

Planning and Development Control Committee

Agenda

Tuesday 8 October 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
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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 3 October 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

8 October 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 - 7
<p>To approve as an accurate record, and the Chair to sign, the minutes of the meeting of the Committee held on 17 September 2024.</p>	
4. 100 LILLIE ROAD, LONDON SW6 7SR, WEST KENSINGTON, 2024/00747/FUL	8 - 57
5. BEACONSFIELD WALK JUNCTION PARSONS GREEN LANE, LONDON SW6 4DA, TOWN, 2023/00005/FR3	58 - 67

**6. FULHAM GASWORKS, IMPERIAL ROAD, LONDON SW6, SANDS
END, 2024/00961/VAR**

68 - 157

London Borough of Hammersmith & Fulham

Planning and Development Control Committee Minutes



Tuesday 17 September 2024

PRESENT

Committee members: Councillors Omid Miri (Chair), Florian Chevoppe-Verdier (Vice-Chair), Ross Melton, Nikos Souslous, Nicole Trehy, Patrick Walsh and Adrian Pascu-Tulbure

Other Councillors: Councillor Liz Collins, Ravenscourt Ward

Officers:

Matt Butler (Assistant Director of Development Management)
Allan Jones (Team Leader Urban Design and Heritage)
Neil Egerton (Team Leader)
Roy Asagba-Power (Team Leader)
Mrinalini Rajaratnam (Chief Solicitor - Property and Planning)
Charles Francis (Clerk)

1. APOLOGIES FOR ABSENCE

Apologies for absence were provided by Councillor Alex Karmel.

2. DECLARATION OF INTERESTS

There were no declarations of interest.

3. MINUTES

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

At the start of the meeting and before the first application was considered, the Chair asked officers to clarify what the Addendum was. Matt Butler, Assistant Director of Development Management, confirmed this was produced for each meeting, and contained those changes, either new representations / information,

alterations or deletions made to the application reports since the original agenda was published.

4. **1A RAVENSCOURT ROAD, LONDON W6 0UH, RAVENSCOURT, 2022/02116/FUL**

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

Neil Egerton provided a presentation on the application. A resident spoke in objection, the Applicant spoke in support and Councillor Liz Collins, Ward Councillor, spoke in objection to the application.

During the course of discussions, the Committee asked for the neighbours to be consulted on the landscaping conditions supplied by the Applicant when these became available and the conditions for the demolition management plan and construction management plan to make clear the restriction on no working on Sundays or bank holidays.

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 planning permission upon the completion of a satisfactory legal agreement and subject to the conditions listed below.
2. That the Director of Planning and Property, after consultation with the Assistant Director 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.

5. **153 HURLINGHAM ROAD, LONDON SW6 3NN, PALACE AND HURLINGHAM, 2024/01050/ADV**

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

Roy Asagba-Power provided a presentation on the application. There were no registered speakers.

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

Recommendation 1:

FOR	6
AGAINST:	1
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 advertisement consent subject to the conditions listed below.
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.

Addendum

Meeting started: 7.00 pm
Meeting ended: 8.31 pm

Chair

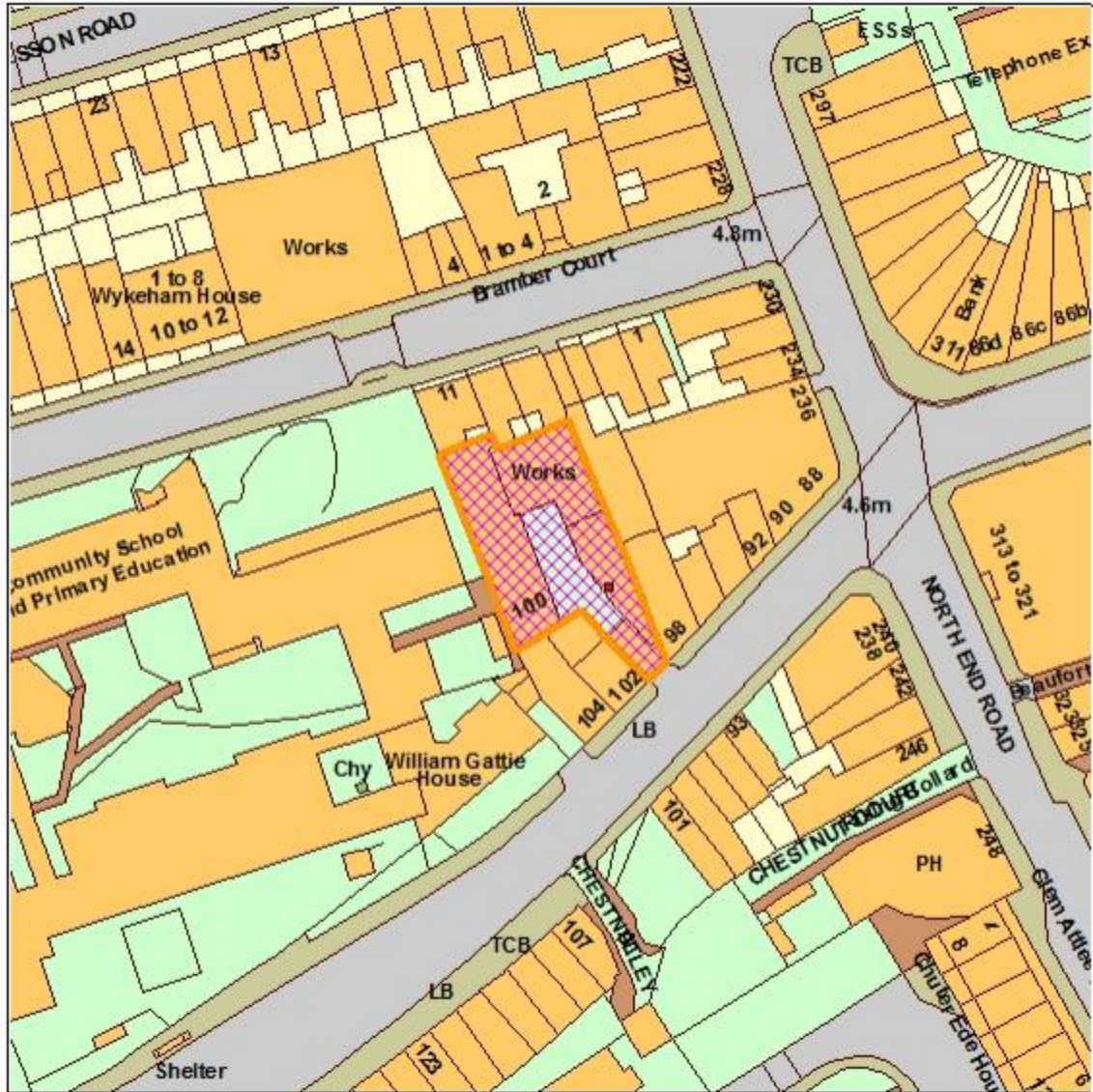
Contact officer: Charles Francis
Committee Co-ordinator
Governance and Scrutiny
Tel 07776 672945
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Agenda Item 4

Ward: West Kensington

Site Address:

100 Lillie Road London SW6 7SR



Reg. No:
2024/00747/FUL

Date valid:
03.04.2024

Committee Date:
08.10.2024

Case Officer:
Ronny Ferley

Conservation Area:
N/A

Applicant:

Mr Hugh Garforth-Bles
c/o Savills
33 Margaret Street
London
W1G 0JD

Description:

Demolition of existing light industrial buildings (Class E), redevelopment of the site to include the erection of part single, part two and part two and a half storey buildings to provide 8No. single family dwellinghouses (Class C3) together with roof terraces and solar panels, installation of entrance gates facing Lillie Road, formation of bin stores, cycle stores with bike racks, 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 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) Time Limit

The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of this planning permission.
Reason: Condition required to be imposed by section 91(1)(a) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2) Approved Plans/Drawings

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

2199-PDP-XX-XX-DR-A-02000 Rev P01;
2199-PDP-XX-XX-DR-A-02001 Rev P01;
2199-PDP-XX-XX-DR-A-02100 Rev P01;
2199-PDP-XX-XX-DR-A-02101 Rev P01;
2199-PDP-XX-XX-DR-A-02200 Rev P01;
2199-PDP-XX-XX-DR-A-02300 Rev P01;
2199-PDP-XX-XX-DR-A-02301 Rev P01;
2199-PDP-XX-XX-DR-A-02302 Rev P01;
2199-PDP-XX-XX-DR-A-02303 Rev P01;
2199-PDP-XX-XX-DR-A-02304 Rev P01;
2199-PDP-XX-XX-DR-A-02305 Rev P01 Received 02.04.2024;
Proposed West Elevation;
Proposed East Facing Courtyard Elevation;
Proposed West Facing Courtyard Elevation Received 03.09.2024.

Reason: 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 and DC2 of the Local Plan (2018).

3) Materials

No part of the structure above ground level shall be constructed until details and samples of all materials to be used on the external faces of the building, including walls, roof coverings, windows and doors, have been submitted to and approved in writing by the Council. No part of the development shall be used or occupied prior to the completion of the development in accordance with the approved details.

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

4) Hard and Soft Landscaping

The development hereby permitted shall not be occupied or used before details and samples of surface materials, of the soft and hard landscaping of all private and communal external areas, including planting, planting schedules, paving, boundary walls, fences, gates and other means of enclosure, have been submitted to and approved in writing by the Council.

The development shall thereafter be carried out in accordance with the approved details and permanently retained thereafter. All soft landscaping shall be carried out during the first planting season available. Any soft landscaping removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

To ensure the building maintains satisfactory external relationship with its surroundings and that the new external areas are of an acceptable appearance, in accordance with Policies DC1 and DC2 of the Local Plan (2018).

5) Secured by Design

No above ground works (save demolition) shall be commenced until a statement of how "Secured by Design" requirements are to be adequately achieved for the development has been submitted to and approved in writing by the Local Planning Authority. Confirmation shall be supplied that the details are agreed by the Metropolitan Police's Crime Prevention Advisor.

Thereafter the approved details shall be carried out prior to occupation of the development and permanently maintained thereafter.

To ensure a safe and secure environment for users of the development, in accordance with Policies HO11 and DC2 of the Local Plan (2018).

6) External Lighting

External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals in the 'Guidance Notes for The Reduction of Light Pollution 2011'. Lighting should be minimized, and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Notes.

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

7) No Plant

No alterations shall be carried out to the external appearance of any part of the development hereby approved, including the installation of air-conditioning units, ventilation fans or extraction equipment not shown on the approved drawings, without planning permission first being obtained.

