document with ongoing consultation with the Council's Highways Officers.

5.7.22 In summary, there are no objections to the proposal based on highways, traffic or parking. Subject to the outlined conditions and legal obligations the proposal accords with the above policies.

### 5.8 FLOOD RISK AND SUDS

5.8.1 London Plan Policy SI 12 states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 sets out the same requirement and additionally states that proposals for impermeable paving should be refused and that drainage should be designed and implemented to address water efficiency, water quality, biodiversity and recreation.

- 5.8.2 Local Plan Policy CC2 requires major developments to implement sustainable design and construction measures, including making the most efficient use of water. Local Plan Policy CC3 requires that new development is required to reduce the use of water and to minimise current and future flood risk. This is supported by Policy CC4 which seeks that developments manage surface water run-off and requires all major developments to implement SuDS and to provide a sustainable drainage strategy.
- 5.8.3 A Flood Risk Assessment and Drainage Strategy have been provided with the application. The site is in the Environment Agency's Flood Zone 1, indicating a low risk to flooding from the River Thames. The site is not in a surface water flooding hotspot, although part of the current site is considered to be more susceptible to surface water ponding. No basement is proposed, so sewer surcharge flooding internally and groundwater flood risks are considered to be low. The main potential flood risk to mitigate is surface water, through the inclusion of sustainable drainage measures. The existing site is 100% impermeable which will be reduced as part of the redevelopment by adding the proposed permeable and landscaped areas.
- 5.8.4 The feasibility of integrating certain SuDS measures has been carried out. Rainwater harvesting and re-use is proposed via provision of water butts to collect rainwater near landscaped areas so the water can be used for irrigation. Green roofs are proposed to various flat roof sections, and at ground level landscaped areas including new tree planting are proposed. Permeable paving is planned for the courtyard area and there will be an attenuation tank (providing 165m<sup>3</sup> of storage) where run-off can be stored for gradual release into the sewer network. The greenfield run-off rate for the site has been calculated which is just under 1 l/s for the 1 in 100 year storm event. Concerns are expressed in the FRA about restricting flows to this level for the site due to potential blockages in the pipe network, so the proposal is to set the discharge rate at 2l/s, which is above greenfield rate but would still represent over a 90% reduction in flow rate to the sewer for the 1 in 100 year storm event. Maintenance information for the various SuDS features has also been provided.
- 5.8.5 Full details of the proposed SuDS measures are subject to further detailed design work. As such a revised Surface Water Management Strategy, based on the principles outlined in the submitted FRA/Surface Water Strategy to confirm the details of the proposed SuDS measures including rainwater harvesting, green roofs, permeable paving, attenuation tank, landscaping and new trees, together with maintenance information, is secured by a condition.
- 5.8.6 Thames Water has no objections to the proposal subject to a condition relating to a piling method statement to be agreed with Thames Water in order to prevent and minimise potential damage to local underground sewerage utility infrastructure, and informatives relating to water pressure and Groundwater Risk Management Permit.
- 5.8.7 Subject to the conditions recommended above, no objection would be raised under London Plan Policies SI 12 and SI 13 or Local Plan Policies CC3 and CC4 on sustainable drainage and flooding grounds.

## 5.9 ENERGY AND SUSTAINABILITY

5.9.1 London Plan Policy SI 2 seeks to extend the extant requirement on residential development to non-residential development to meet zero carbon targets. It maintains the expectation that a minimum reduction of 35% beyond Building Regulations to be met on site (10% or 15% of which should be achieved through energy efficiency for residential development, and non-residential development). Where it is clearly demonstrated that the zero-carbon target cannot be met on site, the shortfall should be provided through a cash in lieu contribution to the borough's carbon offset fund, or off-site provided an alternative proposal has been identified and delivery is certain.

5.9.2 London Plan Policy SI 4 seeks to minimise internal heat gain and the impacts of urban heat island effect through design, layout, orientation and materials. An energy strategy should demonstrate how development proposals will reduce potential for overheating and reliance on air conditioning systems in accordance with a hierarchy that prioritises the minimisation of internal heat generation through energy efficient design and reductions to the amount of heat entering a building.

5.9.3 Local Plan Policy CC1 requires major developments to implement energy conservation measures by implementing the London Plan sustainable energy policies and meeting associated CO2 reduction target and demonstrating that a series of measures have been taken to reduce the expected energy demand and CO2 emissions. It requires the use of on-site energy generation to further reduce CO2 emissions where feasible. Policy CC2 seeks to ensure the implementation of sustainable design and construction measures by implementing the London Plan sustainable design and construction policies. These are supported by Key Principles set out in the Energy and Sustainable Design Construction Chapters of the Planning Guidance SPD.

+ Energy

5.9.4 As required, an Energy Assessment has been provided with the application. This shows that the regulated energy use from the site for a Building Regulations compliant scheme would generate 52 tonnes of CO2 a year. Through the use of passive design and energy efficiency measures and the inclusion of on-site renewable energy generation in the form of Air Source Heat Pumps (ASHPs) and solar PV Panels on the roof, the CO2 emissions are reduced to 14 tonnes a year. This is equivalent to a CO2 reduction of 72% which easily meets the London Plan minimum target of 35% and the recently introduced additional benchmark figure of 50% improvement.

5.9.5 Heating and hot water demand will be supplied via the communal network of ASHPs. Natural ventilation with heat recovery is planned in the new flats although it is noted that for any residential units identified as high risk for overheating where opening windows is less desirable due to high levels of traffic noise, then active cooling is proposed. The non-residential use will have mechanical ventilation and cooling provided via the ASHPs.



5.9.6 The London Plan energy efficiency targets for the residential units and the non-residential element of the proposals are also met. In order to achieve the required net zero carbon target, a payment in lieu of £39,900 will be required, which will be secured via the s106 agreement. The implementation of the carbon reduction measures as outlined in the Energy Strategy will be secured by a condition.

#### + Sustainable Design and Construction

5.9.7 A Sustainability Statement has been provided with the application as required. In addition to the abovementioned carbon reduction measures, water efficiency measures are proposed to limit water use to 105 litres per day per person for the residential units and re-use of rainwater for irrigation is planned, waste minimisation measures and recycling facilities will be incorporated to reduce waste generation, and, as discussed in the ecology and biodiversity section, landscaping areas will be included to provide higher levels of urban greening and biodiversity improvements. It is also expected that the Considerate Constructors Scheme will be implemented to help reduce impacts of the construction of the development. The Sustainability Statement also includes information on promoting sustainable transport, noise and air quality issues etc which are supplemented by stand-alone assessments, and which have been considered by other specialist officers and commented on under the relevant sections of this report.

5.9.8 The approach is acceptable in broad sustainability terms and the implementation of the proposed measures as outlined in the Sustainability Statement is required by a condition.

5.9.9 Subject to the conditions and payment in lieu recommended above, no objection would be raised under London Plan Policies SI 2 and SI 4 or Local Plan Policies CC1 and CC2 on energy and sustainability grounds.

#### 5.10 AIR QUALITY

5.10.1 London Plan Policy SI 1 states that development proposals should not lead to deterioration of existing poor air quality, create any new areas that exceed air quality limits or create unacceptable risk of high levels of exposure to poor air quality.

5.10.2 Local Plan Policies CC1 and CC10 seek to reduce levels of local air pollution and improve air quality in line with the national air quality objectives by reducing the potential adverse air quality impacts of new developments, requiring the submission of an air quality assessment and mitigation measures where appropriate. These are supported by Planning Guidance SPD Key Principles AQ1 to AQ5.

5.10.3 The development site is located within the councils Air Quality Management Area (AQMA) and within the GLA Air Quality Focus Area 71, and an area of existing poor air quality due to the road traffic emissions from Uxbridge Road. The development proposal will introduce new residential receptors into an area of very poor air quality.

5.10.4 The demolition/construction activities and the operational phase of the development have the potential to contribute to a worsening of local air quality, unless appropriate steps are taken to prevent it. Accordingly, an Air Quality Assessment has been submitted with the application to assesses the development's potential impacts on local air quality taking into account of the potential temporary impacts during the demolition and construction phase and the operational impacts caused by increase in traffic flows and emissions from the plant on the site. The assessment has been reviewed by the Council's Air Quality Officer. Further details are required by conditions, including the submission of Air Quality Dust Management Plans (Demolition and Construction phases); a Ventilation Strategy and post installation compliance report; details of the installation of Zero Emission MCS Certified Air/Water Source Heat Pumps and Electric Boilers for residential and non-residential uses; the submission of a Delivery and Servicing Plan; and the provision of active electric vehicle charging points (22kW) for the two on-site blue badge car parking spaces. A payment of £10,000 per year of the demolition and construction phases of the development for the council's compliance monitoring of the AQDMP and to maintain the councils Construction Site Monitoring Register Website will be secured by a s.106 agreement.

5.10.5 Subject to the conditions and obligations recommended above, no objection would be raised under London Plan Policy SI 1 and Local Plan Policies CC1 and CC10 on air quality grounds.

#### 5.11 LAND CONTAMINATION

5.11.1 Local Plan Policy CC9 states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place. The Policy requires applicants to carry out site assessment and submit a report of findings on sites where contamination is known to be present, to establish the nature and extent of contamination.

5.11.2 Potentially contaminative land uses (past or present) have been identified at, and or, near to this site, and the proposal would introduce uses that are vulnerable to potential contamination. A Preliminary Risk Assessment Report and a Geo-Environmental and Geotechnical report have been submitted as part of this application and have been reviewed by the Land Contamination Officer. It is considered further investigation is required. Therefore, to ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works conditions are attached covering the assessment and remediation of contaminated land.

5.11.3 Subject to the conditions recommended above, no objection would be raised under Local Plan Policy CC9 on land contamination grounds.

## 5.12 ARBORICULTURE, ECOLOGY AND BIODIVERSITY

5.12.1 London Plan Policy G5 states that major development proposals should 'contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage'. Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments, based on Urban Greening Factors set out in Table 8.2 of the London Plan. Where Local Plans do not have UGF scores, the London Plan UGF identifies scores of 0.4 for predominately residential developments and 0.3 for predominately commercial developments should be applied.

5.12.2 London Policy G7 states that existing trees of quality should be retained wherever possible or replaced where necessary. New trees are generally expected in new development, particularly large-canopied species.

5.12.3 Local Plan Policies OS1 and OS5 seek to enhance biodiversity and green infrastructure in LBHF by (inter alia) maximising the provision of gardens, garden space and soft landscaping, and seeking green and brown roofs and planting as part of new development; seeking retention of existing trees and provision of new trees on development sites; and adding to the greening of streets and the public realm.

5.12.4 The proposal seeks to protect and retain existing trees on site while providing an overall improvement in Urban Greening Factor (UGF) and biodiversity net gain.

+ Arboriculture

5.12.5 There are no trees within the existing site, however there are 5 trees located on footways immediately surrounding the site. An Arboricultural Method Statement and Tree Protection Plan support the application, which demonstrate measures to be implemented to retain the existing trees. The works outlined in the supporting documents will be secured by a condition. In addition, 13 new trees are proposed within the communal courtyard.

+ Ecology and Biodiversity

5.12.6 The provision of the amenity courtyard and green roofs provide a significant contribution to the overall greening of the site, in contrast to the existing hardscaped site with no planting.

5.12.7 The site is divided into two areas for the purposes of calculating Urban Greening Factor (UGF), the ground floor and the roof spaces. The proposal takes opportunities across each level of the site to improve the biodiversity and greening of the site. This multilevel approach sees the integration of intensive green roof or vegetation over structure, flower rich perennial planting, rain gardens, hedges and shrubs, tree planting, amenity grassland and a green wall. Where hardstanding is required, permeable paving has been integrated into the scheme improving the water filtration across the site. During the course of the application additional vertical greening has been proposed to achieve an Urban Greening Factor (UGF) of 4.43, which exceeds the Mayor's recommended UGF target of 0.4 for predominantly residential developments.

5.12.8 A supporting Landscape Strategy, through the specification of suitable target plantings on the Site, seeks to improve biodiversity. This includes the use of wildlife-friendly shrubs, climbers and grasses. Ecology Officers are broadly satisfied with this approach. Final details of species will be secured by a condition.

5.12.9 Subject to the inclusion of conditions officers consider that the proposed development accords with Policies G5 and G7 of the London Plan and Policies OS1 and OS5 of the Local Plan in terms of arboriculture, ecological and urban greening.

## 5.13 ECONOMIC DEVELOPMENT AND SKILLS TRAINING

5.13.1 Policy E11 of the London Plan 'Skills and opportunities for all' requires development proposals to support employment, skills development, apprenticeships, and other education and training opportunities in both the construction and end-use phases. Local Plan Policy E4 'Local Employment, Training, and Skills Development' echoes this requirement compelling provision for appropriate employment and training initiatives for local people of all abilities in the construction of major developments.

5.13.2 In accordance with the above policies, contributions would be required towards the provision of appropriate employment and training initiatives for local people of all abilities during the construction phase of the development (i.e. apprenticeships and paid and unpaid work placements) as well as contributions to support the procurement of local labour. The applicant has agreed to enter into a s106 agreement to secure support for employment, training and local business, including a contribution of £31,500 that towards employment and skills within the borough; a commitment towards at least 10% construction labour from within the borough; securing 3 apprenticeship, 2 paid work experience placements and 2 unpaid work experience placements; 10% of the build cost to be spent on businesses based in the borough in the supply chain of the development; and a Local Procurement Contribution of £6,375.

## 6.0 PLANNING OBLIGATIONS / COMMUNITY INFRASTRUCTURE LEVY (CIL)

### + Mayoral and Local CIL

6.1 The Mayor's CIL (Community Infrastructure Levy) came into effect in April 2012 and new fee rates came into effect in April 2019. This would contribute towards the funding of Crossrail. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy DF1. This development would be subject to a London wide community infrastructure levy. This development is liable for an estimated Mayoral CIL of £370,560.00 (plus indexation).

6.2 The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development in order to fund infrastructure that is needed to support development in the area. The CIL Charging Schedule was presented to Council and approved 20 May and has formally taken effect since the 1st September 2015. This development is liable for an estimated local CIL of £457,700.00 (plus indexation).

### + S106 Heads of Terms

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

6.4 London Plan Policy DF1 (Delivery of the Plan and Planning Obligations) states that: "Development proposals should provide the infrastructure and meet the other relevant policy requirements necessary to ensure that they are sustainable and to support delivery of the Plan."

6.5 Local Plan Policy INFRA1 (Planning Contributions and Infrastructure Planning) advises that the council will seek planning contributions to ensure the necessary infrastructure to support the Local Plan is delivered using two main mechanisms 'Community Infrastructure Levy (CIL) and Section 106 Agreements (s106).

6.6 The planning obligations set out in the heads of terms below are considered necessary to make the development acceptable in planning terms, they are related to the development and fairly and reasonable in scale and kind to the development. A Section 106 agreement is therefore required to ensure the proposal is in accordance with the statutory development plan and to secure the necessary infrastructure to mitigate the needs of the Proposed Development.

- 6.7 In view of the fact the Section 106 agreement will be the subject of extended negotiations, officers consider that circumstances may arise which may result in the need to make minor modifications to the conditions and obligations (which may include the variation, addition, or deletion). Accordingly, the second recommendation has been drafted to authorise the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee, to authorise the changes they consider necessary and appropriate, within the scope of such delegated authority.
- 6.8 The Applicant is expected to agree to enter into a legal agreement with the Council to which would include the following site-specific items (i.e. items which are not on the CIL r123 list):
- 1) Provision of 275sqm of Community Use/Affordable Workspace (supporting creative businesses) at ground floor level in perpetuity, or until any subsequent Local Plan review no longer identifies this need, including:
    - a) 50% market rent;
    - b) fit out to an agreed level;
    - c) submission of an affordable work place management plan.
  - 2) Affordable Housing - to secure the delivery of 35% affordable homes (19 units) comprising:
    - a) 63% Social Rent (12 units); and
    - b) 37% Shared Ownership (7 units); and
    - c) with an appropriate review mechanism .
  - 3) Employment and skills/ local procurement comprising:
    - o At least 10% to the total number of people employed on the construction of the development are local (H&F) residents, including
      - 3 apprenticeships,
      - 2 paid work experience placements,
      - 2 unpaid work experience placements,
    - o Employment & Skills financial contribution of £31,500,
    - o 10% of the build cost to be spent on businesses based in H&F in the supply chain of the development,
    - o A Local Procurement Contribution of £6,375.
  - 4) Energy and Sustainability - carbon dioxide emission offset contribution of £39,900
  - 5) Air Quality - £10,000 per annum for the demolition and construction phases of the development will be required for the Council's compliance monitoring of the AQDMP and to maintain the councils Construction Site Monitoring Register Website.
  - 6) Demolition and Construction Logistics Plans - submission; and a contribution of £5,000 per year until completion of construction towards monitoring.

7) Car Permit Free - To prohibit any occupiers of the 53 residential units, other than Blue Badge Holders, from obtaining a parking permit, under Section 16 of the Greater London Council (General Powers) Act 1974.

8) Residents Travel Plan - submission and implementation of an approved Residents Travel Plan. A contribution of £3,000 at yr 1, 3 and 5 towards Travel Plan monitoring.

9) Non Residential Travel Plan - submission and implementation of an approved Non Residential Travel Plan. A contribution of £3,000 at yr 1, 3 and 5 towards Travel Plan monitoring.

10) Car Parking Management Plan including:

- o details of how the 2 off-street blue badge spaces are allocated, how access to the off-street spaces is controlled, a periodic monitoring/review system of blue badge parking and EVCP demand); and
- o obligation to meet the cost of any additional blue badge and EVCP demand generated on-street (up to London Plan policy requirement) if spaces are required.

11) S278 Works:

- o Removal of redundant dropped kerbs and footway reinstatement works and associated amendments to parking on Tunis Road and Stanlake Villas;
  - o Vehicle crossover works and associated amendments to parking on Stanlake Road;
  - o Improvements to the footways on Uxbridge Road, Tunis Road, Stanlake Road and Stanlake Villas;
  - o Tree planting along Uxbridge Road in proximity to the Site, to improve air quality;
- Identified ATZ Improvements:
- o Improvements to Cycling facilities along Uxbridge road to address the road safety issues identified in the assessment of Personal Injury Collision data covering the two ATZ routes; and
  - o Improvements to informal pedestrian crossing facilities on Uxbridge Road, including the provision of dropped kerbs/tactile paving and improving alignment of the obstructed crossings.

## 7.0 CONCLUSION

7.1 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.

7.2 In the assessment of the application regard has been given to the NPPF, London Plan, Publication London Plan, and Local Plan policies as well as guidance.

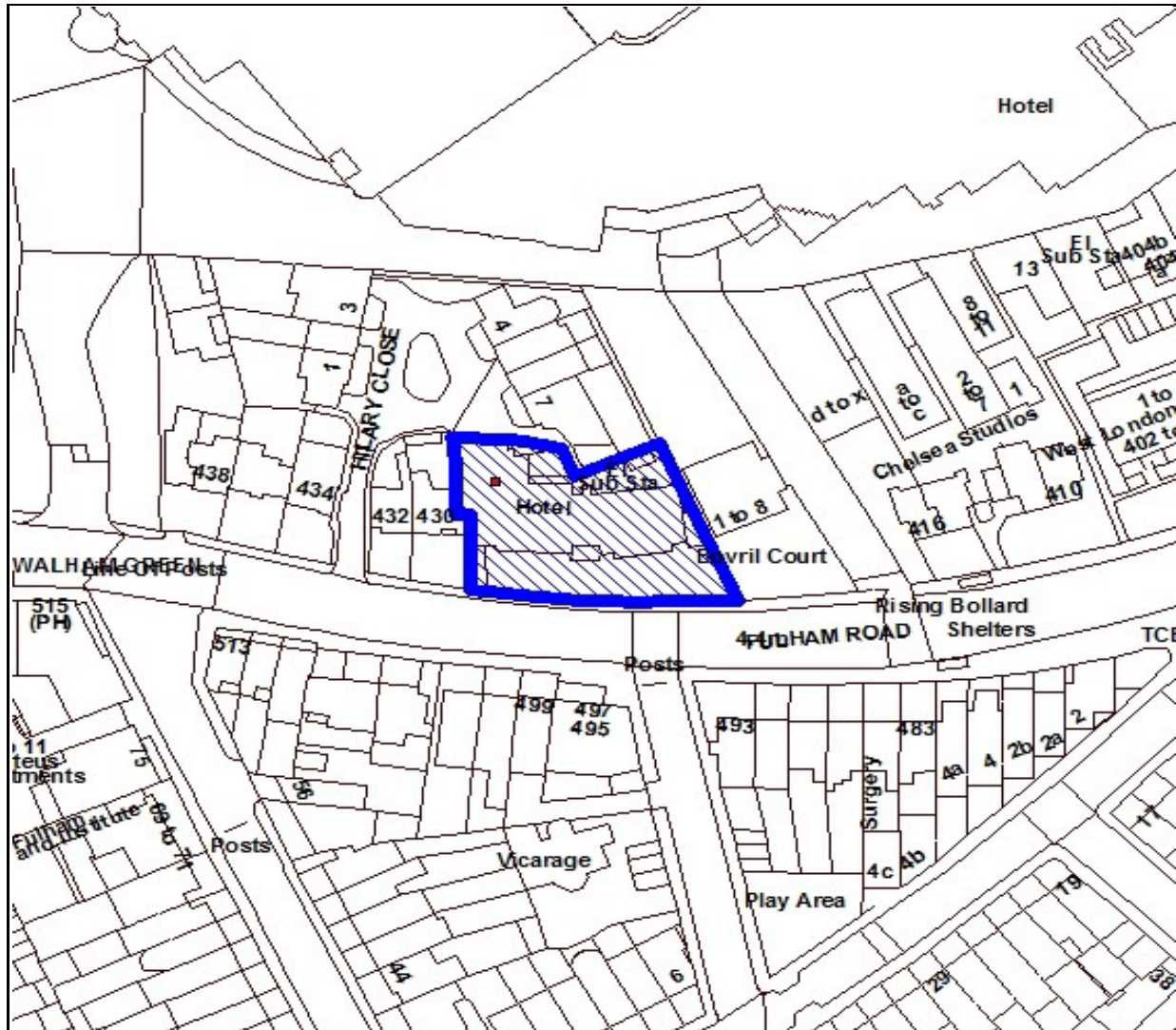
- 7.3 In summary, the redevelopment of surplus public sector brownfield land in this location is acceptable in land use terms. The relocation of the existing social infrastructure on this site to elsewhere within the borough has been established through part of a wider public service transformation plan. The proposed development would contribute towards the quantity of the borough's housing stock, including the provision of affordable housing; as well as providing affordable community space, and affordable workspace which would help support the council's objectives of supporting growth in priority industries such as creative businesses, and emphasising social value. The proposal is acceptable in visual terms and is considered to be of a good quality of design which would not adversely impact upon the setting of the nearby Conservation Areas or the nearby historic buildings. Subject to conditions the proposal would not result in unacceptable impacts upon the amenities of neighbouring residential properties. The new residential units comply the relevant standards and provide a good quality of accommodation for the new occupants. Highways, transportation and environmental matters including energy and sustainability, flood risk, air quality, land contamination, and ecology and biodiversity have also been satisfactorily addressed and will be subject to conditions and a legal agreement. In these respects, the proposals comply with the relevant policies of the NPPF (2021), the London Plan (2021), the Local Plan (2018) and the relevant Key Principles within the Planning Guidance Supplementary Planning Document (2018).
- 7.4 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report it is considered, having regard to the development plan as a whole and all other material considerations, that planning permission should be granted subject to the conditions listed, and the completion of a s106 agreement.
- 7.5 In line with the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, Officers have consulted the Applicant on the pre-commencement conditions included in the agenda and the Applicant has raised no objections.
- 8.0 RECOMMENDATION
- 8.1 The application is therefore recommended for approval, subject to conditions and the completion of a legal agreement.



