

Planning and Development Control Committee

Agenda

Tuesday 4 June 2024 at 7.00 pm

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

Watch the meeting live: youtube.com/hammersmithandfulham

MEMBERSHIP

Administration:	Opposition
Councillor Omid Miri (Chair) Councillor Florian Chevoppe-Verdier (Vice-Chair) Councillor Ross Melton Councillor Nikos Souslous Councillor Nicole Trehy Councillor Patrick Walsh	Councillor Alex Karmel Councillor Adrian Pascu-Tulbure

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

Public Notice

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

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

For details on how to register to speak at the meeting, please see overleaf.
Deadline to register to speak is 4pm on Thursday 30 May 2024

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

PUBLIC SPEAKING AT PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Who can speak?

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

Do I need to register to speak?

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

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

How long is provided for speakers?

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

At the meeting

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

What materials can be presented to committee?

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

What happens to my petition or deputation?

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

Planning and Development Control Committee Agenda

4 June 2024

<u>Item</u>		<u>Pages</u>
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATION OF INTERESTS	
	<p>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken.</p> <p>Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.</p> <p>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Standards Committee.</p>	
3.	MINUTES	5 - 8
	<p>To approve as an accurate record, and the Chair to sign, the minutes of the meeting of the Committee held on 16th April 2024.</p>	
4.	ROBERTS HOUSE 99 - 103 HAMMERSMITH ROAD, LONDON, W14 0QH, AVONMORE, 2023/01033/FUL	9 - 38
5.	ROBERTS HOUSE 99 - 103 HAMMERSMITH ROAD, LONDON, W14 0QH, AVONMORE, 2023/01034/LBC	39 - 43

6. **ADVERTISEMENT HOARDING ADJACENT TO 3 BLACK'S ROAD
LONDON, HAMMERSMITH BROADWAY, 2023/02419/ADV** 44 - 54
7. **165 - 167 NEW KING'S ROAD, LONDON, SW6 4SN, PARSONS
GREEN AND SANDFORD, 2024/00292/VAR** 55 - 73
8. **QUENINGTON MANSIONS, ROSTREVOR ROAD, LONDON SW6
5AU, FULHAM TOWN, 2023/02150/FUL** 74 - 94

London Borough of Hammersmith & Fulham

Planning and Development Control Committee Minutes



Tuesday 16 April 2024

PRESENT

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

Other Councillors:
Councillor Jacolyn Daly

Officers:
Matt Butler (Assistant Director of Development Management)
Allan Jones (Team Leader Urban Design and Heritage)
Roy Asagba-Power (Team Leader)
Neil Egerton (Deputy Team Leader)
Sian Brown (Principal Planning Officer)
Catherine Paterson (Highways)
Mrinalini Rajaratnam (Chief Solicitor - Property and Planning)
Charles Francis (Clerk)

1. APOLOGIES FOR ABSENCE

Apologies for absence were provided by Cllr Rebecca Harvey.

2. DECLARATION OF INTERESTS

Cllr Wesley Harcourt declared an interest in Item 6 – 93-97A SCRUBS LANE, as he was a member of the ODPC. He recused himself, sat in the public gallery and did not participate or vote on the item.

Cllr Alex Karmel declared a pecuniary interest in Item 6 – 93-97A SCRUBS LANE, as a company he worked for was involved in the public consultation exercise for that application. He left the meeting and did not participate or vote on the item.

3. MINUTES

The minutes of the previous meeting held on 5 March 2024 were agreed as an accurate record.

4. 58 BOSCOMBE ROAD, LONDON W12 9HU, CONINGHAM, 2023/02697/FUL

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

Neil Egerton presented the item. The Agent spoke in support of the application.

The Committee voted on the officer recommendations for approval as amended by the Addendum as follows:

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

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

5. K WEST HOTEL, RICHMOND WAY, LONDON W14 0AX, ADDISON, 2023/02260/FUL

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

Sian Brown presented the item. The Agent and the Applicant spoke in support of the application. Cllr Jacolyn Daly spoke in support as a ward Councillor.

Cllr Alex Karmel proposed a motion to amend Condition 30, with the first paragraph ending, with “ hereby approved” full-stop. And to delete the rest of the paragraph. This was seconded by Cllr Adrian Pascu- Tulbure. The motion was put to the vote and was lost.

The Committee voted on the officer recommendations for approval as amended by the Addendum as follows:

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

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

6. 93-97A SCRUBS LANE, LONDON NW10 6QU, COLLEGE PARK AND OLD OAK, 2023/03082/OPDOBS

Cllr Wesley Harcourt declared an interest in Item 6 – 93-97A SCRUBS LANE, as he was a member of the ODPC. He recused himself, sat in the public gallery and did not participate or vote on the item.

Cllr Alex Karmel declared a pecuniary interest in Item 6 – 93-97A SCRUBS LANE, as a company he worked for was involved in the public consultation exercise for that application. He left the meeting and did not participate or vote on the item.

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

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

The Committee voted on the officer recommendation as follows:

Recommendation 1:

FOR	5
AGAINST:	0
NOT VOTING:	0

RESOLVED

Recommendation 1 – The Council raises an objection to the OPDC in relation to this application for the following reason(s):

- 1) Affordable Housing: Both affordable housing options are considered to be unacceptable, for the reasons outlined in more detail in the body of this report. We would expect a far higher quantum of affordable housing and our preference is for genuinely affordable homes, such as social rent, above intermediate. It is unclear what controls would be in place to ensure that any intermediate housing that is provided will be demonstrably affordable to range of incomes below the maximum income cap. Any planning permission should be subject to a s106 agreement that secures appropriate affordable housing review mechanisms (in this case this should include early, mid-stage, and late-stage review mechanisms).

Addendum

Meeting started: 7.00 pm
Meeting ended: 8.23 pm

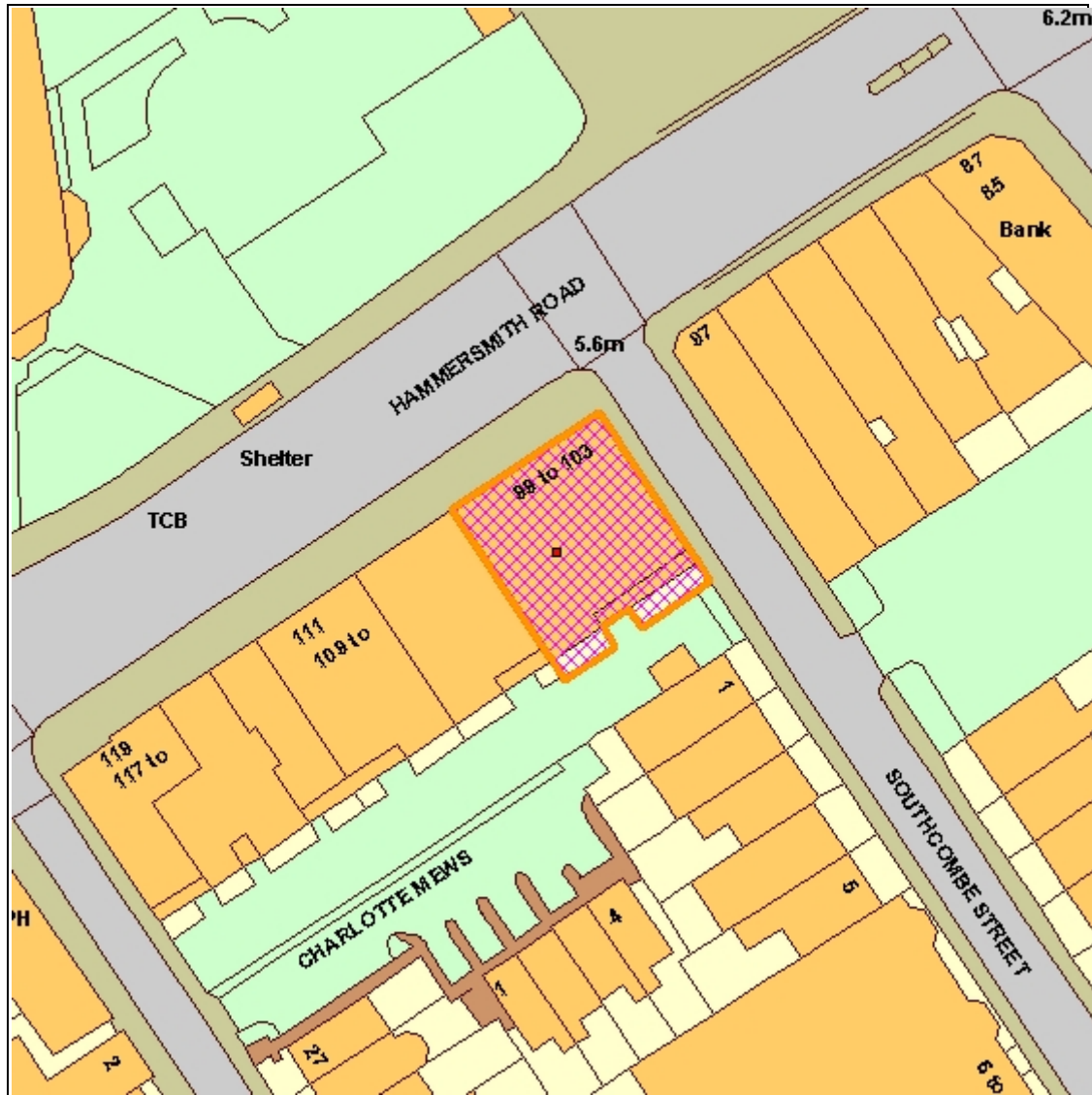
Chair

Contact officer: Charles Francis
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Ward: Avonmore

Site Address:

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For identification purposes only - do not scale.

Reg. No:
2023/01033/FUL

Case Officer:
Richard Kealey

Date Valid:
25.04.2023

Conservation Area:
Constraint Name: Dorcas Estate Conservation
Area - Number 18

Committee Date:
04.06.2024

Applicant:

Picton UK REIT SPV No.2 Limited
Stanford Building 27A Floral Street London WC2E 9EZ

Description:

Change of use of the first, second and third floor levels from offices (Class E) into 4 x 2 bedroom and 2 x 3 bedroom self-contained flats (Class C3); removal of existing frame and installation of ventilation grille at ground floor level to south eastern elevation; erection of a bin store at the side of the enclosed brick storage to rear courtyard (Amended site address).

Drg Nos: See 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 planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below.

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

Conditions:

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

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

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

PL.010, PL.011, PL.015, PL.016, PL.017, PL.018.

Approved documents:

Internal Daylight/Sunlight Report by Daylight Sunlight Consulting Ltd.

Environmental Noise Survey and Noise Impact Assessment Report ref:

30641/NIA1 dated 5th April 2023.
Supporting Planning Statement April 2023.
Marketing report by Frost Meadowcroft.
Marketing history report by Eddisons April 2023.
Transport Statement by Caneparo Associates June 2023.
Follow up responses dated 27th June '23, 19th July '23 and 14th Sept '23 all prepared by H Planning LTD.
Refuse and Recycling Service Plan by H Planning Ltd.

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

- 3) The development hereby approved shall be carried out and completed in accordance with the materials (including colour and finish) specified on the drawings hereby approved. The development shall be permanently retained in accordance with the approved details. Any works of making good to existing elevations shall be carried out in materials to match the elevation to which the works relate.

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

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

- 1) Full details of the Automatic Opening Vents, including manufacturers specifications, and report from a fire specialist;
- 2) Details of the secondary glazing, including 1:5 details, (including plan, elevation and section), a report and method statement for their installation and how existing historic fabric will be impacted;
- 3) Details, including material samples, for the proposed bin store

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 external appearance and to preserve the special architectural or historic interest of the building, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 5) All new works, and works of making good to the retained fabric, whether internal or external, shall be finished to match the original work with regard to the methods used and to material, colour, texture and profile, and in the case of brickwork, facebond and pointing, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

In order to safeguard the special architectural or historic interest of the building, in accordance with Policies DC1, DC4, DC6 and DC8 of the Local Plan (2018) and Key Principles of the Planning Guidance Supplementary Planning Document (2018).

- 6) 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 six self-contained residential dwelling houses (Use Class C3) shall be submitted to and approved in writing by the Local Planning Authority. This is applicable to all receptor locations where the Annual Mean Nitrogen Dioxide (NO₂), and Particulate (PM₁₀, PM_{2.5}) concentrations are equal to 30ug/m³, 20ug/m³ and 10 ug/m³ respectively and where current and future predicted pollutant concentrations are within 5% of these limits. The report shall include the following information:
- a. Details and locations of the ventilation intake locations at rear roof level or on the rear elevations of all residential floors
 - b. Details of restricted opening windows (maximum 200mm for emergency purge ventilation only) for 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 Dioxide (NO₂) and Particulate Matter (PM_{2.5}, PM₁₀) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 90% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM_{2.5}, PM₁₀) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.

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

To safeguard local air quality in the councils boroughwide air quality management area, in accordance with the councils Air Quality Action Plan and Local Plan Policies CC10 and London Plan Policy SI 1.

- 7) Prior to occupation of the development hereby permitted, details of a post installation compliance report of the approved ventilation strategy as required by condition 6 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 a accredited Chartered Building Surveyor (MRICS).

Approved details shall be fully implemented prior to the occupation/use of the

development and thereafter permanently retained and maintained.

In order to safeguard local air quality and the air quality management area, in line with Local Plan Policies CC10.

- 8) Prior to occupation of the development hereby permitted, details of the installation/commissioning reports of the Zero Emission MCS certified Air Source Heat Pumps or electric boilers to be provided for space heating and hot water for the six self-contained dwelling houses (Class C3) 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 order to prevent new gas connections and to safeguard local air quality and the air quality management area, in line with Local Plan Policies CC1 and CC10.

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

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

- 10) 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 commercial part(s) of the premises from dwellings. Details shall demonstrate that the sound insulation value $D_{nT,w}$ is enhanced by at least 15dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial 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 Policies CC11 and CC13 of the Local Plan 2018.

- 11) Prior to commencement of the development, a noise assessment shall be submitted to the Council for approval of external noise levels including 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.

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.

- 12) The residential units hereby approved shall only be used as single dwelling houses 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 properties as houses 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).

- 13) No external air-conditioning units, ventilation fans, extraction equipment, flues or other plant equipment and associated external pipework or ducting shall be fitted to the exterior of the building 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, DC4, DC8 and HO11 of the Local Plan (2018)

- 14) Prior to the first occupation of the development hereby permitted, the cycle storage at ground level in the rear service road, shown on drawings PL.010 and PL.018, shall be installed in full accordance with the approved details. The cycle storage shall thereafter be permanently retained and maintained.

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

- 15) Prior to the first occupation of the new residential units hereby approved, full details of the dedicated refuse and recycling store shall be submitted to and approved in writing by the Local Planning Authority. The new residential units hereby permitted shall not be occupied prior to the provision of the waste storage as shown on approved drawings PL.010 and PL.018 and in accordance with the details within the approved Refuse and Recycling Service Plan (by H Planning Ltd). The refuse and recycling storage for each use shall thereafter be permanently retained and maintained.

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

Justification for Approving the Application:

- 1) It is considered that the proposed change of use would result in an uplift of 6 residential units that are of an acceptable standard, accord with the Nationally Described Spaces Standards (NDSS) and would help the council meeting housing targets. The proposal complies with Local Plan (2018) Policies HO1, HO4, HO5, HO6, HO11, E2, TLC4, CC1, CC7, CC9, CC10, CC11, CC13, T1, T2, T3 and T4, associated Key Principles of the Hammersmith and Fulham SPD (201) and London Plan (2021) Policies D6, D12, D14, H1, HC1, SI1, T1, T5, T6, and T7. Additionally, works would serve to preserve the significance of the listed building and the setting of adjacent listed buildings and the character and appearance of the wider conservation area, in accordance with s.16, 66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF (2021), the London Plan (2021), Policies DC1, DC4 and DC8 of the Local Plan (2018) and Key Principles AH2 and CAG3 of the Planning Guidance SPD (2018).

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 24th April 2023
Drawing Nos: see above

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

Consultation Comments:

Comments from:
Historic England London Region
Thames Water - Development Control

Dated:
02.05.23
28.04.23

Neighbour Comments:

Letters from:

3 charlotte mews London W14 0QW
F45 Kensington Olympia Lower Ground Floor,
103 Hammersmith Road London W14 0QH

Dated:

21.07.23

15.05.23

OFFICER REPORT

1.0 BACKGROUND

Site and Surrounding

- 1.1 Roberts House, 99-103 Hammersmith Road is part of a group of Grade II listed terrace of houses with shops to the ground floor. Built in 1824 by W.S. Payne, and originally known as Dorcas Terrace, they form a nearly uniform row of 3 storeyed houses, each 2 windows wide. They are of brick construction with a painted cornice below the parapet. The 1st floor windows are recessed below semi-circular relieving arches, with those to the 3 houses at each end of the row having similarly arched heads. There are ornamental iron railings of a standard pattern to 1st floor balcony, which are missing from 105 and 119, the latter having sections of railings set into the window openings. Every house now has a shop in its ground storey. No 103 historically had an added mansard storey. The property was heavily altered following a successful 1989 proposal (1989/01392/FUL) which essentially retained the façade with the rear being reconstructed and extended.
- 1.2 The property is located within the Dorcas Estate Conservation Area. The application site is located on the southern side of Hammersmith Road which also forms the boundary of the Dorcas Estate Conservation Area. Hammersmith Road is designated as a Local Distributor Roads. The application site falls outside of a town centre or local centre designation.
- 1.3 The PTAL is 6a, indicating excellent access to public transport. Many bus routes operate along Hammersmith Road including the 9, 27, N9 and N27 with destinations to Hammersmith town centre, Camden Town and Temple. Kensington (Olympia) train station is a short walk away which affords access to TfL Overground and District Line services, as well as National Rail services, operated by Southern towards Watford Junction and East Croydon. The Hammersmith Stations and bus depot are also within walking distance.

1.4 Planning History

1984/02009/LBC - Erection of rear extension at ground first and second floor levels construction of an additional floor at existing roof level covering the entire building change of use of part of the ground floor entire first second and newly constructed third floor as offices retention of the Hammersmith Road facade by tying back to a new structural frame - Approved

1986/00400/FUL - Erection of rear extensions at ground first and second floor levels

construction of an additional floor at existing roof level covering the entire building change of use of part of the ground floor entire first floor second and newly constructed third floors as offices retention of the Hammersmith Road facade by tying back to a new structural frame - Approved

1989/01393/LBC - Erection of rear extensions at basement ground first and second floor levels; construction of an additional mansard floor at existing roof level; use of part of the ground floor the entire basement first and second floors and newly constructed third floor as offices; and retention of the Hammersmith Road facade by tying back to a new structural frame - Approved

1989/01392/FUL - Erection of rear extensions at basement ground first and second floor levels construction of an additional mansard floor at existing roof level; use of part of the ground floor the entire basement first and second floors and the newly constructed third floor as offices; and retention of the Hammersmith Road facade by tying back to a new structural frame - Approved at Committee (20.04.1990).