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

8) No Aerials

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

To ensure that the visual impact of telecommunication equipment can be considered in accordance with Policies DC1 and DC2, of the Local Plan (2018).

9) Rooftop Structures

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

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

10) Green Roof

No part of the structure above ground level shall be constructed until full details of the green roof and green wall system to be used have been submitted to, and approved in writing by, the Local Planning Authority.

Details shall include vertical sections through the green roof and green wall, as well as a maintenance plan. No part of the development shall be used or occupied prior to the completion of the development in accordance with the agreed details.

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

11) Solar PV Panels & Ground Source Heat Pumps

Prior to first occupation of the development hereby approved, details of the siting, gradient and number of Solar PV Panels as shown on Dwg Nos. 2199-PDP-XX-XX-DR-A-02001 Rev P01 & 2199-PDP-XX-XX-DR-A-02100 Rev P01, to be installed on the roofs and details of the Ground Source Heat Pumps as stated within the Energy Statement prepared by Phillips Buckell Ltd (Document Ref: 24010.7.Energy Rev P1, dated March 2024) shall be submitted to and approved in writing by the Local Planning Authority, implemented as approved and thereafter maintained.

In the interest of sustainability and to ensure that the proposed development does not prejudice the appearance of the area in accordance with Policies CC1, DC1 and DC2 of the Local Plan (2018).

12) Flood Risk Assessment (FRA)

The development hereby permitted shall not be occupied or used until the flood resilient design measures and water efficiency measures identified in the Flood Risk Assessment by Civic Engineers (dated May 2024) submitted with this application are fully implemented. The measures shall thereafter be permanently retained.

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

13) Sustainable Drainage (SuDS)

The development hereby approved shall not commence (save for works of site clearance and demolition of existing buildings) until details of a revised Sustainable Drainage Strategy has been submitted to and approved by the Local Planning Authority.

Such details should review the proposed SuDS measures and final discharge rates of surface water to demonstrate that infiltration techniques have been integrated where BRE 365 infiltration testing has shown that the underlying soils are suitable for infiltration.

The measures shall thereafter be permanently retained for the life of the development.

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

14) Rainwater Goods

No plumbing, extract flues or pipes other than rainwater pipes shall be fixed on the front, rear or side elevations of the building hereby approved.

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

15) Demolition Management/Logistics Plan

Prior to commencement of the development hereby approved the following shall be submitted to, and approved in writing by the Local Planning Authority:

- (i) A Demolition Management Plan:
Details shall include monitoring and control measures for noise, vibration, lighting, delivery locations, contractors' method statements, waste classification and disposal procedures and locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays, and not on Sundays or Bank Holidays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The approved details shall be implemented throughout the project period.
- (ii) A Demolition Logistics Plan:
This shall be in accordance with Transport for London (TfL) requirements and must seek to minimise the impact of demolition traffic on nearby roads and restrict demolition trips to off peak hours only. The details shall also include the numbers, size and routes of demolition vehicles, provisions to ensure that all vehicles associated with the demolition works are properly washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed. The approved details shall be implemented throughout the project period.

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

16) Construction Management/Logistics Plan

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

- (i) A Construction Management Plan:

Details shall include monitoring and control measures for noise, vibration, lighting, delivery locations, contractors' method statements, waste classification and disposal procedures and locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays and not on Sundays or Bank Holidays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The approved details shall be implemented throughout the project period.

(ii) A Construction Logistics Plan-

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

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

17) Air Quality Dust Management Plan (Demolition)

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

- a. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries
- b. Demolition Site and Equipment Layout Plan
- c. Inventory and Timetable of dust generating activities during Demolition site activities.

- d. Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM₁₀ (human health) impacts for sensitive receptors off-site of the development within 250 m of the site boundaries during the demolition phase and is undertaken in compliance with the methodology contained within Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and its subsequent amendments.
- e. Site Specific Dust, and NO_x Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall Low/Medium Dust Risk Rating of the site and shall be in a table format.
- f. Details of installation of solid hoarding (minimum height of 2.5 m) including photographic confirmation of installed hoarding around the perimeter of the site.
- g. Details of Site Dust Monitoring Procedures and Protocols including photographic confirmation of the installation of a minimum of 4 x Dust Deposition monitors on the site boundaries used to prevent dust levels exceeding the Site Dust Action Level (SDAL) of 200 mg/m²/day, averaged over a 4-week period as referenced in paragraph 4.41 of IAQM 'Monitoring in the Vicinity of Demolition and Construction Sites', Version 1.1, October 2018 guidance.
- h. Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage V NO_x and PM₁₀ emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NO_x and PM. An inventory of all NRMM for the first phase of demolition shall be registered on the London City Hall NRMM register GLA-NRMM-Register prior to commencement of demolition works and thereafter retained and maintained until occupation of the development.
- i. Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g., minimum Petrol/Diesel Euro 6 and Euro VI.
 - j. Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM₁₀, PM_{2.5}) and NO_x emissions at all times.
 - k. Approved details shall be fully implemented and permanently retained and maintained during the demolition phases of the development.

To ensure air quality is not compromised during the demolition phase, in line with Local Plan Policies CC10 and CC13 (2018).

18) Air Quality Dust Management Plan (Construction)

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

- c. Inventory and Timetable of dust generating activities during construction site activities.
- d. Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM₁₀ (human health) impacts for sensitive receptors off-site of the development within 250 m of the site boundaries during the construction phase and is undertaken in compliance with the methodology contained within Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and its subsequent amendments.
- e. Site Specific Dust, and NO_x Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall Low/Medium Dust Risk Rating of the site and shall be in a table format.
- f. Details of installation of solid hoarding (minimum height of 2.5 m) including photographic confirmation of installed hoarding around the perimeter of the site
- g. Details of Site Dust Monitoring Procedures and Protocols including photographic confirmation of the installation of a minimum of 4 x Dust Deposition monitors on the site boundaries used to prevent dust levels exceeding the Site Dust Action Level (SDAL) of 200 mg/m²/day, averaged over a 4-week period as referenced in paragraph 4.41 of IAQM 'Monitoring in the Vicinity of Demolition and Construction Sites', Version 1.1, October 2018 guidance.
- h. Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage V NO_x and PM₁₀ emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NO_x and PM. An inventory of all NRMM for the first phase of construction shall be registered on the London City Hall NRMM register GLA-NRMM-Register prior to commencement of construction works and thereafter retained and maintained until occupation of the development.
- i. Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g., minimum Petrol/Diesel Euro 6 and Euro VI.

The ensure air quality is not compromised during the construction phase, in line with Local Plan Policies CC10 and CC13 (2018).

19) Zero Emissions Heating

Prior to occupation of the development, details of the installation/commissioning including photographic confirmation of the installed Zero Emission MCS certified Ground Source Heat Pumps or Electric Boilers to be provided for space heating and hot water for the eight self-contained dwellinghouses (Class C3) use shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interest of air quality improvement and to comply with the requirements of the NPPF, Policy SI 1 of the London Plan and Policy CC10 of the Local Plan (2018).

20) Ventilation Strategy

Prior to commencement of above ground works in the development hereby permitted, a Ventilation Strategy Report to mitigate the impact of existing poor air quality for the eight self-contained dwellinghouses (Use Class C3) shall be submitted to and approved in writing by the Local Planning Authority. This is applicable to all residential floors where annual mean World Health Organisation (WHO) Air Quality Guideline Values (2021) for Nitrogen Dioxide (NO₂) - 10ug/m³, Particulate (PM₁₀) -15 ug/m³ and Particulate (PM_{2.5}) - 5 ug/m³ are exceeded 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 the rear elevations of all residential floors.
- b)** Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes on all residential floors, 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.
- c)** 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.
- d)** Details and locations of restricted opening windows (maximum 200mm for emergency purge ventilation only) for all habitable rooms (Bedrooms, Living Rooms, Study) on all residential floors.

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

In the interest of air quality improvement and to comply with the requirements of the NPPF, Policy SI 1 of the London Plan and Policy CC10 of the Local Plan (2018).

21) Ventilation Strategy – compliance

Prior to occupation of the development hereby permitted, details of a post installation compliance report including photographic confirmation of the mitigation measures as detailed in the approved ventilation strategy as required by condition 21 to mitigate the impact of existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. The report shall be produced by an accredited Chartered Building Surveyor (MRICS). Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

In the interest of air quality improvement and to comply with the requirements of the NPPF, Policy SI 1 of the London Plan and Policy CC10 of the Local Plan (2018).

22) Cycle Storage

The development shall not be used or occupied until the cycle storage areas, as shown on the approved Dwg No. 2199-PDP-XX-XX-DR-A-02305 Rev P01 have been installed, and the cycle storage areas shall be permanently retained in this form thereafter.

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

23) Refuse Storage

The development shall not be used or occupied until the refuse storage areas, as shown on the approved Dwg No. 2199-PDP-XX-XX-DR-A-02305 Rev P01 have been installed, and the refuse storage areas shall be permanently retained in this form thereafter.

To ensure adequate provision for refuse storage, in accordance with Policy CC7 of the Local Plan (2018).

24) No Other Roof Terrace

Apart from the areas specifically shown as designated roof terraces on the hereby approved drawings, no other part of any roofs of the buildings shall be used as roof terraces or other form of open amenity space.

No alterations shall be carried out; nor planters or other chattels placed on the roofs. No railings or other means of enclosure shall be erected on the roofs, and no alterations shall be carried out to any elevation of the application property to form access onto the roofs.

The use of the roofs as a terrace would increase the likelihood of harm to the existing residential amenities of the occupiers of neighbouring properties as a result of noise and disturbance, contrary to Policies CC11 and CC13 of the Local Plan (2018).

25) Terrace Screening

Prior to the occupation of the dwellings hereby approved, details of the privacy screens to be erected at first and second floor levels on the north, east, south and west elevations shall be submitted to and approved by the Local Planning Authority.

Such details shall include the finish of the screens to include as a minimum, obscure glazing with a level of obscurity equivalent to at least Pilkington Texture Glass Level 3 installed fixed and non-removable at a height of 1.7m above the finished floor level.

The screens shall thereafter be permanently retained as approved.

To protect the amenities of adjoining occupiers in terms of privacy and overlooking in accordance with Policies DC4 and HO11 of the Local Plan (2018).