**Ward:** Walham Green

**Site Address:**

La Reserve Hotel 422 - 428 Fulham Road London SW6 1DU



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

**Reg. No:**  
2022/03682/FUL

**Case Officer:**  
Graham Simpson

**Date Valid:**  
17.01.2023

**Conservation Area:**  
Constraint Name: Moore Park Conservation Area -  
Number 30

**Committee Date:**  
18.07.2023

**Applicant:**

Reserve Property Holdings Limited  
C/o Agent

**Description:**

Erection of a four-storey plus basement building for use as 50no. apart -hotel complex (Use Class C1) to replace the previously demolished building.

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

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

**Conditions:**

**1) Time limit**

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

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

**2) Approved Drawings**

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

2157-H1-D-A-101 (Basement plan)  
2157-H1-D-A-102 (Ground floor plan)  
2157-H1-D-A-103 (First and second floor plan)  
2157-H1-D-A-104 (Third floor and roof plan)  
2157-H1-D-A-106 (Bin Store Plan)

2157-H1-D-A-202 Rev 01 (East and West elevations)  
2157-H1-D-A-201 Rev 01 (South and north elevations)

2157-H1-D-A-401 (Section 1)  
2157-H1-D-A-304 Rev 01 (Section 3)

2157-H1-D-A-501 Rev 01 (Bay study 1)

2157-H1-D-A-502 Rev 01 (Bay Study 2)  
2157-H1-D-A-503 Rev 01 (Bay Study 3)  
2157-H1-D-A-504 (Bay Study 4)

Energy and Sustainability Statement V2 dated 22<sup>nd</sup> October 2022  
Delivery and Servicing Plan Rev A dated 6<sup>th</sup> May 2023  
Arboricultural Report dated 28<sup>th</sup> October 2022  
Flood Risk Assessment Report dated 19<sup>th</sup> December 2022, including additional information via email dated 13<sup>th</sup> March 2023  
Fire Statement dated November 2022.

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

### **3) Temporary fencing**

The development hereby permitted shall not commence until a scheme for temporary fencing and/or enclosure of the site where necessary has been submitted to and approved in writing by the Council, and such enclosure has been erected in accordance with the approved details and retained for the duration of the building works. No part of the temporary fencing and/or enclosure of the site shall be used for the display of advertisement hoardings.

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

### **4) Construction Logistics Plan**

Notwithstanding the submitted details, prior to commencement of the development (save for works of site clearance and demolition of existing building) hereby approved, a final Construction Logistics Plan (CLP) shall have been submitted to and approved in writing by the Local Planning Authority. The CLP should cover the following minimum requirements: site logistics and operations; construction vehicle routing; contact details for site managers and details of management lines of reporting; location of site offices, ancillary buildings, plant, wheel-washing facilities, stacking bays and parking; storage of any skips, oil and chemical storage etc.; access and egress points and; membership of the Considerate Contractors Scheme. The approved details shall be undertaken in accordance with the terms and throughout the period set out in the CLP.

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

## **5) Construction management plan**

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

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

## **6) Delivery and Servicing Plan**

The Delivery and Servicing Plan (DSP) hereby approved shall be implemented prior to occupation and shall thereafter operate in accordance with the approved details. The DSP shall be regularly monitored and reviewed and any subsequent modifications or alterations to the DSP should be submitted to and approved in writing by the LPA.

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

## **7) Materials**

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

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

## **8) 1:20 details**

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

- a) a typical bay and junctions of the building with No. 430 Fulham Road
- b) details of the roof, to include the parapet, mansard, plant screen and all excrescences. All plant must be contained within the plant room and not project above the mesh screen.

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

## **9) External artificial lighting**

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 Notes For The Reduction Of Light Pollution 2011'. Details should also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

## **10) Plumping/rainwater goods**

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

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

## **11) Rooftop water tanks/plant**

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

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

## **12) Aerials**

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

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

### **13) No additional air conditioning equipment**

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

Reason: To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policies DC1, DC2, DC8, CC11 and CC13 of the Local Plan (2018).

### **14) No adverts**

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

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

### **15) Landscaping details**

The development shall not commence prior to the submission and approval in writing by the Council of full details of the proposed landscaping of the site, including planting schedules and details of the species, height and maturity of existing and new trees and shrubs. The approved scheme shall be implemented in the next winter planting season following completion of the building works, or before the occupation and use of any part of the building, whichever is the earlier.

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

### **16) Replacement planting**

Any tree or shrub planted pursuant to condition 14 being removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

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

### **17) Arboricultural Report**

The development hereby approved shall be carried out in accordance with the Arboricultural Report, by ACS (Trees) Consulting, dated 28th October 2022.

Reason: To ensure the Council is able to properly assess the impact of the development on any trees and prevent their unnecessary loss, in accordance with Policies OS5, DC1, DC2 and DC8 of the Local Plan (2018).

### **18) Replacement trees**

The Norway Maple tree (T2) and the Common Lime tree (T4) to be removed shall be replaced during the next winter planting season following the date of this decision. Details of the replacement tree, including species and height, shall be submitted and approved in writing by the Council before the tree is removed.

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

### **19) Secured by Design**

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

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

### **20) Flood Risk Assessment**

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

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

### **21) Surface Water Management Strategy**

The development hereby approved shall not commence until details of a revised Surface Water Management Strategy. Details should review the inclusion of rainwater harvesting for re-use. The measures shall thereafter be permanently retained for the life of the development.

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



## **22) Transport and/or industrial noise sources**

Prior to commencement of the development, a noise assessment shall be submitted to the Council for approval of external noise levels incl. reflected and re-radiated noise and details of the sound insulation of the building envelope, orientation of habitable rooms away from major noise sources and of acoustically attenuated mechanical ventilation as necessary to achieve internal room and (if provided) external amenity noise standards in accordance with the criteria of BS8233:2014. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

## **23) Separation of communal facilities/plant etc. noise from noise sensitive premises**

Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor / ceiling / walls separating the basement plant room, gymnasium / communal facilities from apartments / noise sensitive premises. Details shall demonstrate that the sound insulation value  $D_{nT,w}$  [and  $L'_{nT,w}$ ] is enhanced by at least 15dB above the Building Regulations value and, where necessary, additional mitigation measures implemented to contain commercial noise within the commercial premises and to achieve the criteria  $L_{Amax,F}$  of BS8233:2014 within the dwellings / noise sensitive premises. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

## **24) External noise from machinery, extract/ventilation ducting, ASHP, mechanical gates, etc.**

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

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

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

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

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

## **26) Servicing Management Plan**

Prior to commencement of the development, a Servicing Management Plan shall be submitted to and approved in writing by the Council. Details shall include but not be limited to times and frequency of deliveries and collections, vehicle movements, silent reversing methods, location of loading bays, and quiet loading/unloading measures.

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

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

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

- a. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries
- b. Construction Site and Equipment Layout Plan
- c. Inventory and Timetable of dust generating activities during construction site activities.
- d. Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM10 (human health) impacts for sensitive receptors off-site of the development within 250 m of the site boundaries during the demolition phase and is undertaken in compliance with the methodology contained within the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and its subsequent amendments
- e. Site Specific Dust, and NO<sub>x</sub> Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall Low/Medium Dust Risk Rating of the site and shall be in a table format.
- f. Details of Site Particulate (PM10) and Dust Monitoring Procedures and

Protocols including locations of a minimum of 2 x MCERTS compliant Particulate (PM10) monitors on the site boundaries used to prevent levels exceeding predetermined PM10 Site Action Level (SAL) of 190 µg/m-3, measured as a 1-hour mean. Prior to installation of the PM10 monitors on site the calibration certificates of MCERTS compliant PM10 monitors and the internet-based log-in details to enable access to the real-time PM10 monitoring data from the PM10 monitors shall be issued to Hammersmith & Fulham Council by e-mail to [constructionairqualitymonitoring@lbhf.gov.uk](mailto:constructionairqualitymonitoring@lbhf.gov.uk). The data from the on-site Particulate (PM10) monitors shall also be made available on the construction site air quality monitoring register website <https://www.envimo.uk>

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

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

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

## **28) Ventilation Strategy**

Prior to commencement of above ground works in the development hereby permitted, a Ventilation Strategy Report to mitigate the impact of existing poor air quality for the apartment 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, PM2.5) concentrations are equal to 30ug/m-3, 20ug/m-3 and 10 ug/m-3 respectively and where current and future predicted pollutant concentrations are within 5 % of these limits. The report shall include the following information:

- a. Details and locations of the ventilation intake locations at rear roof level or on the rear elevations of each hotel floor
- b. Details and locations of restricted opening windows (maximum 200mm for emergency purge ventilation only) for all apartment hotel 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 (NO<sub>2</sub>) and Particulate Matter (PM<sub>2.5</sub>, PM<sub>10</sub>) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 90% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM<sub>2.5</sub>, PM<sub>10</sub>) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016

The whole system shall be designed to prevent summer overheating and minimise energy usage. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications and shall be the responsibility of the primary owner of the property. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

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

## **29) Ventilation Strategy compliance**

Prior to occupation of the development hereby permitted, details of a post installation compliance report of the approved ventilation strategy as required by condition 23 to mitigate the impact of existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. The report shall be produced by an accredited Chartered Building Services Engineer (CIBSE). Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

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

## **30) Zero Emissions Heating**

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 apartment hotel (Use Class C1) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

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

### **31) Aerobic Food Digester (AFD)**

Prior to occupation of the development hereby permitted, details of the installation/commissioning of Aerobic Food Digesters (AFD) for the apartment hotel (Use Class C1) to mitigate the impact of air pollution from vehicles associated with the removal of food waste shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

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

### **32) Zero Emission Delivery Hub**

Prior to occupation of the development hereby permitted, details of the installation of a carrier agnostic parcel locker including location and type of parcel locker and a minimum of two cargo bike parking spaces with cargo bike stands must be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

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

### **33) Deliveries and Collections**

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

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

### **34) Accessibility**

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.

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

### **35) Terraces**

No part of any roofs of the new building or open space including within lightwells at the rear shall be used as a roof terrace or other form of open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roofs. No railings or other means of enclosure shall be erected on the roofs, and no alterations shall be carried out to any elevation of the application properties to form access onto the roofs or open spaces.

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

### **36) Cycle parking**

The development hereby approved shall be carried out and completed in accordance with the details of the proposed storage of 24 cycles (20 long-stay and 4 short stay in connection with the apart hotel.

There development shall not be occupied until the cycle storage provision has been made in accordance with the agreed details, and it shall be permanently retained and maintained for the life of the development.

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

### **37) Refuse storage**

No part of the development hereby approved shall be occupied prior to the submission and approval of further details regarding the provision of the refuse storage arrangements. The refuse storage arrangements shall be permanently retained thereafter in accordance with the approved details.

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

### **38) Hotel use**

The hotel use shall be used solely for the purposes of a hotel only and for no other purpose, including any other purpose in Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any subsequent Order or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

In granting this permission, the Council has had regard to the particular circumstances of the case. The change of use could raise materially different planning considerations and the council 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).

### **39) Maximum no. of rooms**

The Class C1 (aparthotel) use hereby approved shall have a maximum of 50 bedrooms.

Reason: In granting this permission, the Council has had regard to the particular circumstances of the case. An increase in the number of bedrooms could raise materially different planning considerations and the council 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).

### **40) 30 days maximum stay**

The accommodation shall not be used as the sole or main residence of any of the occupiers and no person shall occupy the apart-hotel for a continuous period of more than 30 days. A detailed register of all occupants shall be kept which will include names and contact details of individuals and the length of occupation. A copy of the register shall be made available at the request of the local planning authority.

Reason: In granting this permission, the Council has had regard to the particular circumstances of the case. An increase in stay period could raise materially different planning considerations and the council 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).

### **41) Fire Statement**

The development shall be carried out and completed in full accordance with the details contained within the approved Fire Statement (Prepared by John G Streets BEng(hons) Fire Engineering Consultant Fire Engineer, dated November 2022). No part of the development shall be used or occupied until all mitigation, measures and means within the approved document have been implemented in full and shall thereafter be retained for the lifetime of the building hereby approved.

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

#### **42) Preliminary Risk Assessment**

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

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

#### **43) Site Investigation Scheme**

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

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



#### **44) Quantitative Risk Assessment Report**

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

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

#### **45) Remediation Method Statement**

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a remediation method statement, if deemed to be required in the approved quantitative risk assessment, is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. This statement will also include a plan to verify that the required remediation works are undertaken in line with the remediation method statement which will be compiled into a verification report. The remediation should then progress in accordance with the agreed remediation method statement. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

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

#### **46) Verification Report**

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

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

#### **47) Onward Long-Term Monitoring Methodology**

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

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

#### **48) Healthy Streets assessment**

Prior to commencement of the development, a Healthy Streets assessment in accordance with Transport for London guidance (including an Active Travel Zone assessment) shall be submitted to and approved in writing by the Council. The measures within the approved Healthy Streets assessment shall be implemented prior to first occupation of the development.

Reason: To ensure the adequate mitigation measures for cyclists and pedestrians in accordance with Policy T3 and T4 of the London Plan (2021) and Policy T1 of the Local Plan (2018).

#### **49) BREEAM rating**

The development hereby permitted shall only be carried out in accordance with the recommendations set out in the Energy and Sustainability Statement V2 by eb7 dated 26<sup>th</sup> March 2022. Within 6 months of first occupation/use of the premises, confirmation that the development meets the requirements of the 'Excellent' BREEAM rating shall be submitted (in the form of a post-construction BREEAM assessment), to the council for its written approval.

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

#### **50) Energy and CO2 reductions**

The development hereby permitted shall not be occupied before implementation of the sustainable design and construction measures, energy efficiency, low carbon and renewable energy measures detailed in the submitted Energy and Sustainability Statement V2 by eb7 dated 22<sup>nd</sup> October 2022. All details shall be implemented prior to occupation/use of the development hereby permitted, and thereafter be permanently retained.

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

#### **51) Obscure glazed windows**

The development hereby permitted shall not be occupied until the new upper floor windows at first, second and third floor levels (facing Bovril Court) have been installed so as to be non-openable and with obscure glazing, a sample of which shall have been submitted to and approved in writing by the Council prior to any development on site. Thereafter the windows shall be retained in the form approved.

Reason: Such a use would be harmful to the existing residential amenities of neighbouring occupiers as a result of overlooking and loss of privacy, contrary to Policy DC1, HO11 and DC4 of the Local Plan (2018).

## **52) Build contract**

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

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

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

- 1. Land Use:** The principle of the development is considered acceptable, as Officers consider that sufficient weight be afforded to the wider economic benefits of the development in providing an employment and visitor generating apart-hotel development. The proposal complies with the NPPF (2021), Policies E9 and E10 of the London Plan (2021), and Policies FRA, E2 and E3 of the Local Plan (2018).
- 2. Design and heritage:** The principle of the land use is considered acceptable. The loss of the existing building of merit has been justified and the height, scale, massing, and detailed design of the replacement hotel building is acceptable within the local context, and would not harm the character and appearance of the application site and would appropriately connect the surrounding townscape. The proposal would make a positive contribution to the urban environment and would not cause undue harm to the setting of the Moore Park Conservation Area. The development is therefore acceptable in accordance with the principles of the NPPF (2021), Policies D1, D3 and D4 of the London Plan (2021), and Policies DC1, DC2 and DC8 of the Local Plan (2018).
- 3. Residential Amenity and Impact on Neighbouring Properties:** The impact of the proposed development upon adjoining occupiers is considered acceptable with no significant worsening of overlooking, loss of sunlight or daylight or outlook to cause undue detriment to the amenities of neighbours. Measures would be secured by conditions to minimise noise and disturbance from the operation of the hotel and any associated mechanical equipment to nearby occupiers from the development. In this regard, the development would respect the principles of good neighbourliness. The development would therefore be acceptable in accordance with Policies DC1, DC2, CC11 and CC13 of the Local Plan and EN1 of the Planning Guidance Supplementary Planning Document (2018).
- 4. Safety and Access:** A condition will ensure the development would provide a safe and secure environment for all users in accordance with London Plan Policy D11 (2021) and Policy DC2 of the Local Plan (2018). The proposal would provide ease of access for all people, including disabled people, in accordance with Policies D5 and D11 of the London Plan (2021), Policies E3 of the Local Plan (2018) and Key Principles DA1, DA6 and DA9 of the Planning Guidance Supplementary Planning Document (2018).

5. Highways matters: Subject to conditions, and the completion of a satisfactory legal agreement relating to the submission of a Travel Plan, servicing and delivery plan, and a DLP and a CLP; funding towards cycle and highway improvements; together with the prevention of coach bookings there would be no adverse impact on traffic generation and the scheme would not result in congestion of the primary road network. The development would therefore be acceptable in accordance with the NPPF (2021), Policies T1, T3 and T4 of the London Plan (2021), Policies T1, T2, T3, T4, T5, CC7, CC9, CC10, CC11, CC12 and CC13 of the Local Plan (2018) and Policies TR1, TR2, TR3 and WM9 of the Planning Guidance Supplementary Planning Document (2018).
6. Flood Risk: A Flood Risk Assessment (FRA) has been submitted and has considered risks of flooding to the site and adequate preventative measures have respect the proposal is therefore in accordance with the NPPF (2021), Policy SI12 London Plan (2021), Policies CC2, CC3 and CC4 of the Local Plan (2018) and FR1 and FR3 of the Planning Guidance Supplementary Planning Document (2018).
7. Sustainability and Energy: Measures are proposed in relation to minimising energy use and CO2 emissions and sustainable design and construction. These will be secured by conditions with a carbon-off setting payment in lieu secured through Section 106 legal agreement. The development would therefore be acceptable in accordance with Policies SI 2, SI 7 and DF1 of the London Plan (2021), Policies of CC1 and CC2 of the Local Plan (2018) and SDC1 of the Planning Guidance Supplementary Planning Document (2018).
8. Air Quality: There will be an impact on local air quality because of the demolition, construction, and operation of the proposed development. However, conditions prior to the commencement of above ground works are included to mitigate the impact of the development and to ensure neutral air quality outcomes in accordance with Policy SI 1 of the London Plan (2021) and Policies CC10 and CC13 of the Local Plan (2018).
9. Land Contamination: Conditions will ensure that the site would be remediated to an appropriate level for the sensitive residential and open space uses. The proposed development therefore accords with Policies CC11, CC12 and CC13 of the Local Plan (2018) and NN1, NN2 and NN3 of the Planning Guidance Supplementary Planning Document (2018).
10. Planning Obligations: The application proposes that its impacts are mitigated by way of carbon-off setting payment and financial contributions to fund construction related jobs and apprenticeships, a local procurement initiative, and improvements that are necessary as a consequence of the development. The proposed development would therefore mitigate external impacts and would accord with Policy DF1 of the London Plan (2021) and Policy INFRA1 of the Local Plan (2018).
11. Conditions: In line with the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, officers have consulted the applicant on the pre-commencement conditions included in the agenda and the applicant has raised no objections.

## **That the applicant be informed as follows:**

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

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

Notification to neighbours of demolition/ building works:

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

Dust:

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

Dark smoke and nuisance:

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

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

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

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

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

Application form received: 20th December 2022  
Drawing Nos: see above

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

**Consultation Comments:**

<b>Comments from:</b>	<b>Dated:</b>
Environment Agency - Planning Liaison	01.02.23
Thames Water - Development Control	08.02.23
Crime Prevention Design Advisor - Hammersmith	09.02.23
Historic England London Region	26.01.23
Health And Safety Executive Fire Safety	25.01.23
Royal Borough Of Kensington And Chelsea	26.01.23
Royal Borough Of Kensington And Chelsea	08.02.23
TFL Spatial Planning 5 Endeavour Square LONDON E20 1JN	15.02.23

**Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
3 Hilary Close London SW6 1EA	22.02.23
4 Hilary Close London SW6 1EA	22.02.23
7 Hilary Close London SW6 2EA	22.02.23
6 Hilary Close London SW6 1EA	22.02.23
1 Hilary Close London SW6 1EA	22.02.23
2 (and 5) Hilary Close London SW6 1EA	22.02.23
Hilary Close Freeholders	22.02.23
NAG	18.02.23

**1.0 SITE DESCRIPTION, RELEVANT HISTORY AND PROPOSALS**

**Site and Surrounding Area:**

- 1.1 The application site is currently vacant, but most recently comprised a three storey plus basement, semi-detached building, situated on the north side of Fulham Road. The site was in use as a hotel, comprising 43 rooms, with a separate nightclub and restaurant in the basement area.