1990/00726/LBC - 99 Hammersmith Road - Erection of a five storey building comprising office use of the basement part ground floor first second and mansarded third floor with retail use of part of the ground floor associated car parking and the retention of the Hammersmith Road facade by tying back to a new structural frame (revised scheme) - Approved

1990/00725/FUL - 99 Hammersmith Road - Erection of a five storey building comprising office use of the basement part ground floor first second and mansarded third floor with retail use of part of the ground floor associated car parking and the retention of the Hammersmith Road facade by tying back to a new structural frame (revised scheme) - Approved

1995/01743/FUL - 99 Hammersmith Road - Installation of a 1300mm diameter satellite dish on roof - Approved

1995/01906/LBC - 99 Hammersmith Road - Installation of 1.3 metre satellite dish antenna on the roof - Approved

1996/00107/LBC - 99 Hammersmith Road - Installation of a new shopfront including fascia and projecting signs and internal alterations at ground floor level - Approved

1996/00059/FUL - 99 Hammersmith Road - Installation of air conditioning condenser units involving erection of fencing to side of existing bin store at the rear and insertion of 3 No ventilation grilles in side elevation - Approved.

1996/00191/LBC - 99 Hammersmith Road - Installation of ventilation grilles on the east elevation and air conditioning plant with associated enclosure at the rear - Approved.

1998/00128/FUL - 99 Hammersmith Road - Change of use of part basement and ground floor to restaurant (Class A3), part ground floor to retail (Class A1), together with associated alterations to the rear elevation, to include new openings at ground floor level to No.s 115 and 107 with projecting glass canopies over,

erection of new gate and railings to the existing car park area, erection of a new bicycle store, security office and bin stores to rear - Approved.

1998/00129/LBC - 99 Hammersmith Road - Alterations to rear elevation at ground floor level to include removal of existing decorative frameworks above all existing doorways, removal of 2 windows and formation of new entrance doors to the rear of No.s 115 and 107 with the addition of projecting glass canopies over, removal of parts of existing railings and other associated works. Alterations to rear car park area to include the addition of new metal gates at the east and west entrances to the car park, new brick works and repairs to the existing car park walls and the provision of binstores, a cycle store and a security office - Approved.

1998/00155/LBC - 99 Hammersmith Road - Internal alterations to include removal of lift shaft walls and ducts, removal of internal walls and provision of new W.C.'s - Approved

Current Proposal

1.5 The application seeks planning permission and associated listed building consent for the following works:

2023/01033/FUL: Change of use of the first, second and third floor levels from offices (Class E) into 4 x 2 bedroom and 2 x 3 bedroom self-contained flats (Class C3); removal of existing frame and installation of ventilation grille at ground floor level to south eastern elevation; erection of a bin store at the side of the enclosed brick storage to rear courtyard

2023/01034/LBC: Change of use of the first, second and third floor levels from offices (Class E) into 4 x 2 bedroom and 2 x 3 bedroom self-contained flats (Class C3); removal of existing frame and installation of ventilation grille at ground floor level to south eastern elevation; erection of a bin store at the side of the enclosed brick storage to rear courtyard; internal alterations to include installation of secondary glazing to windows at first, second and third floor levels to north eastern and south eastern elevations; installation of secondary glazing to windows at third floor level and replacement of existing secondary glazing with new secondary glazing to windows at second floor level to north western elevation; creation of partition walls in connection with the formation of new habitable rooms, bathrooms and kitchens for the new residential units; creation of cycle storage at ground floor level and new aovs at basement level

1.6 The proposal will result in the change of use of 360sq/m floorspace last in use as Class E (offices) and replaced with 6 new residential units at upper levels of the application site. The application site does not include the ground and basement levels, and as a result, an active commercial frontage will be retained at street level.

1.7 This report covers both applications 2023/01033/FUL and 2023/01034/LBC.

2.0 PUBLICITY AND CONSULTATIONS

2.1 The applications were advertised by way of press and site notices. Neighbouring properties were also notified by letter, advising of the full planning application only.

2.2 As a result of consultations 1 neutral comment was made on the full planning application and 1 letter of objection was made on the full planning application. No representations were received relating to the listed building consent application. Comments made are summarised below:

2.3 Neutral comment (comment made neither supporting or objection to the full planning application)

- Charlotte Mews is not the name of the servicing road to the rear of the application site. Charlotte Mews is a private road unrelated to this site.

2.4 One objection made in relation to the full planning application:

- Concerns the proposed development will have on the commercial gym in the basement / the lower ground floor of 103 Hammersmith Road
- Business established 5 years ago
- Potential for noise complaints with a gym located below residential accommodation - no noise complaints to date
- If complaints were made by future residents, this would result in gym having to defence or reduce offering and impact commercial offering
- Concerns with access as this is via the communal lobby and future residents could complain about access (perceived security issue)
- Could use rear access for gym access, however this would impact street frontage and business exposure along Hammersmith Road

2.5 Material considerations raised will be considered within this report.

2.6 External consultee responses

Thames Water - Requested a condition related to pilling, should pilling be used as the site is within 15 metres of a strategic sewer. Requested two informatives.

Officer's note: As works are upper levels only, such a condition is not necessary or relevant.

Historic England - Not necessary to consult Historic England (on the full planning and listed building consent applications).

Metropolitan Police - Compliance with Secure by Design specification will satisfy building regulation requirement and is a material consideration.

3.0 POLICY FRAMEWORK

3.1 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.

3.2 National Planning Policy Framework (NPPF).

The NPPF came into effect on 27 March 2012 and was subsequently revised in 2019 and 2021 and more recently in 2023. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.

3.3. 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.

3.4 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.

3.5 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.

3.6 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 make it a statutory duty for Local Planning Authorities to have special regard to the desirability of preserving listed buildings or their settings. Section 72 of the Act requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

4.0 PLANNING CONSIDERATIONS

4.1 The main planning considerations in light of the London Plan (2021) and the Council's Local Plan (2018), Planning Guidance SPD include:

1. The principle of the change of use in land use terms.
2. Impact on visual amenity including impact on the character and appearance of the Grade II listed building and the wider Dorcas Estate Conservation Area
3. The impact of the proposal on the amenity of neighbouring properties including commercial units at lower levels
4. Standard of accommodation of the new residential units
5. The impact of the proposal on the highway network.
6. Environmental matters including contamination and air quality.

5.0 LAND USE/PRINCIPLE OF THE CHANGE OF USE FROM OFFICES (CLASS E) TO RESIDENTIAL (CLASS C3):

Loss of commercial offices:

5.1 The application site is a 4-storey commercial block located on the southern side of Hammersmith Road at the corner of Southcombe Street. The wider site benefits from a basement level and is in use as a gym (Class E). The ground floor contains a vacant retail unit. A lobby provides access to the upper floors and includes a lift to each floor. London Plan (2021) Policy E1 Offices notes:

- A Improvements to the quality, flexibility and adaptability of office space of different sizes (for micro, small, medium-sized and larger enterprises) should be supported by new office provision, refurbishment and mixed-use development.
- B Increases in the current stock of offices should be supported in the locations in Parts C and D below.
- C The unique agglomerations and dynamic clusters of world city businesses and other specialist functions of the central London office market, including the CAZ, NIOD (Northern Isle of Dogs) and other nationally-significant office locations (such as Tech City and Kensington & Chelsea), should be developed and promoted. These should be supported by improvements to walking, cycling and public transport connectivity and capacity. Future potential reserve locations for CAZ-type office functions are identified at Stratford and Old Oak Common, capitalising on their current and potential public transport connectivity to central London, the UK and beyond.
- D The diverse office markets in outer and inner London (outside the areas identified in Part C) should be consolidated and - where viable - extended, focusing new development in town centres and other existing office clusters supported by improvements to walking, cycling and public transport connectivity and capacity including:
 - 1) the strategic outer London office location at Croydon town centre
 - 2) other town centre office locations (having regard to the Town Centre Network office guidelines in Table A1.1 and Figure A1.4 in Annex 1
 - 3) existing urban business parks (such as Chiswick Park, Stockley Park and Bedfont Lakes), taking steps towards greater transport sustainability of these locations
 - 4) locally-oriented, town centre office provision to meet local needs.
- E Existing viable office floorspace capacity in locations outside the areas identified in Part C should be retained, supported by borough Article 4 Directions to remove permitted development rights where appropriate, facilitating the redevelopment, renewal and re-provision of office space where viable and releasing surplus office capacity to other uses.
- F Boroughs should consult upon and introduce Article 4 Directions to ensure that the CAZ, NIOD, Tech City, Kensington & Chelsea and geographically defined parts of other existing and viable strategic and local office clusters (such as those in and around the CAZ, in town centres and other viable business locations - see Part D3 above) are not undermined by office to residential permitted development rights.
- G Development proposals related to new or existing offices should take into account the need for a range of suitable workspace including lower cost and affordable workspace.
- H The scope for the re-use of otherwise surplus large office spaces for smaller office units should be explored.
- I The redevelopment, intensification and change of use of surplus office space to other

uses including housing is supported, subject to the provisions of Parts G and H.

5.2 Local Plan Policy E1 seeks to provide for a range of employment uses across the borough. This police notes the council will:

also support the retention, enhancement, and intensification of existing employment uses. It will require flexible and affordable space suitable for small and medium enterprises in large new business developments, unless justified by the type and nature of the proposal and subject to viability. When considering new employment floorspace or the extension of existing floorspace the council will also take into account:

- a. whether the scale and nature of the development is appropriate, having regard in particular to local impact, the nature of the surrounding area, and public transport accessibility;
- b. impact upon small and medium sized businesses that support the local community;
- c. scale and nature of employment opportunities generated in the new development;
- d. whether there will be displacement of other uses such as community facilities or housing; and
- e. the Hammersmith and Fulham Economic Growth Plan and the council economic strategies.
- f. Boroughs should consult upon and introduce Article 4 Directions to ensure that the CAZ, NIOD, Tech City, Kensington & Chelsea and geographically defined parts of other existing and viable strategic and local office clusters (such as those in and around the CAZ, in town centres and other viable business locations - see Part D3 above) are not undermined by office to residential permitted development rights.
- g. Development proposals related to new or existing offices should take into account the need for a range of suitable workspace including lower cost and affordable workspace.
- h. The scope for the re-use of otherwise surplus large office spaces for smaller office units should be explored.
- i. The redevelopment, intensification and change of use of surplus office space to other uses including housing is supported, subject to the provisions of Parts G and H.

5.3 Local Plan Policy E2 relates to land use and premises used for employment. Policy E2 states:

The council will require the retention of land and premises capable of providing continued accommodation for employment or local services. Permission will only be granted for a change where:

1. continued use would adversely impact on residential areas; or
2. an alternative use would give a demonstrably greater benefit that could not be provided on another site; or
3. it can be evidenced that the property is no longer required for employment purposes.

Where the loss of employment use is proposed in line with sub para.3 above, the council will have regard to:

- the suitability of the site or premises for continued employment use with or without adaptation;
- evidence of unsuccessful marketing over a period of at least 12 months;
- the need to avoid adverse impact on established clusters of employment use; and
- the need to ensure a sufficient stock of premises and sites to meet local need for a range of types of employment uses, including small and medium sized enterprises, in

appropriate locations.

The mixed use enhancement of employment sites will be considered acceptable where these are underutilised, subject to the satisfactory retention or replacement of employment uses in the scheme where this continues to be appropriate.

- 5.4 The application site covers the 1st floor to 3rd floor levels. The application sites lawful use is offices, falling within Class Use E. As observed during officer's site visit, the offices are now vacant. One floor has been fitted out with carpet and other furnishing to show prospective tenants how the space could be used (3rd floor). Other floors are now entirely vacant and some are unfurnished with no floor coverings and require some minor repairs and decoration.
- 5.5 To support this application and specifically the change of use, a Planning Statement has been prepared as well as a Commercial Agency Marketing Report (by Frost Meadowcroft) and Commercial Agency Marketing Report (by Eddisons). The planning statement outlines the first and third floors have been vacant since March 2020 despite active marketing. The second floor is occupied by 'EF Medical' however they have indicated a desire to vacate the property.
- 5.6 EF Medical previously occupied the 2nd floor of 103 Hammersmith Road as observed during officer's site visit on the 14/06/23. The planning agent confirmed via email the 2nd floor tenant moved to a smaller office unit next door on 31st January 2024. This tenant downsized to the first floor of No.107 Hammersmith Road (taking approx. 60% of the floor area they previously occupied).
- 5.7 As noted in para 5.3, policy E2 permits a change of use resulting in the loss of office space whereby it "can be evidenced that the property is no longer required for employment purposes." Overall, the existing tenant would remain in operation and within the borough.
- 5.8 Two marketing reports have been provided in efforts to meet Policy E2 - criterion two 'evidence of unsuccessful marketing over a period of at least 12 months'.

Frost Meadowcroft - Marketing Report

- 5.9 This marketing report provides an insight into why the premises isn't letting, a summary of marketing, commentary on the local and wider office market, schedule of viewings and a schedule of comparable vacant alternative space. The report outlines vacant space has been marketed at 103 - 115 Hammersmith Road continuously for at least the last 5 years with limited success and the current space at 103 specifically has been marketed since March 2020. The site has been marketed online on a range of platforms. A total of 6 views have taken place since January 2022. The offices were discounted by prospective tenants due to a range of reasons including location, specification, quality and / or chose serviced offices.

Eddisons - Marketing History Report (April 2023)

- 5.10 This marketing report outlines officers have been provided on flexible terms e.g. (1 to 10 years) with rent reviews after 5 years or linked to RPI, capping of service charges, break clauses, rent free periods to fit out the offices. Two recent views were discounted as the prospective tenants decided to put their move on hold

whilst the other tenant would have required planning permission for a F1 class use.

5.11 Both marketing reports and supporting information have been assessed by Planning Policy (Land Use) senior officers. Officer's requested further information related to the current occupied office. To support claims the tenant wishes to leave the space, a surrender of lease occupied by EFM was provided. As outlined under para 5.7 this unit is now also empty as of the 31st January 2024. The previous tenant downsized to the first floor of No.107 Hammersmith Road. A further justification was provided on the 27th June 2023 in response to officer's concerns that much of the analysis regarding office use was desktop and the council's recently adopted Affordable Workspace SPD was brought to the applicant's attention.

5.12 During the application process, officers noted a healthy pipeline of development within the immediate area of the application site (Earls Court and Olympia) which demonstrates, to the contrary of marketing reports there is a demand for a range of office types in the borough. The supply of smaller offices is still compromised by losses due permitted development. Officer's note this application is peculiar in that it would not have permitted development rights as the site is Grade II listed.

5.13 Officer's requested further information to better understand the flexibility in leases provided as flexibility can be as important as cost to SMEs/start ups and would be an indication of marketing on attractive/reasonable terms for the typology of occupiers for this type of space. A further justification was provided on the 19th of July 2023 which was reviewed by officers. Officer's are mindful this area could be considered as a rather peripheral location, particularly given Olympia will be closed for some years due to redevelopment efforts. The fitted out office is of a high standard and so the space may not be as attractive to smaller businesses and may wish to be located nearby other small business in more central areas.

5.14 An additional follow up justification was provided on the 19th of July 2023 which addressed officer's concerns relating to flexibility as well as further evidence of marketing efforts in the form of a barouche and online listing. Clarification was provided that rent is paid to the landlord (monthly or quarterly - guide rent of £39.50 sq. ft), service charges are £9.50 per sq. ft, contributions towards building insurance 55p per sq. ft. Finally, business rates are payable to the council. Information was also provided from CoStar, showing London's office vacancy - Hammersmith features in the top 5 high vacancy rates, at a vacant rate of 14.2% which compares to 4.1% for Westminster and 2.7% for Paddington.

5.15 Section 2 of the NPPF (2023) seeks to achieve sustainable development. Paragraph 8 notes to achieve sustainable development this includes

a) an economic objective "to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure".

along with a social objective which seeks to

b) "support strong, vibrant and healthy communities, by ensuring that a sufficient

number and range of homes can be provided to meet the needs of present and future generations".

Housing supply:

- 5.16 The provision of housing is a significant issue, with paragraph 60 of the National Planning Policy Framework (NPPF 2023) outlining that local planning authorities should seek to significantly boost the supply of housing. This need for housing is recognised within Policy H1 of the London Plan (2021), with Table 4.1 of this Policy outlining that a minimum of 1,609 new residential dwellings should be provided per year within the Borough of Hammersmith and Fulham up to 2031. Policy HO1 of the Local Plan (2018) specifies that the Borough of Hammersmith and Fulham will continue to seek at least 1,031 additional dwellings a year in the period up to 2035.
- 5.17 The proposal would result in the net-gain of six residential units. Officers consider that this would be consistent with the aims of the NPPF (2023), Policy H1, Table 4.1 of the London Plan (2021) and Policy HO1 of the Local Plan (2018).
- 5.18 In light of the above assessment and further information provided during the application process and given the application site has been vacant for sometime, officer's judge on balance, the principle of land use, in this particular case is judged to accord with the NPPF (2023) and Hammersmith and Fulham Local Plan Policies E1 and E2. Robust marketing evidence has been put forward as per E2 and the proposal would provide an uplift of 6 residential units, helping the council meet it's own housing targets.
- 5.20 Additionally, the proposal is judged to comply with London Plan Policy E1 criterion E in that renewal and re-provision of office space where viable and releasing surplus office capacity to other uses is supported. The council has explored criterion G of the London Plan (Development proposals related to new or existing offices should take into account the need for a range of suitable workspace including lower cost and affordable workspace) and the proposal accords with criterion I of this same policy in that there is scope to support a change of use of surplus office space.
- 5.21 An assessment of the quality and standard of accommodation produced as result of the change of use, will be assessed later in this report.

6.0 DESIGN / HERITAGE / IMPACT ON GRADE II BUILDING AND DORCAS ESTATE CONSERVATION AREA

- 6.1 This report covers full planning applications ref: 2023/01033/FUL as well as associated listed building consent application ref: 2023/01034/LBC. Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 make it a statutory duty for Local Planning Authorities to have special regard to the desirability of preserving listed buildings or their settings. Section 72 of the Act requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

- 6.2 Government guidance on how to carry out this duty is found in the National Planning Policy Framework (NPPF). At the heart of the framework is a presumption in favour of 'sustainable development' where protecting and enhancing the built and historic environment forms part of one of the three overarching interdependent objectives (economic, social and environmental). Section 16 of the NPPF sets out how the historic environment should be conserved and enhanced, and makes it clear at paragraph 190 that local authorities, which considering proposals that affect a heritage asset, should seek to avoid or minimise any conflict between the conservation of the heritage asset and any aspect of the proposal. Paragraph 205 states that when considering the impact of a proposed development on a heritage asset (which includes its setting), local planning authorities should give 'great weight' to preserving the asset's significance. Any harm or loss should require clear and convincing justification.
- 6.3 Where harm is caused to a heritage asset, the NPPF requires decision makers to determine whether the harm is substantial, or less than substantial. If the harm is deemed to be less than substantial, paragraph 207 of the NPPF requires that harm to be weighed against the public benefits of the proposals.
- 6.4 Policy HC1 of the London Plan (2021) section C states 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.
- 6.5 Local Plan Policy DC4 Alterations and Extensions states that The council will require a high standard of design in all alterations and extensions to existing buildings. These should be:
- compatible with the scale and character of existing development, neighbouring properties and their setting;
 - successfully integrated into the architectural design of the existing building; and
 - subservient and should never dominate the parent building in bulk, scale, materials or design.

In considering applications for alterations and extensions the council will take into account the following:

- a. scale, form, height and mass;
- b. proportion;
- c. vertical and horizontal emphasis;
- d. relationship of solid to void;
- e. materials;
- f. impact on skyline silhouette (for roof top additions);
- g. relationship to existing building, spaces between buildings and gardens;
- h. good neighbourliness in particular the amenities of the neighbouring properties, and other properties most directly affected by the proposal; and
- i. the principles of accessible and inclusive design.