26) Preliminary Risk Assessment

No development shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Council. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

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

27) Site Investigation Scheme

No development shall commence until a site investigation scheme is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

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

28) Quantitative Risk Assessment

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Council. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

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

29) Remediation Method Statement

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a remediation method statement is submitted to and approved in writing by the Council. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

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

30) Verification Report

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved remediation method statement has been carried out in full and a verification report confirming these works has been submitted to, and approved in writing, by the Council. This report shall include details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

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

31) Onward Long-Term Monitoring Methodology

Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until an onward long-term monitoring methodology report is submitted to and approved in writing by the Council where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the Council when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with and by a competent person who conforms to LCRM: Land Contamination Risk Management (Environment Agency 2023) or the current UK requirements for sampling and testing.

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

32) PD Rights Removed Single Family Dwelling

The dwellings hereby approved shall only be used as single dwellinghouses falling within use Class C3. The resulting property shall not be used as a house in multiple occupation falling within Class C4 of the Town & Country Planning (Use Classes) Order 1987 (as amended).

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

33) Remove PD rights - Alterations and Extensions

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no enlargement, improvement, alteration, building, or enclosure permitted by Schedule 2, Part 1, Classes A, AA, B, C, D, E or F of the Order shall be carried out or erected without the prior written permission of the local planning authority.

To safeguard the visual amenities of the area and ensure that the external appearance of the building is satisfactory and safeguard the amenities of neighbouring occupiers and amenity of future occupiers in accordance with Policies DC1, DC4, HO11 and DC8 of the Local Plan (2018).

34) Absolute Noise Criteria

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

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

35) Tree Protection

All site clearance, preparatory work or development shall take place in strict accordance with the hereby approved Arboricultural Impact Assessment and Preliminary Method Statement including tree protection plan (Ref: MDJAC-24.019-AIAPMS-01) by MDJ Arboricultural Consultancy Ltd. dated March 2024.

Tree protection must be in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced).

The scheme for the protection of the retained trees shall be carried out as approved.

To ensure the protection of trees on and off site during construction works and after in accordance with Policy OS5 of the Local Plan (2018).

36) Fire Safety

The development shall be carried out in accordance with the provisions of the Fire Safety Notes by Socotec dated March 2024, unless otherwise approved in writing by the Local Planning Authority.

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

Justification for approving application:

1. Land Use: The proposal would achieve a sustainable form of development by meeting local housing demands on previously developed land which includes buildings in poor conditions. The applicant has demonstrated

that the situation at the site is no longer conducive to the operation of the current light industrial use falling within Use Class E (sofa making/upholstery business). There would be no loss of employment as the existing business would be relocated elsewhere within the borough. It is considered that residential use would be more compatible with the surrounding area which includes a number of residential dwellings either completely or as part of a mixed-use set up above commercial. The proposed 8 small non-family sized residential units would make efficient use of land by optimising residential use on this backland site within a town centre. The proposals are therefore considered to be in accordance with Policy D3, GG2 and SD6 of the London Plan (2021), Policies E1, E2, HO1, HO4, HO5 and TLC2 of the Local Plan (2018).

2. **Housing Quality:** The proposed development would provide 8 small units of 1 to 2 bedrooms in excess of their minimum floorspace requirements and with some external amenity space. Given the town centre location and other identified constraints of the site, it is considered more appropriate for small non-family sized units. The units would provide dwellings with acceptable living conditions, good standards of accommodation and good amenities to future occupiers in accordance with London Plan (2021) Policy D6, the Mayor's Housing 'Design Standards' LPG (2023), the DCLG's Nationally Described Space Standards (2015), Local Plan (2018) Policies HO4, and HO11 and relevant Housing Key Principles of the 'Planning Guidance' SPD (2018) which all require new housing to be of a high quality design and be designed to have adequate internal and external space.
3. **Design, Appearance and Character:** The proposed development is held to be visually and aesthetically acceptable. The proposals are considered to be of a good quality of design which optimises the capacity of a previously developed land and take sufficient design cues from the surrounding built environment, including in materiality and form. It is considered that the proposed development would be an adequate fit within the context and be sensitive to its surroundings, having regard to the character and appearance of the existing site and its vicinity. The significance and setting of nearby locally listed Buildings of Merit would be preserved. The proposed scheme therefore accords with the NPPF (2023), London Plan (2021) Policy D3 and D5, and Local Plan (2018) Policies DC1, DC2 and DC8.
4. **Residential Amenity:** The proposed development would respect the principles of good neighbourliness and maintain an acceptable relationship with the neighbouring residential properties. Subject to conditions, the proposed scheme would not have an unacceptably harmful impact on neighbouring residential amenity in terms of daylight/sunlight, outlook, privacy and noise and disturbance. In this regard, the proposals comply with Policies DC1, DC2,

HO11, CC11, CC12 and CC13, and relevant housing and amenity Key Principles of the 'Planning Guidance' SPD (2018).

5. Transport and Highways: It is considered that the scheme would not have a significant undue impact on the highway network, road safety and conditions or local on-street car parking demands due to restriction of car parking on and off street; hence it is deemed to be acceptable in transport terms. Satisfactory provision would be made for cycle parking and a legal agreement is secured to ensure a car-free scheme in this area which benefits from very good public transport links. Adequate provision for the storage and collection of refuse and recyclables would be provided. The proposed development therefore accords with the NPPF (2023), London Plan (2021) Policies T1-T7, Local Plan (2018) Policies T1, T2, T3, T4, T7 and CC7, and relevant transport and waste management Key Principles of the 'Planning Guidance' SPD (2018).
6. Environmental Issues: The impact of the development with regards to land contamination, flood risk, energy, sustainability, trees and air quality are considered to be acceptable subject to conditions to secure further details of mitigations and appropriate measures, in accordance with London Plan (2021) Policies SI 12 and SI 13 Local Plan (2018) Policies CC1, CC2, CC3, CC4, CC9 and CC10, and relevant Key Principles of the 'Planning Guidance' SPD (2018).
7. Planning Obligations: Planning obligations to offset the impacts of the development and make it acceptable in planning terms are secured. This includes local employment skills initiatives, public realms, local parks and open spaces improvements, car permit free restrictions, Section 278 highways works and the submission of a Construction Management Plan and an Air Quality Dust Management Plan plus monitoring fees. The proposed development would therefore mitigate external impacts and cater to the needs of the community affected by the proposed development. It would also contribute towards the regeneration of the North Fulham Area. This would accord with London Plan (2021) Policy DF1 and Local Plan (2018) Policies FRA and INFRA1.

That the applicant be informed as follows:

1. Thames Water would advise that management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan (2021). Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should the applicant require further information please refer the Thames Water website: <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

2. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed online via www.thameswater.co.uk

 3. If the applicant is planning on using mains water for construction purposes, it is important to let Thames Water know beforehand, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
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LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by case officer named above:

Application form received: 2nd April 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)
LBHF - 'Climate Change' Supplementary Planning Document (2023)

Consultation Comments:

Comments from:
Thames Water
Metropolitan Police Crime Prevention

Dated:
08.04.2024
25.04.2024

Neighbour Comments:

Letters from:

Dated:

102 Lillie Road London SW6	20.04.2024
9 Bramber Road London W14	02.05.2024
7 Bramber Road London W14	04.05.2024
Fulham Society, 1 Rosaville Road London SW6	02.05.2024

OFFICER REPORT

1. APPLICATION SITE

Description and Surrounding

- 1.1. This back land light industrial site (approximately 0.09 hectares) comprises a central courtyard with one and two storey buildings (Class E) in use as a sofa making/upholstery business. Pedestrian and vehicular access to the site is via an undercroft fronting Lillie Road.
- 1.2 The surrounding area is mixed in character. The frontage along Lillie Road includes mainly three and four storey properties with a parade of shops at ground floor and a mix of residential and other commercial uses on the upper floors. To the east, there are single and two storey structures connected to the properties in shopping parade along Lillie Road. Further to the east, there are three storey properties fronting North End Road which include both residential and commercial above.
- 1.3 The site lies within Fulham Town Centre and the Fulham Regeneration Area. The site is not within a conservation area and nearby Nos. 88-90 Lillie and 236 North End Road are Buildings of Merit.
- 1.4 The area has a Public Transport Accessibility Level 5 with very good access to public transport links and it is part of a Controlled Parking Zone (Zone D). It is also falls within part of a Flood Risk Zone 2 area.

Planning History

- 1.5 In 1995 outline planning permission (Ref: 1993/00510/FUL) was granted for the demolition of all existing buildings on the site in connection with the redevelopment of the site by the erection of a three-storey building providing approximately 680 square metres of business floorspace metres (Class B1) together with associated car parking and servicing.
- 1.6 In 1986 planning permission (Ref: 1986/00895/FUL) was refused for the erection of four storey building for light industrial use on the grounds of overdevelopment,

visually obtrusive, inadequate parking and servicing facilities and unneighbourly resulting loss of light and aspect.

- 1.7 In 1980 planning permission (Ref: 1980/00567/FUL) was granted for the replacement of existing roof and PVC wall with brickwork and glazing.

Current Proposal

- 1.8 The current proposals involve the demolition of existing single and two storey light industrial buildings (Class E) and its replacement with a part single, part two and part two and a half storey buildings to provide 8 single family dwellinghouses (Class C3). The proposed mews style redevelopment would include roof terraces and solar panels, a new entrance gate facing Lillie Road, bin stores, cycle stores with bike racks, and associated landscaping.

2. PUBLICITY AND CONSULTATION

Pre-Application Engagement

- 2.1 In accordance with the National Planning Policy Framework (NPPF), the applicant undertook a detailed programme of pre-application advice with the Council's planning officers for a redevelopment of the site to provide 8 houses. Pre-application discussions were held between October 2022 and August 2023. Overall, officers raised no objections to the proposed use and scale subject to additional information regarding the following: satisfactory marketing of the site; detailed design; the location of ancillary waste and cycle storage; mitigation of any loss of privacy; a daylight and sunlight assessment and a permeable courtyard to meet drainage requirements. In addition, the applicant was encouraged to conduct their own pre-planning consultation with neighbouring properties.
- 2.2 The applicant's submissions include a Statement of Community Involvement which sets out the range of methods that were used during their consultation period which took place in March 2024. The consultation included the following:
- 90 notification letters to neighbouring properties and local Councillors
 - a dedicated website
 - door knocking in Bramber Road, Lillie Road and North End Road to invite feedback either directly to the project team, via the website or at proposed drop-in session
 - Exhibition on 19th March 2024 at 100 Lillie Road
- 2.3 In total, 5 written/ online representations were received with strong support for the proposals. The door knocking exercise generated the best response which

received 16 respondents; 14 out of 16 respondents welcomed the proposals. Overall, the respondents supported the principle, design of the mews and building materials but raised concerns about parking in Bramber Road, the inclusion of a gate entrance on Lillie Road and loss of daylight/sunlight.