- 1.2 The application site adjoins a residential development (Hilary Close) to the rear, with Chelsea Football Stadium beyond that. To the west the site adjoins 430 and 432 Fulham Road, a pair of three storey plus semi basement buildings of merit, occupied by a nursery and residential units respectively. To the east, sits the three storey plus basement flatted development of Bovril Court.
- 1.3 The site is situated within the Moore Park conservation area and buildings occupying the site until 2021, were also on the Council's Register of locally listed, Buildings of Merit.

**Relevant planning history:**

- 1.4 In 1993 planning permission was refused for the erection of an additional floor at roof level (1992/01591/FUL) on grounds of visual amenity (altered roofline and impact to conservation area) and residential amenity (loss of privacy).
- 1.5 In January 1998 planning permission was approved for the erection of a part single storey part two-storey extension to the rear of the premises (1997/02233/FUL). This was not implemented.
- 1.6 In December 1998 planning permission was refused for the erection of an additional floor at roof level (1998/00775/FUL) on grounds of visual amenity (altered roofline and impact to conservation area) and residential amenity (loss of privacy). This was subsequently dismissed at appeal. The Inspector concluded "the additional floor would result in a building that is out of character with its surrounding. Because it would be higher than its immediate neighbours it would also become more dominant in the street scene in this part of the Conservation Area;" and " the proposal would result in an unacceptable impact on the living conditions of the occupiers of residential properties in Hilary Close as a result of overlooking, loss of privacy and intrusion."
- 1.7 In 1999 planning permission was approved for the erection of a part single storey, part two-storey rear extension (larger version of 1998 permission) (1998/00778/FUL). This was not implemented.
- 1.8 In August 2003 planning permission was refused for the erection of a single storey extension on top of the existing linen store, on the eastern flank of the hotel (2003/02880/FUL) on grounds of visual amenity.
- 1.9 In 2005 planning permission was refused for the erection of an extension on top of the existing linen store, on the eastern side of the hotel (2005/01141/FUL) on grounds of residential amenity (loss of outlook and an increased sense of enclosure).
- 1.10 In 2008 planning permission was approved for the erection of a rear extension at ground, first and second floor levels; erection of an extension above the existing linen store to the side of the building (for use as an office) together with related alterations and associated landscaping at basement level (2008/00962/FUL). This was not implemented.



- 1.11 In March 2017 a planning application for the redevelopment of the site comprising the demolition of the existing hotel building and erection of a four storey plus basement building for use as a hotel was withdrawn (2016/05278/FUL).
- 1.12 In 2018 planning permission was granted for the redevelopment of the site comprising the demolition of the existing hotel building and erection of a four storey plus basement building for use as a hotel (Class C1) (ref 2017/01128/FUL). This consent expired 23 March 2018. Given that a number of pre-commencement conditions were not discharged, it is not considered that this consent was implemented within the 3-year time limit for doing so.
- 1.13 An application (ref 2021/00757/DET) to discharge conditions 3, 4, 6, 7, 8, 9, 10, 11, 17 and 41 was deposited on 9 March 2021, with the exception of details of hoardings (Condition 4) and Contaminated Land Site Investigation Scheme (Condition 41), the remaining conditions were refused on July 2021 largely due to insufficient information in relation to the following matters:
- Building contract, written notice of the demolition start date (Condition 3)
  - Demolition Management Plan and a Demolition Logistics Plan (Condition 6)
  - Construction Management Plan and Construction Logistics Plan Condition 7)
  - Samples of all external materials (Condition 8)
  - Drawings in plan, section and elevation (Condition 9)
  - All external ground and flat roof surfaces (Condition 10)
  - External lighting (Condition 11)
  - Landscaping (Condition 17)
- 1.14 In 2021, the applicants submitted a preapp regarding an amendment to the description of development of the 2018 planning permission 2017/01128/FUL to change from a hotel use to serviced apartments. Officers advised that in principle the provision of serviced apartments could be considered acceptable in principle as the development would include no more than 50 apartments subject to further details on how it would function,
- 1.15 In January 2023, a planning application was withdrawn for a redevelopment, comprising the retrospective demolition of existing buildings and erection of a four-storey plus double basement building for use as 50 serviced apartments (Class C1) 2021/04157/FUL.

### **Enforcement history**

- 1.16 Following the demolition of the buildings occupying the application in 2021, an enforcement complaint was received and subject of investigation. Given the failure to discharge pre-commencement conditions ahead of demolition works commencing, it is not considered that the 2018 permission has been implemented, and the demolition works did not benefit from planning consent.
- 1.17 Section 196 of the Town and Country Planning Act 1990, identifies it is an offence for a person to carry out relevant demotion without the required planning permission.

- 1.18 In considering whether it is expedient to take enforcement action, officers have considered the planning history of the site. An enforcement notice seeking to remedy the breach of planning control would require the original buildings to be reinstated on-site. However, given that the principle of demolition and redevelopment was previously supported through the 2018 permission, officers consider that such action would not be upheld if any notice were subject to appeal.
- 1.19 Instead, for the purposes of the current application, officers consider that baseline condition of the site, should be that the site is vacant. Harm to the character and significance of the locally listed, buildings of merit has occurred in full.

### **Proposed Development**

- 1.20 The proposed development relates to the redevelopment of the site comprising demolition of existing buildings (retrospective) and erection of a four-storey plus basement building for use as apart-hotel (Use Class C1).

## **2.0 CONSULTATION RESPONSES (INTERNAL AND EXTERNAL)**

- 2.1 The application has been advertised by means of a site notice and a press advert, and some 467 individual notification letters have been sent to the occupiers of neighbouring properties.
- 2.2 In total, 9 objections have been received, including one from a planning consultant on behalf of the Freeholders of Hilary Close. The objections received are summarised below:
- demolition of building of merit and errors in Heritage Statement
  - Out of keeping with existing buildings and harm to heritage assets including the building of merit, neighbouring buildings of merit and the conservation area
  - Scheme would not bring benefits that a hotel would bring, such as a restaurant, and does not replace local employment opportunities
  - Unacceptable design
  - Excessive height, and over dominant
  - Loss of light and overshadowing
  - Increased flood risk
  - Noise and disturbance associated with traffic and works during demolition and construction, particularly taken together with the works to Chelsea football stadium
  - Noise and disturbance from comings and goings from the apart hotel use, as well as the kitchen/restaurant
  - Increased traffic movements and parking stress
  - Lack of need for hotels in the area
  - Top storey floor to ceiling height too low which could lead to building needing to be higher than shown
  - cleared site could be converted to a park if no replacement building
- 2.3 The matters relating to the land use, design, scale, impact upon the character, buildings of merit and the conservation area, traffic/parking, and neighbouring residential amenity (loss of light, overshadowing and noise) are fully considered in the planning assessment below.

- 2.4 Disruption and disturbance from building works would be controlled by separate legislation. However, conditions will be imposed where relevant in order to limit any impact, particularly in terms of neighbouring amenity and the operation of the highway. The proposals do not include a commercial kitchen or public restaurant.
- 2.5 Historic England advised that they do not wish to offer any comments and suggested that guidance is sought from local Conservation Officers.
- 2.6 Transport for London raises no objection subject to conditions securing a: travel plan; cycle parking; a delivery and servicing plan; a construction management and logistics plan (CMLP); and any necessary local pedestrian/ cycle improvements by appropriate s106/s278 agreements.
- 2.7 The Royal Borough of Kensington and Chelsea raise no objection.
- 2.8 Environment Agency raise no objections.

### **3.0 PLANNING CONSIDERATIONS**

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

#### **National Planning Policy Framework (NPPF)**

- 3.4 The NPPF (2021) is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.
- 3.5 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**

- 3.6 The latest London Plan was published in March 2021. It sets out the overall strategic plan for London and a fully integrated economic, environmental, transport and social framework for the development of the Capital over the next 20-25 years. As Hammersmith & Fulham is one of the 32 London Boroughs, the London Plan forms part of the development plan for the borough.

## **Local Plan**

- 3.7 The Council adopted the current Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The role of the development plan is to guide decision making on planning applications and inform investment in social and physical infrastructure.
- 3.8 The 'Planning Guidance' Supplementary Planning Document (SPD) 2018 is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles.
- 3.9 The main planning considerations in light of the NPPF (2021), The London Plan (2021), and the Council's adopted Local Plan (2018) and the Planning Guidance Supplementary Planning Document (2018) (hereafter referred to as SPD), include: land use and acceptability of a hotel use in this location; the demolition of the existing building of merit; scale, bulk, design and appearance of the proposed building and the impact on the conservation area; impact on existing residential amenities of neighbouring properties; traffic impact on the highway network; and environmental impacts.

## **LAND USE**

### **Hotel Use:**

- 3.10 Paragraphs 81 and 82 of the revised NPPF outlines the Government's commitment to securing economic growth in order to create jobs and prosperity; and to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. The NPPF emphasises that significant weight be placed on the need to support economic growth and productivity.
- 3.11 London Plan Policy E10 aims for boroughs to support London's visitor economy and stimulate its growth, taking into account the needs of business as well as leisure visitors and seeking to improve the range and quality of provision. The Policy seeks to achieve 58,000 net additional hotel bedrooms across London by 2041.
- 3.12 Local Plan Policy E1 states the Council will support the local economy and inward investment in the borough. Policy E3 adds that permission will be granted for new visitor accommodation within the three town centres, the Earls Court and West Kensington and White City Opportunity Areas. The justification to Policy E3 sets out the criteria against which proposals for visitor accommodation and facilities should be considered. These include:
- well located in relation to public transport;
  - no detrimental impact on the local area;
  - no loss of priority uses such as permanent housing;
  - provision of adequate off-street servicing;
  - at least 10% of hotel bedrooms designed as wheelchair accessible;
  - a high standard of design; and
  - schemes should add to the variety and quality of local visitor accommodation.

- 3.13 Outside of these identified areas, small scale hotels (not in excess of 50 bedrooms) are considered appropriate, subject to meeting the above criteria.
- 3.14 The site lies just outside and to the east of Fulham Town Centre and the Earls Court and West Kensington and White City Opportunity Areas the site is an established location for hotel use. Strategic Policy FRA relates to the Fulham Regeneration Area (FRA) which includes Fulham Town Centre. This policy supports the development of strategic sites to benefit the wider community including amongst other things: the provision of jobs; enhancing the vitality and viability of Fulham Town Centre; economic benefits for the wider community around the Fulham Regeneration Area to enable local people to access new job opportunities through training, local apprenticeships or targeted recruitment; social, physical, environmental and transport infrastructure to support.
- 3.15 The proposed replacement apart 50 apart hotel use in this location is considered appropriate in principle. The demolished hotel provided 43 bedrooms, whereas the proposed replacement building will accommodate 50 apart-hotel rooms and would no longer be a traditional hotel. However, an apart-hotel and traditional hotel, both fall in the same use class and the overall intent to provide short term accommodation, remains the same.
- 3.16 The proposed apart-hotel involves the provision of units ranging from 15.3sqm to 51.7sqm in area and in some cases, a degree of self-containment including cooking facilities. The units would be serviced and with controlled entry via a staffed reception desk and would be for visitors to the Borough on a short-term basis rather than as permanent residential dwellings (Class C3). The smaller units would cater to single occupiers, whereas the larger units could accommodate visiting families or people with carers etc.
- 3.17 The facilities provided within each room would not be sufficient for longer term occupation as a residential dwellinghouse (Class C3). A condition would be attached to prevent the premises from being used as the sole or main residence of any of the occupiers, and no person shall occupy the apart-hotel for a continuous period of more than 30 days.

**Conclusions:**

- 3.18 The proposed replacement hotel development would contribute toward the vitality and viability of Fulham Road and the wider area, with the 50-bed apart-hotel contributing towards the continued provision of visitor accommodation in this location.
- 3.19 The proposed redevelopment would result in the retention of employment uses on site as well as provide additional employment generating floorspace and employment opportunities within the borough. The proposals also include a financial contribution toward local employment for paid and unpaid placements and an apprenticeship during the construction phase, employment opportunities during the operational phase, as well as seeking local procurement.

3.20 The proposed land use is considered acceptable in principle with regards to the relevant provisions of the revised NPPF (2021), the London Plan (2021), and Local Economy and Employment policies within the Local Plan (2018), subject to compliance with other relevant policies of the development plan.

#### **4.0 HERITAGE IMPACT, DESIGN AND EXTERNAL APPEARANCE**

##### **Streetscene Context:**

4.1 The site is located within the Moore Park Conservation Area. There are views of the application site from both directions along Fulham Road and from Maxwell Road opposite. The existing hotel building (Nos. 422 to 428) and the adjoining buildings (Nos.430 and 432) are all included on the Council's local register of Buildings of Merit, for their local townscape, architectural or historic importance. Buildings of Merit are non-designated heritage assets.

##### **Planning Policy Context:**

4.2 The NPPF emphasises the importance of well-designed buildings and places, stating in paragraph 126 that 'Good design is a key aspect of sustainable development, [and] creates better places in which to live and work and helps make development acceptable to communities.' Paragraph 130 adds that planning decisions should ensure that developments [inter alia]:

- '- b) are visually attractive as a result of good architecture, layout...;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'

4.3 London Plan Policy D3 requires that all new development enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions, 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. London Plan Policy HC1 states that "Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities".

4.4 Local Plan Policy DC1 requires all development within the borough to create a high-quality urban environment that respects and enhances its townscape context and heritage assets. Policy DC2 furthers the above, seeking that new build development be of a high standard of design, compatible with the scale and character of existing development and its setting. Development proposals must respect (a) the historical context of the site, (b) the scale, mass, form and grain of surrounding development, (c) good neighbourliness, (d) sustainability objectives, and, (e) the principles of accessible and inclusive design. Local Plan Policy DC8 seeks to protect, restore or enhance the quality, character, appearance and setting of the borough's conservation areas and its historic environment including listed buildings. Additional guidance in respect of proposals to Buildings of Merit within Chapter 6 of the Planning Guidance SPD.

#### **Historic Environment Planning Policy Context:**

- 4.5 It is key to the assessment of this application that the decision-making process is based on the understanding of the specific duties in relation to listed buildings required by the relevant legislation, particularly the principal statutory duties stated within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act together with the requirements set out in the NPPF.
- 4.6 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that: In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of] any of the provisions mentioned in subsection, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 4.7 Local planning authorities are required to assess the significance of any heritage asset affected by development proposals, including effects on their setting. This assessment shall be taken 'into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal' (NPPF, para 195).
- 4.8 When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 199 of the NPPF states that "...great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be". Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting...any harm or loss should require clear and convincing justification.
- 4.9 Where a proposal would result in harm to the significance of a designated heritage asset it should be identified whether the harm is substantial or less than substantial. If the harm is substantial the proposed development should be considered in respect of paragraph 201 of the NPPF and if the harm is less than substantial the development should be considered in respect of paragraph 202 of the NPPF.
- 4.10 NPPF Paragraph 203 relates to the effect of an application on the significance of a non-designated heritage asset (i.e. Building of Merit) and states: "...In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".

- 4.11 Paragraph 204 adds that "Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred."

#### **Significance of Heritage Assets (Designated):**

- 4.12 The area comprising the Moore Park Conservation Area was the earliest estate development to be built in Fulham, being laid out in the 1850s and completed in the following decade. The Fulham Road part of the area is characterised by a variety of building types and styles resulting in a townscape of building groups with contrasting textures, colours and details. The Moore Park Conservation Area was designated on 10 April 1989 to retain the character of the area around Fulham Road between Fulham Broadway and the Borough boundary, including Buildings of Merit such as the Sir Oswald Stoll Foundation and Chelsea Studios, and the residential area of Victorian terraces between Fulham Road and King's Road.

#### **Demolition of locally listed, buildings of merit**

- 4.13 It is recognised that the buildings originally occupying the application were locally listed, buildings of merit. The principle of demolition of these buildings was previously considered acceptable in 2018. The planning/enforcement history section of this report provides further background to the demolition.
- 4.14 For the purposes of the current application, the baseline condition of the site should be considered to be a vacant site. Any harm to character and significance of the locally listed buildings has already occurred.

#### **Proposed building**

- 4.15 The application proposes a four storey plus basement building that replicates the visual concept of two pairs of villas with a contemporary expression.
- 4.16 The proposed front elevation would largely follow the original building line of the buildings previously occupying the site with some variations in setbacks and with a small projection of approximately 0.5 metres to the frontage of the eastern pair of villas. The gaps on either side to the neighbouring properties at No. 430 and Bovril Court would be reinstated and widened respectively while the facade between the villa frontages itself would be recessed as with the previous building. The rear building line would be extended out and the façade designed to complement the front with a simple design. A low, hipped, artificial slate-clad roof is proposed that would be set back behind a strong parapet. This roof would not be readily visible in oblique views from Fulham Road.



- 4.17 The expression of two pairs of villas would be created by two new, projecting facades that would be characterised by painted stucco rendering and strong stone cornices. Further refinement would be added by moulded stone window surrounds and distinct metal window framing as well as, to emphasise the base of the building, by deep, stepping recesses to the openings, textured rendering and black steel railings around the front light wells. The recessed elevation between the projecting villa facades would be treated differently, using decorative brickwork and a contemporary hotel entrance. The overall level of detailing and refinement is designed to complement the historic façade hierarchy, features and quality of the surviving villas in a contemporary manner.
- 4.18 The ground floor would have level access in the centre of the plan. Lightwells for the basement with railings are proposed along the majority of the frontage. The remainder of the paved forecourt would be enclosed by new boundary walls with railings of traditional design to match neighbouring boundary treatments.
- 4.19 Officers have assessed the impact of the proposal on the heritage assets and consider that it is compliant with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the relevant provisions of the NPPF, Policies HC1, DC1 and DC4 of the London Plan, and Policies DC1, DC2, and DC8 of the Council's Local Plan.

**Basement Development:**

- 4.20 Local Plan Policy DC11 concerns new basements and extensions to existing basements, and typically seeks to restrict basement development to one storey, part (d) of Policy DC11 however identifies that exceptions may be made on large sites.
- 4.21 Policy DC11 further identifies that development proposals for basements should [inter alia]:
- not result in an unacceptable impact on the amenity of adjoining properties or on the local, natural and historic environment during and post construction;
  - be designed to minimise the risk of flooding and help reduce the volume and flow of surface water run-off through appropriate use of SuDS;
  - be designed to safeguard the structural stability of the existing building, nearby buildings and other infrastructure; and;
  - provide a Construction Method Statement (CMS) (carried out by a qualified structural or civil engineer); and; a construction traffic management plan as part of the CMS to ensure that traffic and construction activity does not cause unacceptable harm to pedestrian, cycle, vehicular and road safety.
- 4.22 The current application proposes a single basement level, and largely remains as previously 2018 permission approved in all other respects. It is considered that the proposal would remain in compliance with Policy DC11.

4.23 The application is supported by a Structural Engineering Report, and during the course of the application Officers have actively sought the provision of an outline Construction Logistics Plan. The submitted reports satisfactorily detail the method of basement excavation and construction, and the impact of the proposed development upon the local highway network and operation of Fulham Road. This element, along with an assessment of the proposed development in respect of flood risk and surface water management, is discussed in further detail below.

### **Conclusion**

4.24 The proposed Fulham Road façade has been designed with a clear visual reference to the group of villas and the character and appearance of the conservation area and makes a positive contribution to the setting of the neighbouring buildings of merit and to the character and appearance of the conservation area. Officers consider that the quality of the detailing would complement that of the original villas and together with the clearer separation between the villas the proposal would enhance and better reveal the significance of the conservation area.

4.25 The proposed new building would be an opportunity to respect and reflect the townscape attributes of the group of villas and of the conservation area and lift the quality of the streetscene and townscape. Final details of the materials to be used in the external appearance of the building would be secured by conditions.

4.26 In visual amenity terms Officers consider that the proposals represent a high-quality development, and a positive opportunity to regenerate this part of the Town Centre, and to enhance the quality of the townscape along Fulham Road.

4.27 Overall, the height, scale, massing, and detailed design of the proposals is acceptable within the local context, and would not harm the character and appearance of the application site and would appropriately connect the surrounding townscape. The proposal would make a positive contribution to the urban environment and would not cause undue harm to the setting of the surrounding conservation area. The development is therefore acceptable in accordance with the principles of the NPPF (2021), Policies HC1, D1, and D4 of the London Plan (2021), and Policies DC1, DC2 and DC8 of the Local Plan (2018).

### **Trees:**

4.28 London Plan Policy G7 is concerned with protecting trees, and requires that if a tree is to be removed, there should be adequate replacement. OS5 of the Local Plan (2018) seeks to protect existing trees and maximise planting; and SPD (2018) CAG6 encourages the planting of additional trees.

4.29 There are two Norway Maple trees to the front of the site and there are several mature trees at or near the rear boundary with Hilary Close. The application is supported by an Arboricultural report which includes mitigation measures to protect the trees during and after construction. The report does state however that two trees, one of the Norway Maple trees to the front, due to its poor condition, and a Common Lime tree to the rear, which has outgrown the site due to its cramped location, will be felled and replaced by suitable alternatives. The Council's Arboricultural Officer has considered the report and is satisfied that these two trees can be replaced, and that the remaining trees in and around the site will be protected during the works and their long term health will not be compromised by the proposed development. Conditions would be attached to secure the implementation of the measures contained within the arboricultural report, and the planting of replacement trees. On this basis the proposal complies with London Plan Policy G7, OS5 of the Local Plan (2018) and SPD (2018) CAG6.

**Accessibility:**

4.30 London Plan Policy D5 requires all new development to achieve the highest standards of accessible and inclusive design. Policy DC2 of the Local Plan (2018) and SPD (2018) CAG2 and CAG3 require new development to be designed to be accessible and inclusive to all who may use or visit the proposed buildings. Specifically, London Plan Policy E10 and Policy E3 of the Local Plan (2018) require at least 10% of hotel rooms to be accessible. Access requirements have now been incorporated into Building Regulations.