- 6.6 Local Plan Policy DC8 Heritage and Conservation states that the council will conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets and 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;
- e. particular regard will be given to matters of scale, height, massing, alignment, materials and 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 the NPPF.

6.7 Key principle AH2 Protection of Heritage Assets of the Hammersmith & Fulham Planning Guidance Supplementary Planning Document (SPD) (2018) states There will be a presumption in favour of the conservation of heritage assets and the more significant the heritage asset, the greater the presumption in favour of its conservation will be. The council will seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal (including by development affecting the setting of a heritage asset) taking account of:

- (i) evidence provided with the application
- (ii) any designation records
- (iii) the historic environment record and similar sources of information
- (iv) the heritage assets themselves
- (v) the outcome of the usual consultations with interested parties; and
- (vi) where appropriate and when the need to understand the significance of the heritage asset demands it, expert advice (from in-house experts, experts available through agreement with other authorities, or consultants, and complemented as appropriate by advice from heritage amenity societies).

Where the loss of the whole or a material part of a heritage asset's significance is justified, the council will require the developer to record and advance understanding of the significance of the heritage asset before it is lost, using planning conditions or obligations as appropriate.

6.8 Key principle CAG3 New Development in Conservation Areas states New buildings, extensions and alterations should be sympathetic to the architectural character of the built context and should not have a harmful impact on the character and appearance of the conservation area. Characteristics such as building heights, building lines, roof forms, rear and side additions, front gardens and boundary treatment, lightwells, materials, windows and building features as well as disabled access measures should be considered in this context.

- 6.9 Although listed, the building has only retained the façade at the front elevation with the rest of the building having been altered and extended to the rear. The original floor plan is not legible at all, with the floors predominantly in an open plan layout to accommodate existing office space. The existing front elevation will not be altered.
- 6.10 The proposal intends to redevelop the site to create 6 new residential dwellings on the 1st to 3rd floors. The size of the dwellings exceeds the minimum internal space standards as set out in the London Plan. The basement, which is being used as a gym, will be left unchanged.
- 6.11 There is a car park located to the rear of the property. A new bin store is to be constructed in an existing car park space and placed next to an existing brick outbuilding, with cycle parking to accommodate bicycles being introduced as well.
- 6.12 The erection of a bin store will allow for the management of waste at the new residential properties. The bin store is to be constructed of timber to match the existing open timber store to the other side of the existing enclosed brick store. The use of timber is acceptable as a sympathetic and complementary material to the match similar external structures, the host building and its setting.
- 6.13 An existing frame is to be removed and New Automatic Opening Vents (AOVs) are to be installed at the rear to provide smoke clearance to the basement level. The exact position and size will be subject to requirements stated from a fire engineer. The public visibility of the existing glazing and proposed vents is extremely limited and would not have a negative impact. Details regarding the new AOVs will be required and secured by a pre-commencement condition.
- 6.14 There will be limited change to the interior at ground floor level, with no changes to the ground floor retail unit. An interior cycle store will be incorporated to the rear of the ground floor. The main stairwell will be maintained throughout, continuing to allow access throughout the building. The adjacent lift and riser will also be maintained.
- 6.15 Existing secondary glazing is to be replaced on the front elevation at 2nd floor to meet the preliminary minimum sound reduction specifications as noted in a submitted noise report. New secondary glazing is to be installed at the rear and side on the 1st, 2nd, and 3rd floors and at the front elevation on 3rd floor. Secondary glazing will allow for original windows at the front elevation to be retained whilst significantly reducing heat loss and noise pollution. The secondary glazing will be surface fixed, resulting in little harm to the historic fabric.
- 6.16 The retention of the existing windows, especially on the historic front elevation, will preserve the character and significance of the listed building and the conservation area.
- 6.17 In conclusion the proposal is acceptable with the terrace's conversion back into residential dwellings being consistent with its original purpose. This proposal will not harm the building's historic fabric at all. The significance and character of the listed building and wider conservation area will be preserved. The rest of the structure, including the internal fabric and layout is modern with alterations and

interventions to accommodate proposed flats resulting in no harm.

6.18 It is considered that for the above reasons, the proposal would serve to preserve the significance of the listed building and the setting of adjacent listed buildings and the character and appearance of the wider conservation area, in accordance with s.16 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF (2023), the London Plan (2021), Policies DC4 and DC8 of the Local Plan (2018) and Key Principles AH2 and CAG3 of the Planning Guidance SPD (2018).

6.19 Conditions will secure the following information:

- a.) Full details of the Automatic Opening Vents, including manufacturers specifications, and report from a fire specialist;
- b.) Details of the secondary glazing, including a report and method statement for their installation and how existing historic fabric will be impacted;
- c.) Details, including material samples, for the proposed bin store

7.0 IMPACT ON NEIGHBOURING AMENITY, INCLUDING COMMERCIAL UNITS AT LOWER LEVELS.

7.1 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.

7.2 Policies CC11 and CC13 of the Local Plan (2018) specify that all proposed development will be required to demonstrate that there will be no undue detriment to the general amenities enjoyed by existing surrounding occupiers as a result of nuisances (including noise).

7.3 Key Principle NN4 of the Planning Guidance SPD (2018) outlines that proposals which have the potential for people to generate noise will be subject to requirements to minimise noise to relevant criteria, where applicable, to protect residential and other noise sensitive amenity.

7.4 To the south of the application site is the flank elevation of no 1 Southcombe Street, whilst to the east is the flank elevation of 97 Hammersmith Road. To the north is commercial offices located on the opposite side of Hammersmith Road.

+ Outlook, light, privacy and a sense of enclosure

7.5 Given external works are limited to changes along the front, vent grill to the rear and the bin/bike store in the rear service road, no concerns are raised with regards to light, outlook, privacy or sense of enclosure. The structure to house cycle and waste is limited in size. The boundary wall with no 1 Southcombe Road is high and as such the structures placement would not harm amenity as shown on drawing PL.018. Additionally, officer's site visit confirmed the flank elevation is windowless.

7.6 The flank elevation of 97 Hammersmith Road contains two windows at first and second floor level. Council tax records show no 97 contains a residential use and commercial uses. Given windows are existing as are windows on the flank elevation of the application site, the proposed change of use would not exacerbate overlooking currently experienced on site. Had the officer's been successfully leased out, an occupied office would offer similar overlooking from windows. As such, officer's do not deem it necessary to obscure glaze these windows. Occupancy levels of an office when compared to a residential house would be lower and simply measures such as blinds or curtains would prevent harmful overlooking in the hours of darkness.

+ Noise

7.7 To support this application an Environmental Noise Survey and Noise Impact Assessment Report has been provided. This was reviewed by council's noise team who raised no concerns. A condition will secure a further noise report as well as details of sound insulation between the walls separating the commercial of the premises from dwellings. Concerns to this were raised by the commercial unit in the basement as an objection. Under permission ref: 2018/01541/FUL which granted the gym in the basement, condition 4 was discharged under ref: 2018/03887/DET for details of sound insulation. Given the new residential units are at upper levels, no noise transfer concerns are raised. Subject to this condition, no objections are raised and should ensure the future units are suitably insulated from noise and disturbances whilst ensuring the commercial unit can operate without impact.

7.8 No objection is therefore raised with regard to Policies CC11 and CC13 of the Local Plan (2018) and Key Principle NN4 of the Planning Guidance SPD (2018).

8.0 STANDARD OF ACCOMODATION OF NEW RESIDENTIAL UNITS

8.1 The current application proposes the change of use of the existing vacant offices into six self-contained residential dwellings. Accordingly, Policy D6 of the London Plan (2021) would be an applicable consideration.

+ Unit and individual room size

8.2 As depicted on the proposed floor plan [PL.011] the following unit mix is proposed:

First floor

Flat 1 - 3B5P

Flat 2 - 2B4P

Second floor

Flat 3 - 3B5P

Flat 4 - 2B4P

Third floor

Flat 5 - 2B3P

Flat 6 - 2B3P

8.3 As depicted in the Design And Access statement, the following unit sizes are:

First floor

Flat 1 - 95sq/m

Flat 2 - 77sq/m

Second floor

Flat 3 - 98sq/m

Flat 4 - 77sq/m

Third floor

Flat 5 - 72sq/m

Flat 6 - 67sq/m

8.4 All units would exceed the minimum nationally described space standard. As such, the proposal accords with Policy D6 of the London Plan (2021).

8.5 With regard to individual room sizes, Policy D6 of the London Plan (2021) specifies the following requirements:

- 1) Dwellings must provide at least the gross internal floor area and built-in storage area set out in Table 3.1.
- 2) A dwelling with two or more bedspaces must have at least one double (or twin) bedroom that is at least 2.75m wide. Every other additional double (or twin) bedroom must be at least 2.55m wide.
- 3) A one bedspace single bedroom must have a floor area of at least 7.5 sq.m. and be at least 2.15m wide.
- 4) A two bedspace double (or twin) bedroom must have a floor area of at least 11.5 sq.m..
- 5) Any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage (If the area under the stairs is to be used for storage, assume a general floor area of 1 sq.m. within the Gross Internal Area).
- 6) Any other area that is used solely for storage and has a headroom of 0.9- 1.5m (such as under eaves) can only be counted up to 50 per cent of its floor area, and any area lower than 0.9m is not counted at all.
- 7) A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements, but should not reduce the effective width of the room below the minimum widths set out above. Any built-in area in excess of 0.72 sq.m. in a double bedroom and 0.36 sq.m. in a single bedroom counts towards the built-in storage requirement.
- 8) The minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling.

8.6 Annotations on the proposed floor plan specify the following individual room sizes:

First floor

Flat 1

Bedroom 1 - 19.6sq/m

Bedroom 2 - 11.5sq/m

Bedroom 3 - 9sq/m

KLD - 35 sq/m
Built in storage - provided

Flat 2
Bedroom 1 - 17.8sq/m
Bedroom 2 - 11.8sq/m
KLD - 29sq/m
Built in storage - provided

Second floor
Flat 3
Bedroom 1 - 20sq/m
Bedroom 2 - 11.8sq/m
Bedroom 3 - 9.4sq/m
KLC - 36sq/m
Built in storage - provided

Flat 4
Bedroom 1 - 17.85sq/m
Bedroom 2 - 11.85sq/m
KLC - 29sq/m
Built in storage - provided

Third floor
Flat 5
Bedroom 1 - 19.6sq/m
Bedroom 2 - 11.5sq/m
Bedroom 3 - 9sq/m
KLC - 35.7sq/m
Built in storage - provided

Flat 6
Bedroom 1 - 17.87sq/m
Bedroom 2 - 11.87sq/m
KLC - 29sq/m
Built in storage - provided

8.7 As outlined above, all six proposed residential units would comply with the minimum GIA requirements in terms of unit size and individual room size, as specified by Policy D6 of the London Plan (2021).

+ Finished floor to ceiling height

8.8 Policy D6 of the London Plan (2021) specifies that the minimum finished floor to ceiling height must be 2.5m for at least 75% of the GIA of each proposed dwelling. The Nationally Described Space Standards (NDSS, 2015) outlines that the minimum finished floor to ceiling height must be 2.3m for at least 75% of the GIA of each proposed dwelling.

8.9 The applicant has submitted existing and proposed section drawings (drawing No PL.017) as part of the current planning application. The section drawings demonstrate that a finished floor to ceiling height of 2.5m for at least 75% of the

GIA of each proposed dwelling would be provided. Accordingly, officers raise no objection with regard to Policy D6 of the London Plan (2021).

+ Outlook and light

- 8.10 Policy HO11 of the Local Plan (2018) specifies 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 that meets the needs of future occupants. Outlook and light will be important considerations in relation to this.
- 8.11 An Internal Daylight Assessment (dated May March 2023) prepared by Daylight Sunlight Consulting Ltd has been submitted as part of this application. This outlines how consideration has been given to the latest 2022 BRE Guidance contained within the 'Site Layout Planning for Daylight and Sunlight, a guide to good practice, 3rd edition'.
- 8.12 Using the illuminance factor test to assess the levels of internal lighting, the submitted internal daylight assessment demonstrates that all 20 (100%) of the 20 rooms tested achieve the target lux levels to 50% of the room's assessment area.
- 8.13 Some non-compliance is noted regarding northern facing windows fronting Hammersmith Road. Officers would note these rooms are bedrooms only, which are primarily used for sleeping and as a result require less light. Main living spaces are dual aspect and this is likely where future residents would spend the majority of time awake. On balance, this would not solely warrant or sustain a refusal reason. Officer's note the GIA of each unit exceeds minimum standards and main living space would receive good levels of light.

+ Noise

- 8.14 Paragraph 10.8 of the Planning Guidance SPD (2018) specifies that poor design and layout of rooms often lead to neighbour noise complaints, and accordingly Key Principle NN3 of the Planning Guidance SPD (2018) expects all parts of adjoining dwellings to enhance the sound insulation, including where the adjoining room is of a similar use. Furthermore, this Key Principle goes on to state that where a residential dwelling would adjoin a commercial premise, substantially enhanced sound insulation would be expected.
- 8.15 The units have been designed in such a way to ensure uniform stacking with main living spaces located to the eastern / side perimeters. As noted under section 7.7 a condition will also secure sound insulation details between residential units and the commercial unit at ground floor level. The applicant has agreed to the imposition of these pre-commencement conditions in writing, and subsequently officers consider that this would be sufficient to prevent future occupants from being exposed to harmful levels of noise and disturbance.

+ Amenity Space

- 8.16 Policy D6 of the London Plan (2021) outlines that where there are no higher local standards in the Borough Development Plan Documents, 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. Key Principle HS1 of the

Planning Guidance SPD (2018) outlines that typically all new dwellings should have access to an area of amenity space that is appropriate to the type of housing being provided.

8.17 Within the constraints of this conversion application and listed building, no amenity space has been provided. The application submission notes any alterations to the front would cause heritage concerns (along with quality of usability, given Hammersmith Road is busy with traffic). Likewise, balconies to the rear would raise potential overlooking / privacy concerns towards existing residents to the south of the application site. Nearby Brook Green is 0.3 miles / 8 minute walk. On balance, given the room layouts, and generous internal space standards the lack of private amenity space in this instance is considered to be acceptable within the context of a listed building within a conservation area. Accordingly, no objection is raised with regard to Policy D6 of the London Plan (2021) or Key Principle HS1 of the Planning Guidance SPD (2018).

9.0 HIGHWAYS

9.1 Policy T1 of the Local Plan (2018) seeks to encourage the provision and use of public transport and bicycles, to improve congestion and air quality within the Borough. Policy T5 of the London Plan (2021) specifies that cycle parking should be fit for purpose, secure and well-located, with the following standards for residential accommodation:

- 1 space per studio unit or 1-person, 1-bedroom dwelling
- 1.5 spaces per 2-person, 1-bedroom dwelling
- 2 spaces per all other dwellings

9.2 Policy T4 of the Local Plan (2018) specifies that car parking permit free measures will be required on all new development unless evidence is provided to show that there is a significant lack of public transport available.

9.3 The public transport accessibility level is 6a indicated excellent levels of access to public transport. Therefore, to avoid exacerbating existing levels of parking stress and congestion, officers consider that car parking permit restrictions for occupants of all six residential units proposed would be required. This will be controlled by a legal agreement to prevent future occupants from applying for on-street car parking permits. An existing car parking space located to the rear of the building will be removed to provide a waste store and space for visitor cycle parking.

9.4 Policy T5, Table 10.2 of the London Plan (2021) outlines residential cycle parking requirements. The Transport Statement (June 2023) prepared by Caneparo Associates which was provided at the request of officers confirms in para 3.8 Cycle parking will be provided within a secure cycle store located at ground floor for long-stay cycle parking and complemented by visitor cycle parking within the courtyard to the rear of the building. A total of 12 long stay cycle parking will be provided in the form of Sheffield stands and will be secure. Officers consider that this would be sufficient to meet the requirements of Policy T5 of the London Plan (2021).

9.5 Policy CC7 of the Local Plan (2018) specifies that all developments should aim to

minimise waste and should provide convenient refuse and recycling storage. In terms of servicing and waste collection proposed waste storage facilities are located within the rear car park accessed from the rear entrance to 99-103 Hammersmith Road. A Refuse and Recycling Service Plan was provided which confirms in para 1.7 'Storage facilities have been calculated based on BS5906:2005.'

- 9.6 The transport statement concludes there will be no significant impact on traffic in the area. whilst officer's note the Active Travel Zone statement is not fully in line with TfL's guidance, given the proposal is for 6 units the assessment is judged to be acceptable by highways officers.
- 9.7 This site is located along a busy local road of importance to the borough (on the approach to Hammersmith town centre and towards central London / RBKC). The refuse and recycling report confirms Construction work to convert the property will require small vans bringing materials. Construction access will be via Southcombe Street and the private road to the rear. As works are predominately internal, in line with Local Plan Policy T7 (construction and demolition logistics), this is judged to be acceptable, and officers judge it would not unduly impact the nearby highway during the construction phase.

10.0 ENVIRONMENTAL MATTERS

+Land Contamination

- 10.1 Local Plan Policy CC9 relates to Contaminated Land and seeks to ensure when development is proposed, suitable assessment should be undertaken. As only limited development will take place, the council's Land Contamination officer has requested an informative only which requests the applicant to contact the Council should any unexpected staining or malodours be encountered during the redevelopment.

+ Air Quality

- 10.2 Local Plan Policy CC10 seeks to reduce the potential adverse air quality impacts of new development. The site is located to a busy road and will introduce new residential units. The entire borough is within an air quality management area. As such, conditions have been recommended which will ensure the new units are gas connection free and only heated zero emission methods (electric boilers or ASHPs). An additional condition will secure more information related to ventilation. Subject to these conditions, no objections are raised with regards to Air Quality.

+ Fire Safety

- 10.3 Policy D12 of the London Plan states that applications should be accompanied by fire safety information. During the application process fire safety information was provided.
- 10.4 This information confirms an initial review has been carried out by an Approved Inspector and informed the design. This has included vented lobby between the cycle store and corridor, confirmation the lobby/reception will not contain any

combustible materials. Furthermore, officer's note a condition will secure Full details of the Automatic Opening Vents (requiring listed building consent) and this will include manufacturers specifications, and report from a fire specialist.

10.5 This statement is judged to be acceptable. Fire safety will also further be considered under the building regulations.

+ Secure by Design

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

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

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

+ Accessibility

10.9 Local Plan Policy DC1 requires all development to be of a high quality and should have an approach to accessible and inclusive urban design.

10.10 The proposal outlines all units would be M4(2) 'accessible and adaptable dwellings'. As such, no accessibility concerns are raised. Officer's observed a lift in the reception/lobby during their site visit. Whilst level access is not possible to the front, this is possible to the rear via the service road (Southcombe Street) with onwards level access to the lift.

+ Flooding

10.11 The site is located within Zone 1 and near the boundary with Zone 2. Given works are internal / land use only, a flood risk assessment has not been provided or deemed necessary. Thames Water raised no objections, however, have requested two informative, which have been added.

PLANNING OBLIGATIONS / COMMUNITY INFRASTRUCTURE LEVY (CIL)

+ Mayoral and Local CIL

11.1 The Mayor's CIL (Community Infrastructure Levy) came into effect in April 2012 and new fee rates came into effect in April 2019. 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. As the development does not involve any increase in floorspace, it is not eligible for Mayoral CIL.

This development is liable for an estimated Mayoral CIL of approximately £72,430 (plus indexation).