- 2.4 In response to the residents feedback the applicant has provided daylight and sunlight report, informed respondents that the scheme would be car-free and confirmed that the entrance gate is a largely see-through.

Application Consultation

- 2.5 The application was publicised by site and press notices. In addition, 138 notification letters were sent to neighbouring properties. In response, objection letters were 4 individual addresses and the grounds can be summarised as follows:

- Loss of privacy/ overlooking
- Loss of light, shading and overshadowing
- Incorrect identification of rooms in the submitted Daylight/Sunlight report
- 3D massing in Daylight/Sunlight report do not include terrace balustrades
- Parking stress levels will increase
- No affordable or social housing
- Insufficient developer engagement with neighbours
- Insufficient consultation with neighbours from the Council
- Short notice to response to consultation
- Plans should be printed and distributed to neighbours
- Poor community involvement
- There should be no planting of trees on shared boundaries
- Restricted access to neighbouring residents for fire exit
- Lack of information on sewer connection for the new units
- Party wall issues
- Concerns asbestos on site
- Noise, nuisance, dust and other pollution from construction activities.

- 2.5 The Fulham Society raised the following concerns:

- Overdevelopment of the site
- Crowded proposals
- Lack of safety considerations including fire safety
- Concerns over management of access to all utilities and drainage.

Officers Response

- 2.6 Where the above concerns constitute material planning considerations, they are considered in the relevant section of this report. In respect of the formal consultation process, officers are satisfied the application has been advertised

in line with the statutory requirements contained in the Town and Country Planning (Development Management Procedure) (England) Order 2015. Regarding the applicant's consultation with residents, the application submissions include a Statement of Community which sets out the measures included in the applicant's pre-application engagement; officers are satisfied that this accords with the NPPF and the Council's Statement of Community which encourage engagement between the developer and local residents.

- 2.7 Concerns about asbestos, fire safety and construction noise and activities are normally covered by building regulations and environmental health and protection legislations; however, where appropriate planning conditions can be used to request some mitigation measures.
- 2.8 The Council has declared a climate and ecological emergency since 2019 and every effort is made to reverse the negative impacts of climate change. Part of this involves taking steps to become paperless and minimise the printing of documents and plans.
- 2.9 Regarding sewage infrastructure, Thames Water have been consulted and they raised no objection to the proposed development.
- 2.10 Party wall issues fall outside of planning legislation and involve civil matters between the parties concerned which are covered by alternative provisions contained in the Party Wall Act.

3. POLICY CONTEXT

- 3.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory legislation for Town Planning in England.
- 3.2 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).
- 3.3 In this instance, the statutory development plan comprises the London Plan (2021), the Local Plan (2018) and the 'Planning Guidance' (2018) and the 'Climate Change' (2023) Supplementary Planning Documents (hereafter referred to as 'Planning Guidance' and Climate Change' SPDs). Other strategic and local supplementary planning guidance and other documents from the Council and the Greater London Authority/Mayor of London are also material to the determination of the application.

National Planning Policy Framework (2023)

- 3.4 The National Planning Policy Framework - NPPF (as updated 2023) is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.
- 3.5 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The London Plan (2021)

- 3.6 The London Plan (2021) was published in March 2021 and is the Spatial Development Strategy for Greater London. The Plan provides the strategic planning policies for London, setting out an integrated economic, environmental, transport and social framework for growth over the next 20-25 years. The proposed development has been assessed in line with the policies set out in the London Plan. The London Plan is supported by guidance, which provides further information about how the London Plan Policies should be implemented in the form of Supplementary Planning Guidance ('SPG') documents which have also been considered in determining this application.

The Local Plan (2018)

- 3.7 The Council Local Plan was adopted 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' (February 2018) and 'Climate Change' (October 2023) Supplementary Planning Documents (SPDs) are also material considerations. These provide supplementary detail to the policies and are organised around key principles.
- 3.8 With regard to this application, all planning policies in the National Planning Policy Framework (NPPF, 2023), London Plan (2021), Local Plan (2018), and Supplementary Planning Guidance (SPG) / Supplementary Planning Documents (SPDs) have been referenced where relevant.
- 3.9 The main planning considerations in light of the London Plan (2021), and the Local Plan (2018) (hereafter referred to as Local Plan 2018), the 'Planning Guidance' Supplementary Planning Document (2018) (hereafter referred to as the 'Planning Guidance' SPD) and the 'Climate Change' Supplementary Planning Document (2023) (hereafter referred to as the 'Climate Change' SPD), include:
- the principle of the development in land use terms;

- housing quality;
- design, character and appearance;
- residential/neighbouring amenity;
- transport and highways;
- environmental considerations and
- planning obligations.

4. LAND USE

Loss of Existing Use

- 4.1 London Plan Policy E4 relates to land for industry, logistics and services to support London's economic function.
- 4.2 Policy E1 of the Local Plan encourages the retention, enhancement and intensification of existing employment uses and specifically necessitates flexible space suitable for small and medium enterprises.
- 4.3 Local Plan Policy E2 asserts that the Council will require the retention of land and premises capable of providing continued accommodation for employment or local services. Permission will only be granted for a change where continued use would adversely impact on residential areas; or an alternative use would give a demonstrably greater benefit that could not be provided on another site; or it can be evidenced that the property is no longer required for employment purposes.
- 4.4 The applicants have submitted a market report which assessed the viability of letting the property against the market supply and demand for Class E Business Space across the Borough and surrounding area. Overall, the evidence in the report demonstrates that the property is neither suitable in its existing condition nor needed in for continued employment use. The building is no longer fit for purposes due to its the poor state (thin metal roof clad with asbestos, dilapidating fabric and a restricted narrow vehicular access). In support of this an Initial Structural Engineering Site Appraisal (desk top survey) has been submitted which shows that the existing buildings on site are not structurally sound for modern light industrial use.
- 4.5 The marketing report states that it would not be financially viable to refurbish the building given the level of works required and even if this was carried out the site would struggle to stand out against other comparable existing Class E stock in the market which is in better condition but remains vacant. The report makes clear that redeveloping the site for alternative employment use would not be viable, as it would be unable to compete with the existing stock of Class E units in the area.

- 4.6 Following a review the marketing report and a site visit, officers are satisfied with the report's findings regarding the site's constraints and deficiencies. Officers note that the existing sofa making/upholstery business plans to re-locate to an alternative site elsewhere in the borough which would help to retain its skilled workforce.
- 4.7 The site falls within Fulham Regeneration Area (FRA) and Fulham Town Centre. Under Local Plan Strategic Policy FRA there is a substantial opportunity for regeneration within the FRA and for the development of strategic sites to benefit the wider community. Amongst other things, Local Plan Policy FRA requires proposals to contribute to the provision of 7,000 homes and 9,000 jobs and demonstrate a high quality of urban design and public realm. Policy TLC1 (Town And Local Centres) supports the regeneration of the town centres for a mix of town centre uses, including residential development on appropriate sites.
- 4.8 Officers consider that the existing Class E use is surplus to requirements. The proposed residential use on this constrained backland location would be compatible with the existing residential uses that back onto the site. Financial contributions have been secured under Section 106 to mitigate the impact of development within the FRA and details of this are included in the relevant section of this report.
- 4.9 Overall, officers consider the proposal to relocate and redevelop this unprotected employment site can be supported in line with Policies E1, E2, TLC1 and FRA of the Local Plan.

Residential use

- 4.10 Paragraph 60 of the NPPF states that local planning authorities should seek to significantly boost the supply of housing. The need for housing is recognised in Policy H1 of the London Plan. Table 4.1 of this Policy sets out a minimum target of 16,090 new residential dwellings by 2028/9 within the Borough Policy HO1 of the Local Plan seeks to exceed the minimum target set out in London Plan Policy H1, Table 4.1.
- 4.11 The proposed development would contribute to a net addition of 8 residential units in the borough to meet an identified housing need and target. Therefore, the development would accord with London Plan Policy H1 and Local Plan Policy HO1.

Housing mix

- 4.12 Policy HO5 of the Local Plan requires a mix of housing types and sizes in development schemes, especially increasing the proportion of family accommodation.

- 4.13 The proposed development comprises a mix of 1 x 1-bed and 7 x 2-bed units which is considered appropriate in this town centre location where a higher proportion of smaller non-family sized units is acceptable. Overall, the proposed scheme would accord with Policy HO5 of the Local Plan.

5. QUALITY OF ACCOMMODATION

Indoor and Outdoor Space Standards

- 5.1 London Plan Policy D6 states that housing development should be of high-quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose. Local Plan Policy HO4 seeks to ensure that all housing development is provided to a satisfactory quality, has an appropriate mix of types and sizes, with an emphasis on family accommodation. Local Plan Policy HO11 and Housing Standards Key Principles HS1, HS2, and HS3 of the Council's SPD also sets minimum floor areas and internal room sizes for new residential development. In either case, any development would still need to comply with the London Plan minimum standards which supersede those within the Local Plan.

- 5.2 Policy D6 of the London Plan also sets the minimum Gross Internal Area (GIA / floorspace) in line with the Technical Housing Standards - Nationally Described Space Standard (NDSS) for new dwellings. The proposals include the following unit sizes:

Unit 1: 1-Bed/2-Person/2-Storey: 59.7sqm (complies, 50sqm min requirement)
Unit 2: 2-Bed/4-Person/3-Storey: 98.5sqm (complies, 79sqm min requirement)
Unit 3: 2-Bed/4-Person/3-Storey: 98.9sqm (complies, 79sqm min requirement)
Unit 4: 2-Bed/4-Person/3-Storey: 99sqm (complies, 79sqm min requirement)
Unit 5: 2-Bed/4-Person/3 Storey:112.4sqm (complies, 79sqm min requirement)
Unit 6: 2-Bed/4 Person/2 Storey: 80.3sqm (complies, 79sqm min requirement)
Unit 7: 2-Bed/4-Person/3 Storey: 92.1sqm (complies, 79sqm min requirement)
Unit 8: 2-Bed/4-Person/2 Storey:79.2sqm (complies, 79sqm min requirement)

Note: There is no standard for a 2-Bed/4-Person/3-Storey unit, the nearest equivalent is a 2-Bed/4-Person/2-Storey unit.