4.31 The demolished hotel did not fully comply with current standards of accessible facilities in any of the public, staff or bedroom spaces. The Design and Access Statement confirms the new hotel will comply with current standards. In particular the proposed hotel would incorporate 6 accessible hotel rooms (over 10% of all the units), which will be located on various levels. The proposals include one parking space for disabled access, as well as the provision for a drop off area within the front forecourt of the hotel. All entrances from the street and forecourt would be level and there would be an accessible lift serving all floors available for visitors and staff. Detailed access matters would be covered under Building Regulations. On this basis the proposal accords with London Plan Policy D5 and E10, Local Plan Policies E3 and DC2 and SPD (2018) Key Principles CAG2 and CAG3.

**Safety and Security:**

4.32 The NPPF, London Plan Policy D11, Policies DC1 and DC2 of the Local Plan and SPD "Sustainable Design and Construction" Key Principles requires new developments to respect the principles of Secured by Design and to ensure that proposals create a safe, secure, and appropriately accessible environment. Full details of how the proposed development would incorporate crime prevention measures to provide a safe and secure environment are secured by Condition.

## **5.0 RESIDENTIAL AMENITY**

5.1 Policy DC2 of the Local Plan (2018) states all proposals must be formulated to respect the principles of good neighbourliness. Policy HO11 of the Local Plan seeks to protect the existing amenities of neighbouring residential properties in terms of outlook, light, privacy and noise and disturbance. CC11 and CC13 of the Local Plan (2018) relate to environmental nuisance. SPD "Housing Standards" Key Principle HS6 seeks to protect the existing amenities of neighbouring residential properties in terms of outlook. Key Principle HS7 (iii) requires new windows to be positioned at least 18 metres away from existing windows or if the standard cannot be met, then they must be designed to ensure no loss of privacy.

5.2 The application site adjoins residential properties to the north and east at Hilary Close and Bovril Court respectively. Hilary Close is a gated backland residential site which comprises two terraces with a total of 7 three-storey houses that face each other across a central courtyard. The nearest property, No. 7, sits perpendicular to the rear boundary of the site, and is separated by an existing electricity substation. The flank wall of No. 7 contains one window which serves a staircase, and there are views of the existing hotel from that rear garden.

Bovril Court is a 4-storey residential block. That building contains two windows in each of the ground, first, second and third floor levels in its opposing western flank facing which serve a bedroom and bathroom at each level.

### **Outlook and sense of enclosure:**

5.3 SPD (2018) HS6 acknowledges that a building's proximity can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties. To test this, the Council use a reference line produced at an angle of 45 degrees from a point at ground level on the boundary of the site, or a point of 2 metres above ground level where rear gardens exceed 9 metres. If any part of the proposed building extends beyond these lines, then on-site judgement will be a determining factor in assessing the effect which the development will have on the existing amenities of neighbouring properties.

5.4 The rear boundary that adjoins the garden of No. 7 Hilary Close is historic in nature and measures approximately 2.2 metres in height (it is proposed to replace this with a new boundary of the same height). Therefore, it is considered reasonable to take the angle of 45 degrees from 2.2 metres above ground level. In this case the demolished hotel already breached an angle of 45 degrees taken from the top of the boundary.

- 5.5 In terms of height to the eaves, the proposed building would be the same as that approved in 2018 which is 0.9m higher than the demolished building. Similarly, the proposed footprint would be the same as that previously approved - the east portion of the new hotel would be 2.3 metres closer to the boundary with No. 7 Hilary Close. Notably, the proposed eastern part of the development would largely onto the electricity substation and flank wall of No. 7 which contains a non-habitable window that serves a staircase landing. Officers, acknowledge that the new hotel would be visible from the rear garden of No. 7, however the increased footprint and height would not be significantly different from the circumstances that previously existed with the demolished hotel. It is not considered the development would cause any significantly demonstrable harm to the outlook and sense of enclosure to No. 7 Hilary Close. Overall, given the distances involved and orientation, it is not considered the proposed development would cause undue loss of outlook or increased sense of enclosure to the residential properties in Hilary Close.
- 5.6 In respect of Bovril Court, the proposed increase in height of 0.9 metres is that same as that previously approved in 2018. Given existing close proximity and modest increase in height, and based on on-site judgement, officers consider that the proposals would not result in any undue demonstrable harm.
- 5.7 Overall, the proposal is considered to be acceptable impact on existing outlook with regards to Policy DC2 of the Local Plan (2018) and SPD (2018) Policy HS6.

**Privacy:**

- 5.8 SPD (2018) HS7 states that new windows should normally be positioned so that they are a minimum of 18 metres away from existing residential windows as measured by an arc of 60 degrees taken from the centre of the proposed window.
- 5.9 In this case there were already a large number of hotel bedroom windows in the rear elevation of the hotel which overlooked Hilary Close. Overall, the houses in Hilary Close form part of two separate terraces, perpendicular to the rear elevation of the demolished hotel, as such views between the existing residential and hotel windows are restricted due to oblique angles. Some of the hotel bedroom windows in the eastern part of the proposed building, adjacent to No. 7 Hilary Close, will be 2.3 metres closer to the rear boundary, however, due to the orientation of No. 7 Hilary Close there would be no direct views to any opposing habitable room windows that property.
- 5.10 The rear windows in the new hotel have been designed to be smaller than the previous windows and would reduce the perception of overlooking. Also, the rear windows in the top floor (fourth floor) would be setback slightly behind a raised parapet, and this would mitigate against overlooking.
- 5.11 There would be three small windows at first, second and third floor levels facing Bovril Court, which are secondary windows to the rooms they serve, and these would be obscure glazed glass and be fixed shut. This would be secured by condition.

- 5.12 Overall, it is not considered the proposal would cause undue loss of privacy to surrounding residential properties, in accordance with Policy DC2 of the Local Plan (2018) and SPD Policy HS7.

**Sunlight/daylight:**

- 5.13 The Council has had regard to the guidance set out in Building Research Establishments' (BRE) Guidelines 2022 - "Site Layout Planning for Daylight and Sunlight - A guide to good practice". The BRE guidelines advise that the guidance should be applied flexibly and there are circumstances that will exist where a greater degree of obstruction to light can on occasion be acceptable.
- 5.14 The applicant has carried out an updated daylight/sunlight assessment in line with the latest BRE guidelines on the potential impact of the massing of the proposed building on the surrounding properties of Bovril Court and Hilary Close. The impact to Chelsea Studios and the playground of the nursery at No. 430 have also been considered.
- 5.15 The report concludes that the resultant hotel building would be only marginally higher and deeper; the changes to daylight, sunlight and overshadowing would be well within the BRE guidelines. Officers have reviewed this submission and have no reason to question the conclusions of the report. The proposed development would not result in any significant demonstrable harm to the amenities of the neighbouring properties. Overall, officers consider that the daylight and sunlight levels would be satisfactory, and the proposal complies with DC2 of the Local Plan (2018).

**Noise:**

- 5.16 London Plan Policy D14 states that development proposals should seek to reduce noise by minimising the existing and potential adverse impacts of noise, separating new noise sensitive development from major noise sources through the use of distance screening, or internal layout and promoting new technologies and improved practices to prevent noise. CC11 and CC13 of the Local Plan (2018) advise that the Council would seek to minimise the impact of noise, by managing the development and distribution of noise sensitive development in the borough, and require all development to ensure that there is no undue detriment to the general amenities enjoyed by existing surrounding occupiers, particularly those of residential properties. These are supported by SPD Policies NN1 - NN6.
- 5.17 The development will be on a busy road just outside of the town centre and in front of Chelsea Football Stadium where there is already a high level of background noise. However there have been noise implications associated with the existing hotel due to its established historic use with few planning controls. Unlike, the demolished hotel, the proposed development represents an opportunity to add "necessary" conditions to make the scheme more acceptable in this location in respect of current planning policies and thereby mitigate against undue harm.

- 5.18 The demolished building included a large flat roof to the rear of at ground floor level and had been used without planning permission as a roof terrace. That roof terrace has not been retained in the current scheme. There would also be no public or staff access to the rear open area at ground floor other than for periodic maintenance of the garden area. It is proposed to attach conditions to secure this and to prevent the flat roof areas of the building being used as a roof terrace; this would be secured by condition.
- 5.19 In the new hotel, all primary plant will be in a basement plantroom. This will assist in reducing external noise emissions. As well as acoustic containment, this location also provides natural screening of extraneous noise from the plant. Conditions will secure details of noise, vibration and sound insulation.
- 5.20 Overall, officers consider that the noise impacts of the proposed development would be acceptable, and the proposal complies with London Plan Policy D14, Local Plan policies CC11 and CC13, and SPD Policies NN1 to NN6.

## **6.0 TRANSPORT ACCESS AND PARKING**

- 6.1 Policies T1, T2, T3, T4, T5, T6.4 and T7 of the London Plan set out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards.
- 6.2 Policy T1 of the Local Plan (2018) supports The London Plan. Policy T2 of the Local Plan (2018) states that all development proposals will be assessed for their contribution to traffic generation and their impact on congestion. Policies T3 and T4 of the Local Plan (2018) set out vehicle parking standards, which brings them in line with London Plan standards and circumstances when they need not be met. These are supported by SPD Policies TR1 - TR15.
- 6.3 The site is located on Fulham Road and has a Public Transport Accessibility level (PTAL) of 5, which is classified as 'very good' in terms of its proximity to the public transport networks and service availability. The site lies just outside Fulham Town Centre which lies to east. Fulham Broadway Underground Station is also 200m to the east which is within easy walking distance to the east, and there are bus stops immediately outside the site.

### **Travel Plan:**

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

### **Car/Coach Parking:**

- 6.5 Policy T6.4 of the London Plan seeks a balance between promoting new development and preventing excessive car parking and sets maximum parking standards. Policy T4 of the Local Plan (2018) requires compliance with the Council's car parking standard except in exceptional circumstances and Policy T5 states at least one blue badge holder parking space should be provided for hotels.
- 6.6 The existing vehicular entrance would be retained, and exit would be repositioned to allow access and egress to and from the loading/servicing area. The access arrangements will continue to allow cars and taxis to drop-off or collect passengers within the site. One parking space which would be for blue badge holders only would be provided within the site on the front forecourt, and this is considered acceptable. There would be no provision for coach parking on the site, and the developer has agreed to enter into an agreement not to permit coaches parking on Fulham Road; this would be secured by condition. The Applicant has agreed to fund the cost of the works to the highway, including any associated footway improvements; this would be secured by a S106 obligation.
- 6.7 Subject to conditions and a s106 obligation the proposed vehicular parking arrangements are considered satisfactory and in line with Policy T6.4 of the London Plan and Policies T4 and T5 of the Local Plan.

### **Cycle Parking:**

- 6.8 Policy T5 of the London Plan requires cycle parking to be provided in all new development. Table 10.2 of the London Plan sets out the minimum cycle parking standards in line with Policy T5. The minimum standard for hotel uses (Class C1) is 1 short term space per 50 bedrooms and 1 long stay space per 20 bedrooms. Policy T3 of the Local Plan (2018) seeks increased opportunities for cycling and walking and allows for hotels (over 30 bedrooms) to have 1 space per 20 bedrooms with 1 space per 3 staff.
- 6.9 Cycle space has been allocated in the front forecourt which includes sufficient space for cycling facilities. The full details will be secured by condition. In addition, cycle improvements involving cycle links and improving off-site cycle routes towards Fulham town centre would be generally supported through this development to make cycle use more attractive and ensure that car trips are minimised. A financial contribution of £25,000 towards cycle routes improvements in the vicinity of the site would be secured by a S106 obligation. .
- 6.10 Subject to conditions and a s106 obligation the proposed cycle parking arrangements are considered satisfactory and in line with Policy T5 of the London Plan and Policy T3 of the Local Plan.

### **Servicing and Deliveries:**

- 6.11 London Plan Policy SI 7 outlines the Mayor's approach to waste management. CC7 and CC13 of the Local Plan (2018) require development to incorporate suitable facilities for the storage and collection of segregated waste. SPD (2018) TR3 seeks off-street servicing for all new developments.



- 6.12 A draft servicing and delivery strategy has been submitted which confirms deliveries, servicing and refuse collection are proposed to take place within the site. A designated area has been provided on the western part of the forecourt. The Council's Highways Team have assessed these proposals and consider these to be acceptable. A final servicing and delivery strategy will be secured through the S106 Agreement.
- 6.13 Subject to a s106 obligation the proposed servicing and delivery arrangements are considered satisfactory and in line with London Plan Policy SI 7, Policies CC7 and CC13 of the Local Plan and SPD Policy TR3.

#### **Construction Phase:**

- 6.14 A construction Logistics Plan (CLP) has been submitted with this application together with a building contract which sets out a programme for the implementation of the development. The CLP consider nearby developments and the cumulative impact on the highway is minimised.
- 6.15 The Council's Highways Team have considered the CLP and are satisfied that the construction works would not adversely impact on the operation of the public highway. A final CLP would be secured by condition together with the Build Contract and subject to this, the proposals would accord with Policies T1, T2, T6, CC7, CC11, CC12 and CC13, SPD (2018) HS1, TR1, TR2 and TR3 and London Plan Policy T7.

### **7.0 ENVIRONMENTAL CONSIDERATIONS**

#### **Sustainable Design and Construction:**

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

#### **Energy:**

- 7.3 London Plan Policy SI 2 states that major developments should meet the minimum standards for sustainable design and construction. Local Plan Policy CC1 and London Plan Policy SI 2 states that the Mayor will work with boroughs and developers to ensure that major developments meet targets for CO2 emissions reductions in new buildings.

- 7.4 As required, an Energy Assessment has been carried out for the new hotel which includes the integration of energy efficiency measures, including adoption of high standards of insulation, super-efficient variable refrigerant flow heating/cooling utilising central plant capable of an energy network connection and a roof mounted PV array to off-set CO2 emissions. The energy assessment shows an improvement of just over 59% in terms of CO2 emissions reductions compared to the minimum requirements of the Building Regulations 2013. The proposed sustainable energy measures reduce CO2 emissions and meet the London Plan target of a 35% reduction in emissions. However, a payment in lieu is required to offset these emissions of £127,936.50 which is to be secured via a S106 agreement.
- 7.5 Subject to conditions securing the energy measures in the energy statement and the CO2 offset payment being included in the s106 Agreement, the proposal is considered acceptable and in line with against Local Plan Policy CC1 and London Plan Policy GG6.

#### **Flood Risk and Sustainable Urban Drainage Systems (SUDs):**

- 7.6 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 7.7 London Plan Policies SI12 and SI 13 requires new development to comply with flood risk assessment and management requirements of National Policy, including the incorporation of sustainable urban drainage systems, and specifies a drainage hierarchy for new development. Local Plan Policy CC3 and CC4 state that developments will be required to submit Flood Risk Assessments and Sustainable Drainage Strategies which demonstrate the reduction in the use of water and management of surface water run-off.
- 7.8 Policy CC3 of the Local Plan (2018) requires that new development is designed to take account of increasing risks of flooding and states that 'New development will be expected to minimise current and future flood risk and that sustainable urban drainage will be expected to be incorporated into new development to reduce the risk of flooding from surface water and foul water'. Policy CC4 requires developments to reduce the use of water and minimise current and future flood risk by implementing a range of measures such as Sustainable Drainage Systems (SuDs). These are supported by SPD Policy SDC1.
- 7.9 This site is in the Environment Agency's Flood Zone 3. This indicates a high risk to flooding from the Thames, although the site is well protected by flood defences such as the Thames Barrier and local river walls. If these were breached or over-topped, the site could be impacted by flood waters, although this possibility is not expected to be a potential issue until 2100. As the site includes a basement, groundwater and sewer flood risks are issues that are relevant for the application but the site is not in a surface water flooding hotspot, so this source of flooding is not significant.

- 7.10 The submitted Flood Risk Assessment (FRA) includes information on a range of flood mitigation measures which have been implemented as part of the design. The FRA confirms that structural waterproofing measures will be integrated into the basement capable of protecting the new building from groundwater whilst also not increasing flood risk off-site. The FRA also details flood resilience measures to be integrated to help mitigate flooding impacts. The proposed measures in this respect are adequate, and these will be secured by a condition.
- 7.11 In terms of managing surface water run-off from the site, the application is supported by an outline strategy developed to demonstrate that it is feasible for the site to meet the London Plan requirements in relation to attenuation of surface water runoff. For example, the new development will increase the amount of permeable surface at the site by including soft landscaped areas and permeable hard surfaces, and the inclusion of attenuation tanks. A condition will secure the implementation, retention and maintenance of the proposed SUDs measures .

**Contamination:**

- 7.12 Local Plan Policy CC9 states that Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites, to ensure that mitigation measures are put in place.
- 7.13 Potentially contaminative land uses, past or present, are understood to occur at, or near to this site. Site investigation together with a risk assessment, remediation and long-term monitoring would all need to be carried out during and following any redevelopment works, to ensure that no unacceptable risks would be caused to humans, controlled waters or the wider environment. Following review of the application the Council's Land Contamination Team consider the proposals satisfactory subject to details secured by conditions.

**Air Quality:**

- 7.14 The London Plan Policy SI 1 and Local Plan Policy CC10 seeks to reduce the potential adverse air quality impacts of new developments. Mitigation measures to reduce emissions and exposure to poor air quality must be taken. The application site is located within the borough wide Air Quality Management Area (AQMA), and in an area of existing poor air quality due to the road traffic vehicle emissions from Fulham Road. The impact of transport emissions during the demolition, construction, and energy plant emissions during the operational phase will have an impact on local air quality. The development proposal will introduce new receptors into an area of poor air quality.
- 7.15 The integration of energy efficiency measures, including Air Source Heat Pumps and solar panels, enables a 59% reduction in CO2 emissions. The 59% figure is in line with the London Plan minimum requirement of a 35% improvement.

7.16 The Council's Air Quality Officer has considered the proposed development and submitted Air Quality Assessment and raise no objections subject to conditions relating to air quality, namely with regard to Air Quality Dust Management Plan (Construction), Ventilation Strategy, Ventilation Strategy compliance, Zero Emissions Heating, Aerobic Food Digester (AFD), and a Zero Emission Delivery Hub.

## **8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)**

### **Mayoral CIL:**

8.1 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 development, according to the figures provided in the applicant's mayor CIL form, is estimated to be liable £176,800 plus indexation. 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 8.3.

### **Local CIL:**

8.2 The borough's own community infrastructure levy came into effect on 1st September 2015. The proposed charge for this part of the borough would be nil charge for hotel (Class C1) use.

## **9.0 PLANNING OBLIGATIONS**

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

9.2 The proposed legal agreement would incorporate the following heads of terms:

- 1) Contribution to economic development (circa £13,875) including the following:
  - a. Contribution of circa £10,500 to provide two construction period apprenticeships, one of which will be provided directly by the developer
  - b. 10% of labour employed on the construction of the development to be H&F residents
  - c. Contribution of £3,375 towards facilitating the Council in supporting local Small to Medium Enterprises to bid for contracts tendered in the supply chain
  - d. 10% of build costs to be spent locally on H&F businesses
  - e. Submission of delivery and monitoring plans

- f. 10% local labour target during the first 24 months of the operational phase (based on employees being within one of the Council's target groups, otherwise a target of 20% applies)
- 2) 10% local labour target during the first 24 months of the operational phase (based on employees being within one of the Council's target groups, otherwise a target of 20% applies)
  - 3) Fund necessary highway works arising from the development to Fulham Road frontage
  - 4) Provision of a Travel Plan, and fund associated reviews (£3000 per review)
  - 5) Development to be 'Coach free' (no coaches associated with the hotel use to park within the site or on Fulham Road; and hotel to advertise this restriction on their website)
  - 6) Fund cycle route improvements (£25,000)
  - 7) Provision of a Servicing and Deliveries Management Plan
  - 8) Provision of a Demolition and Construction Logistics Plans, and fund liaison with Local Contractor Co-ordination Group associated with monitoring of the demolition and construction process
  - 9) Carbon-off setting to achieve net zero carbon emissions payment in lieu of the development (£127,936.50)
  - 10) AQDMP Compliance monitoring of £10,000 per annum of the construction phase of the development
  - 11) Contribution towards Town Centre and Fulham Regeneration Area improvements: appropriate economic, social, physical, environmental and transport infrastructure to support the needs arising from the area as a whole (£175,000)
  - 12) A commitment to meet the costs of the Council's associated legal fees.