11.2 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. as above the development is not liable to local CIL as the development does not involve any new floorspace.

+ S106 Heads of Terms

- 11.3 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'.
- 11.4 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."
- 11.5 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).
- 11.6 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.
- 11.7 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.
- 11.8 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) Car Permit Free - To prohibit any occupiers of the 6 residential units, other than Blue Badge Holders, from obtaining a parking permit, under Section 16 of the Greater London Council (General Powers) Act 1974.
 - 2) Contribution of £120,000 towards environmental improvements in the vicinity of the site.

12.0 CONCLUSION

- 12.1 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.
- 12.2 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.
- 12.3 In summary, the redevelopment of this land in this location is acceptable in land use terms. The proposed development would contribute towards the quantity of the borough's housing stock, and 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 Conservation Area. 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 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).
- 12.4 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.
- 12.5 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.

13.0 RECOMMENDATION

- 13.1 The application is therefore recommended for approval, subject to the two recommendations above.

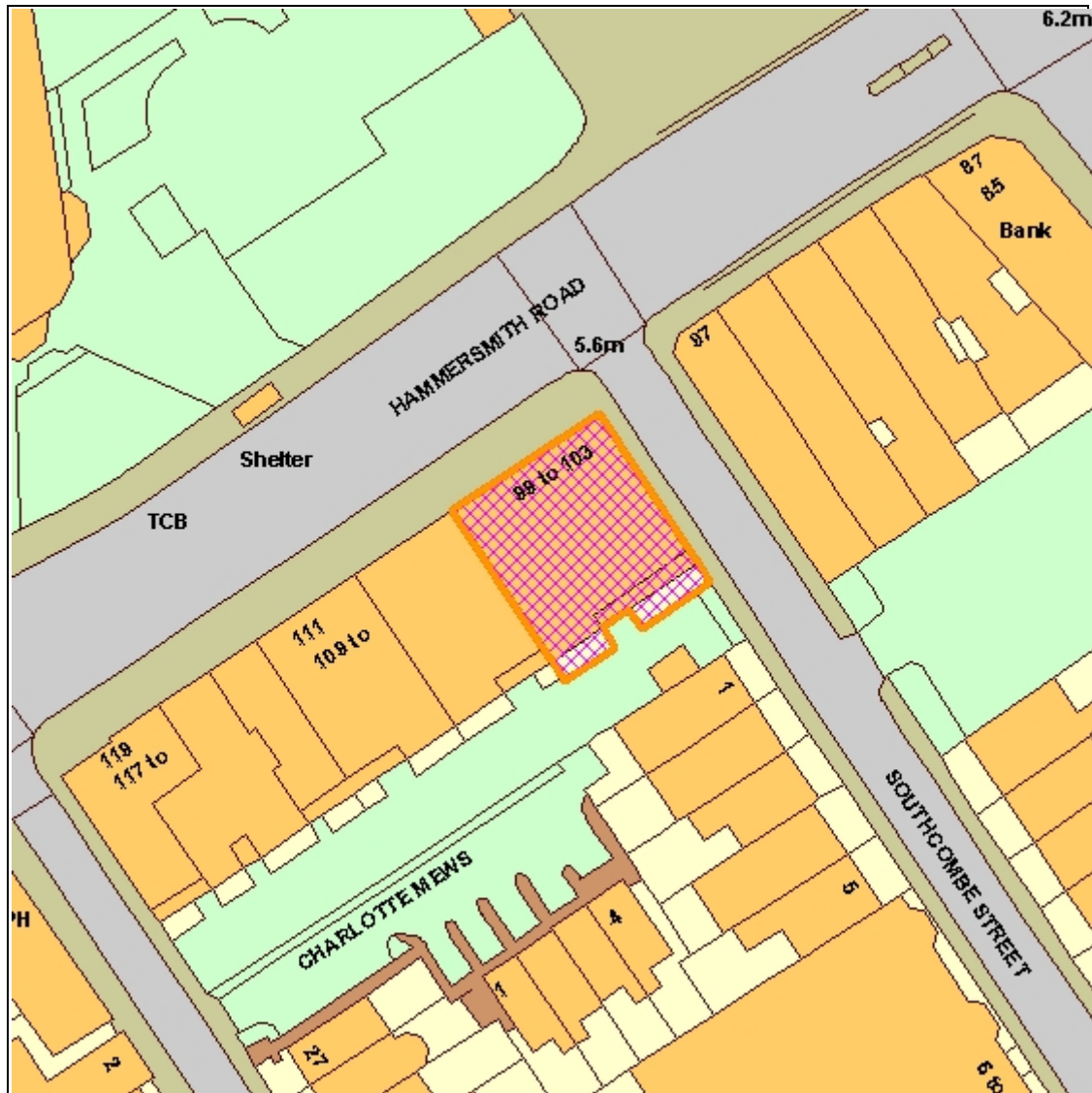
14.0 CONCLUSION

- 14.1 Grant permission subject to conditions and a satisfactory legal agreement.

Ward: Avonmore

Site Address:

Roberts House 99 - 103 Hammersmith Road London W14 0QH



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For identification purposes only - do not scale.

Reg. No:
2023/01034/LBC

Case Officer:
Richard Kealey

Date Valid:
25.04.2023

Conservation Area:
Constraint Name: Dorcas Estate Conservation
Area - Number 18

Committee Date:
04.06.2024

Applicant:

Picton UK REIT SPV No.2 Limited
Stanford Building 27A Floral Street London WC2E 9EZ

Description:

Change of use of the first, second and third floor levels from offices (Class E) into 4 x 2 bedroom and 2 x 3 bedroom self-contained flats (Class C3); removal of existing frame and installation of ventilation grille at ground floor level to south eastern elevation; erection of a bin store at the side of the enclosed brick storage to rear courtyard; internal alterations to include installation of secondary glazing to windows at first, second and third floor levels to north eastern and south eastern elevations; installation of secondary glazing to windows at third floor level and replacement of existing secondary glazing with new secondary glazing to windows at second floor level to north western elevation; creation of partition walls in connection with the formation of new habitable rooms, bathrooms and kitchens for the new residential units; creation of cycle storage at ground floor level and new aovs at basement level (Amended site address).
Drg Nos: See Condition 2.

Application Type:

Listed Building Consent

Officer Recommendation:

(1) That the Committee resolve, that the Director of Planning and Property be authorised to grant listed building consent subject to the conditions listed below.

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

Conditions:

- 1) The works hereby permitted shall not commence later than the expiration of 3 years beginning with the date on which this consent is granted.

Condition required to be imposed by Section 18(1) (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by section 91 of the Planning and Compensation Act 2004).

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

PL.010, PL.011, PL.015, PL.016, PL.017, PL.018.

Approved documents:

Handforth Heritage Noted dated March 2023.

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

- 3) The development hereby approved shall be carried out and completed in accordance with the materials (including colour and finish) specified on the drawings hereby approved. The development shall be permanently retained in accordance with the approved details. Any works of making good to existing elevations shall be carried out in materials to match the elevation to which the works relate.

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

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

- 1) Full details of the Automatic Opening Vents, including manufacturers specifications, and report from a fire specialist;
- 2) Details of the secondary glazing, including 1:5 details, (including plan, elevation and section), a report and method statement for their installation and how existing historic fabric will be impacted;
- 3) Details, including material samples, for the proposed bin store

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 external appearance and to preserve the special architectural or historic interest of the building, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 5) All new works, and works of making good to the retained fabric, whether internal or external, shall be finished to match the original work with regard to the methods used and to material, colour, texture and profile, and in the case of brickwork, facebond and pointing, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

In order to safeguard the special architectural or historic interest of the building, in accordance with Policies DC1, DC4, DC6 and DC8 of the Local Plan (2018) and Key Principles of the Planning Guidance Supplementary Planning Document (2018).

Justification for Approving the Application:

- 1) It is considered that works would serve to preserve the significance of the listed building and the setting of adjacent listed buildings and the character and appearance of the wider conservation area, in accordance with s.16, 66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF (2023), the London Plan (2021), Policies DC4 and DC8 of the Local Plan (2018) and Key Principles AH2 and CAG3 of the Planning Guidance SPD (2018).

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

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

Application form received: 24th April 2023
Drawing Nos: see above

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

Consultation Comments:

Comments from:	Dated:
Historic England London Region	02.05.23
Crime Prevention Design Advisor - Hammersmith	12.05.23

Neighbour Comments:

Letters from:	Dated:
F45 Kensington Olympia Lower Ground Floor, 103 Hammersmith Road London W14 0QH	15.05.23

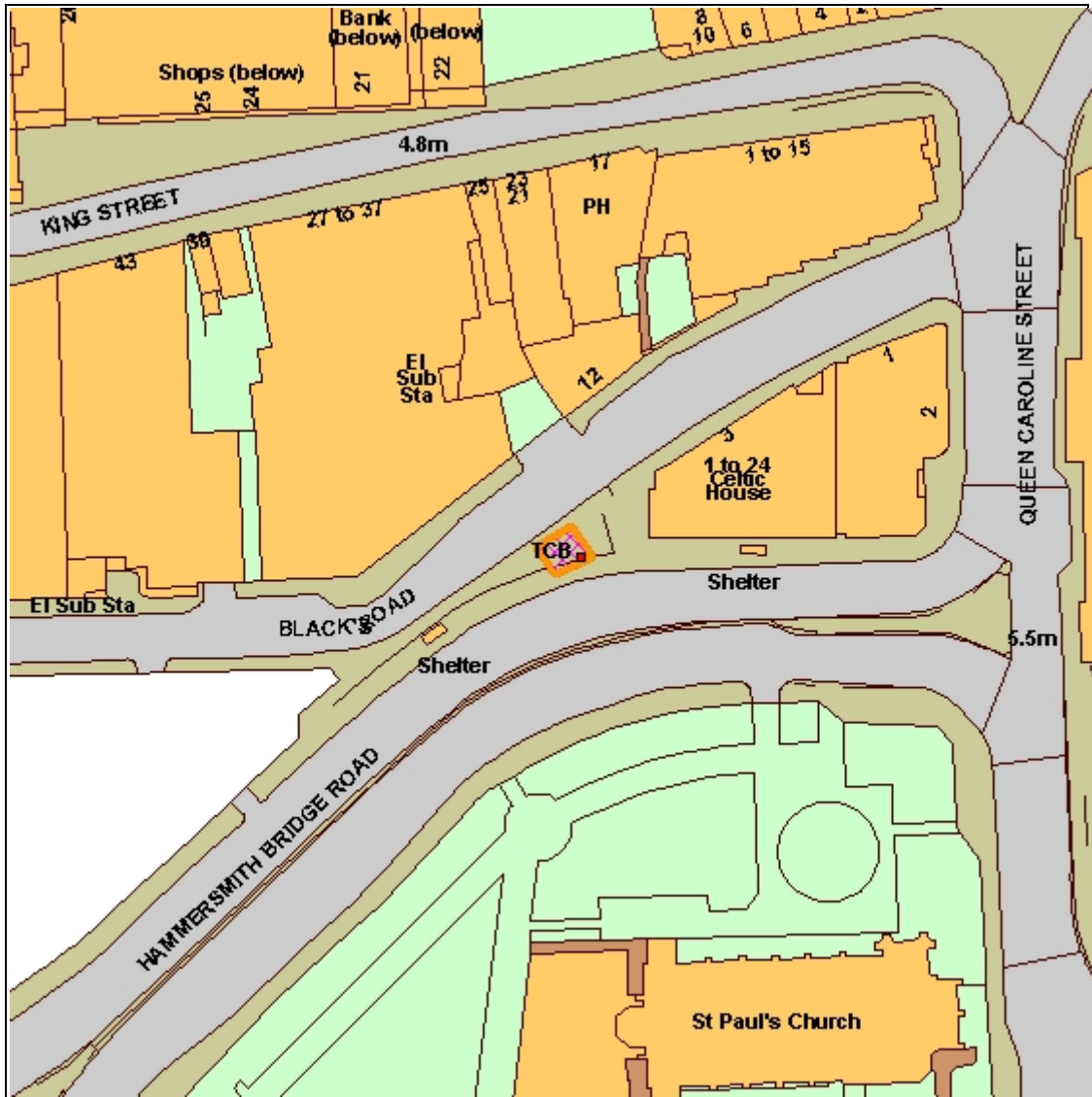
See full report under application ref 2023/01033/FUL which covers listed building consent.

Agenda Item 6

Ward: Hammersmith Broadway

Site Address:

Advertisement Hoarding Adjacent To 3 Black's Road London



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Reg. No:
2023/02419/ADV

Case Officer:
Anisa Aboud

Date Valid:
02.10.2023

Conservation Area:
Constraint Name: Hammersmith Broadway
Conservation Area - Number 22

Committee Date:
04.06.2024

Applicant:

London Lites Ltd
3 Bloomsbury Place London WC1A 2QA

Description:

Display of a free standing internally illuminated digital LED screen measuring 5m (height) x 3m (width) x 0.26m (depth) facing Hammersmith Bridge Road, positioned at a height of 3m above ground level.

Drg Nos: See Condition 2.

Application Type:

Display of Advertisements

Officer Recommendation:

(1) That the Committee resolve, that the Director of Planning and Property be authorised to grant advertisement consent subject to the conditions listed below.

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

Conditions:

- 1) The period of this consent shall expire 5 years from the date of this notice.

Condition required to be imposed by the Town and Country Planning (Control of Advertisements) Regulations 1992.

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

- LL008_REV_A, LL009_REV_A, LL010_REV_A,
- LL007_REV_B, LL005_REV_B, LL003_REV_B, Highway Safety Report dated 16 October 2023 rev 02 prepared by SLR (trading as Vectos (North) Limited).

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

- 3) The advertisement display hereby approved shall be displayed 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'.

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).

- 4) The advertisements shall comply with the recommendations of the Institution of Lighting Professionals in the 'Professional Lighting Guide No 5, 2014 - Brightness of Illuminated Advertisements'.

To ensure that the proposals would not have an unacceptable impact upon road safety and is in accordance with Local Plan (2018) Policies T1, T6 and DC9 and Key Principle TR28 of the Planning Guidance Supplementary Planning Document (2018).

- 5) The advertisements hereby approved shall not display sequential advertisements that change more frequently than every 10 seconds and the change between advertisements will take place over a period no greater than one second.

To ensure that the amenity of occupiers of surrounding premises is not adversely affected by artificial lighting, and in the interest of highway safety and visual amenity and to preserve the character and appearance of the Conservation Area, in accordance with Policies DC8, DC9, CC12 and CC13 of the Local Plan (2018).

- 6) Any illumination shall not be intermittent and there shall be no changing light patterns.

An intermittent illumination would be unacceptable in the interests of public safety as it is likely to distract the attention of drivers of vehicles, in accordance with Policy DC9 of the Local Plan (2018).

- 7) Details (including physical samples and colours) of external metal cladding materials to the advertisement structure shall be submitted to and approved in writing by the Council prior to the display of the advertisement hereby approved. The development must be completed in accordance with the details as approved and it shall be permanently retained thereafter.

To ensure a satisfactory external appearance and to preserve the character and appearance of the Conservation Area in accordance with Policies DC8 and DC9 of the Local Plan (2018).

- 8) Details of tree protection measures and details of any required pruning works to the adjacent street tree (as shown on drawing LL003_REV_B) shall be submitted to and approved in writing by the Council prior to the installation of the advertisement hereby approved. The installation of the advertisement structure shall be carried in accordance with such details as have been approved.

To ensure a satisfactory external appearance and to preserve the character and appearance of the Conservation Area in accordance with Policies DC8, DC9 and OS5 of the Local Plan (2018).

Justification for Approving the Application:

- 1) The design, size, siting and method of illumination of the proposed advertisement is considered to be acceptable in visual amenity terms and would not have a detrimental effect on the residential amenities of the occupiers of neighbouring properties, or on highway safety. It is considered that the LED advertising panel would not harm the character or appearance of the Hammersmith Broadway Conservation Area or the settings of adjacent designated and non designated heritage assets. It is considered that the Highway Safety Report provides a robust assessment of the proposal. The proposed advertisement would therefore accord with Policies CC11, CC12, CC13, DC8, DC9, T1 and T6 of the Local Plan (2018) and Key Principles AH1, AH2, BD1, BD7, SD6 and TR28 of the of the Planning Guidance Supplementary Planning Document (2018).

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

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

Application form received: 18th September 2023
Drawing Nos: see above

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

Consultation Comments:

Comments from:
Transport For London - Land Use Planning Team

Dated:
01.12.23

Neighbour Comments:

Letters from:

Transport for London Spatial Planning 5 Endeavour Square
LONDON E20 1JN

Dated:

10.10.23

1.0 BACKGROUND

- 1.1 The application relates to part of the pavement on Black's Road in the Hammersmith Broadway Conservation Area. The site is located opposite the Grade II* listed St Paul's Church. The site is located within the setting of Bradmore House on the Centrewest site at the centre of Hammersmith gyratory, a Grade II listed building completely rebuilt behind a restored façade.
- 1.2 The site is located within the designated Hammersmith Town Centre boundary and the character of the area is mixed including offices, retail, residential and community uses. The site is located adjacent to a busy dual carriageway leading from the A4 Great West Road into the town centre and the context includes large commercial buildings.
- 1.3 The site was previously occupied by a 48 sheet landscape digital advert screen approved under 2008/00912/ADV. The screen was removed by the previous tenant in October 2021 and the site is currently vacant .
- 1.4 The site is also located within the Hammersmith Regeneration Area. Hammersmith Bridge Road is classified as a London Distributor Road.
- 1.5 The current application is for:
 - The display of a free standing internally illuminated digital LED screen measuring 5m (height) x 3m (width) x 0.26m (depth) on the south side of Black's Road, that will face in a southwest direction towards the Hammersmith Bridge Road eastbound carriageway, positioned at a height of 3m above ground level;
 - It would display static images, which would change at a minimum 10 second interval;

2.0 RELEVANT PLANNING HISTORY

- 2.1 An application was submitted in 2008 (2008/00912/ADV) for the Display of 1x48 sheet illuminated LED panel, erected on a tubular steel supporting structure.
- 2.2 The above application was approved by planning committee on 18.06.2008 and was displayed until October 2021 .

3.0 PUBLICITY AND CONSULTATIONS

- 3.1 The current application was publicised by means of a site notice and a press advertisement, together with letters of notification to neighbouring properties.

3.2 No representations were received.

4.0 PLANNING CONSIDERATIONS

4.1 The relevant considerations in this case, to be assessed against the policies in the National Planning Policy Framework [NPPF] (2023), The London Plan (2021) and the Hammersmith and Fulham Local Plan (2018), the Planning Guidance Supplementary Planning Document [SPD] (2018) and Advertisement Regulations are:

- Design and visual impact including impact on designated and non designated heritage assets;
- Highways/pedestrian safety;
- Other matters.

VISUAL AMENITY AND HERITAGE

4.2 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 DC4 requires alterations to be compatible with the scale and character of existing development, their neighbours and setting. Local Plan Policy DC9 ensures a high standard of design of advertisements which are in keeping with the character of their location and do not have an unacceptable impact on public safety, the council will resist excessive or obtrusive advertising and illuminated signage.

4.3 SPD Key Principles TR28 and SDC1 outline that development including external lighting should control the potentially adverse impacts that it could cause. TR28 states, 'the council will normally refuse consent for any advertisements which would be displayed where public safety would be compromised.'