- 5.3 All the proposed units would meet and exceed their minimum GIA/floorspace requirement as set out in London Plan, the NDSS and Key Principle HS2 of the 'Planning Guidance' SPD. The development is also compliant with the Technical Housing Standards in terms of minimum room sizes, storage space and floor-to-ceiling heights.
- 5.4 Regarding external amenity space, Policy D6 of the London Plan requires a private space of at least 5sqm (plus an extra 1sqm per additional occupiers) which is at least 1.5m deep. Except for units 6 and 8, this standard is not met. However, the majority of the units would include generous internal floor areas

well in excess of the minimum and would be of good quality. In addition, there would be a communal garden within the courtyard which would provide some 190sqm of shared external amenity space. In addition, the applicant has agreed a financial contribution to mitigate the increased use of a local park. Given the site constraints of this backland within a town centre location with its proposed mix of non-family sized units, the proposed communal space and financial contribution, the proposed amenity space provision is considered acceptable in this case.

Outlook and Daylight to Habitable Rooms

- 5.5 Local Plan Policy HO11 states that new housing should be of a high standard and provide housing that will meet the needs of future occupants.
- 5.6 All of the units would have at least one dual aspect floor which would be the open plan kitchen/dining/living space, with the habitable room windows oriented to face north, east, south and west. Within the proposed layout, the north facing windows would only include secondary windows and the relevant habitable room would benefit from other windows facing a different direction. Officers acknowledge that all the units would have some single aspect floors, but it is considered that future occupiers would spend the majority of their time in the dual aspect living space which all benefit from unfettered outlook and adequate daylight provision.
- 5.7 The submissions include a Daylight/Sunlight Report which includes an assessment of natural light for the proposed units. For the proposed units, in terms of daylight, the report concludes that the daylight assessment utilising the illuminance method shows that 100% of the 23 rooms tested achieve the minimum target lux levels of 50% of the room's assessment area. Therefore, all rooms passed the BRE guidelines daylight assessment, demonstrating acceptable levels of daylight would be achieved. Similarly for sunlight, the test shows that all the living areas passed the sunlight exposure assessment, achieving sunlight levels that are well in excess of the suggested 1.5 hours of sunlight on the 21st March assessment date. Officers have reviewed the report and can find no reason to disagree with its conclusions.
- 5.8 Overall, the proposed development would include residential units with good levels of daylight and sunlight which would in turn provide acceptable living conditions to future occupiers.

Privacy Between Proposed Units

- 5.9 During pre-application discussions officers raised concern about the level of privacy afforded to ground floor windows which includes bedrooms adjacent to the communal area within the courtyard. To mitigate this, the submitted Design and Access Statement makes clear that the proportions of the relevant ground

floor windows within the courtyard have been reduced, so as to limit the opportunity of overlooking from passers-by. The windows have also been offset from those in the opposite elevation to limit direct views into the adjacent bedrooms. The proposed landscaping scheme at ground floor would provide some natural screening and in addition obscure glazed panels would be used at roof level in connection with roof terraces to mitigate mutual overlooking. Overall, officers consider that the proposed layout is satisfactory.

Noise and Disturbance

- 5.10 Local Plan Policies HO11 and CC11 are aimed at ensuring that residents of future housing are not unduly affected by noise and disturbance from adjoining sites or the wider setting. SPD Noise Key Principle NN3 concerning the sound insulation between dwellings states that "...careful consideration should be given to stacking and layout of rooms in relation to adjoining walls/floors/ceilings." The application has been reviewed by the Council's Environmental Protection Team who raised no objections, subject to a condition to ensure the noise level between different rooms meet the noise standard specified in BS8233:2014.
- 5.11 Overall, it is considered that the proposed scheme would provide suitable standards of accommodation as housing units within the borough. This would accord with Local Plan Policies HO4 and HO11, London Plan Policy D6, the Mayor's Housing Design Standards LPG and the Nationally Described Space Standards (Technical Housing Standard).

Accessibility

- 5.12 The London Plan Policy D7 states that 90% of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and 10% of new dwellings should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e., designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. This also replicated in Policy HO6 of the Local Plan.
- 5.13 The scheme includes mews houses of more than one floor that range between 2 and 3 storeys. The submitted Planning Statement states that units 1, 6 and 8 would have level access, with significant ground floor space which can be adapted to comply with the London Plan Policy D7 and M4(2): accessible and adaptable dwellings. The rest of the units would meet the requirements of M4(1): visitable dwellings.
- 5.14 Notably, supporting paragraph 3.7.7 of London Plan Policy D7 states that on developments of four storeys or less, the accessibility requirements may need to be applied flexibly. The need for flexibility also relates to small-scale infill developments in line with Policy H2 (small sites) of the London Plan. Due to

site constraints, it is not feasible to provide level access to all the units on this tight backland site.

- 5.15 Overall, the proposals would accord with London Plan Policy D7 and Local Plan Policy HO6.

Secured by Design

- 5.16 London Plan Policy D11 and Local Plan Policy DC1 both require new developments to respect the principles of Secured by Design (SBD) and to ensure that proposals create a safe, secure, and appropriately accessible environment where crime and disorder and the fear of crime do not undermine quality of life or community cohesion. The Metropolitan Police – Crime Prevention Team have reviewed this application and suggested that the applicant is informed to contact them to commence the SBD accreditation process. Details of how the proposal will incorporate measures for crime prevention will be secured by condition.
- 5.17 Subject to conditions, the proposed development accord with London Plan Policy D11 and Local Plan Policy DC1.

Fire Safety

- 5.18 Policy D12 of the London Plan states that 'all development proposals must achieve the highest standards of fire safety'.
- 5.19 Paragraph 3.12.2 of the London Plan specifies that the matter of fire safety compliance is covered by Part B of the Building Regulations. However, to ensure that proposals achieve the highest standards of fire safety, reducing risk to life, minimising the risk of fire spread, and providing suitable and convenient means of escape which all building users can have confidence in, applicants should consider issues of fire safety before building control application stage.
- 5.20 Pursuant to London Plan Policy D12, the submission of a Fire Statement is not a requirement for minor development proposals. In the interests of fire safety and to ensure the safety of all building users, the application is submitted with a Fire Safety Note which includes a strategy for fire safety such as means of escape, sprinklers, mitigations for reducing a fire spread, inclusion of dry risers, hydrant location etc. A condition would be attached to ensure that the Fire Safety Strategy is adhered to in perpetuity. In either case, in accordance with legislation the development must accord with Building Regulation Approved Document Part B which relates to suitable and convenient means of escape. Officers, are satisfied that due consideration has been given to fire safety in line with London Plan Policy D12, Part A.

5.21 Overall, subject to condition, the proposals would accord with fire safety and Policy D12 of the London Plan.

6. DESIGN, CHARACTER AND APPEARANCE

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

6.2 London Plan Policy D3 (Optimising site capacity through the design-led approach) states that, in terms of quality and character, development proposals should "respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character; and be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well".

6.3 Local Plan Policy DC1 states that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets.

6.4 Policy DC2 of the Local Plan states that new build development will be permitted if it is of a high standard of design and compatible with the scale and character of existing development and its setting. All proposals must be designed to respect:

- a. the historical context and townscape setting of the site, and its sense of place;
- b. the scale, mass, form and grain of surrounding development and connections to it;
- c. the relationship of the proposed development to the existing townscape, including the local street pattern, local landmarks and the skyline;
- d. the local design context, including the prevailing rhythm and articulation of frontages, local building materials and colour, and locally distinctive architectural detailing, and thereby promote and reinforce local distinctiveness;
- e. good neighbourliness and the principles of residential amenity;
- f. the local landscape context and where appropriate should provide high quality landscaping and public realm with good permeability;
- g. sustainability objectives; including adaptation to, and mitigation of, the effects of climate change;

- h. the principles of accessible and inclusive design; and
- i. principles of Secured by Design.

- 6.5 Policy DC8 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.
- 6.6 Strategic Policy FRA of the Local Plan states that there is a substantial opportunity for regeneration within the Fulham Regeneration Area (FRA) and for the development of strategic sites to benefit the wider community.
- 6.7 The application site is backland to existing development along Bramber Road to the north and Lillie Road to the south, which is also where it is accessed from through an undercroft. The plot is currently occupied by some early to mid 20th century light industrial warehouse type buildings of one and two storeys. The southern frontage on Lillie Road includes a mixed-use setting of commercial ground floors with upper floors residential, to the east there is a similar mixed-use set up from properties on North End Road, to the north is a short row of residential terraced dwellings on Bramber Road and to the west lies a depot and a school campus at Normand Croft Community School. Overall, the surrounding area is fairly mixed-use but includes a number of residential dwellings. There are limited views of the site from the public realm and as such, the proposed development would have limited visual impact upon the streetscene environment and the local townscape.
- 6.8 Nos. 88 - 90 Lillie Road and 236 North End Road are all locally listed Buildings of Merit. The proposed development represents an improvement to the current site situation and would preserve the setting and significance of the aforementioned Buildings of Merit. The Council's Urban Design and Conservation Team have confirmed raise no concerns regarding the impact on these non-designated heritage assets.
- 6.9 The proposals would introduce building layouts that fit in the current footprint whilst opening up part of the existing courtyard to the north to provide physical separation between the east and west sides of the plot through two linear residential mews type buildings. This would include a part two and part two and half storey building to the western side and a part single and part two and a half storey building to the eastern side. The height, bulk and scale of the proposed development are generally considered acceptable given it would be lower scale and intimate with the existing surrounding buildings. The plot coverage by buildings would be less than existing but there would be some increase in scale/height as both buildings would be higher than existing. However, the

additional floors would be recessed and set in from the sides, to retain a sense of openness.