## **10.0 CONCLUSION**

- 10.1 In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 10.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance.
- 10.3 The principle of the land use and the nature of the proposal are considered acceptable. The loss of the previous building of merit has been justified and the

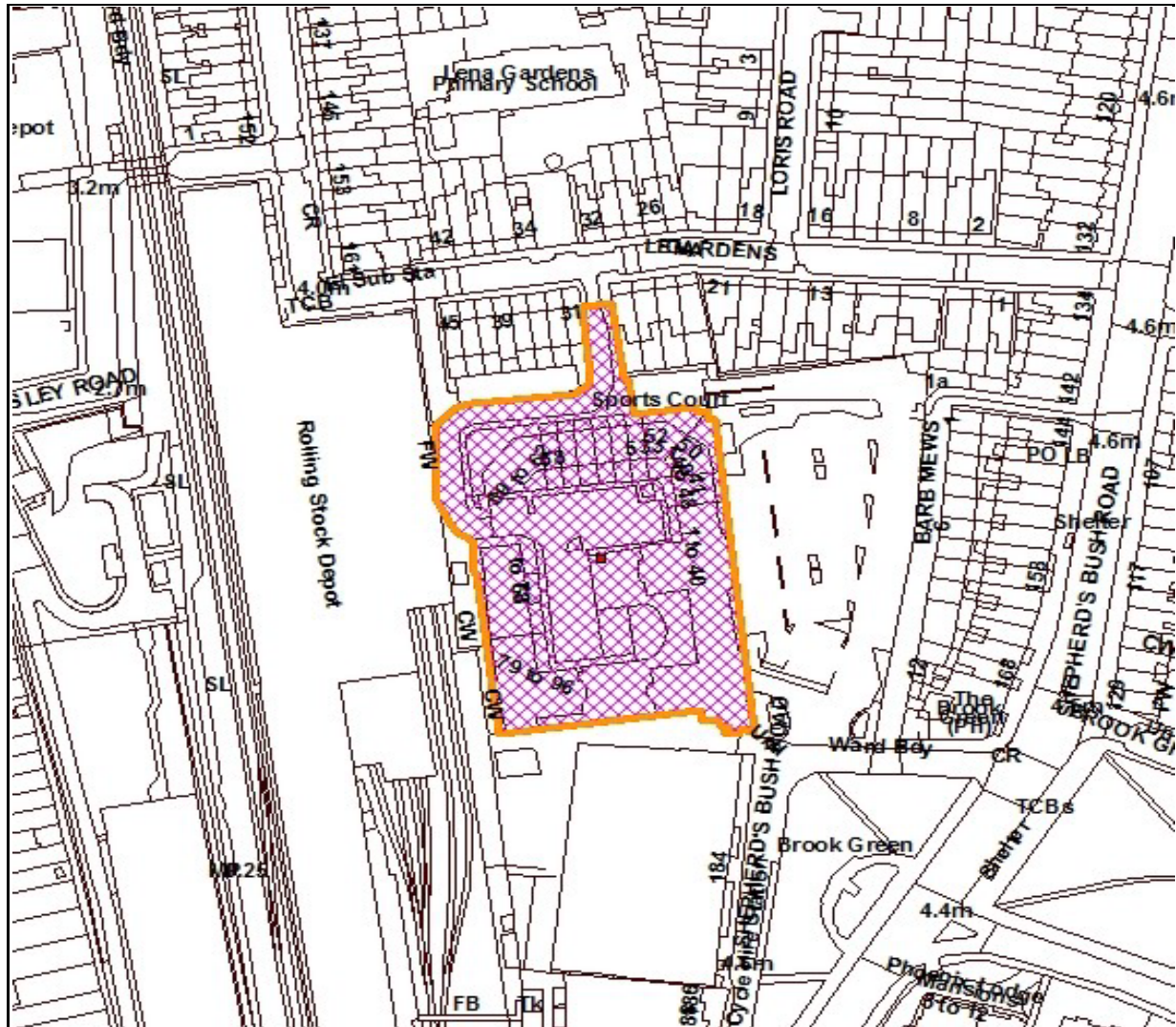
replacement hotel building would be compatible with the scale and character of existing townscape and would enhance the setting of the conservation area. The proposal would not cause demonstrable harm to the amenities of neighbouring residents. The impact of the development, subject to conditions and s.106 agreement, would not have a significant impact on the highway, parking, flooding or the environment. As such the proposal is in accordance with relevant national guidance, London Plan Policies, the Local Plan (2018) and Planning Guidance SPD Policies (2018).

- 10.4 A package of obligations has been secured to mitigate the impacts of the development on the highway and to provide employment and training opportunities for local residents. In these respects, the proposals comply with the relevant policies of the NPPF (2021), the London Plan (2021), the Local Plan (2018) and the relevant Key Principles within the Planning Guidance Supplementary Planning Document (2018).
- 10.5 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report it is considered, having regard to the development plan as a whole and all other material considerations, that planning permission should be granted subject to the conditions listed, and the completion of a s106 legal agreement.

**Ward:** Addison

**Site Address:**

Osram Court 182 Shepherd's Bush Road London W6 7PF



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

**Reg. No:**

2022/01100/FUL

**Case Officer:**

Elliot Brown

**Date Valid:**

14.04.2022

**Conservation Area:**

Constraint Name: Melrose Conservation Area -  
Number 26  
Constraint Name: Brook Green  
Conservation Area - Number 3

**Committee Date:**

18.07.2023

**Applicant:**

Cornerstone  
Cornerstone, Hive 2 1530 Arington Business Park Theale Berkshire  
RG7 4SA

**Description:**

Installation of telecommunications equipment at roof level, including 12no. new antennas, 3no. 300mm dishes, 6no. new cabinets and ancillary development.  
Drg Nos: 100A; 201 REV A; 301 REV A.

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

- 1) That the Committee resolve that the Director of Planning and Property be authorised to grant permission subject to the conditions listed below;
- 2) That the Committee resolve that the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

**Conditions:**

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

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

- 2) The development hereby approved shall not be erected otherwise than in accordance with the detailed drawings which have been approved.

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, DC4, DC8 and HO11 of the Local Plan (2018).

- 3) The telecommunications equipment hereby approved shall, when they are no longer required for telecommunication purposes, be removed from the building and the building restored to its condition before the development took place.

In order to reduce the visual impact of the development if it is no longer required or if technology allows for less obtrusive installation, in accordance with Policies DC1, DC4, DC8 and HO11 of the Local Plan (2018).



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

- 1) It is considered that the proposal would not cause any significant undue detriment to the amenities currently enjoyed by occupiers of surrounding properties. Furthermore, the proposals are considered to be of an appropriate appearance that will not harm the character and appearance of the existing site, area and surrounding heritage assets. The settings of nearby heritage assets would be preserved. The proposal is considered to accord with s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is also compliant with the National Planning Policy Framework (2021), and the Local Plan (2018) Policies DC1, DC8 and DC10.

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

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

Application form received: 13th April 2022

Drawing Nos: see above

**Policy documents:** National Planning Policy Framework (NPPF) 2021

The London Plan 2021

LBHF - Local Plan 2018

LBHF – Planning Guidance Supplementary Planning Document  
2018

### **Consultation Comments:**

**Comments from:**

London Underground Limited

**Dated:**

26.04.22

### **Neighbour Comments:**

**Letters from:**

**Dated:**

30 Langthorne St London SW6 6JY	18.05.22
3 Osram Court 182 Shepherd Bush Road London W6 7PF	20.05.22
27 Tournay Road London SW6 7UG	18.05.22
94 Brook Green London W6 7BD	18.05.22
6A Barb Mews London W6 7PA	27.05.22
No Address Given	10.05.22
17 Lena Gardens London W6 7PY	30.05.22
1 Middlesex Court London W4 2NJ	19.05.22
8 Barons Court Road London W14 9DT	18.05.22
17 Lena Gardens London W6 7PY	07.05.22
135 Sulgrave Road London W6 7PX	18.05.22
37 Sterndale Road London W14 0HT	19.05.22
5 Lena Gardens London W6 7PY	18.05.22
44 Mendora Road London SW6 7NB	19.05.22
Flat 12 7 Lena Gardens Hammersmith W6 7PY	13.05.22

36 Prebend Gardens London W4 1TW  
5 Lena Gardens Lena Gardens London W6 7PY

18.05.22  
18.05.22

## OFFICERS REPORT

### 1.0 SITE DESCRIPTION

- 1.1 The application relates to 182 Shepherd's Bush Road (the former Osram building) which comprises a residential development, above a Tesco's store, bordered by Lena Gardens, Barb Mews, Shepherd's Bush Road and London Transport Train Depot to the north, east, south and west of the site, respectively. The proposal relates to the installation of telecommunications equipment on the flat roof of the block.
- 1.2 The application site lies within the Brook Green Conservation Area. It does not contain a Listed Building but does contain a locally listed Building of Merit (the Community Hall of Osram Court).
- 1.3 184 Shepherd's Bush Road (Grade II Listed Building) is located to the south of the site.

### 2.0 PLANNING HISTORY

2020/01602/FUL - Installation of telecommunications equipment at roof level, including 12no. new antennas on 6no. 3.5 metre climbable poles (Height to top of pole from ground level 17.5 metres); installation of 15no. ERS units, 15no. RRU's, 2no. GPS modules, 1no. 300mm dish and 6no. equipment cabinets to be placed on new steel framework; and ancillary development, all at roof level.

- 2.1 The above planning application was reported to the planning committee in June 2021, where planning permission was approved. Officers would note that this consent is extant (expires 10/06/2024).

### 3.0 PROPOSAL

- 3.1 The current application seeks planning consent for a reconfiguration of the earlier approval: and relates to the installation of telecommunications equipment at roof level comprising:
- Twelve (12) new antennas;
  - Three (3) new 300mm dish;
  - Six (6) new equipment cabinets.

### 4.0 CONSULTATIONS AND SITE VISIT

- 4.1 The application was publicised by means of a press and site notice as well as individual letters of notification to neighbouring occupiers (210 letters sent).
- 4.2 In response to the notifications a total of 17 objections were received. The issues raised can be summarised as follows:

- Design/visual appearance of the proposed telecommunications equipment and their harm upon the character and appearance of the designated heritage assets;
- The local community (including schools) have not been consulted about the proposal;
- Health concerns including unsafe levels of radiation which cause cancer / health implications are unknown given how new the technology is;

This includes an objection on behalf of PeabodyTrust, raising the following matters: -there are clear flaws in the assessment of the previously approved application Ref. 2020/01602/FUL, with regards to design/visual amenity and the fact that a site visit was not undertaken as part of that application; there is now new planning circumstances as a result of introduced/updated legislation; design and appearance.

Officer response:

- The proposal's material planning considerations (including design and impact upon the character and appearance of the application property and the Brook Green Conservation Area) will be assessed within the 'planning considerations' section of this report;
- Officers note that in regards to health concerns, telecommunication masts/equipment already have to comply with existing and national and international guidelines for radiation emissions. In addition, any further legislation needed to safeguard public health is the responsibility of Central Government, rather than Local Councils. Indeed, Paragraph 118 of the National Planning Policy Framework (NPPF, 2021) specifies that Local Planning Authorities should not 'set health safeguards different from the International Commission guidelines for public exposure'.
- Officers accept that Paragraph 4.4 of the previous Planning Committee report for application Ref. 2020/01602/FUL incorrectly stated that that application had been determined without a site visit, as a result of the Covid-19 pandemic. We would reiterate that a site visit was carried out prior to that application being presented at the 08.06.2021 Planning Committee. Officers would also highlight that two site visits have taken place since the submission of the current 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 (July 2021)

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

#### London Plan

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

#### Local Plan

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

#### 6.0 PLANNING CONSIDERATIONS

- 6.1 Officers consider that the proposal would raise the following material planning considerations:

- Design and impact upon the character and appearance of the application property and the surrounding area (including designated heritage assets);
- Impact upon neighbouring amenity.

#### DESIGN AND IMPACT UPON THE CHARACTER AND APPEARANCE OF THE APPLICATION PROPERTY AND THE SURROUNDING AREA (INCLUDING DESIGNATED HERITAGE ASSETS)

##### Design and Heritage

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

Areas required by the relevant legislation, particularly the s.66 and s.72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in the NPPF.

6.3 s66 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.' s72 of the above Act states in relation to Conservation Areas that:

'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.' Paragraph 195 of the NPPF states: Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

6.4 Paragraph 197 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. Paragraph 199 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.

6.5 Paragraph 200 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional. Paragraph 201 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.

- 6.6 The NPPF makes a clear distinction between the approach to be taken in decision making where the proposed development would affect the significance of designated heritage assets (listed buildings, conservation areas, Registered Parks and Gardens) and where it would affect the significance of non designated heritage assets (buildings of local historic and architectural importance).
- 6.7 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. 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 202, 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. The Planning Practice Guidance notes which accompany the NPPF remind us that it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed.
- 6.8 Local Plan policy DC1 requires all development within the borough to create a high quality urban environment that respects and enhances its townscape context and heritage assets. Local Plan policy DC8 states that the council will conserve the significance of the Borough's historic environment by protecting, restoring, or enhancing its heritage assets, including the borough's conservation areas.
- 6.9 Local Plan policy DC10 states the council support the expansion of Telecommunications networks but are keen to avoid any detrimental impact on the local townscape.
- The proposed apparatus and associated structures should be sited and designed in order to integrate successfully with the design of the existing building, and thereby minimise its impact on the external appearance of the building;
  - The siting and appearance of the proposed apparatus and associated structures should be compatible with the scale and character of existing development, their neighbours and their setting, and should minimise impact on the visual amenity, character or appearance of the surrounding area;
  - The siting and appearance of the apparatus and associated structures should not have an unacceptable impact on Conservation Areas, Listed Buildings, Buildings of Merit or Areas of Open Space.
- 6.10 The application site is situated in the Brook Green Conservation Area, and contains a locally listed Building of Merit, 182 Shepherds Bush Road.
- 6.11 The proposal site, Osram Court is a modern mixed-use development within the Brook Green Conservation area. The design of the current development owing to its limited architectural character makes no contribution to the significance of the Brook Green Conservation Area.
- 6.12 The proposal includes the installation of telecommunications apparatus which will be installed mainly around the core overrun of the existing development. The apparatus would largely be installed to facing elevations of this structure as well as behind the raised front parapet to a maximum height of 26.8m which would project

nominally above the height of the main building which stands at 26m overall. The existing core is significantly set-back from the parapets of the main building façades. The proposed antennas will be fixed to 6No. freestanding frames and individual support poles spread across this core. The proposed antennas are of a standard design, finished in grey. Given the location, scale and appearance of these structures, coupled with their modest increase in height beyond that of the existing core; their visual prominence will be reduced against the skyline. A smaller number of antennas will be installed to the northern extent of the roofscape, and would be set-back from the prominent eastern parapet of the existing building. Overall, the design of the proposal scheme is considered acceptable.

6.13 The heritage considerations of this application are:

- Brook Green Conservation Area
- Melrose Conservation Area
- 184 Shepherds Bush Road - Grade II Statutory Listed Building
- 182 Shepherds Bush Road and the Brook Green Public House - both Locally Listed, Buildings of Merit

6.14 Officers have carried out an assessment of these impacts below.

The character and appearance of the Brook Green Conservation Area

Given the scale, situation and appearance of the proposed apparatus, coupled with the limited contribution of the existing building to the significance of the Conservation Area, the main issue to consider is the wider visibility of the proposals within the Conservation Area. There will be some visibility of these structures within Brook Green itself, however given the modest increase of height and set-back nature of the structures, this not considered to cause harm to the character or appearance of the area. As such, the proposals will preserve the significance of the Conservation Area.

The setting of the Melrose Conservation Area

6.15 The structures will have some limited inter-visibility within the Melrose Conservation Area. In these views, the apparatus would be read against the existing structures of Osram Court. Given the scale, situation and appearance of these structures, there will be limited impact upon the setting of this conservation area, therefore the proposals are not considered to result in any harm. The proposal would preserve the significance of the Conservation Area.

184 Shepherds Bush Road - Grade II Statutory Listed Building

6.16 Owing to the scale and massing of intervening developments situated between the application site and this heritage asset, coupled with their modest scale/appearance the proposals would have limited visibility within the setting of this asset and as such would have no harmful impacts upon 184 Shepherds Bush Road. The setting and significance of the asset would be preserved.

Impact upon the setting of 182 Shepherds Bush Road and the Brook Green Public House - Locally Listed, Buildings of Merit

- 6.17 Given their scale, location and appearance, the proposals would have limited visibility within the setting of either of these non-designated heritage assets. As such, proposals would not result in harmful impacts upon the setting of these assets overall.

#### Design and Heritage Conclusion

- 6.18 Overall, the telecommunications apparatus is considered to be of an appropriate design and situation to retain the character of the host building. Furthermore, these developments would not result in harm to the character and appearance of the Brook Green Conservation Area, and the setting of the adjacent heritage assets. As such, the proposal is considered to accord with s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is also compliant with the NPPF, and the Local Plan Policies DC1, DC8 and DC10.

#### IMPACT UPON NEIGHBOURING AMENITY

- 6.19 Policy HO11 of the Local Plan (2018) specifies that any proposal should ensure an acceptable impact upon the amenity of neighbouring residential occupants, especially with regard to outlook, privacy, daylight/sunlight and a sense of enclosure.
- 6.20 Officers note that no residential accommodations are located at roof level. As such, it's unlikely any telecommunications would be in the immediate visual proximity of neighbouring residents. Views of the installation would be possible from the site; however, these would be of the dispersed spacing of the proposed antennas on the roof, both adjacent to the existing plant room and behind the front parapet. Officers consider that the proposal would not result in demonstrable harm in terms of visual amenity. Concerns were raised that loss of light and the sky would be obscured following on from the installation of proposed equipment. It is considered that the proposed equipment would not result in any significant loss of views to the sky given they have been spaced out on the roof at a high level, in proximity to the plant roof and parapet wall.
- 6.21 In objections received issues were raised regarding health and potential negative impacts. Paragraph 118 of the NPPF states, 'Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.'
- 6.22 An International Commission on Non-Ionizing Radiation Protection Declaration has been included as part of the documentation submitted with this application. The "ICNIRP Declaration" certifies that the site is designed to be in full compliance with the requirements of the radio frequency (RF) guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for public exposure as expressed in the EU Council recommendation of July 1999. This ICNIRP declaration takes into account the cumulative effect of the emissions from the proposed installation and all radio base stations present at, or near, the proposed location.



- 6.23 Given the information set out within the report officers are unable to comment further on health concerns as this would contravene the planning guidance in the NPPF. On balance, no issues are raised by officers with regards to impact on health and surrounding issues raised in objections received.

## HIGHWAYS

- 6.24 Policy T1 of the Local Plan (2018) outlines that proposals should not exacerbate existing levels of congestion or parking stress within the locality of the application site. Officers highlight that comments from the Council's Highways team under the previous planning application Ref. 2020/01602/FUL confirmed that the application site does not lie on the public highway. Highway comments received as part of the current application have raised no objection from a highway perspective.

- 6.25 Furthermore, ongoing maintenance of the site would primarily be by foot, as outlined under the 'access' section of the design and access statement, no issues are raised with regards to the impact on the local highway. It is expected the site will be visited infrequently for maintenance purposes only. Right of entry to the site will be primarily by foot in which the applicant will make use of on-site and internal access arrangements so as to gain access to the antennas and ancillary equipment within the compound. In the event of the antennas that form part of the scheme needing to be maintained this will be achieved by standard access to the rooftop or if feasible the siting of a ground-based cherry picker with hydraulic platform alongside the building.

## 7.0 CONCLUSION

- 7.1 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.
- 7.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance.
- 7.3 In summary, the proposed development would contribute towards the expansion of Telecommunications networks without having an unacceptable impact on the local townscape and nearby heritage assets.
- 7.4 Officers have taken account of all the representations received and consider that having had regard to the development plan as a whole and all other material considerations, for the reasons detailed in this report, it is considered that planning permission should be granted subject to conditions.

## 8.0 RECOMMENDATION

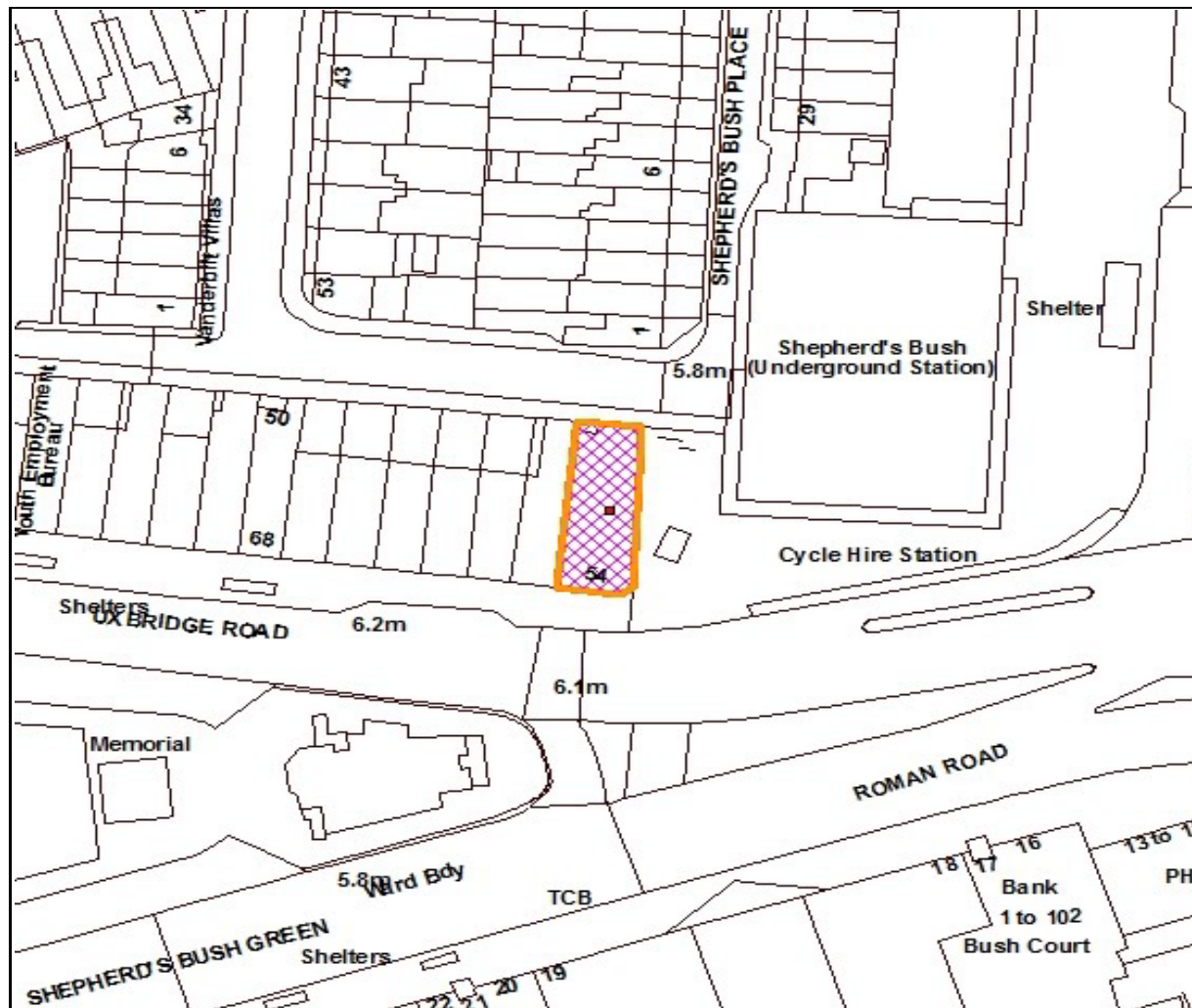
- 8.1 Grant planning permission subject to recommendations above.

# Agenda Item 7

**Ward:** Shepherd's Bush Green

**Site Address:**

54 Uxbridge Road London W12 8LP



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

**Reg. No:**  
2023/00262/ADV

**Case Officer:**  
George Shakir

**Date Valid:**  
06.02.2023

**Conservation Area:**  
Constraint Name: Shepherds Bush Conservation Area - Number 21

**Committee Date:**  
18.07.2023

**Applicant:**

MR GIOVANNI LEUZZO  
3-8 CARBURTON ST LONDON W1W 5AJ

**Description:**

Display of an externally illuminated shroud advertisement to the eastern elevation measuring 7.5m (Height) x 10m (Width) for a temporary period of 8 months.