4.4 Key Principles AH1 and AH2 of the Planning Guidance SPD are also relevant. The relevant statutory duty is s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid by the LPA to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Furthermore, Paragraph 136 of the NPPF (2023) states that the quality and character of places can suffer when advertisements are poorly sited and designed....Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Paragraph 199 of the NPPF (2023) requires great weight to be given to the conservation of designated heritage assets when considering the impact of any proposals on their significance.

4.5 Local Plan 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. Local Plan Policy DC9 seeks to ensure a high standard of design of advertisements which are in keeping with the character of their location and do not have an unacceptable impact on public safety, and states that the council will resist excessive or obtrusive advertising and

illuminated signage. It states that large adverts such as digital screens, will be acceptable where they are of an appropriate scale with their surroundings and where they do not have a detrimental impact on areas sensitive to the visual impact of hoardings such as conservation areas, listed buildings and other heritage assets, residential areas, open spaces or waterside land.

- 4.6 The proposal would introduce a single LED digital advert screen measuring 5m in height and 3m in width facing Hammersmith Bridge Road which would be displayed at a height of 3m above ground level.
- 4.7 The application relates to part of the pavement on Black's Road. Black's Road effectively forms a service road to rear of commercial buildings on King Street and these buildings present their rear elevations to the street. The site is set behind the retaining wall and railings to the dual carriageway on Hammersmith Bridge Road which forms a spur between the Hammersmith Flyover roundabout to the west of Hammersmith town centre and Hammersmith Gyratory.
- 4.8 The site is located in the Hammersmith Broadway Conservation Area. The site is located opposite the Grade II* listed St Paul's Church and there are various Grade II listed tombs in the churchyard. The site is located within the setting of Bradmore House on the Centrewest site at the centre of Hammersmith Gyratory, a Grade II listed building completely rebuilt behind a restored façade.
- 4.9 The site is located within the designated Hammersmith Town Centre boundary and the character of the area is mixed including offices, retail, residential and community uses. The context of the site is dominated by highway infrastructure and large commercial buildings. In addition two large advertisement structures are located within the designated open space of St Paul's Green within the setting of St Paul's Church on the opposite side of Hammersmith Bridge Road. These structures contain four internally illuminated digital LED advertisement screens at high level adjacent to Hammersmith Flyover, two facing westwards and two facing eastwards which are visible from a wide area, particularly at night.
- 4.10 The site was previously occupied by a 48 sheet landscape digital advert screen approved under 2008/00912/ADV. The screen was removed by the previous tenant and the site has been vacant since October 2021. Due to the period of vacancy any deemed consent rights for the display of advertisements on the site are considered to have expired.
- 4.11 The relevant considerations under the Advertisement Regulations are amenity and public safety.
- 4.12 Given the context of the site, which is dominated by highway infrastructure with heavy vehicular traffic approaching the town centre and seen against a backdrop of the rear of buildings on King Street and tall buildings within the town centre, it is considered that the proposed advertisement display would not cause harm to the townscape. The site does not form part of the significance of the Conservation Area, this part of the public realm having been formed by the construction of the dual carriageway spur in connection with the construction of the Hammersmith Flyover in the postwar period. The site is also severed from the adjacent listed buildings by the highway infrastructure and clearly forms a different part of the townscape with a different character and as such the proposed advertisement

display would not harm their setting.

- 4.13 The proposed advertisement display would be a portrait style internally illuminated digital LED screen supported on a single pole. The orientation of the screen would be different to that of the previous digital advertisement screen displayed on the site, being adjusted slightly to align to face the oncoming traffic on Hammersmith Bridge Road. The portrait display would have a significantly thinner frame than the previous digital advertisement screen displayed on the site and would appear as a slim structure in the streetscene. Views through to Black's Road would be available on either side of the structure from Hammersmith Bridge Road. The quality of the external metal cladding to the frame and support structure would be secured through a condition. The height, size and detailed design of the advertisement structure is considered acceptable in principle.
- 4.14 The site is located close to a street tree which may need to be protected during the installation of the advertisement structure and details of any tree pruning works required should be submitted to and approved in writing by the Council prior to the works commencing.
- 4.15 The Council has long term aspirations for public realm improvements in the town centre as set out in the consultation draft of the Hammersmith Town Centre SPD. The grant of Advertisement Consent is not considered to prejudice the Council's ability to deliver such improvements in the longer term.
- 4.16 The proposed advertisement display would not result in harm to visual amenity. The character and appearance of the Conservation Area would not be harmed in accordance with s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The settings of the adjacent listed buildings would not be harmed. The proposals would be in accordance with Local Plan Policies DC1, DC8 and DC9 and Planning Guidance SPD Key Principles AH1 and AH2.

HIGHWAYS/PEDESTRIAN SAFETY

- 4.17 Local Plan Policies T1 and T6 state that development will not be permitted if it would prejudice the effectiveness of roads to distribute traffic. Key Principle TR28 Advertisements and Transport of the Planning Guidance SPD requires consideration of public safety, with refusal of applications (including free standing hoardings at important road junctions) where public safety is compromised.
- 4.18 The site of the proposed LED panel is located adjacent to Hammersmith Bridge Road which forms part of the Strategic Road Network (SRN). Hammersmith Bridge Road is identified in Policy T6 as a London distributor road with the policy stating that it should not prejudice the effectiveness to provide links to the strategic route network, provide access to and between town centres, and distribute traffic to and around, but not within, local areas.
- 4.19 The proposed LED panel would also be located approximately 30m from bus stop T Hammersmith Bridge Road which serves routes 533 and 72. Any highway works involved with the replacement and installation of the LED panel should not encroach on the space needed for passengers to board and alight buses. Transport for London have provided comments on the proposal and raise no

objections in principle subject to safeguarding conditions (conditions 3-6).

- 4.20 The applicants have submitted an independent Road Safety Assessment that reviews the highway safety implications of the proposed digital advertising board, including a site assessment and relevant accident data. This assessment (Ref. VN232815, Revision 02, dated 16 October 2023) prepared by 'Vectos' as part of this advertisement application, concludes that "there is a 'directional informatory sign' located to the nearside of the carriageway approximately 17m to the west of the proposal site, and so drivers will have the opportunity to assimilate both sets of information in sequence. There are also 'traffic signals ahead' and a 'one-way left traffic sign' attached to the lighting column that is adjacent to the advertising display to the right of it, and therefore these traffic signs could be processed in the same view by the driver on the approach to the proposal site. In addition, the angle of the proposed digital advertising display has been amended to be more perpendicular towards Hammersmith Bridge Road, so that it does not sit directly behind the directional informatory sign. It is therefore considered that the proposed digital advertising display does not conflict with traffic signage on this approach."
- 4.21 The Council's Highways Officer has reviewed this document, noting that the submitted highway safety report provides a robust assessment of the proposal and that the overall impact upon road and pedestrian safety is acceptable.
- 4.22 The illuminance levels will be a maximum of 300 candelas/m² to be controlled by condition 4 thereby ensuring that there is no distraction arising because of the brightness of the sign.
- 4.23 The condition requiring luminance levels to be consistent with levels recommended by the Institution of Lighting Professionals in the 'Professional Lighting Guide No 5, 2014 - Brightness of Illuminated Advertisements' will mitigate against levels posing harm to highway safety. Resultantly, the proposal is not considered to have an unacceptable impact upon road safety and is in line with Local Plan (2018) Policies T1, T6 and DC9 and Key Principle TR28 of the Planning Guidance Supplementary Planning Document (2018).

OTHER MATTERS

Residential amenity

- 4.24 SPD Key Principle TR28 outlines that developments including external lighting should control the potentially adverse impacts that it could cause.
- 4.25 Local Plan (2018) Policy CC12 relates to the detrimental impact that developments can have on residential amenity as a result of light pollution. Policy CC11 of the Local Plan (2018) 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 (Control of Potentially Polluting Uses) states that the Council will, where appropriate, require mitigation measures if a nuisance (such as smoke, smell, or noise) would be likely to occur. With specific reference to outdoor uses, Key Principle NN5 states that outdoor uses need to be assessed with regard to frequency and times of use, and the noise level likely to be emitted from activities.

- 4.26 The advertisement would be a LED digital internally illuminated panel displayed in accordance with best practice as set out in the Institute of Lighting Professionals (ILP) Technical Note 5. There will be no moving images, which will minimize contrasting changes in light or illumination.
- 4.27 The illumination will adjust (automatically by sensor) to reflect light, seasonal and weather conditions. Subject to Condition 3, luminance levels will comply with the recommendations of the Institution of Lighting Professionals in the 'Guidance Note 01/20: Guidance Notes for the Reduction of Obtrusive Light'. Condition 04 will ensure that the brightness levels will be in compliance with the recommendations of the Institute of Lighting Professionals in the Professional Lighting Guide No5, 204 - Brightness of Illuminated Advertisements.
- 4.28 In this instance, the site is located on land to the side of Hammersmith Bridge Road, which is an area largely characterised by commercial development. The structure would be free standing and not attached to any existing building. The site is located near to the western end of Hammersmith Broadway Town Centre. The panel would not be visible from any residential properties. The development would be conditioned to ensure that the adverts would face towards the highway and that they shall not be allowed rotate or move in any way or form and that none of the content of the advertising media shall move or flash on a pavement adjacent to island located adjacent to a parade of shops, offices and residential units within Hammersmith Town Centre.
- 4.29 The nearest residential properties are located above the Irish Cultural Centre approximately 15m to the east on Hammersmith Bridge Road. These properties will be relatively unaffected by the proposal both due to the orientation of the sign and the configuration of the building itself (to the rear of the proposed sign). The luminance of the advertisement would be limited to 300 cd/sqm, which would be in accordance with the Institute of Lighting Professionals (ILP) Technical Note 5 on roadside advertisements. Furthermore, the applicants have confirmed that the displays are adjustable to 1% of their maximum brightness meaning that were any concerns over lighting raised, they could be addressed quickly and remotely through an adjustment to the brightness level.
- 4.30 Overall, it is considered that the degree of illumination and any resulting light pollution is not sufficient to warrant refusal of the application. It is considered that the LED advertisement screen would not cause excessive harm to the amenities of neighbouring residents. The proposals accord with Policy CC12 of the Local Plan 2018, subject to the proposed conditions.

5.0 CONCLUSION

5.1 The design, size, siting and method of illumination of the proposed advertisement is considered to be acceptable in visual amenity terms and would not have a detrimental effect on the residential amenities of the occupiers of neighbouring properties, or on highway safety. It is considered that the LED advertising panel would not harm the character or appearance of the Hammersmith Broadway Conservation Area or the settings of adjacent designated and non designated heritage assets. It is considered that the Highway Safety

Report provides a robust assessment of the proposal. The proposed advertisement would therefore accord with Policies CC11, CC12, CC13, DC8, DC9, T1 and T6 of the Local Plan (2018) and Key Principles AH1, AH2, BD1, BD7, SD6 and TR28 of the of the Planning Guidance Supplementary Planning Document (2018).

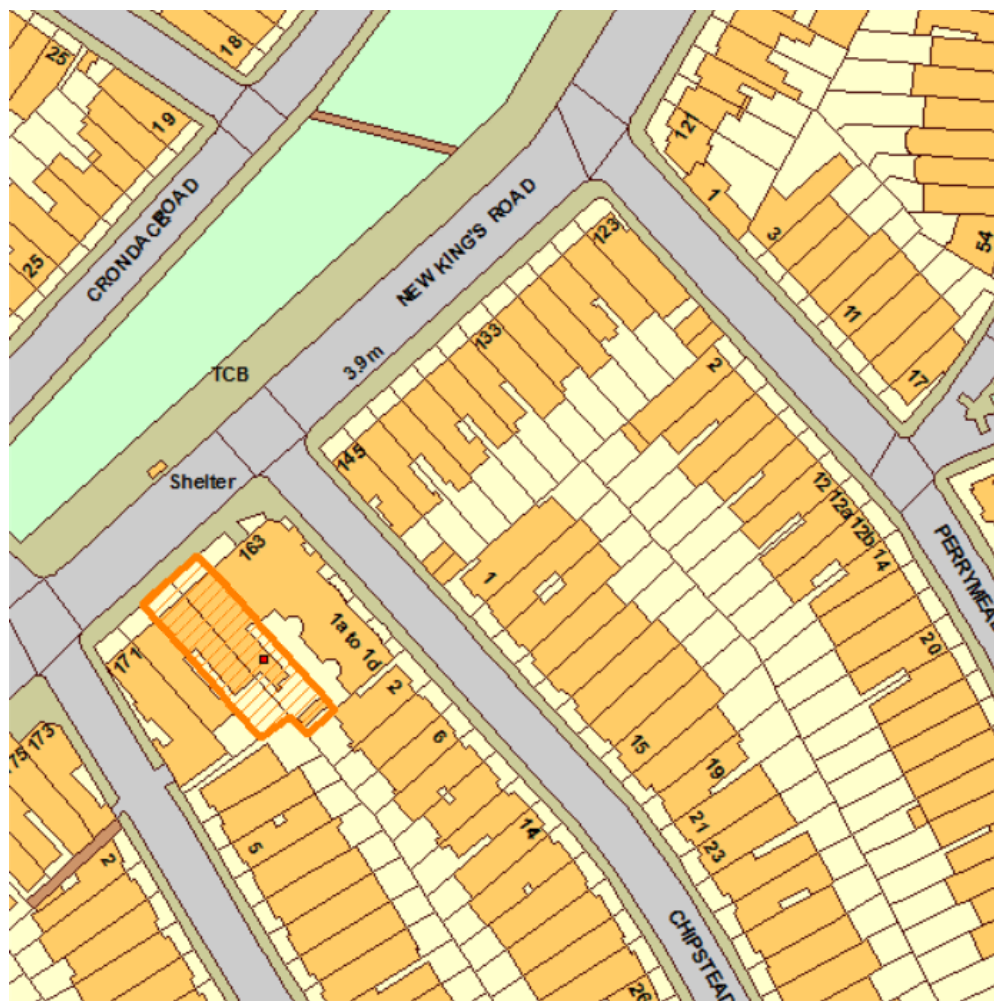
6.0 RECOMMENDATION

6.1 Therefore, officers support the proposals in line with the recommendations at the start of the report.

Ward: Parsons Green And Sandford

Site Address:

165 - 167 New King's Road London SW6 4SN



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For identification purposes only - do not scale.

Reg. No:
2024/00292/VAR

Date Valid:
09.02.2024

Committee Date:
04.06.2024

Case Officer:
Benjamin Hicks

Conservation Area:
Constraint Name: Studdridge Street Conservation
Area - Number 7

Applicant:

Mr Gosling

Poppins Nurseries Limited 165-167 New King's Road Fulham London SW6 4SN

Description:

Variation to the wording of Condition 3 of planning permission reference: 2020/03423/VAR as allowed on appeal (Appeal Ref: APP/H5390/W/21/3269642) dated 29th September 2022 to read as follows "The number of children attending the premises in connection with the operation of the nursery use shall not exceed 90 at any one time.", Variation to the wording of Condition 5 of planning permission reference: 2020/03423/VAR as allowed on appeal (Appeal Ref: APP/H5390/W/21/3269642) dated 29th September 2022 to read as follows "The nursery use hereby permitted shall only operate between 08.00 and 18.00 hours Mondays to Fridays, and not at all on Saturdays, Sundays or Bank Holidays." and update to nursery Use Class from Class D1 to Class E(f) (Conditions 4 and 7).

Application Type:

Vary or Delete Conditions Full/Outline

Officer Recommendation:

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

Conditions:

Timeframe

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

Approved Drawings

- 2) The development shall not be carried out otherwise than in accordance with the details shown in the following approved drawings of planning permission reference: 2020/03423/VAR as allowed on appeal (Appeal Ref: APP/H5390/W/21/3269642) dated 29th September 2022: A_PL_099 Rev B,

A_PL_100 Rev C, A_PL_101 Rev C, A_PL_102 Rev C, A_PL_200 Rev A, A_PL_201 Rev A, A_PL_300, A_PL_301; A_PL_002 Rev B.

To ensure full compliance with the planning permission hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policy DC1, DC4 and DC8 of the Local Plan 2018.

Maximum Number of Children

- 3) The number of children attending the premises in connection with the operation of the nursery use shall not exceed 90 at any one time.

To safeguard the amenities of neighbouring occupiers and the area generally, in accordance with policies CC11, CC13 and T1 of the Local Plan 2018.

Use as Nursery (Use Class E)

- 4) The basement and ground floors of the premises as shown on the plans hereby approved shall be used only as a children's day nursery and for no other purpose, including any other purpose within Class E(f) of the Town and Country Planning (Use Classes) Order 1987.

In granting this permission, the Council has had regard to the particular circumstances of the case. The use of the site for any other purpose, including other purposes within Class E(f), could raise materially different planning considerations and the council wishes to have an opportunity to consider such circumstances at that time, in accordance with Policy CC11 and CC13 Local Plan 2018.

Hours of Use

- 5) The nursery use hereby permitted shall only operate between 08.00 and 18.00 hours Mondays to Fridays, and not at all on Saturdays, Sundays or Bank Holidays.

To safeguard the amenities of neighbouring occupiers and the area generally, in accordance with Policy CC11 and CC13 Local Plan 2018.

Outside Play Area Hours of Use

- 6) Other than for fire safety drill and emergency purposes, the open area of private amenity space at the rear of 165 and 167 New Kings Road shall not be used by staff or children attending the nursery/pre-preparatory school, other than for a maximum of one hour between 10:15 - 11:15 and 14:45 - 15:45 hours.

To safeguard the amenities of adjoining properties in terms of noise and disturbance, in accordance with CC11 and CC13 of the Local Plan (2018).

Noise Levels – Machinery

- 7) Noise from machinery or equipment operated in connection with the Class E(f) use hereby approved shall not be less than 10dB LAeq below the existing background LA90 noise level, which exists in the absence of such machinery or equipment operating. The background level shall be measured, for the

purposes of this condition, from the nearest noise sensitive location, in accordance with BS4142.

Any machinery and equipment used in connection with the permitted development should not give rise to conditions that would be detrimental to the amenities of surrounding occupiers by reason of noise disturbance, in accordance with Policy CC11 and CC13 of Local Plan 2018.

Enhanced Sound Insulation (between residential dwellings)

- 8) Within three months of the date of this decision, 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. Within six months of the date of this decision the development shall be carried out in accordance with the approved details and the approved noise attenuation measures shall be fully installed. They shall be permanently retained thereafter.

To safeguard the amenities of adjoining properties in terms of noise and disturbance, in accordance with CC11 and CC13 of the Local Plan (2018).

Enhanced Sound Insulation (between commercial and residential)

- 9) Within three months of the date of this decision, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ceiling/ walls separating the commercial part(s) of the premises from dwellings and neighbouring dwellings. Details shall demonstrate that the sound insulation value $D_{nT,w}$ is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the dwellings/ noise sensitive premises. The approved details shall be implemented within six months of the date of this decision and thereafter be permanently retained.

To safeguard the amenities of adjoining properties in terms of noise and disturbance, in accordance with CC11 and CC13 of the Local Plan (2018).

School Travel Plan

- 10) Within 3 months of this decision, a revised detailed Travel Plan shall be submitted to and approved in writing by the Council and thereafter the development shall be carried out and operated in accordance with the agreed details contained within the plan. A School Travel Plan monitoring report shall be submitted to the Council on the first, third and fifth anniversary after the details have been approved.

To ensure and promote sustainable and active travel to and from the site and thereby reduce negative impact on traffic, congestion and parking stress in the local area, in accordance with London Plan policies and policy T2 and T3 of the Local Plan (2018).