- 6.10 The surrounding built environment is typically comprised of three storeys late Victorian / early Edwardian architecture with a combination of pitched and mansard roofs. The proposed height would reach a maximum of up to two and a half storeys with part pitch and part flat roof elements including roof cut-outs to incorporate inset balconies/terraces and box windows facing frontwards and upwards. However, the proposed building would still be visibly lower than the existing surrounding with exception of the commercial buildings to the west. Notably, the adjoining building to the west is well set back from the street (Bramber Road) and is part of an extensive plot which includes a school campus at Normand Croft Community School. Therefore, the proposed development would appear as a subservient and subtle addition within the context. Solar PV panels are proposed on the front and rear roof slopes but these would not protrude significantly above the plane of the roof pitch nor would they give rise to visual clutter on the roof by sitting neatly and in proportion with the rest of the roofs. Further details are secured by condition.
- 6.11 The proposed development would follow an architectural approach with a simple and contemporary design and materials giving a modern response to a traditional mews character. The approach would include the use of high-quality material such as a mottled London stock brick, which have taken cues from the local character surrounding Lillie Road. Voussoir brick lintels would be used above windows, as well as flemish bond brickwork which can be observed throughout the borough, this style is also present on neighbouring properties which overlook the site. These features are considered to be an appropriate design concept in this location, which pays heed to the surrounding established built environment. A condition would be attached to secure details of the proposed materials. Overall, the visual amenity of the site will also be enhanced, as neighbours on all sides would look out onto the new modern housing development rather than the current derelict industrial buildings.
- 6.12 A key concern raised at pre-application stage was the landscaping of the central courtyard to effectively transform the current industrial character to a welcoming residential environment, especially as the courtyard would form the focal point of the proposals from public views. The application is submitted with a Landscape Statement which details the landscaping strategy for the site. It states that the scheme offers an opportunity to enhance the greening of the space and extend the green corridor to the west further east by adopting a 'secret garden' atmosphere, with soft and hard landscaping and garden sculptures. It includes details of planting, species, management and vertical greening to soften boundaries. Further details including maintenance will be secured by condition. The reduction in hard landscaping and introduction of soft

landscaping is welcomed and would have other benefits such as SuDS and climate change mitigations.

- 6.13 The central courtyard would continue to provide some relief and openness to the site, especially as it is now proposed to be opened up to the north. The re-development of the site could provide a better context for this backland site and improve its juxtaposition with adjoining buildings. Whilst the London Plan Policy D5 (Inclusive Design) generally discourages gated development, in this case, the proposed development cannot be realistically provided as a public street and the site is already gated. The design of the proposed gate would provide visual permeability from the street, creating a sense of place which can be appreciated from the outside and be included within the urban fabric of the area. The ancillary building facilities are logically arranged on site and would sit quietly by the main building.
- 6.14 The application site is not located in a conservation area or is it near a listed building or other protected heritage assets. Hence, the proposed development would not impact upon any designated/non-designated heritage assets. It has been sensitively designed to fit well into its setting and context and based on the site-specific circumstances, it would have mainly neutral impacts on the streetscene.
- 6.15 Overall, the scheme is considered to be an acceptable design response to the surrounding built environment and it would optimise the use of a previously developed site, as well as improve the current visual relationship with adjoining sites. On the whole, the proposed development is in accordance with the NPPF, London Plan Policies D3 and D5, and Local Plan Policies DC1, DC2 and DC8.

7. RESIDENTIAL AMENITY

- 7.1 Policies DC1, DC2, CC11, CC13 and HO11 of the Local Plan require all proposals to be formulated to respect the principles of good neighbourliness. The 'Planning Guidance' SPD Housing Key Principles HS6, HS7 and HS8 seek to protect the existing amenities of neighbouring residential properties in terms of outlook, light, privacy and noise and disturbance.
- 7.2 Policies CC11 (Noise) and CC13 (Control of Potentially Polluting Uses) also deal with environmental nuisance and requires all developments to ensure that there is no undue detriment to the general amenities at present enjoyed by existing surrounding occupiers of their properties.
- 7.3 The proposal site is bounded on three of its four sides (north, east and south) by residential properties either as upper floor dwellings above commercial (such as on Lillie Road and North End Road) or as complete terrace of houses like on Bramber Road. Properties on these streets are those which stand to be affected

by the scheme. To the west the site adjoins a commercial depot and a school campus.

Outlook/Sense of Enclosure

- 7.4 The Council's SPD Housing Key Principle HS6 acknowledges that a building's proximity can have an overbearing and dominating effect detrimental to the enjoyment by adjoining residential occupiers of their properties. Although it is dependent upon the proximity and scale of the proposed development, a general standard can be adopted by reference to a line drawn at an angle of 45 degrees from a point 2m above the adjoining ground level of the boundaries of the site where it adjoins residential properties. However, on sites that adjoin residential properties that have rear gardens of less than 9m in length, this line should be measured at 45 degrees from the ground level on the boundary of the site where it adjoins residential properties. If any part of the proposed building extends beyond these lines, then an on-site judgement will be a determining factor in assessing the effect which the proposed development will have on the amenity of occupiers at neighbouring properties.
- 7.5 To the south and east on Lillie Road, the closest residential properties are the three-storey flatted development at William Gattie House and the flats above the shops in the predominantly three/four storey terraces between Nos 90-104 Lillie Road and Nos 230-234 North End Road. To the north, Nos 1-11 Bramber Road is a 3-storey residential terrace houses. Immediately to the west is a commercial property and beyond that is a school site.
- 7.6 The site existing single and two storey buildings on the application site are arranged in a U-shape around an open courtyard that ranges between 6.5 and 7m wide and some 17.5m in length. At ground floor, the proposed development would occupy a reduced footprint in the form of two opposing linear terraces on either side of an increased open courtyard that measures between 5.5m and 7m wide and some 27m in length.
- 7.7 The existing two storey building on the western part of the site would increase in height from 7m to 9m to create an additional floor in the roof space. The additional 2m height in the flank elevation facing Lillie Road would have the same footprint as the existing and be located between 6.2m and 8m from the opposing rear elevation in Lillie Road.
- 7.8 The existing single storey building on the eastern part of the site measures 3.5m in height and would alter to include single, two and three storey elements. The proposed single, two and three storey elements would have maximum heights of 3m, 6.5m and 8.5m respectively. The single storey element would be lower than the existing building. The proposed first floor flank elevations would be 8.3m from the nearest opposing windows to the north in Bramber Road and

some 3m from the opposing windows to the south in Lillie Road. The proposed second floor would be centrally located within the site some 14m and 10.5m respectively from the opposing rear elevations in Bramber Road and Lillie Road. The impact of the proposals on the nearest residential properties is set out below.

Lillie Road

- 7.9 The proposed building on the eastern part of the site would face Nos 100 and 98 Lillie Road which are three and four storey buildings with flats above ground floor shops. With exception of a first floor bedroom window above the vehicular access, none the ground or first floor windows at Nos 100 and 102 contain habitable rooms in the opposing rear elevations. The existing first floor window at the rear of No.100 would be some 7m respectively from each of the flank elevations in both the proposed western and eastern buildings. The three storey element in the eastern building would be in a central location some 14m away. The proposed 2m increase in height of building on the western side of the site would be at roof level and include a pitched roof that would only be visible at oblique angle from No.100.
- 7.10 The building on the western part of the site would have a maximum increase in height of 2m. The nearest properties in Lillie Road at Nos 102 and 104 are three storey buildings with flats above ground floor shops. Neither Nos 102 and 104 includes habitable windows at ground floor, however both properties have habitable rooms at first floor and second floors. Officers consider that the proposed 2m increase in height to the proposed opposing flank is modest given the retained separation of between 6.2m and 8m from Nos 102 and 104.
- 7.11 The opposing flank elevation of William Gattie House, No106 Lillie Road is 6.2m from the rear of the proposed western building. However, the opposing flank elevation of William Gattie House includes no windows.
- 7.12 Based on an on-site judgement it is considered that the proposed development would have an acceptable impact on existing residential properties in Lillie Road.

North End Road

- 7.13 The rear of the properties fronting North End Road to the east, include residential properties above ground floor with opposing windows that would be at least 28m from the proposed development. At ground floor, there are commercial properties which contain no residential windows and there is a substantial two-storey structure at the rear of No.96 Lillie Road that would largely obscure any views of the proposed development. Officers consider that

the proposals would have any undue impact in terms of outlook on the properties in North End Road.

Bramber Road

- 7.14 The most affected property is No11 Bramber Road is three-storey end of terrace property that is between 1m and 1.9m from the opposing flank of the existing two-storey building on the western side of the site. No11 includes habitable windows in its existing rear elevation; with the exception of the second floor, these windows are currently largely obscured by the existing development on the western part of the site. The proposed building on the western part of the site would retain a sympathetic two-storey element opposite No.11 that would have a reduced roof from with a lower eaves height that would improve the outlook from No11. The footprint of the proposed western building would be wider footprint towards the centre of the site by approximately 1m that increased footprint is relatively narrow and would be some 7m away from the boundary with No.11.
- 7.15 In respect of the proposed western building, officers consider that the proposed 2m increase in height is modest. Furthermore, the perpendicular siting of the increased mass would only be visible from oblique angles that would not have an undue impact in terms of outlook on the remaining properties in Bramber Road.
- 7.16 The existing 3m boundary wall at Nos 7 and 9 Bramber Road would be retained. The proposed eastern building would be 8.3m and 14m from the party boundary and would not breach a 45 degree line from the top of the retained wall. Officers consider that the proposed eastern building would not result in any undue impact to Nos 7 and 9.
- 7.17 To the west the application site adjoins another non-residential site and there would be no impact on residential amenity as such.
- 7.18 Overall, the massing of proposed development would be set away from the site boundaries where it would be higher than existing. Therefore, it would not result in an overbearing impact or an increased sense of enclosure to neighbouring habitable room windows or gardens. The existing sense of openness surrounding the site would largely be preserved. There would be small improvements in outlook from some of the Bramber Road properties due to decrease in massing to the north of the western side building and a slight opening up of the site to create a larger central courtyard.
- 7.19 The proposed development would fall within acceptable limits in terms of outlook and sense of enclosure on neighbouring properties in accordance with Key Principle HS6.

Daylight and Sunlight

- 7.20 Policy D6 of the London Plan, supported by the Mayor's Housing SPG, seeks to ensure that high quality housing schemes are delivered, which includes providing sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing, and maximising the useability of outside amenity space.
- 7.21 Policy HO11 of the Local Plan includes requirements for residential developments to avoid detrimental impacts on the amenities of residents in the surrounding area. The policy states the protection of existing residential amenities, including such issues such as loss of daylight, sunlight, privacy, and outlook.
- 7.22 Policy DC1 (Built Environment) require development to be well designed and respect of the principles of good neighbourliness. Policy DC2 (Design of New Build) requires development to be designed to respect residential amenity and to demonstrate good neighbourliness. This is expanded on within the 'Planning Guidance' SPD. Key Principles HS6 and HS7 of the SPD seek to protect the existing amenities of neighbouring residential properties, in terms of outlook, light, and privacy.
- 7.23 The applicant has submitted a Daylight/Sunlight Report to assess the impact of the development on the natural light receivable to surrounding properties. The report considers the impact of the development on Nos. 5-11 Bramber Road, Nos. 98-104 Lillie Road and William Gattie House (No.106 Lillie Road).
- 7.24 In total 77 windows were tested for Vertical Sky Component (VSC) and Annual Probable Sunlight Hours Results (APSH) and Daylight Distribution (DD). The submitted report demonstrates that all the windows included within the assessment fully comply with the targets set out in the BRE guidance to meet all the criteria. Notably, No.11 Bramber Road would experience a small improvement in natural light distribution due to slight reduction in the proposed massing on the boundary.
- 7.25 Officers have considered the daylight and sunlight report and have no reason to disagree with its conclusions. The relationship between properties would not be unduly impacted so as to cause noticeable loss of light to any of the adjoining residential properties.
- 7.26 In view of the above, the proposals would accord with London Plan D6, Local Plan Policies HO11, DC1 and DC2.