Drg Nos: PY3472/002; PY3472/005; PY3472/006; PY3472/007

**Application Type:**

Display of Advertisements

**Officer Recommendation:**

- 1) That the Committee resolve that the Director of Planning and Property be authorised to grant permission subject to the conditions listed below;
- 2) That the Committee resolve that the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

**Conditions:**

- 1) The advertisement display hereby granted shall be for a period of 8 months, which shall begin either on the date of the commencement of the advertising display or begin 6 months from the date of the decision whichever is the sooner.  
Confirmation in writing of commencement of the display must be provided to the Local Planning Authority at least 3 weeks prior to the display.

In the interests of visual amenity and public safety having regard to the general characteristics of the area, in accordance with Policies DC1, DC8, DC9, T6 and CC13 of the Local Plan (2018).

- 2) The advertisement shall be retained in accordance with the detailed drawings which have been approved and are stated on this decision notice.

In order to ensure full compliance with the planning permission hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies DC1, DC8 and DC9 of the Local Plan (2018).

- 3) The intensity of the luminance of the advertisement shall be no greater than 300cd/m<sup>2</sup> during the hours of darkness.

In the interests of visual amenity and to protect the character and appearance of the Building of Merit and the Shepherd's Bush Conservation Area, in accordance with Policies DC8 and DC9 of the Local Plan (2018).

- 4) The advertisement hereby consented shall only be displayed in conjunction with the 1:1 photographic image of the building on the scaffold shroud as shown on the approved drawings.

In order to ensure full compliance with the planning permission hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies DC1, DC8 and DC9 of the Local Plan (2018).

- 5) Prior to the display of the advertisement hereby consented a signed building contract for the external repair works outlined in the application documents shall be submitted to and approved in writing by the Council.

In order to prevent the premature display of the advertisement hereby consented and protect the character and appearance of the Conservation Area, in accordance with policies DC1, DC8 and DC9 of the Local Plan (2018).

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

- 1) The proposed temporary display is considered to be of an acceptable appearance and there would be no significant impact on highways safety. The character and appearance of the Building of Merit and the Shepherds Bush Conservation Area would be preserved, and the setting of the adjacent listed buildings and Buildings of Merit would not be harmed. It is also considered that there would be no demonstrable harm to residential and public amenity. In these respects, the proposal is considered to comply with Policies DC1, DC8 and DC9 of the Local Plan (2018).

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

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

Application form received: 3rd February 2023  
Drawing Nos: see above

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

### **Consultation Comments:**

#### **Comments from:**

Transport For London - Land Use Planning Team  
London Underground Limited  
Transport For London - Land Use Planning Team

#### **Dated:**

23.02.23  
17.02.23  
23.02.23

## **Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
10 Bulwer street London W12 8ap	24.04.23
14 Bulwer Street London W128AP	24.04.23
35B Tadmor Street London W128AH	24.04.23
4A Sterne Street London W12 8AD	24.04.23
13 tadmor street london w12 8ah	24.04.23
39 Bulwer street Flat 2 London W12 8AR	24.04.23
12 Tadmor Street London W12 8AH	24.04.23
45 Sterne Street London W12 8AB	24.04.23
4 TADMOR STREET LONDON W128AH	24.04.23
28a Sterne Street London W12 8AD	24.04.23
68a Uxbridge Road London W12 8lp	24.04.23
8A Sterne Street London W12 8AD	24.04.23
6 Sterne Street London W12 8AD	24.04.23
20 Aldine Street London W12 8AN W12 8AN	24.04.23
20 Aldine Street London W128AN	24.04.23
19 Shepherd's Bush Place London W128LX	24.04.23
4 Vanderbilt Villa Sterne Street London W12 8AF	24.04.23
106 Sinclair Road London W14 0NJ	24.04.23
51 sterne street, London W12 8AB	25.04.23
51 sterne street, London W12 8AB	24.04.23
31 Tadmor Street London W12 8AH	24.04.23
41 Sterne Street London W12 8AB	24.04.23
43 Tadmor Street London W12 8AH	24.04.23
14 Bulwer Street London W12 8AP	24.04.23
2 Shepherds Bush Place London W12 8LX	26.04.23
2 Shepherds Bush Place London W12 8LX	25.04.23
25 Tadmor Street London W12 8AH	24.04.23

## OFFICER'S REPORT

### 1.0 SITE DESCRIPTION AND RELEVANT HISTORY

1.1 The application relates to a four-storey corner building dating from 1908, laid out as a ground floor retail unit with a hotel above. The property is on the Local Register of Buildings of Merit and is located within the Shepherd's Bush Conservation Area. The side elevation is highly prominent and is subject to long views across the new public space that has been created in front of the rebuilt Underground Station (Plimley Place).

### 2.0 RELEVANT PLANNING HISTORY

2.1 2008/03820/ADV: Display for a temporary period of an externally illuminated PVC micro-mesh advertisement banner measuring 6m high x 12m wide on the eastern facing elevation at first/second floor levels; erection of a shroud on the upper levels of the eastern and southern facing elevations of the property. Approved for a temporary period.

2.2 2011/03774/FUL: Change of use of first, second and third floors from a language school (Class D1) to a hotel (Class C1); replacement of the existing door to the front elevation at ground floor level. Permission Granted.

2.3 2012/02013/ADV: Display of an externally illuminated advertisement board (6m high by 15m wide) on PVC micro mesh shroud on side elevation at first, second and third-floor levels. Refused permission on visual amenity grounds. Appeal allowed 7/3/13.

2.4 2014/03406/FUL: Erection of a two-storey side and rear extension at first and second-floor level, on top of the existing single-storey rear extension; associated alterations to external fire escape staircase at rear and existing rear elevation. Permission granted.

2.5 2015/00363/ADV: Display of an externally illuminated open weave mesh advertisement banner attached to a temporary scaffold on the side elevation measuring 6.0m x 12.0m x 0.05m and 3.8m from roof level to second-floor level, for a temporary period between 1st March 2015 and 1st September 2015. Permission was refused on the following grounds:

"The proposed advertisement would be unacceptable in the context of visual amenity. More particularly, the advertisement by virtue of its size, height, location, illumination and position would constitute a dominant and obtrusive visual element that would command a wide range of visibility. It is considered that the display would be harmful to the Building of Merit and this part of the Conservation Area. In this respect the proposal would therefore be contrary to policies DM G7 and DM G8 of the Development Management Local Plan 2013, policy BE1 of the Core Strategy and SPD Design Policy 58 of the Planning Guidance Supplementary Planning Document (2013)".

2.6 2016/01803/ADV: Display of an externally illuminated shroud advertisement to the eastern elevation measuring 7.5m (Height) x 10m (Width) for a temporary period of 6 months. Planning permission was refused on the following grounds:

1) "The proposed advertisement would be unacceptable in the context of visual amenity. More particularly, the advertisement by virtue of its size, height, location, illumination and position would constitute a dominant and obtrusive visual element that would command a wide range of visibility. It is considered that the display would be harmful to the Building of Merit and this part of the Conservation Area. In this respect the proposal would therefore be contrary to policies DM G7 and DM G8 of the Development Management Local Plan 2013, policy BE1 of the Core Strategy and SPD Design Policies 21, 58, 61 and 62 of the Planning Guidance Supplementary Planning Document (2013)."

2) "The proposed advertisement is considered to be unacceptable in the interests of public safety. More particularly, given its size, height, illumination and, location on a busy London Distributor Road and a busy junction where drivers are exercising a high level of concentration, the proposed advertisement could result in the introduction of a dangerous, inappropriate and unnecessary distraction to drivers and could lead to high risk of accidents and collisions in this area and could endanger the pedestrians crossing the road. In this respect the proposal is contrary to Policy DM J6 of the Development Management Local Plan (2013) and SPD Transport Policy 35 of the Planning Guidance Supplementary Planning Document (2013)."

2.7 This proposal was subsequently allowed on appeal on 29th September 2016 for a temporary period of 6 months.

2.8 2017/01559/ADV - Display of an externally illuminated shroud advertisement to the eastern elevation measuring 7.5m (Height) x 10m (Width) for a temporary period of 3 months. Permission granted.

2.9 2019/00905/ADV - Display of an externally illuminated shroud advertisement to the eastern elevation measuring 7.5m (Height) x 10m (Width) for a temporary period of 8 months. Approved . It is understood that the advert was displayed and then removed as works did not commence.

### 3.0 CURRENT APPLICATION

3.1 The current application proposal is for the display of an externally illuminated advertisement panel within a scaffold shroud in front of the eastern elevation measuring 7.5m (Height) x 10m (Width) for a temporary period of 8 months.

### 4.0 PUBLICITY AND CONSULTATION RESPONSES

4.1 The application was advertised by site and press notice and notification letters sent to the occupants of neighbouring properties (17). Twenty-five objection comments were received (from 24 properties) raising the following concerns:

- The proposal is not in keeping with the neighbouring conservation area.
- There is already enough adverting in the area, some of which is being used to hide attractive architecture.
- The large scaffolding shelters and encourages anti-social behaviour such as public alcohol drinking, loitering and drug dealing.
- The scaffolding will provide unsuitable shelter for homeless people and the associated with anti-social behaviour.
- Advertising hoarding adds to the visual noise in the immediate area.
- We should instead be pedestrianizing the Caxton side of the green and encouraging sustainable eco projects and calm green spaces for young and old to be safe
- No building work taking place on the building so this will be illegal; building permit is sought to recoup advertising revenue
- Light pollution from the sign is disturbing to neighbouring residents and has not been fully assessed.
- The proposal does not benefit the community.

#### Officers Comments:

- The proposal's impact upon neighbouring amenity have been assessed in the 'planning considerations' section of this report.
- Whilst Officers recognize that construction works will result in noise and disturbance for surrounding occupants, issues relating to noise and disturbance from building works is covered by separate environmental health legislation, rather than planning legislation.
- Whilst Officers share the concerns of residents with regards to the visual impact of the temporary advertisement, it is noted that a previous refusal of a very similar scheme was refused by the council and subsequently allowed on Appeal. The Planning Inspectorate's decision carries significant weight and for the reasons explained below it is considered that the current application should be approved.
- whether or not the advertisement shroud is approved, the works are such that scaffolding will be required to be installed.
- anti-social behaviour would be a matter for the police to resolve

#### 4.2 Consultee responses (External) Thames Water - No objection.

### 5.0 POLICY FRAMEWORK

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

5.2 National Planning Policy Framework (NPPF).  
The NPPF came into effect on 27 March 2012 and was subsequently revised in 2019 and more recently in 2021 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.

5.3. The NPPF does not change the statutory status of the development plan.

5.4 The London Plan  
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.

5.5 The Local Plan  
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 Advertisement Consent applications. It provides supplementary detail to the Local Plan policies and is organised around key principles.



## 6.0 PLANNING CONSIDERATIONS

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

- Impact on the character and appearance of the host building, the Shepherds Bush Conservation Area, adjacent listed buildings and Buildings of Merit and on visual amenity generally.
- Residential amenity of neighbouring occupiers.
- Public safety.

## CONSERVATION AND DESIGN

6.2. Local Plan Policies DC1, DC8 and DC9 are particularly relevant to the assessment of design and heritage in this case. 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 DC8 seeks to protect the significance of heritage assets. Policy DC9 relates to Advertisements including advertisement shrouds. Key Principles AH1 and AH2 of Planning Guidance SPD (2018) provide guidance on the assessment of the significance of heritage assets and how proposals may affect that significance. It is desirable to preserve or enhance the character and appearance of the Conservation Area in accordance with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.2 No. 54 Uxbridge Road is a four-storey Edwardian corner building with fully detailed brick and stone elevations to both Uxbridge Road and Plimley Place. It is located within the Shepherds Bush Conservation Area and is on the Council's Local Register of Buildings of Merit. The building forms part of an impressive townscape consisting of a group of Edwardian shopping parades on the Local Register of Buildings of Merit on the north side of Shepherds Bush Green within the Shepherds Bush Conservation Area.

6.3 The site is located opposite the Grade II listed Winged Victory war memorial on Shepherds Bush Common. The nearby terraced cottages on the west side of Shepherds Bush Place are Grade II listed. The building has a long range of visibility on the approach to the town centre from the east, where public realm improvements have taken place as part of the Westfield Shopping Centre development. The Central Line station building has been rebuilt together with the creation of the southern interchange (bus/rail/tube) and a new area of public realm has been created at Plimley Place directly in front of No. 54 Uxbridge Road to act as the gateway to the town centre. The site is located within the Shepherds Bush Town Centre boundary on the Policies Map. The ground floor of the building incorporates a retail unit and a hotel entrance, at first-floor level and above the building is in hotel use. The character of the immediate area is mixed and includes retail, residential and office uses. The traditional signage zone for permanent signs in this group of Buildings of Merit is at the fascia level. The majority of properties in the shopping parades on the north side of Shepherds Bush Green are in residential use above ground floor level and lack any commercial signage.

- 6.4 Beyond the Central Line Station there are a number of large digital LED advertisement screens displayed on the east side of the southern interchange and around the Shepherds Bush Roundabout, these are all located outside of the Shepherds Bush Conservation Area and clearly form part of a separate piece of townscape. Opposite the application site on the south side of Shepherds Bush Green is the post-war West12 Shopping Centre with residential tower blocks above, which is also located outside of the Shepherds Bush Conservation Area.
- 6.5 Para 005 within the Advertisements section of the Planning Practice Guidance states that:  
Buildings which are being renovated or are undergoing major structural work and which have scaffolding or netting around them may be considered suitable as temporary sites for shroud advertisements or large 'wrap' advertisements covering the face, or part of the face, of the building. In all cases, express consent from the local planning authority will be required for these advertisements.
- 6.6 Advertisements may only be controlled in the interests of amenity and public safety but Local Plan Policies DC1,DC8 and DC9 and Key Principles AH1 and AH2 in the Planning Guidance SPD are material considerations.
- 6.7 Local Plan Policy DC9 states in relation to advertisement shrouds that:  
Advertisement shrouds will be permitted where the advertisement would not impose a detrimental impact on the building or street scene in terms of the size, illumination and/or content; or where the advertisement would not be harmful to residential amenity or public safety. Where advertisement shrouds are considered to be acceptable, they should be accompanied by a 1:1 depiction of the building and only be displayed for a limited period related to the reasonable duration of the building works.
- 6.8 There is considerable pressure at sites along radial routes in the Borough for the display of temporary advertisement panels on scaffold shrouds during relatively minor refurbishment works and the Council must exercise caution in order to avoid harmful cumulative impacts arising from a proliferation of such temporary advertisements. The Council has previously granted consent in circumstances such as where a listed building or Building of Merit is in danger of becoming at risk and where there is no realistic prospect of alternative funding sources to arrest the decline in the condition of the building or resolve a heritage deficit arising from a backlog of repairs. In those cases it was considered that short term harm to visual amenity was outweighed by the long term benefit of securing the future of the heritage asset.

- 6.9 The Building of Merit is not considered to be 'at risk', but repairs would be desirable and consistent with preserving its significance and that of the Conservation Area. The proposed repair works relate to roof coverings, leadwork and external decorations. The proposed sign would be displayed at first and second-floor level and would form a large and highly visible element in the streetscene, especially in views from the east and when externally illuminated at night. However, it would be temporary and only displayed for the duration of the proposed repair works which are considered to require a scaffold shroud. It would also be conditioned to be displayed within a 1:1 photographic depiction of the building on the scaffold shroud in front of the eastern and southern elevations of the building. It is understood that the previously consented advertisement panel was displayed on a scaffold shroud in 2019 in connection with external repair works, however not all the external repairs were completed, due to Covid and the advertisement/shroud and scaffolding was removed.
- 6.10 It is also recognised that the frequency of applications for temporary advertisement shrouds in connection with repair works to this building in terms of their cumulative impact on visual amenity has become a concern for local residents. The case is finely balanced. The evidence submitted suggests that external repair works are required to the building and that they would require scaffolding to be erected, incorporating a shroud to protect the public from dust. Two previous appeal Inspectors have considered that in such circumstances it would be acceptable in terms of visual amenity for an advertisement panel to be displayed on part of the scaffold shroud for the duration of repair works. This needs to be balanced against concerns that the site is being regularly used for the display of temporary advertisement panels, which when assessed cumulatively would have a negative visual impact over a period of time and where there are concerns that the purported repair works have not been undertaken when temporary advertisement panels are displayed, which then leads to repeat requests for further temporary advertisement panels in connection with the completion of the remaining works. The grant of advertisement consent with a strong set of conditions would help to mitigate the risk of the advertisement panel being displayed prematurely and in the absence of any repair works being carried out. There is no guarantee that such conditions would be applied by an Inspector in the event that an appeal against a refusal of advertisement consent were to be allowed, which is an important consideration.
- 6.11 Given the two previous allowed appeal decisions for the display of an advertisement panel on a scaffold shroud for a temporary period in connection with repair works, which are considered to have significant weight in the overall planning judgement, it is recommended that Advertisement Consent for an eight-month period is granted subject to conditions on:
- o A signed building contract for the proposed repair works in connection with which the advertisement panel shall be displayed shall be submitted to and approved in writing by the Council prior to the display of the advertisement hereby consented.
  - o The advertisement hereby consented shall only be displayed in conjunction with a full 1:1 photographic image of the building on the scaffold shroud to be installed on the scaffolding in front of the eastern and southern elevations of the building as shown in the approved drawings.

- o The advertisement panel shall be permanently removed and the use of the site for the display of advertisements shall cease within 8 months of the date of the display of the shroud advertisement or the completion of the proposed repair works included within the approved signed building contract, whichever is the sooner.

## RESIDENTIAL AMENITY

- 6.12 The borough has a high density of development and it is necessary to ensure that the amenities of existing residential occupiers are not unduly affected. Local Plan Policy HO11 states that extensions will be considered acceptable where it can be demonstrated that there is no detrimental impact upon the amenities 2021/02919/FUL enjoyed by neighbouring properties to include privacy, daylight and sunlight, and outlook. SPD Housing Key Principles HS4, HS6 and HS7 contain safeguards against sense of enclosure, loss of outlook, loss of privacy and loss of daylight against neighbouring occupiers.
- 6.13 The proposal is for a scaffolding shroud advertisement, comprising a 1:1 replica image of the building at first, second and third floor level to the eastern and southern elevation, with an externally illuminated inset poster display to the eastern elevation (to Plimley Place) measuring 7.5m (Height) x 10m (Width). The display is proposed to be retained for a temporary period of 8 months.
- 6.14 A similar development was granted permission in 2016 by the Planning Inspectorate following an appeal against the council's decision to refuse the application on visual amenity and highways safety grounds. In deciding to allow the appeal, the Inspector gave significant weight to several key factors in deciding to allow the appeal, namely:
- A cost schedule had been provided detailing the proposed works, which included repairs to windows and guttering at a high level. The Inspector concluded that the works would require the installation of scaffolding, which in turn would require shrouding or netting. In their judgement, 6 months was a reasonable period to complete the scheduled works.
  - The proposed shroud and advertisement would be more attractive than the likely alternative of an unadorned shroud.
  - In terms of public safety, the advertisement would be located in a bright and lively commercial area which already has examples of illuminated poster displays of similar size; given this context, the advertisement would not unduly distract drivers or pedestrians during the day.
- 6.15 Based on the Advertisement Consent granted in 2016 by the Planning Inspectorate following an appeal, Advertisement Consent was subsequently granted for similar displays: 2017/01559/ADV - Display of an externally illuminated shroud advertisement to the eastern elevation measuring 7.5m (Height) x 10m (Width) for a temporary period of 3 months and 2019/00905/ADV - Display of an externally illuminated shroud advertisement to the eastern elevation measuring 7.5m (Height) x 10m (Width) for a temporary period of 8 months.

6.16 Officers understand that the scaffolding and shroud with the advertisement was installed following the latest Advertisement Consent 2019/00905/ADV. The applicant has advised that the shroud was installed, however, then as a result of the pandemic, no works were commenced. As such the shroud was removed as it was not possible to carry on with the works

6.17 The proposed works to be carried out include:

- Complete trad roof repairs
- Strip aluminium cladding
- Inspect roof structure and deck
- Adjust roof lights
- New roof cladding
- Lead abutments
- Rooflight flashings
- Parapet gutter
- Disconnect Ac
- Strip and refelt roof 1
- Strip and refelt roof 2
- Strip and refelt roof 3
- Window decoration
- Snagging

6.18 The shroud with the image of the existing building, will serve to screen the site from general view whilst the repair works are undertaken. The advertisement element will be displayed at first/second floor levels and would face eastwards and not towards any of the immediate neighbouring residential properties. A condition is attached to control the levels of illuminance. Given that the display would face away from the nearest residential properties, towards the underground station and Holland Park Roundabout, and the nearest residential properties to the east being located some 130m away, it is considered that the proposal would not result in any detrimental impacts to existing residential amenity.

6.19 Considering the conclusions drawn by the Inspector in the 2016 Appeal decision, Officers are minded to accept this proposal in this instance and consider that the requested 8 months is a reasonable amount of time to allow the additional works to be completed.