- No flues or pipes**
- 11) No plumbing, extract flues or pipes (other than rainwater pipes) shall be affixed to the front elevation of the building without the prior approval in writing of the Local Planning Authority.

To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policies DC1, DC4 and DC8 of the Local Plan 2018.

- No Water Tanks**
- 12) No water tanks, water tank enclosures or other structures shall be erected upon the flat roofs of the extensions hereby permitted.

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

- No External Alterations**
- 13) No alterations shall be carried out to the external appearance of the building, 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.

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with Policy CC11 and CC13 of the Local Plan 2018.

- Cycle Storage**
- 14) Within six months of the date of this decision the cycle storage facilities as shown on approved drawing No. A_PL_002 Rev B of planning permission reference: 2020/03423/VAR as allowed on appeal (Appeal Ref: APP/H5390/W/21/3269642) dated 29th September 2022 shall be provided and thereafter such facilities shall be retained, and the space used for no other purpose and the development shall not be carried out otherwise than in accordance with any such approval given.

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.

- Refuse Storage**
- 15) Within six months of the date of this decision, the refuse storage arrangements shown on approved drawing No. A_PL_002 Rev B of planning permission reference: 2020/03423/VAR as allowed on appeal (Appeal Ref: APP/H5390/W/21/3269642) dated 29th September 2022 shall be provided and made available for use by the occupiers of the dwellings and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with the Policy CC7 of the Local Plan 2018.

Second Floor Side Window - Non-openable

- 16) Within 6 months of this decision, the approved new windows to the side elevation of the rear roof extension atop the back addition at second floor level of planning permission reference: 2020/03423/VAR as allowed on appeal (Appeal Ref: APP/H5390/W/21/3269642) dated 29th September 2022 shall be installed so as to be non-openable and with obscure glazing to a height of 1.7 metres from the floor level. Thereafter the windows shall be retained in the form approved.

To ensure that the glazing would not result in overlooking and any subsequent loss of privacy, in accordance with Policies HO11 and DC4 of the Local Plan 2018 and SPD Key Principle HS7 of the Planning Guidance Supplementary Planning 2018.

17) Operational Management Plan

Within 3 months of this decision, an Operational Management Plan shall be submitted to and approved in writing by the Council. Details shall include initiatives on how arrivals and departures are managed including initiatives to discourage informal parking and stagger departures and arrivals. The measures/scheme shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently retained and maintained in line with the agreed plan.

To ensure that the amenity of occupiers of the development site/ surrounding premises are not adversely affected by noise, in accordance with in accordance with Policies T2 and T3 of the Local Plan (2018).

Justification for Approving the Application:

- 1) The hours of operation and numbers of children for the nursery use will continue to meet a local need, and it is not considered that the use will have an unacceptable impact on the amenities of surrounding residents or adversely affect traffic and road safety subject to the attached conditions. The proposals would preserve the character and appearance of the surrounding conservation area. In these respects, the proposed development complies with the relevant provisions of the London Plan (2016), Policies HO2, HO11, DC1, DC4, DC6, DC8, CC3, CC4, CC7, CC11, CC13, CF1, T3 and T4 of the

LOCAL GOVERNMENT ACT 2000

LIST OF BACKGROUND PAPERS

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

Application form received: 8th February 2024

Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2023

The London Plan 2021

LBHF - Local Plan 2018

LBHF – Planning Guidance Supplementary Planning Document
2018

Neighbour Comments:

Letters from:

Dated:

1 Quarrendon St London SW6 3ST	06.03.24
4 Quarrendon Street Fulham LONDON sw6 3su	12.03.24
5 Quarrendon street London Sw6 3ST	09.03.24
8 Quarrendon Street London SW6 3SU	11.03.24
10 Quarrendon street London Sw6 3SU	10.03.24
15 Quarrendon Street London SW6 3ST	10.03.24
19 Quarrendon Street London SW6 3ST	12.03.24
20 Quarrendon Street London SW6 3SU	09.03.24
45 Quarrendon street London Sw6 3ST	12.03.24
55 Quarrendon Street London Sw6 3St	12.03.24
59 Quarrendon Street London SW63ST	10.03.24
2B Chipstead Street London SW6 3SS	25.02.24
2C Chipstead Street London SW6 3SS	24.02.24
2D Chipstead Street London SW6 3 SS	21.02.24
169A New Kings Road New Kings Road London SW6 4SN	11.03.24
NAG	21.03.24
NAG	24.03.24

1. SITE DESCRIPTION

- 1.1 The application site is on the southern side of New King's Road. It contains Nos. 165 and 167 New King's Road, an adjoining pair of three-storey mid-terrace properties with both additional floors and basements.
- 1.2 The existing day nursery occupies the ground and basement levels. There are separate self-contained residential properties above the ground floor and on part of the ground floor at No. 167.
- 1.3 Neither of these buildings are listed or locally listed buildings. The site falls within the Sturridge Street Conservation Area and immediately to the north is Parson's Green Conservation Area.
- 1.4 New King's Road is a London Distributor Road. The site has a PTAL of 4 with Parsons Green Station located 0.3 miles north-west of the site, and bus stops with services running directly to the centre of London adjacent to the properties.
- 1.5 The site is located in Environment Agency Flood Zones 2 and 3 with high residual risk.

2. RELEVANT HISTORY

No.165

- 2.1 In 1976, planning permission (ref 1976/00373/HIST) was granted for the continued use for a further limited period of the studio building as the rear as a children's nursery.
- 2.2 In 1989, planning permission (ref 1989/01446/FUL) was granted for the continued use of the back addition at ground floor level and the basement as a nursery and the relocation of the remainder of the nursery from the garden into the rest of the ground floor and erection of a conservatory at ground floor level.
- 2.3 In 2008, planning permission (ref 2007/03997/VAR) was granted for the continued use as a day nursery for up to 70 Children.
- 2.4 In 2015, planning permission (ref 2015/00635/FUL) was granted for the erection of a rear extension at second floor level over part of the existing back addition, to provide a staff room in connection with the existing nursery.
- 2.5 In 2015, planning permission (ref 2015/00636/FUL) was granted for the erection of a front and rear roof extension; 2 rooflights in the front roof slope to provide office space in connection with the existing nursery.
- 2.6 In 2016, planning permission (ref 2016/00488/VAR) was granted to vary Condition 2 of the planning permission ref: 2015/00636/FUL granted 16th April 2015 to allow amendments to the front mansard roof extension.

- 2.7 In 2018, planning permission (ref 2017/04704/VAR) was granted to vary Condition 6 of planning permission ref: 2007/03997/VAR granted 2nd January 2008 to allow the open area of private amenity space at the rear of 165 New Kings Road to be used by children attending the nursery/pre-preparatory school for a maximum of two hours between 10:15am - 11.15am and 2.45pm - 3:45pm.
- 2.8 In 2020, a temporary 18-month planning permission (ref 2018/03562/VAR) was granted to vary Condition 1 and 2 respectively of the 2018 planning permission (ref: 2017/04704/VAR) to allow the number of children to increase from 70 to 90 and the nursery to operate 15 mins earlier from 0800-1800 hours Mondays to Fridays (not at all on Saturdays, Sundays or Bank Holidays). This permission expired in February 2022.

Nos 165 and 167

- 2.9 In 2018, planning permission (ref 2018/02454/FUL) was granted for the erection of various extensions and alterations at front and rear roof level, rear extensions at ground and second floor, a roof terrace at second floor, lowering of the existing basement and other internal and external alterations in connection with the conversion of the existing dwellinghouse into a mixed use building comprising of 2 x 1 bed and 2 x 2 bed self-contained flats at basement, ground, first, second and third floors, and 83.7 sqm of D1 (non-residential institution) floorspace at ground and basement floor to be used by the existing children's day nursery and preparatory school at 165 New Kings Road.
- Condition 3 restricts the total number of children to 70 at any one time.
 - Condition 5 restricted the operation hours to between 08.15 and 18.00 hours Mondays to Fridays, and not at all on Saturdays, Sundays or Bank Holidays.
- 2.10 In 2020, temporary planning permission (ref 2018/03565/VAR) was granted to vary Conditions 3 and 5 respectively of the 2020 planning permission (ref: 2018/02454/FUL) to allow the total number of children to rise from 70 to 90 at any one time and the nursery to operate 15 mins earlier from 0800-1800 hours Mondays to Fridays (not at all on Saturdays, Sundays or Bank Holidays). This permission expired in February 2022.
- 2.11 In 2021, planning permission (ref 2020/03423/VAR) was refused for the removal of the suite of car free conditions 10, 11 and 12 of the 2018, planning permission (ref 2018/02454/FUL): Condition 10 prevents occupier of new flats from applying for a parking permit (except blue badge holders); Condition 11 requires that no new flats are occupied until a written scheme is in place to restrict occupiers from having permits and 12 prevents occupation of the new flats until the Council is notified of new postal addresses.
- 2.12 In September 2022, this permission was allowed on appeal (ref APP/H5390/W/21/3269642) and repeats the conditions set out under the

section 73 variation and the relevant conditions from the original planning permission.

Condition 3 states that 'The number of children attending the premises in connection with the operation of the nursery use shall not exceed 90 at any one time for a temporary period of 18 months from the date of this decision. The number of children is permitted for a limited period only and shall revert back to 70 on or before the date 18 months from the date of this decision unless, prior to that date, an application for renewal of planning permission has been submitted to and approved by the Council.'

Condition 5 states that 'The nursery use hereby permitted shall only operate between 08:00 and 18:00 hours Mondays to Fridays, and not at all on Saturdays, Sundays or Bank Holidays. These hours are permitted for a limited period only and shall revert back to 08:15 and 18:00 hours Mondays to Fridays, and not at all on Saturdays, Sundays or Bank Holidays, on or before the date 18 months from the date of this decision unless, prior to that date, an application for renewal of planning permission has been submitted to and approved by the Council.'

- 2.13 The appeal allowed in September 2022 (ref APP/H5390/W/21/3269642) is the relevant operative planning permission for the application site (ref 2020/03423/VAR). That decision was due to expire in March 2024 unless, prior to that date, an application for renewal of planning permission has been submitted to and approved by the Council.

3. CURRENT APPLICATION

- 3.1 The current application was submitted on 8 February 2024, prior to the March 2024 expiry date of the 2022 permission allowed on appeal (ref 2020/03423/VAR). The application seeks to permanently vary the wording of that permission in respect of various conditions:
- Condition 3 of the planning permission reference: 2020/03423/VAR as allowed on appeal (Appeal Ref: APP/H5390/W/21/3269642) dated 29th September 2022 to read as follows "The number of children attending the premises in connection with the operation of the nursery use shall not exceed 90 at any one time."
 - Condition 5 of planning permission reference: 2020/03423/VAR as allowed on appeal (Appeal Ref: APP/H5390/W/21/3269642) dated 29th September 2022 to read as follows "The nursery use hereby permitted shall only operate between 08.00 and 18.00 hours Mondays to Fridays, and not at all on Saturdays, Sundays or Bank Holidays." and
 - Update Conditions 4 and 7 from nursery Use Class D1 to Class E(f)

4. PUBLICITY AND CONSULTATIONS

- 4.1 The planning application was publicised by site and press notices together with 79 notification letters sent to neighbouring properties.

4.2 In total, 17 representations have been received objecting on the grounds that the increased number will result in the following:

- traffic generation, unauthorised parking and narrowing of two way streets;
- idling engines impact on air quality;
- pedestrian safety;
- cumulative traffic impact combined with adjoining existing Nursery at Millie's House
- excessive noise disturbance during use back garden play space

4.2 Officer response: the above matters are considered in the subsequent paragraphs within the main body of the report.

5.0 PLANNING CONSIDERATIONS

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

Principle

5.2 Local Plan Policy CF1(g) supports the provision of childcare nurseries. Policy CF2 states that new or expanded community uses should meet local needs, be compatible with and minimise impact on the local environment and be accessible and inclusive to all in the community they serve.

5.3 The principle of using this location as a nursery is long established.

- In 1989, when planning permission (1989/01446/FUL) was granted for the use of the ground and basement at No.165 on a permanent basis, Conditions 2 and 3 respectively restricted the maximum number of pupils to 30 and the hours of operation to between 0800 and 1830.
- In 2008, the above permission was varied (ref 2007/03997/VAR) to allow Conditions 1 and 2 to a maximum number of 70 children and hours between from 0815 and 1800.
- In 2018, the nursery was expanded (ref 2018/02454/FUL) to include part of the ground and basement at No.167 with Conditions 3 and 5 retaining the maximum number of 70 children and hours between 0815 and 1800.
- In 2020, temporary planning permission (ref 2018/03562/VAR) was granted at No 165 for 18 months to extend the maximum number from 70 to 90 and expand the start operating opening hours by 15 minutes from 0815-1800 to 0800-1800.
- Also in 2020, a temporary planning permission (ref 2018/03565/VAR) was granted at Nos 165-167 to vary Conditions 3 and 5 to extend the maximum

number from 70 to 90 and expand the start operating opening hours by 15 minutes from 0815-1800 to 0800-1800.

- In allowing, the appeal against a refusal to remove car free conditions (ref 2020/03423/VAR) the Inspector reattached temporary conditions relating to the maximum number of 90 pupils and operating hours between 0800 and 1800. This permission expired in March 2024 and the current application seeks to retain the pupil numbers and hours on a permanent basis; the proposals remain in place while the application is under consideration.

- 5.4 The difference between the current relevant operative conditions and the proposed conditions is set out below.

Condition 3: Maximum Pupil Numbers

- 5.5 Condition 3 of the planning permission (ref 2020/03423/VAR) allowed on appeal in September 2022 states

The number of children attending the premises in connection with the operation of the nursery use shall not exceed 90 at any one time for a temporary period of 18 months from the date of this decision. The number of children is permitted for a limited period only and shall revert back to 70 on or before the date 18 months from the date of this decision unless, prior to that date, an application for renewal of planning permission has been submitted to and approved by the Council. The number of children attending the premises in connection with the operation of the nursery use shall not exceed 70 at any one time.

- 5.6 The current application seeks to retain the maximum number of pupils at 90 rather than revert to 70 on a permanent basis:

The number of children attending the premises in connection with the operation of the nursery use shall not exceed 90 at any one time.

Condition 5: Hours of Operation

- 5.7 Condition 5 of the planning permission (ref 2020/03423/VAR) allowed on appeal in September 2022 states

The nursery use hereby permitted shall only operate between 08:00 and 18:00 hours Mondays to Fridays, and not at all on Saturdays, Sundays or Bank Holidays. These hours are permitted for a limited period only and shall revert back to 08:15 and 18:00 hours Mondays to Fridays, and not at all on Saturdays, Sundays or Bank Holidays, on or before the date 18 months from the date of this decision unless, prior to that date, an application for renewal of planning permission has been submitted to and approved by the Council.

- 5.8 The current application seeks to vary the condition to allow hours to continue from 0800 to 1800 state:

The nursery use hereby permitted shall only operate between 08.00 and 18.00 hours Mondays to Fridays, and not at all on Saturdays, Sundays or Bank Holidays.

- 5.9 Notably, the temporary permissions granted in 2020 provided the Council with an opportunity to assess the impact of the expanded nursery operation on the amenities of surrounding residential occupiers. Aside of a short period during the Covid-19 Lockdown, the nursery has been operating the same expanded pupil numbers of 90 and hours between 0800 and 1800 for some 4 years. Regarding this period of use, Officers have consulted colleagues in Environmental Protection, Highways and Planning Enforcement; since 2020, the Council has received no complaints on the grounds of noise, disturbance, highways nor any other grounds.
- 5.10 The continued use of this community use in an expanded form would contribute to meeting local needs. The proposals accord with Local Plan Policies CF1 and CF2.

6.0 RESIDENTIAL AMENITY CONSIDERATIONS

- 6.1 The key objections received from residents relates to the impact of the proposed development on the amenity of the surrounding residential occupiers in terms of noise and disturbance. Other residential amenity matters relating to daylight/sunlight, overshadowing, loss of outlook and overlooking and privacy are not material in this case.

Noise

- 6.2 London Plan Policy D14 (Noise) sets out measures to reduce, manage and mitigate noise to improve health and quality of life.
- 6.3 Local Plan Policy CC11 relates to noise impacts of development. The supporting paragraph 13.63 makes clear that any proposal for a noise generating development close to dwellings or other noise sensitive uses will be assessed to determine the impact of the proposed development in relation to these existing uses.
- 6.4 Local Plan Policy CC13 requires all proposed developments (including new buildings, demolition of existing buildings, conversions and changes of use) to show that there will be no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties, particularly where commercial and service activities will be close to residential properties. Notably, where appropriate, the Policy requires mitigation measures for nuisances such as noise.
- 6.5 The existing premises front a busy section of New Kings Road, which is subject to high volume of vehicular and pedestrian movements. Along New King's Road and towards the rear are residential properties in Quarrendon Street and Chipstead Street.

- 6.6 As noted in preceding paragraphs, the site has been allowed to operate with 90 children over the last 4 years through temporary planning permissions. Officers have consulted colleagues in Environmental Protection and Planning Enforcement regarding the use for that temporary period and the Council has received no complaints on the grounds of noise nor disturbance.
- 6.7 The children primarily make use of internal areas within the existing nursery building and would thereby contain and minimise any increase in noise and disturbance from the additional 20 children. However, to mitigate any noise increase from the building, the relevant conditions attached to the original and temporary permissions would be reattached to secure details of enhanced sound insulation, maximum noise levels from machinery or equipment and restricted hours of opening during the day.
- 6.8 Furthermore, the use of the outside play area at the rear of the site is limited to a maximum of 2 hours per day. Other than for fire safety drill and emergency purposes, that open area would not be used by staff or children other than for a maximum of one hour at any one time between 10:15 – 11:15 and 14:45 - 15:45 hours. Given the nature of the nursery operations, the outside activities are scheduled during these times when ambient noise levels are generally higher.
- 6.9 The site fronts New Kings Road, which is subject to high volume of vehicular and pedestrian movements. The expanded proposals have been considered by the Council's Environmental Protection Team and they raise no objections. Officers are satisfied that in the absence of any noise-related complaints throughout the temporary permissions period, the proposed hours of operation and number of pupils on a permanent basis would not result in any additional undue noise and disturbance.
- 6.10 Overall, trial periods over the last 4 years have demonstrated that the proposals have caused no harm. Subject to appropriate noise, sound insulation and operational mitigation measures that would be secured through conditions the proposals would have no undue residential amenity impacts from noise.
- 6.11 The proposals accord with London Plan Policy D14, and Local Plan Policies CC11 and CC13.

Transport

Policy

- 6.12 London Plan Policy T6 sets out the intention to encourage consideration of transport implications as a fundamental element of sustainable transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services.

- 6.13 Local Plan Policy T1 seeks to improve transportation provision, accessibility, and air quality in the borough, by improving and increasing the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail.
- 6.14 Local Plan Policy T2 requires all development proposals to be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and on the primary route network. The existing and potential availability of public transport, and its capacity to meet increased demand will also be assessed for any development. Local Plan Policy T3 supports increasing and promoting opportunities for cycling and walking. Local Plan Policy T6 seeks to regulate the impact of development on the borough's road network.