Privacy

- 7.27 SPD Key Principle HS7(iii) requires that any new windows should be positioned at least 18m from existing habitable room windows. This will be measured by an arc of 60 degrees taken from the centre of the proposed new window to ensure there is no loss of privacy. If this standard cannot be met, then windows should be designed to ensure that no loss of privacy will occur.
- 7.28 The eastern building would include first floor roof terraces with 1.7m high screens (secured by conditions) to prevent any overlooking to existing opposing habitable rooms in Lillie Road and Bramber Road. There roof terraces or windows facing east and the proposed roof terrace in the western elevation of that proposed building look inwards towards the courtyard.
- 7.29 The proposed western building does not include any opposing windows facing Lillie Road or Bramber Road and the east facing windows in that building face the courtyard. The west facing windows and roof terraces on the boundary are towards the adjacent commercial site and would have restricted oblique views towards William Gattie House.
- 7.30 Overall, officers consider that none of the opposing residential properties would experience a significant loss of privacy as a result of harmful actual and perceived overlooking from the proposed development. The proposals accord with Policy HO11 and Key Principles HS7 and HS8 of the Planning Guidance SPD.

Noise

- 7.31 London Plan Policy D14 sets out measures to reduce, manage and mitigate noise to improve health and quality of life. Local Plan Policy CC11 advises that noise and vibration impacts will be controlled by locating noise sensitive development in appropriate locations and protected against existing and proposed sources of noise through design, layout, and materials. Noise generating development will not be permitted if it would materially increase the noise experienced by occupants/users of existing or proposed noise sensitive areas in the vicinity. Policy CC13 seeks to control pollution, including noise, and requires proposed developments to show that there would be 'no undue detriment to the general amenities enjoyed by existing surrounding occupiers of their properties'.
- 7.32 The proposals have been considered by the Council's Environmental Protection Team who have raised no objections subject to conditions to safeguard against harmful noise impacts. The proposed residential use is highly likely to be less noisy than the existing light industrial use on the site currently. Therefore, the residents at surrounding residential properties would experience a reduction in commercial/industrial noise and activities in the context.

The proposed terraces/balconies would be less than 15sqm as recommended by Key Principle HS8 and this would limit the number of people that can congregate on them and cause undue noise impacts. The largest proposed terrace in the whole development would be only 6.5sqm (Unit 6). Officers are satisfied that this would not result in any undue harm.

- 7.33 Regarding noise during the demolition and construction phases, conditions would be attached to secure the submission of details for management plans, to control of nuisance during these phases.
- 7.34 Overall, the proposed residential development would not result in any undue noise impact on residential occupiers. The proposals accord with London Plan D14 and Local Plan Policies CC1 and CC13.

8. TRANSPORT AND HIGHWAYS

- 8.1 Paragraph 110 of the NPPF states that applications for development should ensure that appropriate opportunities to promote sustainable transport modes are taken and that safe and suitable access to sites can be achieved. Paragraph 111 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe. Paragraph 113 states all developments that will generate significant amounts of movement should be required to provide a travel plan and should also be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed. Policies T1-T7 of the London Plan set out that all development should make the most effective use of land, reflecting connectivity and accessibility by existing and future public transport, walking and cycling routes, and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated. These policies also provide cycle and parking standards.
- 8.2 Local Plan Policy T1 sets out the Council's intention to 'work with strategic partners to improve transport provision, accessibility and air quality in the borough, by improving and increasing the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail'.
- 8.3 Local Plan Policy T2 relates to transport assessments and travel plans and states "All development proposals would be assessed for their contribution to traffic generation and their impact on congestion, particularly on bus routes and on the primary route network". Local Plan Policies T3, T4, T5 and T7 relate to opportunities for cycling and walking, vehicle parking standards, blue badge holders parking and construction logistics.

- 8.4 The above policies are supported by Key Principles TR1, TR4, TR7, TR21 and TR27 of the 'Planning Guidance' SPD (2018).
- 8.5 Local Plan Policy CC7 sets out the requirements for all new developments to provide suitable facilities for the management of waste.

Car Parking

- 8.6 Policy T4 of the Local Plan specifies that car parking permit free measures will be required on all new development unless evidence is provided to show that there is a significant lack of public transport available or in locations where the PTAL rating is 2 or lower (TfL's public transport accessibility level). Policy T6 of the London Plan states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport. The site has a PTAL rating of 5 meaning it has very good access to public transport options. Therefore, to avoid exacerbating existing levels of parking stress and congestion, and to help with air quality improvement from vehicle emissions, officers consider that car parking permit restrictions for future occupants of all the 8 proposed residential units would be required. This will be secured by a legal agreement to prevent parking permits eligibility within all of the borough's Controlled Parking Zones for all future residents of the proposed development, except those in possession of a blue badge for disabled parking.

Cycle Parking

- 8.7 Policy T1 of the Local Plan 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 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.
- 8.8 The submitted drawings and Transport Statement confirm the inclusion of cycle parking as part of the development and that this would be in line with the London Plan standards. It is stated that the scheme will provide 16 cycle parking spaces in two cycle stores near the front of the site, accommodated by double-stacking stands. Visitor cycle parking will be provided by way of 3 stands within the entrance access route. These stands will be provided against the west side wall, to reduce the impact of parked cycles obstructing pedestrian routes into the site. Each stand provides 1 short-stay cycle parking space, exceeding the required minimum set out in the standards. Officers consider that this would be sufficient to meet the requirements of Policy T5 of the London Plan.

Refuse, Recycling and Servicing

- 8.9 Similarly to the cycle parking provisions, the submitted drawings and Transport Statement cover the requirements for refuse and recycling storage and servicing arrangements. Refuse storage would be provided on site in dedicated stores and no resident would have to walk more than the recommended distance of 25m to carry their waste. Deliveries and servicing for the development are expected to be undertaken in the same way as the existing residential and retail units on Lillie Road. Delivery and servicing vehicles will identify a permitted location for loading and transport any goods between that location and the site by foot. These arrangements are considered acceptable and would be secured by condition.

Footway Improvements

- 8.10 The Transport Statement confirms that the proposed development would restrict vehicular access to the site by sealing off the existing crossover and reinstate the public footway along Lillie Road. This is welcomed and would be an improvement to the pedestrian environment and safety. According to SPD Key Principle TR17, the developer will be required to pay for any works that the Council in their capacity as the highway authority has the power to carry out and that are necessary as a result of a new development. The Council will undertake the works on the highway in order to ensure that the works are undertaken to the council's adoptable standards and in order to ensure the disruption to the road network is minimal. The works would be secured via a legal agreement.

Construction and Demolition Logistics Plan

- 8.11 An outline Construction Management Plan has been submitted and reviewed by the Council's Transport Planning Team. In order to assess and minimise the impact of the demolition/construction of the proposed development on the local highway network, the submission of a Construction and Demolition Plan is required to include the numbers, size and routes of construction vehicles, provisions within the site to ensure that all vehicles associated with the construction works are properly managed, washed and cleaned to prevent the transfer of mud and dirt onto the highway/footway. As well as other matters relating to traffic management to be agreed with the Network Management and the Permit Coordinators of the Council. Subject to conditions securing further details of a final detailed plan, officers consider that the proposals would not unduly impact the nearby highway network during the construction phase.
- 8.12 Overall, there are no objections to the proposals from a transport and highways perspective. Subject to the outlined conditions and legal obligations, the scheme would accord with the relevant policies of the London Plan and the Local Plan.

9. ENVIRONMENTAL CONSIDERATIONS

Flood Risk / Sustainable Drainage (SuDS)

- 9.1 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 9.2 London Plan Policy SI 12 states that development proposals should ensure that flood risk is minimised and mitigated, and that residual risk is addressed. Policy SI 13 sets out the same requirement and additionally states that proposals for impermeable surfacing should normally be resisted unless they can be shown to be unavoidable and that drainage should be designed and implemented to address water efficiency, water quality, biodiversity and recreation.
- 9.3 Local Plan Policy CC3 requires that new development reduce the use of water and be designed to take account of increasing risks of flooding. Policy CC4 states that new development would be expected to manage surface water run off by implementing a range of measures, such as sustainable drainage systems (SuDS) where feasible and the use of water efficient fittings and appliances.
- 9.4 The site is within the Environment Agency's Flood Zone 2 indicating a medium risk of flooding from the Thames. However, it is well protected by flood defences such as the Thames Barrier and local river walls. As required, a Flood Risk Assessment is submitted with the application and it assesses flood risk from all relevant sources as required, including surface water, reservoirs, groundwater and sewers. The FRA concludes flood from all sources to be very low to low, with the exception of groundwater which is concluded to be very high. This accords with the information in the Council's SFRA and SWMP, which notes that the area is at elevated groundwater flooding risk. There is no basement development proposed, as such the risks for the development itself and the surroundings would be low.
- 9.5 Furthermore, the FRA includes a new section on "Flood Alleviation Recommendations" which includes information on the inclusion of flood resilience measures at ground floor level. A commitment is also provided on including water efficiency measures that will limit internal water use to no more than 105 litres per person per day. With regards to surface water management, additional information has been provided which indicates that, subject to a more detailed site investigations, there may be scope to use direct infiltration to manage some run-off from the site. The attenuation volumes show there is a slight increase in attenuation provided by preferred SuDS measures.

- 9.6 The Council's Environmental Policy – Flood Prevention Team have reviewed the FRA and raised no objection subject to conditions to secure the implementation of the flood resilience and water efficiency measures as outlined in the FRA and to finalise the role of infiltration in managing surface water. Subject to these conditions the scheme is considered to be acceptable on flood risk grounds.
- 9.7 Therefore, the proposed development would accord with London Plan Policies SI12 and SI13 and Local Plan Policies CC3 and CC4.