## 7.0 RECOMMENDATION

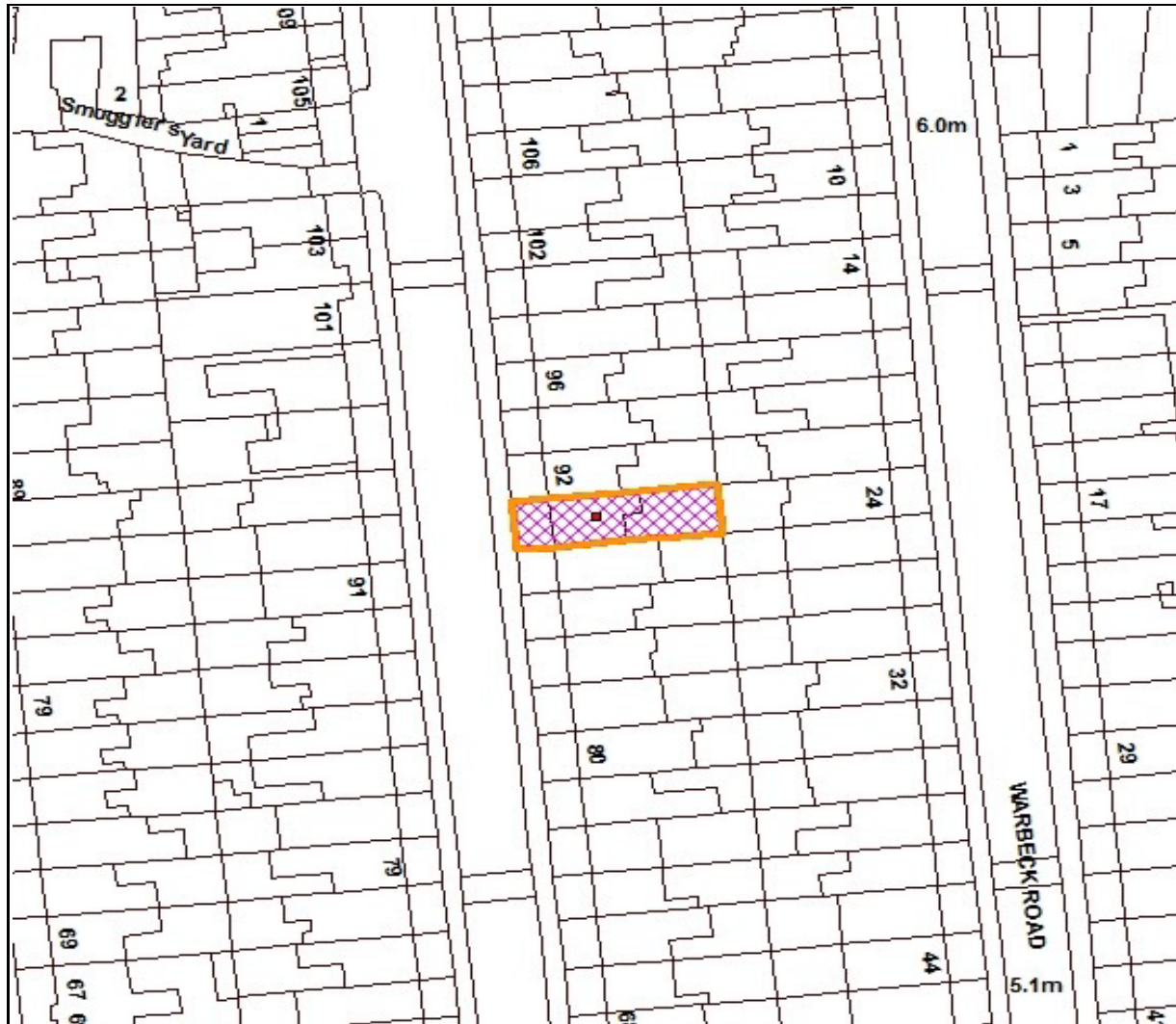
7.1 Approve application for a limited time period, in line with the recommendations above.

# Agenda Item 8

**Ward:** Coningham

**Site Address:**

Flat Ground And First Floors 90 Devonport Road London W12 8NU



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

**Reg. No:**

2023/00907/FUL

**Case Officer:**

Aisling Merriman

**Date Valid:**

06.04.2023

**Conservation Area:**

**Committee Date:**

18.07.2023

**Applicant:**

Ms Stephanie Ouwendijk  
90 Devonport Road London Hammersmith And Fulham W12 8NU

**Description:**

Erection of a rear extension at second floor level, on top of the existing back addition.  
Drg Nos: 2201.02 (Rev. A); 2201.05 (Rev. A); 2201.06 (Rev. A); 2201.07 (Rev. B).

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

- 1) That the Committee resolve that the Director of Planning and Property be authorised to refuse planning permission subject to the reasons for refusal listed below;
- 2) That the Committee resolve that the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed reasons for refusal, which may include the variation, addition or deletion of reasons, any such changes shall be within their discretion.

**Reasons For Refusal:**

- 1) The proposed development is considered unacceptable based upon design and visual amenity grounds. More particularly, the proposed addition to the rear return, by virtue of its overall size, bulk, materiality, and elevated position constitutes overdevelopment of the back addition, causing it to appear as an overly dominant and discordant feature out of keeping with the established architectural character and appearance of the application property and the wider area. In this regard the proposal is considered to be contrary to Policies DC1 and DC4 of the Hammersmith and Fulham Local Plan (2018).
- 2) The proposed extension above the existing back addition is considered to be unacceptable in the interests of residential amenity. More particularly, due to its excessive height and position close to neighbouring windows, it is considered that the extension is unneighbourly and results in an overbearing and dominating development, with an increased sense of enclosure for the residents of the adjoining and adjacent properties. In this regard the proposal is considered to contravene Policies DC1, DC4 and HO11 of the Hammersmith and Fulham Local Plan (2018), and Key Principles HS6 and HS7 of the Hammersmith and Fulham SPD (2018).

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

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

Application form received: 5th April 2023  
Drawing Nos: see above

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

**Consultation Comments:**

**Comments from:** **Dated:**

**Neighbour Comments:**

**Letters from:** **Dated:**

24 Warbeck Road London W12 8NT	16.04.23
24 Warbeck Road London W12 8NT	22.04.23

**1.0 SITE DESCRIPTION**

- 1.1 The application property is a two-storey terraced over basement dwelling house with a mansard rear loft extension on the eastern side of Devonport Road. The property includes a three-storey rear return. The property is occupied as a maisonette on the upper floors with a separate basement flat.
- 1.2 The site is not located within a Conservation Area. The site is located within the Environment Agency's Flood Zone 2 and is at risk of surface water flooding.

**2.0 SITE HISTORY**

2.1 The following history pertains to the site:

- 2003/01446/FUL: Erection of a rear extension at first floor level, on top of the existing back addition. Approved.

- 2004/02345/FUL: Erection of a rear extension at first floor level, on top of the existing back addition; installation of a window to the rear elevation at first floor level. Approved.

- 2010/04038/FUL: Erection of a rear roof extension. Approved.



- 2022/02961/FUL: Erection of a rear extension at second floor level, on top of the existing back addition. Refused. Two refusal reasons include the impact of the proposed development on visual and residential amenity grounds. More particularly, the proposed third storey addition to the rear return, by virtue of its overall size, bulk, materiality, and elevated position constitutes overdevelopment of the back addition, causing it to appear as an overly dominant and discordant feature out of keeping with the established architectural character and appearance of the application property and the wider area; and it is considered that the application documents have not sufficiently demonstrated that the proposed development would not seriously impact existing neighbouring residential amenities by way of a negative impact on outlook and loss of light from neighbouring windows.

### 3.0 PROPOSED DEVELOPMENT

3.1 The current application is similar to the previously refused scheme, for a fourth storey addition to the existing three storey rear return. The proposed addition would be built of brick to match the existing and would feature a pitched slate roof and a small window to the southern flank elevation and a rooflight on the sloping roof.

### 4.0 CONSULTATION AND NOTIFICATION

4.1 The scheme was publicised by means of letters sent to adjacent occupiers.

4.2 Two responses were received. Concerns were raised relating to the impact of the proposed development on neighbouring privacy. These concerns will be considered below.

### 5.0 POLICY FRAMEWORK

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

5.2 National Planning Policy Framework (NPPF).  
The NPPF came into effect on 27 March 2012 and was subsequently revised in 2019 and more recently in 2021 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.

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

5.4 The London Plan

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.

## 5.5 The Local Plan

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

## 6.0 PLANNING CONSIDERATIONS

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

- Design and impact upon the character and appearance of the application property and the surrounding area.
- Impact on neighbouring residential amenity, particularly with regards to impact on outlook and access to light from neighbouring windows.

### 6.2 The following policies are considered to be relevant to this application:

- Hammersmith and Fulham Local Plan (2018): Policies DC1, DC4, DC6 and HO11.
- Planning Guidance Supplementary Planning Document (2018); Key Principles HS6 and HS7.

## DESIGN AND VISUAL IMPACT

### 6.3 The council requires a high standard of design in all alterations and extensions to existing buildings. The proposed development seeks to erect a fourth-storey addition to the existing three-storey rear return matching the footprint of the existing rear addition. The proposed addition is approx. 3.3 m high at the ridge level falling to approx. 1.6 m at the rear elevation, incorporating a 45-degrees pitched slate roof. The proposed addition would be constructed of brick to match the materiality of the existing rear return. New openings are proposed, including a small new white-painted uPVC-framed window at third floor level on the southern flank elevation of the proposed addition and a timber rooflight on the proposed rear roof slope.

6.4 The proposed details of fenestration are considered to respect the architectural character of the building and its surroundings. However, the proposed development is not considered to be compatible with the scale and character of existing development, surrounding properties and their setting. Officers consider that the height, scale and massing of the proposed addition, despite the incorporation of a pitched roof and the use of brick, would be incongruous in the surrounding context. Surrounding rear additions at this level are generally in the form of parapet walls to screen external terraces. Overall, the scale of roof extensions within this area generally comprise dormer windows; with limited alterations projecting beyond the original eaves of properties. The massing of the proposed development would introduce a prominent addition beyond the original eaves and would add additional bulk to the scale of the existing, large rear dormer window. As such, the development would appear overbearing and over-dominating within this setting. The proposed would be out of keeping with the established character of Devonport Road.

6.5 Officers consider that the proposal is unacceptable and does not comply with Local Plan Policies DC1 and DC4.

#### NEIGHBOURING RESIDENTIAL AMENITIES

6.6 The proposed development is for a third-storey addition to match the footprint of the existing rear addition. The application site is located on the western side of Devonport Road with No. 92 to the north and No. 88 to the south. The building currently features a three-storey rear return located on the northern part of the site. The application site backs onto No. 24 Warbeck Road, which has a rear garden measuring approx. 5.5 m.

6.7 The proposed addition is approx. 3.3 m high at the ridge level falling to approx. 1.55 m at the rear elevation, incorporating a pitched roof of approx. 45 degrees. Officers note the existing rear window at first floor level of neighbouring No. 92, which is the sole window to a bedroom. Officers consider that there is potential for negative impacts to neighbouring residential amenities resulting from the proposed development, including impacts on outlook from adjoining properties and negative impacts on the openness between properties.

6.8 Officers note that the applicant has submitted a Sunlight and Daylight Report, prepared by Lichfields in relation to the proposed development, which assesses the impact of the proposed addition on the daylight and sunlight received in the neighbouring rooms. The neighbouring first floor window has been assessed with regard to Vertical Sky Component (VSC) and the Daylight Distribution (DD) methods, and shows that the proposed development would not significantly impact levels of light received to the first floor room. It is not considered that proposed development would not impact negatively on the privacy enjoyed by neighbouring properties. Officers consider that the proposed development does not satisfactorily comply with Policy HO11

6.9 Nonetheless, Officers note that the proposed development would impact negatively on the rear bedroom window at No. 92 by way of an increased sense of enclosure and reducing outlook, and would have negative impacts on the openness between properties.

- 6.10 It is considered that the proposed development does not comply with Key Principle HS6 (i). The proposed addition to the existing rear return would result in an infringing angle of more than 45 degrees as measured from the rear boundary at ground floor level. The proposed development is for a fourth-storey addition to match the footprint of the existing three-storey rear addition. The proposed addition is approx. 3.3 m high at the ridge level falling to 1.6 m at the rear elevation, incorporating a pitched roof of approx. 45 degrees. The rear garden of No. 24 Warbeck Road, which abuts the application property, is approx. 5.5 m in length. Officers consider that there is potential for serious negative impacts to neighbouring residential amenities resulting from the proposed development, including impacts on outlook from adjoining properties and negative impacts on the openness between properties. Officers consider that the proposed development does not satisfactorily comply with Key Principle HS6.
- 6.11 The proposed development does not comply with Key Principle HS7 (i). Officers note an existing window on neighbouring No. 92's rear elevation at first floor level which could be seriously impacted by the proposed development in terms of outlook and sense of enclosure between buildings.
- 6.12 The proposed development does not comply with Key Principle HS7 (iii), in terms of new windows being positioned at least 18 metres from existing habitable room windows. Officers have noted this, and this has been raised as a concern by local occupiers. However, it is considered that if the application were acceptable on all other grounds, this element of the scheme could be resolved by conditions relating to the installation of obscure glazing, to new windows to ensure that the proposed windows should be obscurely glazed and unopenable to a level of at least 1.7 m above finished floor level in order to protect the privacy of the existing property to the side and rear.

## 7.0 RECOMMENDATION

- 7.1 The proposed development is considered unacceptable on visual amenity grounds and its impact on neighbouring residential amenities. More particularly, the proposed addition to the rear return, by virtue of its siting, height, bulk and mass and materiality would be a visually prominent, incongruous development that is unacceptable, and out of character with the established form of Devonport Road. If approved, the development could also set an inappropriate precedent for further inappropriate developments in this residential area. It is considered that the application documents have not sufficiently demonstrated that the proposed development would not seriously impact existing neighbouring residential amenities by way of an increased sense of enclosure and a negative impact on outlook from neighbouring windows. In this regard the proposal is considered to contravene Policies DC1, DC4 and HO11 of the Hammersmith and Fulham Local Plan (2018), and Key Principles HS6 and HS7 of the Hammersmith and Fulham SPD (2018).
- 7.2 Officers recommend that the proposed development is refused planning permission in line with the recommendations above.



**Applicant:**

C/O Agent

**Description:**

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

**Application type:**

Full Planning Application

**Officer Recommendation:**

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

**1) Time limit**

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

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

**2) Approved Drawings**

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

777/08 Rev C; 777/09 Rev A; 777/10 Rev A; 777/11 Rev A; 777/12 Rev C; 777/13; 777/14 Rev B; 777/15 Rev A; 777/19; 777/20; 777/21; 777/22; 777/23; 777/26 Rev B; Flood Risk Assessment; Transport Technical Note; Planning Fire Safety Statement

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

### **3) Materials**

Prior to commencement of the development hereby permitted, details (including manufacturer's specifications, photographs and/or brochures) of the external surfaces (including fenestration) and, where applicable, all areas of hard surfacing shall be submitted to, and approved in writing by the Council.

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

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

### **4) Noise Sensitive Rooms**

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

To ensure that the amenity of occupiers of the development site is not adversely affected by household/neighbour noise transmission to adjoining dwellings at unreasonable levels due to unsuitable layout and arrangement of rooms and communal areas, in accordance with Policies CC11 and CC13 of the Local Plan (2018).

### **5) Flood Risk Assessment**

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

No part of the development shall be used or occupied until all flood prevention and mitigation measures have been installed in accordance with the submitted details and the development shall be permanently retained in this form and maintained as necessary thereafter.

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

## **6) Zero Emission Heating**

Prior to occupation of the of the Residential Units (Use Class C3) development hereby permitted, details of the installation of the Zero Emission MCS certified Air/ Water Source Heat Pumps or Electric Boilers to be provided for space heating and hot water for each of the three residential units shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

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

## **7) Construction Logistics Plan**

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

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

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

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

## **8) Cycle Parking**

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

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



## **9) London Underground Safeguarding**

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

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

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

## **10) Residential Use – Permitted Development Restrictions**

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

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

## **11) No Alterations**

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

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

## **12) Roof Terrace**

Other than the area explicitly identified on the approved drawings as a terrace/balcony, no other part of the roof shall be used as a roof terrace or other form of open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roofs. No railings or other means of enclosure shall be erected on the roofs, and no alterations shall be carried out to any elevation of the application properties to form access onto the roofs.

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

## **13) Windows Obscure Glazed / Non Opening**

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

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

## **14) Details of Solar PV Panels**

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

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

## **15) Refuse / Recycling**

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

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

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

## **16) Fire Safety**

The development shall be carried out in accordance with the provisions of the Planning Fire Safety Statement prepared by Fire Safety dot London Ltd. (dated June 2023), unless otherwise approved in writing by the Local Planning Authority.

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

### **Justification for approving application:**

1. Land Use: The scheme proposes two new small residential units in a sustainable mixed-use location where there is no loss of commercial floorspace and as such, the residential units would be in addition to the existing units and the proposed development would make efficient use of land by optimising residential use at the site. This would help to increase and diversify housing supply in the borough. The proposal is therefore considered to be in accordance with Policy D3 and GG2 of the London Plan (2021), Policies HO1, HO4, and HO5 of the Local Plan (2018).
2. Housing: The quality of accommodation, including internal design and layout of the new residential units, is considered to be of good quality having regard to the Mayor's Design Guidelines and compliant to London Plan (2021) Policy D6, together with Policies HO3, HO6, and HO11 of the Local Plan (2018).
3. Design: The development is considered to be sensitively designed to respect the character and appearance of the locality and surrounding conservation areas. The integrity of the host building would not be unduly compromised upon and the established built form would be largely maintained due to the moderate scale of the proposed roof additions. Therefore, the proposed development would be in accordance with the aims and objectives of policies DC1, DC4 & DC8 of the Local Plan (2018) which seek, inter-alia, that developments are of good design and having due regards to the surrounding aesthetics of the built environment, including heritage assets.

4. Residential Amenity: The impact of the proposed development upon adjoining properties is considered to be acceptable. The proposal would not have an unacceptably harmful impact on neighbouring residential amenity in terms of daylight/sunlight, outlook, privacy and noise and disturbance. The intensification of residential use is appropriate for the mixed-use location. In this regard, the proposed scheme would adhere to the principles of good neighbourliness and would therefore comply with Policies HO11 and DC4 of the Local Plan (2018).
5. Transport & Highways: The scheme is proposed as car-free and it is considered that there would be limited impacts on the local highway network or local car parking demands. The site is in a sustainable location with adequate local services, facilities and amenities reducing the need to travel and the area has a high PTAL score of 6a, indicating excellent access to frequent public transport options. The development thereby accords with Local Plan (2018) Policies CC7, T1, T3 and T7 as well as London Plan (2021) Policies T5 and T6.
6. Environmental Issues: The impact of the development with regards to land contamination, flood risk, sustainability and air quality are considered to be acceptable subject to the recommended conditions, in accordance with Local Plan (2018) Policies CC9, CC10, CC3 and CC4.

**That the applicant be informed as follows:**

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

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

Notification to neighbours of demolition/ building works:

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

Dust:

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

Dark smoke and nuisance:

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

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

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

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

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

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

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

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

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

Always ask (if fitting a euro-profile style locks) for the enhanced anti-snap lock BS TS007 3\* CCTV can help deter crime and criminal behaviour and provide reassurance for residents and visitors. It can also provide key evidence of any

criminal activity. We therefore recommend a CCTV & lighting strategy around the building and communal areas.

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

### Officer Report

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

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

Application form received: 7<sup>th</sup> September 2022

**Policy Documents:** National Planning Policy Framework (NPPF) 2021  
The London Plan 2021  
LBHF – Local Plan 2018  
LBHF – ‘Planning Guidance’ Supplementary Planning Document 2018

#### **Consultation Comments:**

Comments from:

Dated:

Met Police Crime Prevention

07.10.2022

London Underground / Transport for London

30.09.2022

Thames Water

16.09.2022

#### **Neighbour Comments:**

Letters from:

Dated:

Ground Floor Flat 158 Hurlingham Road

07.12.2022

154 Hurlingham Road

25.11.2022

4 Melbray Mews

27.10.2022

6 Melbray Mews

27.10.2022

1<sup>st</sup> Floor Flat 7 Melbray Mews

27.10.2022

1<sup>st</sup> Floor Flat 7 Melbray Mews /158 Hurlingham Road

25.10.2022

13 Grimston Road

12.10.2022

12 Grimston Road

12.10.2022

148 Hurlingham Road

10.10.2022

156 Hurlingham Road

10.10.2022

11 Grimston Road

08.10.2022

154 Hurlingham Road

03.10.2022

82 Merrion Square South Ballsbridge Dublin

03.10.2022

## OFFICER REPORT

### SITE DESCRIPTION

- 1.1 This backland application site has an irregular shape and includes two and three storey buildings around a courtyard which provide accommodation to several small businesses and some residential dwellings. The application buildings relate to Nos. 5 and 7 Melbray Mews which is in a circular shaped mixed-use building situated at the north-western part of the site and No.7 shares a flank elevation with Melbray House immediately to the southwest. The access to the site is from a vehicular undercroft along Hurlingham Road.
- 1.2 The surrounding area includes a mix of residential and commercial properties. To the south and east are the rear gardens of two and three storey residential Victorian terraces fronting Hurlingham Road and Grimston Road. To the north, is a railway line and an access road to railway arches which serve small commercial units; beyond this are the rear gardens of properties fronting New Kings Road. Immediately, to the west are Nos. 160-164 Hurlingham Road which includes vacant single storey, light industrial units.
- 1.3 The main access on Hurlingham Road falls within the Hurlingham Conservation Area, however, the remainder of the site, albeit adjacent, does not fall within any conservation area. The site also falls within Flood Zone 3 (Low Residual Risk), a Controlled Parking Zone, the London Underground Zones of Interest and has a Public Transport Accessibility Level (PTAL) of 6a (on a scale of 1- 6b with 6b having the highest PTAL).

## 2 PLANNING HISTORY

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

### **No.5**

- 2.2 In 2022, planning permission (2022/00645/FUL) was granted for the change of use of the ground and first floor levels from office (Class E) into 2 x 2 bedroom self-contained flats (Class C3); alterations to eastern elevation at ground floor level to include replacement of 2no windows with doors, and installation of new steps following the removal of existing staircase to patio garden; installation of new planter box and 2no cycle lockers to south western elevation at ground floor level.

2.2 In 2021, a prior approval application (ref: 2022/00656/PDAB56) was refused for the erection of additional floors at roof level (with 6no solar panels at main roof level) in connection with the creation of 2 x 1 bedroom self-contained flats (1 x 1 bedroom at no. 7 Melbray Mews and 1 x 1 bedroom at no. 5 Melbray Mews); formation of a roof terrace at roof level to no. 7 Mebray Mews on the following ground:

- The proposed development does not constitute permitted development as the height of the highest part of the roof of the extended building would exceed by more than 3.5 metres the height of the highest part of the roof of No. 1-3 Melbray Mews the cycle enclosures would extend beyond the curtilage of the existing building the cycle enclosures would be situated on land forward of a wall forming the principal elevation of the main building and the side elevation must not include windows in any wall or roof slope forming a side elevation of the building.