Local Context

- 6.15 The site has a good level of public transport accessibility with a PTAL level of 4. There are also additional rail services within reasonable walking distance of the site. New King's Road forms part of the London Cycle Network (LCN) with on-street cycle lanes and the site has a significant residential catchment within walking distance is an appropriate location for sustainable modes of transport.
- 6.16 New King's Road (A308) is the main traffic route in the vicinity of the site which is aligned approximately northeast to southwest. This connects to Chelsea and Central London to the northeast, and Parsons Green and Putney Bridge to the southwest. There are also connections to the south across Wandsworth Bridge, which can be accessed just to the northeast of the site.
- 6.17 Waiting and loading restrictions operate on both sides of New King's Road, preventing parking for most of the day (08.00-20.00). No loading is permitted on Monday to Saturday between 08.00-09.30 and 16.30-18.30 on New King's Road outside the nursery school. These restrictions coincide with peak arrival and departure times.
- 6.18 On-street parking is provided on the local residential streets which are included within controlled parking zone Q. The restrictions are in operation from Monday to Saturday between 09.00 and 17.00. During these hours parking is for permit holders or pay and display.
- 6.19 New King's Road is a signed route for cyclists, with an advisory cycle lane in the south-westbound direction along parts of its length. Cyclists are also able to cycle within the bus lanes. Cycle parking is also provided along New King's Road and there are advanced cycle stop lines provided at signal-controlled junctions. The cycle route on New King's Road is connected to the wider network of signed and recommended routes within the London Cycle Network (LCN).
- 6.20 The pedestrian environment within the vicinity of the site is good. The local roads provide wide footways and there are several crossings along New

King's Road. These include a zebra crossing to the west of the site by Quarrendon Road as well as uncontrolled crossings with dropped kerbs and refuge islands.

- 6.21 The site is within walking distance of a number of bus stops. The nearest bus stops are located directly opposite the site, and on New King's Road between Quarrendon Street and Chiddingstone Street. These bus stops are served by bus route 22 which operates between Putney Common and Piccadilly Circus. There are further bus routes accessible from the bus stops on Wandsworth Bridge Road (approximately 400m away) and Harwood Road (some 500m away).
- 6.22 Parsons Green is located approximately 500m from the site is served by the District Line. Imperial Wharf station is located approximately 1,200m from the site and is served by overground trains.

Transport Assessment

- 6.23 The nursery school operates a Travel Plan which explains how travel to and from the school would be appropriately managed. When the 2020 temporary planning approval (ref 2018/03565/VAR) was granted for the expanded school to allow 90 children and opening from 0800 rather than 0815, an updated Travel Plan was submitted. That Travel Plan continues to operate and would be updated and secured by condition.
- 6.24 The key objectives of the Travel Plan are as follows:
- to encourage walking and active travel as the main modes of travel for pupils and parents and after that cycling and public transport;
 - to ensure that staff and parents are aware of the travel choices available to them;
 - to discourage car use by raising awareness for staff and parents of school travel issues and their impact upon the local environment;
 - to minimise impact on the local community and ensure good relations with local residents and businesses; and
 - to monitor the travel patterns to and from the school so that the Travel Plan can be reviewed and developed accordingly.
- 6.25 The following measures are in place to implement the above objectives:
- Admissions policy: gives priority to those families who live closest;
 - No car parking on site: parents informed of school's car free objectives;
 - 'Walk to school week' initiatives: rewards for walking to school; topics associated with walking incorporated into class and assemblies.
 - Promote road safety: weekly topics and visits from the local police.
 - Cycle parking facilities: staff parking facilities are provided.
 - Cycle to Work scheme: interest free for staff to buy a bicycle tax free
 - Provide TfL cycle route maps for staff/ parents
 - Interest-free season ticket loans: for staff
 - 'Parents Guides': parents are asked not to park outside the school, on the yellow lines.

- Journey planning: Staff/ parents informed of TfL's journey planner and travel apps to ensure that users are aware of available travel choices.
- Provide travel packs: route maps/ timetables for local public transport
- Cycle route maps: TfL cycle route maps for the local area will be made available to staff and parents so that they are aware of the potential for cycling.
- Pippa Pop-ins website: includes dedicated travel section with emphasis on car free travel.

6.26 In 2020, the primary targets were to

- reduce the nursery car mode share from 35% of pupils/parents travel by car, to 28% over a five year period.
- reduce the staff members driving to and from the school, in particular by single occupancy vehicles from 21% to 15% over a five year period.
- increase the staff travel mode share by walking and cycling.

6.27 To ensure that the Travel Plan is achieving its objectives, document includes an Action Plan that is subject to ongoing monitoring and review. This will ensure that it continues to be fit for purpose and the measures are appropriate and effective. A condition will be attached to ensure that an updated Travel Plan together with an operational management plan are secured for the current proposals.

6.27 The Council's Highways team has reviewed the proposals and support the continued implementation of a Travel Plan subject to an on-going annual review in years 1, 3 and 5. The site has been operating at with a capacity of 90 pupils with an 0800 start (excluding weekends and Bank Holidays) since August 2020, without any transport-related complaints to the highways colleagues or planning enforcement. Based on this, the existing mitigation measures are successfully managing the impact on the local transport infrastructure and highway safety. An operational management plan would provide details of how arrivals and departures are managed including initiatives to discourage informal parking and implement staggered departures and arrivals.

6.28 Subject to an updated Travel Plan and a satisfactory operational management plan, it is not considered that the existing nursery which has been in place for in an expanded form for the last 4 years would have any undue adverse impact on New Kings Road or the surrounding streets in terms of traffic generation, parking or pedestrian safety. Similarly, it is not considered that the combined impact of the long established adjoining nursery at 163 New Kings Road and the proposed expansion at the application site which has been tested over 4 years would not result in harm that would be sufficient to withhold planning permission.

Other Matters: Air Quality

6.29 The London Plan Policy SI 1 and Local Plan Policy CC10 seeks to reduce the

potential adverse air quality impacts of new developments. The Climate Change SPD Key Principle KPC14 sets out key aims which includes making provision to address local problems of air quality. Mitigation measures to reduce emissions and exposure to poor air quality must be taken. The application site is located within the borough wide Air Quality Management Area (AQMA), and in an area of existing poor air quality due to the road traffic vehicle emissions from New King's Road.

- 6.30 The Council's Air Quality Officer has considered the proposed development. This is an existing long established nursery and officers consider that the proposed increase in pupil numbers on a permanent basis from 70 to 90 is modest. On this basis, it would not be appropriate to seek air quality mitigation measures. Notwithstanding this, as part of the Council's drive to help tackle poor air quality across the borough, on 1 November 2018 new traffic orders under Section 42 of the Road Traffic Act 1988 were introduced to fine motorists who pollute the borough by leaving their engines running. Our traffic wardens are able to issue penalty charges notice to motorists who have stopped with their engine idling in parking and loading bays, taxi ranks, or any roads where waiting is restricted. The Council's Planning Enforcement and Highways officers have advised that they have not received any complaints about parking during the 4 year period that the expanded facility has operated.
- 6.31 Overall, officers are satisfied that the proposals accord with London Plan Policy SI 1, Local Plan Policy CC10 and the Climate Change SPD.

Conditions 4 and 7

- 6.32 Following updates to national planning legislation, Use Class D1 which includes school nurseries has been deleted from the Use Classes Order. School nurseries now fall within Class E(f) of the updated Order. In accordance with this Conditions 4 and 7 should be amended to reflect the current legislation.

7. RECOMMENDATION

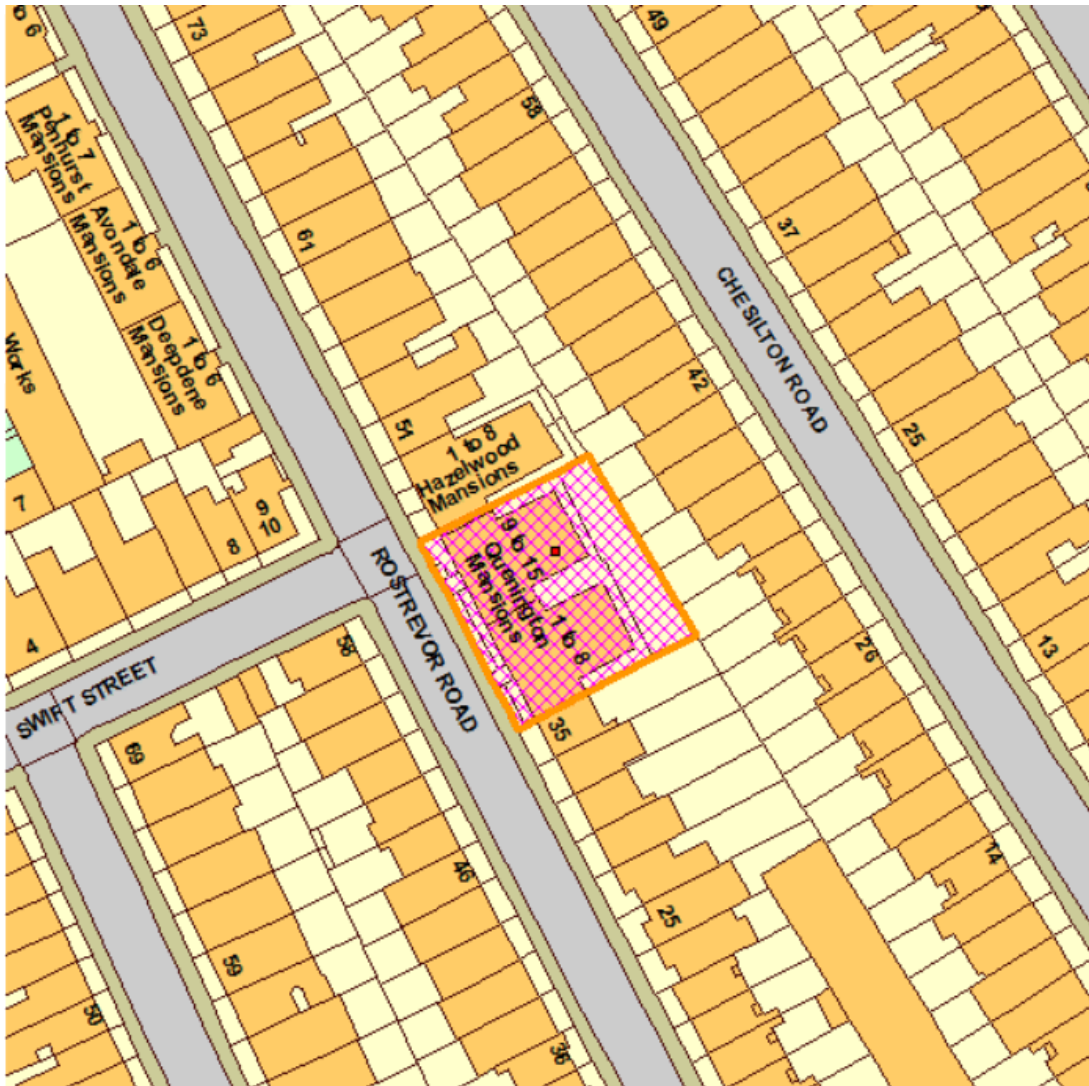
- 7.1 Approve the variation of conditions 3 and 5 to extend the hours of operation of the nursery and increased student capacity permanently, and update conditions 4 and 7 to reflect changes to the Use Class Order.

Agenda Item 8

Ward: Fulham Town

Site Address:

Quenington Mansions Rostrevor Road London SW6 5AU



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For identification purposes only - do not scale.

Reg. No:

2023/02150/FUL

Case Officer:

Tom Scriven

Date Valid:

17.08.2023

Conservation Area:

Constraint Name: Central Fulham Conservation Area - Number 29

Committee Date:

16.04.2024

Applicant:

Dorrington PLC
C/o Agent

Description:

Alterations at roof level to include: erection of a plant room enclosure with air source heat pumps, erection of balustrades with door openings, installation of 2no automatic opening vent rooflights, installation of 58no solar panels, raising of parapets and installation of new insulation at roof level resulting an increase in the roof height; replacement of existing single glazed timber framed windows with new timber framed double glazed windows at first and second floor level; replacement of existing single glazed timber framed doors and windows with new timber framed double glazed doors and windows at ground floor and lower ground floor level including the replacement of 4no doors at the side of rear back additions with 4no new windows, and replacement of 4no windows with new doors to the rear elevation at lower ground floor level; provision of refuse storage and cycle parking and associated landscaping.

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 Head of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

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 Plans

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

Typical Existing and Proposed Windows - 200 GSA XX XX DR A 3400 PL-00

LGF Openings - Rear Façade - 200 GSA XX LG DR A 3401 PL-00
LGF Openings - Side Façade - 200 GSA XX LG DR A 3402 PL-00
Proposed Block Site Plan - 200 GSA XX GF DR A 2000 PL-00
Proposed Lower Ground Floor Plan - 200 GSA XX LG GAA 2100 PL-00
Proposed Ground Floor Plan - 200 GSA XX GF GAA 2101 PL-00
Proposed First Floor Plan - 200 GSA XX 01 GAA 2102 PL-00
Proposed Second Floor Plan - 200 GSA XX 02 GAA 2103 PL-00
Proposed Roof Plan - 200 GSA XX RF GAA 2104 PL-01
Proposed Front Elevation - 200 GSA XX XX GAA 2300 PL-01
Proposed Rear Elevation - 200 GSA XX XX GAA 2301 PL-01
Proposed NW Side Elevation A - 200 GSA XX XX GAA 2302 PL-01
Proposed NE Side Elevation A - 200 GSA XX XX GAA 2303 PL-01
Proposed NW Side Elevation B - 200 GSA XX XX GAA 2304 PL-01
Proposed NE Side Elevation B - 200 GSA XX XX GAA 2305 PL-01
Proposed Landscape: General Arrangement - QM191-JCLA-DR-L-0001
Proposed Landscape: Planting Plan QM191-JCLA-DR-L-0002
Arboricultural Statement (230629-PD-90)
Tree Survey Plan (230629-P-10)

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

3) Materials

The development hereby approved shall be carried out and completed in accordance with the materials (including colour and finish) specified on the drawings hereby approved. The development shall be permanently retained in accordance with the approved details. Any works of making good to existing elevations shall be carried out in materials to match the elevation to which the works relate.

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

4) Trees

The development hereby approved shall be carried out in accordance with the approved Arboricultural Statement (230629-PD-90) and Tree Survey Plan (230629-P-10). The tree protection measures shall be carried out in full for the duration of the construction works.

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

5) Construction Logistics Plan

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

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

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

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

6) Construction Management Plan

Prior to commencement of the development hereby permitted, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Council. The CMP shall provide details of how construction works are to be undertaken and shall include:

- a) A construction method statement which identifies the stages and details how works will be undertaken
- b) Details of working hours shall be limited to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays
- c) Details of plant and machinery to be used during construction works
- d) Details of waste management strategy
- e) Details of community engagement arrangements
- f) Details of any acoustic hoarding
- g) A temporary drainage strategy and performance specification to control surface water runoff and Pollution Prevention Plan (in accordance with Environment Agency Guidance);
- h) Details of external lighting; and
- i) Details of any other standard environmental management and control measures to be implemented.

The development shall be carried out in accordance with the approved details. Additionally, the site or Contractor Company must be registered with the Considerate Constructors Scheme. Proof of registration must be sent to the Local Planning Authority prior to any works being carried out.

To ensure that occupiers of surrounding premises are not adversely affected by noise, vibration, dust, lighting or other emissions from the building site in accordance

with Policies SI 1, SI 8 and SI 10 of the London Plan 2021, and Policies DC1, DC2, CC6, CC7, CC10, CC11, and CC12 of the Local Plan 2018.

7) Details of Pergola

Prior to the erection of the pergola full details of this structure including scale plans and materials details will be submitted to and approved in writing by the Council. The pergola shall be erected in accordance with the approved details.

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

8) External noise from machinery, extract/ventilation ducting, ASHP etc.

The external sound level emitted from plant, machinery or equipment at the development shall be lower than the lowest existing background sound level by at least 5dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014+A1:2019 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

A post installation noise assessment shall be carried out where required to confirm compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

9) 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.

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.

10) Use of roof

The flat roof of the buildings and associated balustrades shall only be used in association with maintenance of the approved plant at this level.

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

Justification for Approving the Application:

The principle of development with regards to the refurbishment of the building to improve thermal performance, energy efficiency and reduce reliance upon carbon-based energy is supported. The proposal is acceptable in design and visual terms, although the proposed roof top plant and enclosures would result in less than substantial harm to the significance of the Central Fulham Conservation Area. On balance, given that proposals would result in an increase in the thermal performance and reduce energy consumption of the building and 16 homes in total, it is considered that any harm would be outweighed by the public benefits of the proposal. The proposal would not result in unacceptable impacts upon the amenities of neighbouring residential properties. Highways and environmental matters including, flood risk, air quality and trees have also been satisfactorily addressed and will be subject to conditions. In these respects, the proposals would comply with 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, the London Plan (2021), Local Plan Policies CC1, CC2, DC1, DC2 and DC8 and Key Principle AH2 of the Hammersmith and Fulham Planning Guidance SPD.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 16th August 2023
Drawing Nos: see above

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

Consultation Comments:

Comments from:

Dated:

Neighbour Comments:

Letters from:

Dated:

5 Hazelwood Mansions Rostrevor Road London SW6 5AT

23.03.24

40 Chesilton Road London SW6 5AB	10.01.24
5 Hazelwood Mansions Rostrevor Road London SW6 5AT	02.01.24
Third Floor East 1 London Bridge London SE1 9BG	11.01.24
42 Chesilton Road London SW65AB	10.01.24
8 Hazlewood Mansions, London SW6 5AT	13.09.23
2 Hazelwood Mansions Rostrevor Road London SW6 4XE	30.08.23
Flat 8, Hazelwood Mansions Rostrevor Road London SW6 5AT	04.09.23
Flat 8, Hazelwood Mansions Rostrevor Road London SW6 5AT	08.01.24
Flat 8, Hazelwood Mansions Rostrevor Road London SW6 5AT	23.03.24
Flat 8, Hazelwood Mansions Rostrevor Road London SW6 5AT	02.01.24
Flat 8, Hazelwood Mansions Rostrevor Road London Sw6 5at	24.08.23
Flat 8, Hazelwood Mansions Rostrevor Road London Sw6 5at	24.08.23
5 Hazelwood Mansions Rostrevor Road London SW6 5AT	24.08.23
Grainger Plc 1 London Bridge London SE1 9BG	24.08.23
42 Chesilton Road London SW65AB	20.09.23
8 Lilyville Road London SW65DW	01.09.23
8 Lilyville Road London SW65DW	23.03.24

1.0 SITE DESCRIPTION

- 1.1 The application site comprises two adjoining three-storey blocks with partial basements. Each block includes 8 flats (total of 16) and they are located on the south west side of Rostrevor Road close at the junction with Swift Street.
- 1.2 The site is in a residential area which predominantly consists of two and three storey terraces with a strong uniformity of design. The adjacent Elwood Mansions and nearby Deepdene Mansions are of similar scale. To the rear of the site are three storey residential terraces along Chesilton Road.
- 1.3 The site is located within the Central Fulham Conservation Area and Flood Zone 3.

2.0 RELEVANT PLANNING HISTORY

- 2.1 In 2023, planning permission (ref 2022/02979/FUL) was granted for external alterations to include: installation of 1 double glazed timber framed window at lower ground, upper ground, first and second floor levels, replacement of 1 existing timber framed single glazed window with new double glazed timber door at lower ground floor level to North Eastern and North Western elevations, and replacement of all remaining single glazed timber framed windows with new double glazed timber framed windows to all elevations.

3.0 PROPOSAL

- 3.1 The current proposal involves the following elements:

Roof Level

- Erection of a plant room enclosure with air source heat pumps

- Installation of 58no solar panels
- Erection of safety balustrades
- Installation of 2 automatic opening vent rooflights
- Raising of parapets and installation of new insulation

Other changes

- Replacement of existing single glazed timber framed windows and doors with new timber framed double glazed windows and doors (as approved in 2022/02979/FUL)
- Additional window per flat to side elevation and additional door to rear of the Lower Ground Floor flats
- Provision of refuse storage and cycle parking and associated landscaping

3.2 The current proposals include the replacement double glazed windows and doors approved in 2023 (ref 2022/02979/FUL) together with the additional measures outlined above the proposal would renovate and refurbish the blocks as well as introduce renewable energy provision. Overall, the proposals seek to improve the energy performance of the building and reduce the reliance on carbon based energy sources.

3.3 During the consideration of the application the scale of the plant enclosure was reduced with the inclusion of a mono-pitched roof to the front. Additional information was also provided to demonstrate that the plant enclosure had been consolidated as far as possible.

4.0 PUBLICITY AND CONSULTATIONS

Statutory Consultation

4.1 The planning application was publicised by site and press notices together with 60 notification letters sent to neighbouring properties.

4.2 In response, 18 letters of objection were received from 7 separate properties, the concerns raised can be summarised as follows:

- Impact upon character/heritage
- Consideration of other options
- Loss of view
- Loss of light and outlook
- Loss of privacy if Juliet balconies to be used
- Need for daylight and sunlight assessment
- Right to light
- Noise and vibration
- Heat from heat pumps
- Style of rooflight
- Impact on property value
- Government review of heat pumps
- Lack of precedent for development

Officer Response to Consultation

- 4.3 The impact upon the street scene and character of the area as well as the Conservation Area are fully considered in the relevant sections of the report. The matters relating to residential amenity (loss of light, outlook, privacy, noise and disturbance) are also considered within the report.
- 4.4 The impact upon the street scene and character of the area as well as the Conservation Area are fully considered in the relevant sections of the report. The matters relating to residential amenity (loss of light, outlook, privacy, noise and disturbance) are also considered within the report.
- 4.5 Matters relating to right to light are a civil matter and are not a material planning consideration, however as set out above the impact in terms of loss of light and outlook is considered. The impact upon a view and property value are also not material planning considerations and cannot be taken into account in the assessment of the proposal.
- 4.6 The consideration of alternative option was queried during the application process and various justifications were put forward for the comprehensive approach taken. As such the application must be considered in relation to the information submitted.
- 4.7 There is no indication that air source heat pumps located at roof level would result in significant heating of the surrounding area. As such the impact upon neighbouring amenity in this regard would be negligible.
- 4.8 Queries were raised regarding whether the replacement windows include Juliet balconies. The proposal does not include any Juliet balconies, the replacement windows would match the size of the existing openings.
- 4.9 The rooflights are shown as being flat and would be centrally located on the roof. They would not present a significant feature on the roof.
- 4.10 The DEFRA Review of Air Source Heat Pump Noise Emissions, Permitted Development Guidance and Regulations was published on the 8th January 2024. This does not alter the status of the Council's Development Plan and as the works require planning permission the proposals should be considered against relevant policies and guidance. The noise impact of the proposal is considered in the relevant section of the report.

5.0 POLICY FRAMEWORK

- 5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.
- 5.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which

indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).

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

National Planning Policy Framework (2023)

5.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was most recently revised in 2023 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.

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

London Plan

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

Local Plan

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

6.0 PLANNING ASSESSMENT

6.1 The main considerations material to the assessment of this application can be summarised as follows:

- a) Energy and Sustainability
- b) Design and heritage impact
- c) The impact of the proposal upon the existing amenity of neighbouring residents
- d) Highways
- e) Environmental issue including Flood Risk, Air Quality and Trees

7.0 ENERGY AND SUSTAINABILITY

- 7.1 Paragraph 162 of the NPPF sets out that development proposals are expected to comply with local requirements and should take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption and to increase the use and supply of renewable and low carbon energy. Paragraph 164 goes on to state “In determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights). Where the proposals would affect conservation areas, listed buildings or other relevant designated heritage assets, local planning authorities should also apply the policies set out in chapter 16 of this Framework.”
- 7.2 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.
- 7.5 A Sustainability Report has been provided with the application. The proposal takes a comprehensive approach to improving the sustainability of the building through improved insulation, use of air source heat pumps and solar panels. The report outlines that this approach reduce annual carbon emissions by 68,768 kg CO2/year, which equates to a 47.8% improvement on the existing building. This represents a substantial improvement to the performance of the building in sustainability terms.

Conclusion

- 7.3 The proposal would result in a positive benefit in terms of sustainability and energy efficiency in accordance with policies CC1 and CC2 of the Local Plan. This represents a benefit for residents and to the wider area which should be afforded significant weight in the assessment of the application in line with the Council priorities regarding the climate emergency.

8.0 DESIGN AND HERITAGE IMPACT

- 8.1 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.

8.2

- 8.3 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.'
- 8.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was most recently revised in 2021 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.
- 8.5 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.
- 8.6 Para 201 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.
- 8.7 Para 203 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.
- 8.8 Para 205 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.
- 8.9 Para 208 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.
- 8.10 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).

- 8.11 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.
- 8.12 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 208 and 209, 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.
- 8.13 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.
- 8.14 In the first instance, the assessment to be made is whether the development within the Conservation Area will cause harm to that designated heritage asset or its setting. If no harm is caused, there is no need to undertake a balancing exercise. If harm would be caused, it is necessary to assess the magnitude of that harm before going to apply the balancing test as set out in paragraphs 208 and 209 of the NPPF as appropriate.
- 8.15 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.
- 8.16 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.
- 8.17 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.
- 8.18 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.

8.19 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.

- 8.20 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.
- 8.21 The application site is located within the Central Fulham Conservation Area. The main element of the proposal which would impact upon the character and significance of the conservation area is the introduction of the air source heat pumps and their associated plant/acoustic enclosures. The plant enclosure would be set back approximately 8.4m from the front elevation of the building with a maximum height of some 2.4m above the front parapet falling to 2m due to the use of the pitched roof. It would be set back from the rear elevation by approximately 3.1m and from either side elevation by 3.6m. Each enclosure would have a length of 6.2m and a width of 3.6m.
- 8.22 In addition to the plant enclosures there would be a number of other features at roof level including the installation of solar panels, the erection of safety balustrades, the 2 automatic opening vent rooflights and the raising of the parapets with the associated insulation. The solar panels would be set across the majority of the flat roof and would be set away from the edge of the building. They would have a limited projection above the flat roof of approximately 0.3m. The safety balustrades and vent rooflights would be located relatively centrally on the flat roof immediately in front of the plant enclosure. The rear parapets of the building would be raised by approximately 0.15m to accommodate to accommodate the insulation.
- 8.23 There is existing plant at roof level as well as chimney stacks which are prevalent throughout the street scene. The pitched roofs of the terraces on Rostrevor Road to the south of Swift Street also project above the height of the flat roof of Quenington Mansions. Therefore, there is already some built form at this level. However, the proposed plant enclosures would be significantly larger than the existing plant on the roof along with the various chimney stacks. This would therefore represent something of a departure at this level in terms of built form.
- 8.24 In terms of the visual impact of the proposal this would be predominantly be from the plant enclosures. Whilst the set back from the front elevation is likely to limit any impacts upon the majority of views from Rostrevor Road itself. However, these structures would be visible in in a small range of longer views along Swift Street with the enclosures projecting significantly above the flat roof height and appearing much more substantial than the existing structures at roof level. There would also be significant views from surrounding residential properties and gardens to the rear of the site although this would be somewhat mitigated by the set back from the rear and side elevations. The introduction of a pitched roof to the front of the enclosure would assist in reducing the visual bulk of the structure and along with the use of lighter tone materials and finishes would reduce their prominence and impact overall.. However, given the visibility of the unit/enclosures within these views, there would be some harm to the character

and appearance of this sub-area of the conservation area. This harm sits at the lower end of the spectrum of less than substantial harm, with the significance of the conservation area as a whole preserved in accordance with the requirements of s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 .

- 8.25 The remaining elements of the proposal at roof level would be relatively consolidated and not readily visible in surrounding views. Given the height of these elements the views from the public domain would be significantly restricted and any views from the side and rear of the site would also be more limited. Whilst this would result in an element of clutter alongside the plant the visual impact of this would be very restricted with the primary views of these features likely to be from upper floor windows of neighbouring properties and a limited wider impact.
- 8.26 The alterations to the parapet wall would be very limited in scale and the materials used would match the existing building. Therefore, this element of the proposal is considered to be sympathetic to the character of the building and would not adversely impact upon its character or that of the surrounding area or Conservation Area.
- 8.27 In addition to the alterations to the roof the proposal also includes the replacement of the existing windows and doors with new timber framed double glazed windows and doors along with the introduction of doors to the rear of the lower ground floor flats and an additional window per flat in the respective side elevations. The replacement and additional windows and doors would respect the materials and style of existing openings and therefore are considered to be sympathetic to the character of the building and would not adversely affect the character of the wider area.
- 8.28 The proposed refuse storage would be located at lower ground floor level to the front of the site and would consist of small scale timber stores along the front boundary. Given their small scale and siting below street level any views within the street scene and the wider area would be extremely limited. The proposed cycle parking would consist of wall mounted bike stands to the north west side elevation of the rear outrigger on this side of the building. Given the small scale and position of these stands they would not be visible in the street scene and would be subordinate to the character of the building as a whole.
- 8.28 To the rear of the site the proposal includes the landscaping of the shared rear amenity space. These changes would improve the overall legibility and usability of the space as well as its visual appearance. In addition, given the siting of these elements to the rear of the building at ground level they would not significantly impact upon the character of the building or the surrounding area.

Design and Heritage Conclusion

- 8.29 Generally, the proposals are supported from a design perspective. However, given the visibility of the roof top plant/enclosures within localised views, there would be some harm to the character and appearance of the Central Fulham Conservation Area. This harm sits at the lower end of the spectrum of less than

substantial harm, with the significance of the conservation area as a whole preserved in accordance with the requirements of s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. There are no heritage benefits which would outweigh this harm and wider public benefits, in accordance with paragraph 208 of the NPPF are considered in the conclusion of this report.

9.0 AMENITY OF NEIGHBOURING RESIDENTS

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

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

9.2 Policies DC1 and DC4 require all proposals for new builds and extensions to be formulated to respect the principles of good neighbourliness. Planning Guidance SPD Housing Key Principles 6 and 7 support Local Plan Policy HO11 and set out a more detailed means of assessment.

9.3 The immediate neighbours to the site are No.35 Rostrevor Road and Hazelwood Mansions to either side of the building. To the rear of the site are the residential dwellings between No.30-42 Chesilton Road. To the front of the site are the neighbours on the opposite side of Rostrevor Road between No.52-58. There is also the potential impact upon the residential units within the building itself.

9.4 In relation to No.35 the proposed plant enclosure would project approximately 5.4m beyond the rear facing windows of this neighbour. However, the enclosure is set in 5.8m from the boundary with this neighbour and is set back from the side elevation of the building closest to the neighbour. In conjunction with its relatively limited height it is considered that the impact upon the rear facing windows of this neighbour would be limited and it would not significantly impact upon light or outlook to these windows

9.5 The neighbours within the adjoining mansion block, Hazelwood Mansions, benefit from rear and side facing windows which would potentially be impacted by the proposed alterations at roof level. In relation to this neighbouring building the proposed plant enclosure would project approximately 6.3m beyond the main rear elevation of this building. Again, it would be set in from the shared boundary with this neighbouring building by 5.7m. This would result in a separation distance from the side facing windows of this neighbouring building of some 7.9m from these windows.

9.6 Key Principle HS7 i) seeks to ensure that rear extensions do not worsen the outlook from habitable room windows located lower than the extension. In particular this sets out that an extension to the roof should not breach a 45 degree vertical angle to side facing windows within the rear outrigger of neighbouring properties. In this instance the set back of the plant enclosure and the separation distance from the neighbouring windows would mean it would not breach the 45 degree angle to the third floor level windows at Hazelwood Mansions. In relation to the lower level windows of this neighbour the set back

would ensure that there would not be a significant additional impact compared to the existing built form of Quenington Mansions. As such it is considered that the proposal would not significantly impact upon light or outlook to this neighbour.

- 9.7 In terms of the neighbours to the rear on Chesilton Road Key Principle HS6 is relevant. This states that where garden depths do not exceed 9m a proposal should not breach a 45 degree vertical angle when taken from ground level on the rear boundary. The proposed plant enclosure would breach this angle, however the existing rear outrigger of the building already results breaches this angle. Given the set back from the rear elevation the impact of the enclosure is not significantly greater than the existing situation. Therefore, it is considered that the proposal would not result in a significant loss of light or outlook to these neighbours.
- 9.8 In terms of the flats located within Quenington Mansion itself the impact would be similar to that experienced by the neighbours at Hazelwood Mansions with some views of the plant enclosure from side facing windows in the rear outrigger. However, as set out previously, the set back of the enclosure from the side elevation would mean that any impact would be limited and would not significantly impact upon light or outlook.
- 9.9 To the front of the site the neighbours on the opposite side of Rostrevor Road would not be significantly impacted in terms of light and outlook due to the set back of the enclosure from the front elevation.
- 9.10 The other elements of the proposal would not significantly alter the overall scale and massing of the building and it is considered that these would not result in an unacceptable impact on light or outlook.

Conclusion

- 9.11 Overall, the development would not have an unacceptable impact in terms of light or outlook to adjacent existing properties and would accord with Policies DC1, DC4 and HO11 of the Local Plan (2018).

Privacy

- 9.12 SPD Key Principle HS7 (iii) sets an 18m standard from windows in new development to existing windows, in order to protect privacy. The SPD clarifies that the 18m distance would be measured by an arc of 60 degrees taken from the centre of the proposed new window to ensure that there is no loss of privacy to neighbouring occupiers. The replacement and proposed windows would provide similar views to existing windows and would not result in a significant loss of privacy to neighbours. The proposal would also result in some occasional maintenance at roof level, however, given the infrequent nature of such works this would not result in a significant long term impact. Similarly, the landscaping of the rear garden and minor changes in levels would not result in a significant change in the views available from this area.

9.13 Overall, the proposal would not result in a significant loss of privacy or overlooking. In this regard the proposed development complies with Policies DC1, DC4 and HO11 of the Local Plan (2018).

Noise and Disturbance

9.14 Policy CC11 and HO11 relate to noise and neighbouring amenity and require all development to ensure that there is no undue detriment to the general amenities enjoyed by existing surrounding occupiers, particularly those of residential properties.

9.15 The proposal does include plant and equipment associated with the air source heat pumps and solar panels. A noise impact assessment has been submitted with the application which demonstrates that these elements will not adversely impact upon neighbouring amenity with regards to noise. The Council's Environmental Protection Officer was consulted on the application and raised no objection subject to condition. On this basis, the proposal is in accordance with Policies CC11 and CC13 of the Local Plan and Key Principle NN4 of the Planning Guidance SPD.

10.0 HIGHWAYS AND TRANSPORTATION

Construction Logistics Plan

10.1 The main impact of the development in highway terms would be at the site setup and construction stages. Local Plan Policy T7 and Planning Guidance SPD Key Principle TR21 state that development with a potential impact upon highway operation will require a Construction Logistics Plan. Given the scale of the works it is considered that, a detailed Construction Logistics Plan should be secured by a condition. On this basis the proposal would not result in an unacceptable impact upon the Highway.

11. ENVIRONMENTAL MATTERS

Trees

11.1 Policy G7 of the London Plan further states that development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed. Policy OS5 of the Local Plan states that the Council will seek retention of existing trees and provision of new trees on development sites. The supporting text (Paragraph 10.17) highlights that the loss of trees nearly always results in deterioration of ecological value and environmental character of an area and will not be acceptable without good cause.

11.2 The proposal would result in the loss of some existing small trees and shrubs on the site, however the key arboricultural features will remain on site and will be protected during the development. The Council's Tree Officer was consulted on the application and raised no objection subject to the works being carried out in

accordance with the submitted Arboricultural Impact Assessment and Tree Protection Plan. On this basis the proposal is considered to be acceptable in relation to the impact upon trees.

Flood Risk

- 11.3 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.
- 11.4 The SuDs, and Flood Risk and Water Efficiency Chapters of the Planning Guidance SPD support the above.
- 11.5 The application site is located within Flood Zone 3, however the proposal would not alter the extent of built form on the site and therefore a flood risk assessment is not considered necessary in this instance. Notwithstanding this the proposal would include rainwater harvesting in the form of a water butt and aims to improve water efficiency internally. On this basis the proposal would represent an improvement on the existing situation and there are no concerns with regards to the impact upon flood risk.
- 11.6 On this basis, officers consider that the proposed development would not detrimentally impact on flood risk or surface water run-off and would be in accordance with the policies CC3 and CC4 of the Local Plan.

Air Quality

- 11.7 London Plan Policy SI1 states that development proposals should not lead to deterioration of existing poor air quality, create any new areas that exceed air quality limits or create unacceptable risk of high levels of exposure to poor air quality.
- 11.8 Local Plan Policies CC1 and CC10 seeks to reduce potential adverse air quality impacts arising from new developments and sets out several requirements. These are supported by Planning Guidance SPD Key Principles AQ1 to AQ5.
- 11.9 The development site is within the borough wide Air Quality Management Area (AQMA). On this basis, the Council's Environmental Quality officer has considered the proposal and has recommended conditions relating to the submission of details of the installation of Zero Emission /Air Source Heat Pumps for space heating and hot water, details of induction stoves and the provision of an active travel mobility hub.
- 11.10 Given the scale of the proposal it is considered that conditions relating to induction stoves and delivery hubs would not be necessary. The number of units would not change on site and the development itself would not necessarily include the replacement of existing kitchens. The proposal is for the provision of

the air source heat pumps and therefore a condition in relation to these elements is not required in order to make the application acceptable in planning terms.

12.0 Conclusion

12.1 Officers have identified that the proposals would result in less than substantial harm to the character and appearance of the Central Fulham Conservation Area. With this harm being towards the lower end of the spectrum of less than substantial harm. There are no heritage benefits which outweigh this harm.

12.2 In accordance with paragraph 208 of the NPPF, this harm should be considered against the heritage benefits and other public benefits of the proposal scheme. These benefits include the improved thermal performance and energy efficiency of the building, alongside introduction of renewable energy sources which would reduce the reliance on carbon-based energy sources. These interventions cannot be achieved elsewhere on the site due to the constraints which exist, and the siting and design of the roof top enclosures has been carefully considered to limit the impact, particularly upon the surrounding street scene as much as possible. In this instance these improvements would lead to substantive improvements to the thermal performance, energy efficiency, alongside reducing reliance upon carbon-based energy to a total of 16 properties as part of a mansion block.

12.3 For these reasons, it is considered that there are positive public benefits of this scheme in terms of sustainability and energy efficiency in accordance with policies CC1 and CC2 of the Local Plan. Considering paragraph 208 of the NPPF, these benefits are considered to outweigh the less than substantial harm identified. As such, the proposed works would comply with 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, the London Plan (2021), Local Plan Policies CC1, CC2, DC1, DC2 and DC8 and Key Principle AH2 of the Hammersmith and Fulham Planning Guidance SPD.

13.0 RECOMMENDATION

13.1 Grant planning permission subject to conditions.