2.3 In 2014, prior approval application (2014/00798/PD56) was granted for the change of use of second floor from office (Class B1) into a one bedroom self-contained flat (Class C3).

2.4 In 1999, planning permission (1999/01611/FUL) was refused for the erection of an additional floor at roof level (north-eastern block); use of the whole of units 5, 6 and 7 (as extended) for office (Class B1) purposes, together with related car parking on the following grounds:

- i. Unacceptable in the interests of visual amenity; more particularly, the addition of an extra storey would result in an overdominant building which would be out of keeping with the remainder of the development and out of scale with its general surroundings, particularly the adjacent two storey residential properties in Grimston Road.
- ii. Contrary to the Council`s traffic restraint policies and car parking standards the proposed parking spaces was in excess of the maximum number of off- street car parking spaces identified in the Unitary Development Plan for a site of this size. If permitted, the proposal would establish an undesirable precedent which would make it difficult to resist similar developments with excessive on-site car parking provision, the cumulative impact of which would be to add significantly to the high levels of traffic generated on the Borough`s already overstretched and congested road network, particularly at peak times, to the further detriment of the amenities of the Borough and its residents.



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

### **No.7 –**

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

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

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

## **3 PROPOSAL**

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

## **4 PUBLICITY AND CONSULTATION**

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

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

- Out of keeping with remaining development at the site
- Inappropriate height (including with mounted solar panels)
- Unsightly solar panels
- Impact on nearby conservation areas
- Loss of privacy (particularly from roof terrace)
- Loss of daylight/sunlight
- Overshadowing
- Noise and disturbance from roof terrace
- General loss of amenity (including visual amenity)
- Inaccurate drawings
- Inadequate cycle parking provision
- Car and cycle parking area not part of the application site
- Increase in traffic, congestion and pollution

- Inadequate road access (including for emergency vehicles)
- Previous similar development was dismissed at appeal
- Reasons for previous refusals not overcome
- Frequent proposals with little or no change
- Unwanted precedent
- Disruption to businesses in the Mews
- No benefit for the local community
- Lack of affordable housing.
- Construction noise and disruption.

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

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

- Loss of views (officer response: unless a view is statutorily protected, the loss of views is not a material planning consideration)
- Encroachment/ownership issues (officer response: these are civil matters, officers are satisfied that the correct ownership certificate has been signed and any grant of planning permission would not override separate ownership rights)
- Structural damage (officer response: this is an engineering matter covered by alternative building legislation which ensures that buildings are safely constructed)
- Drawings do not accurately show adjoining properties (officer response: whilst helpful, this is not a statutory validation requirement. The impact on neighbouring properties forms part of the planning assessment in this report)
- Developers financial gains (officer response: this is not a material consideration in this case, as there is no viability assessment required for these proposals).
- Impact on property value (officer response: this not a material planning consideration).

## **5 POLICY FRAMEWORK**

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

### **National Planning Policy Framework (NPPF)**

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

### **London Plan**

- 5.6 The latest London Plan was published in March 2021. It sets out the overall strategic plan for London and a fully integrated economic, environmental, transport and social framework for the development of the Capital over the next 20-25 years. As Hammersmith & Fulham is one of the 32 London Boroughs, the London Plan forms part of the development plan for the borough.

### **Local Plan**

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

## **6 PLANNING ASSESSMENT**

6.1 The main planning considerations in this assessment include:

- Principle of Development / Land Use;
- Quality of Accommodation;
- Design and Heritage;
- Residential Amenity;
- Transport and Highways;
- Environmental Considerations (flood risk, air quality, sustainability, contamination etc.);
- Planning Obligations.

### **PRINCIPLE OF DEVELOPMENT / LAND USE**

#### **Housing Supply**

6.2 Policy H1 of the London Plan (2021) states that 66,000 net additional units should be delivered per annum in London. From that, this Borough has a target to deliver 1,609 net additional dwellings per annum. London Plan Policy H2 supports housing on small sites, The need to increase housing supply is reiterated in Local Plan (2018) Policy HO1.

6.3 Policy H2 (Small sites) of the London Plan sets out that Boroughs should proactively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making. The site is approximately 0.085 hectares in size and therefore represents a small site for the purpose of this policy. Officers consider that the proposed 2 unit scheme on this small mixed use site would contribute a more efficient use of this land. The proposals would accord with Policy H2 and would contribute to the overall housing need in the Borough.

6.4 Local Plan Policy HO4 expects housing in existing residential areas to be predominantly low to medium density and to consist of low to medium rise developments, it recognises that high density development may be appropriate in highly accessible areas, subject to design, compatibility with local contexts and transport impacts and highway capacity. It adds that high density housing with limited car parking can help ensure housing output is optimised and may be appropriate in locations with high levels of PTAL, provided it is compatible with the local context and principles of good design and is satisfactory in other respects.

6.5 The site is in Public Transport Accessibility Level (PTAL) 6a using Transport for London's methodology, indicating that it has excellent accessibility by public transport. Officers consider that the addition of three 1-bed flats (6 habitable rooms) is compatible in this location which has excellent access to public transport. Whilst the resulting building would be slightly larger than some surrounding properties the scale would broadly conform with the character of the wider area. As a result, the density of development is considered to be acceptable and would make the most efficient use of a small site within the urban area.

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

### **Housing Mix**

6.7 London Plan Policy H10 (Housing size mix) expects that schemes should generally consist of a range of unit sizes. The policy recognises that a higher proportion of one and two bed units is generally more appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity. The policy also recognises that the provision of one and two bed units plays a role in freeing up existing family housing. Policy H05 of the Local Plan also seeks to ensure that developments provide a mix of housing types and sizes, in particular, it seeks to increase the proportion of family accommodation. Developments should aim to meet the following mix subject to viability, locational characteristics and site constraints being considered on a site by site basis.

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

## **QUALITY OF ACCOMMODATION**

### **Unit Size**

6.9 HO11 of the Local Plan (2018) outlines that developments must provide housing that will meet the needs of future occupants and respect the principles of good neighbourliness. London Plan Policy D6 outlines housing quality and standards including internal space standards.

6.10 Unit sizes – Table 1.3 of Policy D.6 of the London Plan (2021) sets out space standards for different residential units. For the units proposed as part of this scheme the standards would be as follows:

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

6.11 Both units would comply with the standards for their given size. As a result, the units would be of a sufficient size to provide a suitable internal living arrangement.

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

## **External Amenity Space**

- 6.13 London Plan Policy D6 states that a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m in new housing development. Local Plan Policy HO11 and SPD Key Principle HS1 require new dwellings to have access to an area of amenity space appropriate to the type of housing being provided. Para. 3.2 of the 'Planning Guidance' SPD outlines that access to high quality and adequate amounts of private open space significantly adds to the quality of life of all occupants.
- 6.14 Only the larger of the two units (1b/2p) would have access to private external amenity space through a front roof terrace (of 5.2sqm). Most of the existing residential properties within this mixed-use Mews development with its courtyard, do not have access to external amenity space. There are a number of public open spaces within walking distance of the site, most notably Hurlingham Park is just 220m to the east. Given the site characteristics and its proximity to existing public open space, the proposed level of external private amenity space is considered acceptable in this case.

## **Daylight**

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

## **Noise and Disturbance**

- 6.16 Local Plan (2018) Policies HO11 and CC11 are aimed at ensuring that residents of future housing are not unduly affected by noise and disturbance from adjoining sites or the wider setting. SPD Noise Key Principle NN3 concerning the sound insulation between dwellings states that "...careful consideration should be given to stacking and layout of rooms in relation to adjoining walls/floors/ceilings."
- 6.17 The site is in a noise sensitive location and there are commercial and industrial uses with the Mews. The Council's Environment Protection Team have reviewed the application and are satisfied that the surrounding noise sources would not adversely impact upon the amenity of occupiers. However, in order to ensure suitable internal noise levels conditions would be attached in respect of sound proofing between different room types. Subject to these conditions, the proposal would provide an acceptable living environment for occupiers in accordance with Policies CC11 and CC13 of the Local Plan (2018) and Key Principle NN3 of the Planning Guidance SPD (2018).

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

## **DESIGN AND HERITAGE**

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

6.20 London Plan Policy D3 (Optimising site capacity through the design-led approach) states that, in terms of quality and character, development proposals should "respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character; and be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well".

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

6.22 Policy DC2 Design of New Build states that new build development will be permitted if it is of a high standard of design and compatible with the scale and character of existing development and its setting. All proposals must be designed to respect: a. the historical context and townscape setting of the site, and its sense of place; b. the scale, mass, form and grain of surrounding development and connections to it; c. the relationship of the proposed development to the existing townscape, including the local street pattern, local landmarks and the skyline; d. the local design context, including the prevailing rhythm and articulation of frontages, local building materials and colour, and locally distinctive architectural detailing, and thereby promote and reinforce local distinctiveness; e. good neighbourliness and the principles of residential amenity; f. the local landscape context and where appropriate should provide high quality landscaping and public realm with good permeability; g. sustainability objectives; including adaptation to, and mitigation of, the effects of climate change; h. the principles of accessible and inclusive design; and i. principles of Secured by Design.

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

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

## **Heritage**

- 6.29 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas. It is key to the assessment of these applications that the decision-making process is based on the understanding of specific duties in relation to listed buildings and Conservation Areas required by the relevant legislation, particularly the s.72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in the NPPF.



- 6.30 S.72 of the above Act states in relation to Conservation Areas that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 6.31 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was most recently revised in 2021 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.
- 6.32 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
- 6.33 Para 189 of the NPPF states that: Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 6.34 Para 195 of the NPPF states that: Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.35 Para 197 of the NPPF states that: In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.36 Para 199 of the NPPF states that: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

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

- 6.45 In the first instance, the assessment to be made is whether the development within the setting of a designated heritage asset will cause harm to that designated heritage asset or its setting. If no harm is caused, there is no need to undertake a balancing exercise. If harm would be caused, it is necessary to assess the magnitude of that harm before going to apply the balancing test as set out in paragraphs 201 and 202 of the NPPF as appropriate.
- 6.46 The London Plan was published in March 2021. It sets out the overall strategic plan for London and a fully integrated economic, environmental, transport and social framework for the development of the Capital over the next 20-25 years. It forms part of the development plan for Hammersmith and Fulham.
- 6.47 Policy HC1 of the London Plan (Heritage conservation and growth) advises that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.
- 6.48 The Council adopted the current Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles.
- 6.49 Local Plan (2018) Policy DC1 Built Environment states that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets.
- 6.50 Policy DC8 Heritage and Conservation states that the council will conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets. These assets include: listed buildings, conservation areas historic parks and gardens, the scheduled monument of Fulham Palace Moated site, unscheduled archaeological remains and buildings and features of local interest. When determining applications affecting heritage assets, the council will apply the following principles:
- a. the presumption will be in favour of the conservation, restoration and enhancement of heritage assets, and proposals should secure the long term future of heritage assets. The more significant the designated heritage asset, the greater the presumption should be in favour of its conservation;
  - b. applications affecting designated heritage assets, including alterations and extensions to buildings will only be permitted if the significance of the heritage asset is conserved or enhanced;
  - c. applications should conserve the setting of, make a positive contribution to, or reveal the significance of the heritage asset. The presence of heritage assets should inform high quality design within their setting;

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

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

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

- 6.53 As such, the impact of the proposals upon the setting, character and significance of these heritage assets require due consideration. The Council has a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, together with the requirements set out in the NPPF.
- 6.54 The designated heritage asset that stands to be affected by the proposals is the character, appearance, and setting of the Hurlingham Conservation Area which was designated in 1971 and subsequently extended in 1981 and 2002. The northern part of this Conservation Area includes the properties on Hurlingham Road and the Putney rail bridge provides the western boundary of the Conservation Area.
- 6.55 The Hurlingham Conservation Area Character Profile was approved in 1997 as supplementary planning guidance and splits the conservation area into 4 sub-areas to distinguish areas of similar character and similar periods of historic development. The front of the application site falls into the Western Housing Development (sub-areas C) which consists of three-storey residential terraces and semi-detached properties. The residential terraced properties fronting Hurlingham Road are three storeys, or two storeys with further accommodation in the roof space. The majority are late nineteenth century in date. The terraces have different detailing from each other which provides variety and interest and helps to capture the space along the road frontage.
- 6.56 The western end of Hurlingham Road around the application site is relatively enclosed space due to the terraced nature of the development with solid facades and the compact grain. By contrast, the eastern end of the Road within the Conservation Area is more open due to the presence of Hurlingham Park with its green open edge on the south side of the road.
- 6.57 The proposed development does not include any works along the Hurlingham Road frontage. The proposed works would take place at the rear of the site and views to and from that location are largely screened by the existing railway viaduct and intervening development. The elevational treatment and materiality of the proposed additional floor would be sympathetic to the existing building and would not compete or appear incongruous with the surrounding building typologies. The proposed height would broadly match other properties in and around the mews and would not be visible from the street. In this form, it is considered that the proposal would be of an acceptable scale not out of keeping with its surroundings.
- 6.58 In assessing the impact of the proposals upon the setting, character and appearance of the adjacent Conservation Areas, officers have given due consideration to the earlier appeal decision, in 2000 against the planning refusal (ref 1999/01611/FUL) which included the erection of an additional floor at No 5 Melbray Mews; one of the grounds stated that the addition of an extra storey would be out of keeping with its surroundings and in general, the proposal was harmful to adjoining Conservation Area.

6.59 In the substantive intervening period since this decision was taken, there have been significant changes to the character of this section of the Conservation Area owing to the cumulative scale of rooftop additions to properties situated within the Hurlingham Conservation Area. Coupled with these changes, officers have also given due regard to the earlier appeal decisions allowed for the development of 160-164 Hurlingham Road, which would introduce a part 4/5 storey building to the west of the site, which would rise well above the viaduct and be markedly higher than other buildings in this part of the Conservation Area. In granting permission for this development, the inspector did not conclude the development would result in any harm to the Conservation Area.

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

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

### **Design and Heritage Conclusion**

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

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

## **RESIDENTIAL AMENITY**

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

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

### **Outlook**

6.66 'Planning Guidance' SPD Key Principle HS6 notes that the proximity of a development can have an overbearing and dominating effect detrimental to the amenities of adjoining residential occupiers. Although it is dependent upon the proximity and scale of the proposed development, a general standard can be adopted by reference to a line produced at an angle of 45 degrees from a point at ground level or at 2m on the rear curtilage. On-site judgement will be a determining factor if any part of the proposed building extends beyond these lines.

6.67 Currently, there are no other third floor windows within the Mews itself and all the existing habitable room windows are located at ground, first or second floors. This situation is replicated at the residential properties along Hurlingham Road and Grimston Road. Due to the unusual shape of the plot, the 45 degree rule is not strictly applicable within the Mews. But given the modest scale of the additional floor, the offset from the lower two floors and the lightweight appearance at the front elevation, officers consider that a satisfactory sense of openness would be retained.

6.68 The proposed additional floor would be separated by between some 25m – 37m from the residential properties along Hurlingham Road and this is sufficient to limit any loss of outlook, sense of enclosure and overbearing impacts.

6.69 The residential properties at Nos.14 – 16 Grimston Road which lie parallel to the eastern elevation of No.5 have gardens of less than 9m in depth and when measured from a point at the rear residential boundary at ground level, the proposed additional floor would infringe on a 45 degree line. However, the existing eastern elevation of the host building already infringes on this line and based on an on-site judgement, the proposals would have an acceptably modest impact that would not significantly worsen the existing situation for the occupiers at Nos.14 – 16 Grimston Road.

6.70 Overall, the proposals accord with Policy DC4 and HO11 of the Local Plan (2018), and Key Principle HS6 of the 'Planning Guidance' SPD.

### **Daylight / Sunlight**

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

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

6.73 The submissions conclude that the siting of the proposed additional floors would have no adverse detrimental impact and the proposals would be compliant with the BRE guidelines. Officers have reviewed this submission and have no reason to question the conclusions of the report. Therefore, the proposals would not result in a significant loss of light to surrounding neighbours who would still have sufficient access to daylight and sunlight complying with Policies DC1, DC4 and HO11 of the Local Plan.

### **Privacy**

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

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



- 6.76 A small roof terrace is proposed for Flat 8, and this would be sited to the side/front of the dwelling, it would face the front of the building and courtyard below and the windowless north-eastern elevation of Melbray House. Part of the terrace would have a staggered layout which includes a partial offset behind the front windows and the proposed terrace would not directly face any opposing windows within the Mews. Beyond the Mews, are the rear elevations of the properties fronting Hurlingham Road which are at least 25m away. In its proposed form, the development would have an acceptable impact in terms of overlooking.
- 6.77 The proposal would not result in any undue loss of privacy or harmful overlooking and therefore accords with Policies DC4 and HO11 of the Local Plan, and Key Principle HS7 of the 'Planning Guidance' SPD.

### **Noise and Disturbance**

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

### **Conclusion – Residential Amenity**

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

## **TRANSPORT AND HIGHWAYS**

### **Car Parking**

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

### **Cycle Parking**

- 6.86 London Plan Policies T2 Healthy Streets and T5 Cycling (Table 10.2 and Figure 10.3) set out the need to provide suitable on-site cycle storage for a development. Local Plan Policy T3 seeks to increase and promote opportunities for cycling and walking and states that new development to include provision of accessible and safe secure parking within the boundary of the site.
- 6.87 The proposals include secured and covered cycle storage for 4 bicycles. The Council's Transport officers have considered the proposals and are they are satisfied that the proposed storage arrangements with the application site are appropriate and a condition will be imposed requiring the implementation of the cycle stores.

### **Refuse and Recycling**

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

## **Construction Impacts**

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

## **Conclusion – Transport and Highways**

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

## **ENVIRONMENTAL CONSIDERATIONS**

### **Flood Risk**

- 6.94 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. This is echoed within London Plan Policy SI 12.
- 6.95 Local Plan Policy CC3 requires that new development reduce the use of water and be designed to take account of increasing risks of flooding. Policy CC4 states that new development would be expected to manage surface water run off by implementing a range of measures, such as sustainable drainage systems (SuDs) where feasible and the use of water efficient fittings and appliances.
- 6.96 The site is within the Environment Agency's Flood Zone 3 and a Flood Risk Assessment (FRA) is submitted in support of the application. The FRA references the existing ground floor units but they are not part of the application. Although in a Flood Zone 3 area, the nature of the proposed development, with an additional floor on the roof, means that flood risk is not a significant issue for the proposed residential units. The Council's Environmental Protection team have no issues to raise in this respect. However, as new residential units are being created, there is a requirement under Policy CC3 that internal water use should be no more than 105 litres per person / per day which can be achieved by installing water efficient fixtures/fittings and appliances. This can be covered by condition.

## **Air Quality**

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

## **Land Contamination**

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

## **Sustainability**

- 6.103 The London Plan Policy SI 2 and Local Plan Policy CC1 both require proposals to including carbon curbing measures where appropriate. This is applicable for all major applications and highly encouraged in all other types of development.

6.104 Solar energy technologies have been identified as one of the most practical and feasible way of achieving regulated on-site carbon emissions reduction target and is a popular choice in both commercial and residential schemes. The Council will support all measures which tackle climate change and promote the use of renewable sources of energy, so therefore the use of the Solar PV panels is welcomed.

### **Fire Safety**

6.105 The London Plan Policy D12A (Fire Safety) requires that all development proposals must achieve the highest standards of fire safety including suitable access and equipment for firefighting which is appropriate for the size and use of the development.

6.106 The applicant has submitted a Fire Safety Strategy prepared by a qualified engineer and chartered fire safety engineer. The document has been reviewed by the Council's Building Control surveyors and they consider that the proposed fire access arrangements (which includes dry risers) for emergency vehicles is satisfactory. A condition would be attached to secure these details.

### **PLANNING OBLIGATIONS / LEGAL AGREEMENT**

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

6.108 London Plan (2021) Policy DF1 recognises the role of planning obligations in mitigating the effects of development and provides guidance on the priorities for obligations in the context of overall scheme viability. Local Plan Policy INFRA1 (Planning Contributions and Infrastructure Planning) advises that the council will seek planning contributions to ensure the necessary infrastructure to support the Local Plan is delivered using two main mechanisms 'Community Infrastructure Levy (CIL) and Section 106 Agreements (s106).

6.109 A unilateral legal undertaking will be required to secure a car free development to prohibit any occupiers of the residential unit, other than Blue Badge Holders, from obtaining a parking permit, under Section 16 of the Greater London Council (General Powers) Act 1974.

## **COMMUNITY INFRASTRUCTURE LEVY**

- 6.110 This development would be subject to the London-wide Community Infrastructure Levy. The Mayor's new CIL charging schedule (MCIL2) came into effect on 1st April 2019 and will be used to fund Crossrail 1 and Crossrail 2. As the Collecting Authority, the Council is expected to secure the levy in accordance with London Plan (2021) Policy DF1 and is chargeable at £80 per sqm uplift in floorspace, regardless of the use. This development would be subject to this London wide community infrastructure levy which in this case would be £7,688 plus indexation.
- 6.111 In addition, the development would also be subject to the Borough's own local CIL, which is to help pay for facilities and community services such as transport, schools, health services and open space. Local CIL is chargeable at £200 per sqm for a residential development in this part of the borough. The CIL Charging Schedule was presented to Council and approved 20 May and formally took effect on the 1st September 2015 and in this case the contribution would be £38,440 plus indexation.

## **7 CONCLUSION**

The proposals would contribute towards the quantity of the borough's housing stock. The proposal is acceptable in visual terms and is considered to be of a high quality design which would not adversely impact upon the setting of the Conservation Areas. Subject to conditions, the proposals would not result in unacceptable impacts upon the amenities of neighbouring residential properties. The new residential units comply with the relevant standards and provide a good quality of accommodation for the future occupants. Highways, transportation and environmental matters including energy and sustainability, flood risk, air quality and land contamination have also been satisfactorily addressed and will be subject to conditions and a legal agreement. In these respects, the proposals comply with the relevant policies of the NPPF (2021), the London Plan (2021), the Local Plan (2018) and the applicable Key Principles contained within the 'Planning Guidance' Supplementary Planning Document (2018).