Sustainability / Climate Change

- 9.8 The scheme is not a major development, so there are no requirements to submit a Sustainability Statement or Energy Assessment to show compliance with local and regional policies on these issues. However, in line with the 'Climate Change' SPD, the Council would still encourage the implementation of sustainability measures such as energy efficiency and carbon curbing measures to address the climate emergency declared by the Council in 2019. In this case, the proposed development incorporates measures to minimise greenhouse gas emissions, promote energy use from renewable sources and reduce energy consumption, as well as to promote water efficiency in accordance with London Plan Policy SI 2 and Local Plan Policy CC1.
- 9.9 An Energy Statement is included to support the application and it assess the performance of the proposed development using the procedures set out in 'Energy Assessment Guidance – Greater London Authority guidance on preparing energy assessments (June 2022)' and applies the Mayor's Energy Hierarchy from the London Plan. Passive sustainability measures have been included in the design to increase the energy performance of the development such as in the building fabric, thermal massing, cross natural ventilation, cooling and heating abilities etc.
- 9.10 The applicant has proposed Ground Source Heat Pump (GSHP) and Solar PV Panels for all the proposed dwellings. These would achieve a 46% reduction in regulated carbon emissions against baseline figures (target emissions rate). These details are secured by condition.
- 9.11 The proposals are therefore considered acceptable with regards to London Plan Policy SI 2 and Local Plan Policy CC1.

Contamination

- 9.12 Policy 5.21 of the London Plan and Policy CC9 of the Local Plan states that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place.

- 9.13 Potentially contaminative land uses, past or present, are understood to occur at, or near to, this site. To ensure that no unacceptable risks are caused to humans, controlled waters, or the wider environment during and following the development works conditions are to be attached covering the assessment and remediation of contaminated land.
- 9.14 The Council's Contaminated Land Team have considered the proposals and raise no objections to subject to conditions. The proposals would accord with Policy CC9 of the Local Plan.

Air Quality

- 9.15 Policy CC10 of the Local Plan specifies that the council will seek to reduce the potential adverse air quality impacts of new development. Notably, where a proposal has potential to result in occupants being affected by poor air quality, mitigation measures will be required to mitigate against this. A borough wide Air Quality Management Area is in place within the borough.
- 9.15 The Council's Environmental Quality (Air Quality) Team were consulted on this application and raised no objection, subject to conditions to secure Zero Emission Heating compliance and construction and demolition Air Quality Dust Management Plan.
- 9.16 Subject to these conditions, officers accept the proposals would comply with Policy CC10 of the Local Plan.

Trees and Ecology

- 9.17 Policy OS5 states that the Council will seek to enhance biodiversity and green infrastructure in the borough by:
- a. maximising the provision of gardens, garden space and soft landscaping, seeking green or brown roofs and other planting as part of new development;
 - b. protecting back, front and side gardens from new development and encouraging planting in both back and front gardens;
 - c. seeking to prevent removal or mutilation of protected trees;
 - d. seeking retention of existing trees and provision of new trees on development sites; and
 - e. adding to the greening of streets and the public realm;
 - f. making Tree Preservation Orders where justified in the interests of amenity.
- 9.18 The application is submitted with an Arboricultural Impact Assessment and Preliminary Method Statement which concludes that the proposals would not necessitate the removal of any on or off site trees. There is a substantial Category B tree at No.106 Lillie Road which adjoins the site at its southwestern corner, however the Arboricultural Impact Assessment mentions

that there would be no harmful incursion onto its Root Protection Area, meaning the health of the tree would not be affected. A tree protection condition will apply to the decision.

- 9.19 The site is small in size and is currently fully covered with hard surfacing and it will therefore impact on less than 25sqm of a habitat and does not impact on a priority habitat. As such, there is an exemption for Biodiversity Net Gain requirements.
- 9.20 Subject to condition, the scheme would be compliant officers accept the proposals would comply with Policy OS5 of the Local Plan.

10. COMMUNITY INFRASTRUCTURE LEVY / PLANNING OBLIGATIONS

Mayoral and Local CIL

- 10.1 In this case, the proposed development would be liable to pay Community Infrastructure Levy (CIL) at both the mayoral and borough levels. The Mayoral CIL (MCIL2) rates are applicable to all planning permissions granted from 1 April 2019. The Mayor expects the Council, as the collecting authority, to secure the levy in accordance with London Plan Policy DF1. This development would be subject to a London wide community infrastructure levy. This development is liable for an estimated Mayoral CIL of approximately £10,920 (plus indexation).
- 10.2 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 formally took effect from 1st September 2015. This development is liable for an estimated CIL of approximately £27,300 (plus indexation).

S106 Heads of Terms

- 10.3 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'.
- 10.4 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.

- 10.5 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 which are the Community Infrastructure Levy (CIL) and Section 106 Agreements (s106).
- 10.6 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 reasonably commensurate the scale and type of development proposed. 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 and impacts of the proposed development.
- 10.7 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 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.
- 10.8 The applicant is expected to agree to enter into a legal agreement with the Council to which would include the following site-specific items:
- 1) Restriction of on-street car parking permit in borough CPZs save for blue badge holders (disabled parking);
 - 2) Enter into a S278 Agreement to fund any necessary highway works arising from the development to the footway and crossover on Lillie Road;
 - 3) Provision of a Demolition and Construction Logistics Plans, and fund liaison with Local Contractor Co-ordination Group associated with monitoring of the demolition and construction process (£3,000 per annum);
 - 4) AQDMP Compliance monitoring of £5000 per annum of the demolition and construction phases of the development;
 - 5) Financial Contribution of £400,000 that will contribute to:

Public realm, environmental improvements and affordable housing.

Economic development to support delivery of the Council's Industrial Strategy (or any successor to it), including to support employment, skills and local procurement activities.

At least 10% of the total number of people employed on the construction of the development are local (H&F) residents, including 4 apprenticeships.

10% of the build cost to be spent on businesses based in H&F in the supply chain of the development

6) A commitment to meet the costs of the Council's associated legal fees.

11. CONCLUSION

- 11.1 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.
- 11.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance.
- 11.3 In summary, the proposals would contribute towards an identified housing need and local housing target on previously developed land, that would involve the relocation of the existing light industrial (Class E) use and hence not result in loss of employment and is supported in principle.
- 11.4 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 surroundings. Subject to conditions, the proposal would not result in unacceptable impacts upon the amenities of neighbouring residential properties. 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/planning obligations. In these respects, the proposals comply with the relevant policies of the NPPF (2023), the London Plan (2021), the Local Plan (2018) and the relevant Key Principles within the 'Planning Guidance' (2018) and 'Climate Change' (2023) Supplementary Planning Documents.
- 11.5 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report, it is considered having regard to the development plan as a whole and all other material considerations, that planning permission should be granted subject to the conditions listed, and the completion of a s106 agreement.

11.6 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.

12. RECOMMENDATION

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

Agenda Item 5

Ward: Town

Expiry Date: 9th October 2027

Site Address:

Beaconsfield Walk Junction Parsons Green Lane London SW6 4DA



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Reg. No:

2023/00005/FR3

Date valid:

04.01.2023

Recommendation Date:

08.10.2024

Committee Date:

08.10.2024

Case Officer:

Christopher May

Conservation Area:

Constraint Name: Parson's Green
Conservation Area - Number 10

Applicant:

Kristina Ashenden
25 Bagleys Lane
Markets & Street Trading 1st Floor

Description:

Use of part of the public highway for the placing of 2no. traders' market stalls, measuring 3m in length and 3m in width.

Drg. Nos: 65010/26/2 Rev. B.

Application type:

Full Regulation 3 - LBHF is Developer

Officer Recommendation:

That the application be approved pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the condition(s) set out below

- 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 use of the premises shall not be permitted during the hours of 19:00-07:00 hrs Mondays to Saturday, not during the hours of 16:00-10:00 on Sundays, nor at any time on Public/Bank Holidays.

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

- 3) Prior to commencement of the development, a Servicing Management Plan shall be submitted to and approved in writing by the Council. Details shall include times and frequency of loading and unloading, vehicle movements, and quiet loading/unloading measures. The details within the agreed Servicing Management Plan shall be implemented prior to the stalls being used and thereafter be permanently retained.

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

- 4) No deliveries nor collections / loading nor unloading shall occur at the development hereby approved other than between the hours of 07:00 to 19:30 on Monday to Saturday, 10:00 and 16:30 time on Sundays and at no time on Public/Bank Holidays.

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

- 5) Prior to the commencement of the development, a refuse strategy shall be submitted to, and approved in writing by, the Local Planning Authority. This should provide details on how the stall operator will manage waste production.

To ensure that waste associated with the proposal will be appropriately managed, in accordance with Policy CC7 of the Local Plan (2018).

- 6) A maximum of two stalls at any one time shall be erected only in the locations shown on the approved drawings and no stalls shall be erected in any other area at any time.

To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies DC1, T1 and T6 of the Local Plan (2018), and Key Principles TR22 and TR29 of the Planning Guidance Supplementary Planning Document (SPD) (2018).

- 7) The development hereby permitted shall not commence until the following (in consultation with TfL Infrastructure Protection), have been submitted to and approved in writing by the local planning authority:

1. No loading/unloading activities to be taken place on Beaconsfield Walk until any agreements have been agreed and signed with TfL Engineering, TfL Property or TfL Legal.
2. Demonstrate how littering can be prevented, and the daily waste can be disposed properly off the site outside LU assets.
3. The placement of stalls will be subject to written legal agreement with London Underground
4. The station entrance together with flow of passengers should not be obstructed at any time.

The details as agreed shall be permanently implemented.

To ensure that operational and servicing activities do not adversely impact on London Underground railway infrastructure, in accordance with Policy T1 of the London Plan (2021) and Policies T2, T4, T5, CC11 and CC13 of the Local Plan 2018.

- 8) Mobile electrical fuel-based generators e.g. diesel, petrol shall not be used.

To ensure that the amenity of occupiers surrounding the premises is not adversely affected by NOx and Particulate (PM10, PM2.5) emission from fuel based electrical generators ancillary to activities at the site, in accordance with Local Plan (2018) Policies CC10 and CC13.

- 9) The approved market stalls must only be used for the purpose of selling flowers.

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

- 10) No music shall be played as part of the operation of the market stall.

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

- 11) A minimum clear footway of 2m shall be maintained at all times whilst between the market stalls and all street furniture.

To ensure that the accessibility of the public highway is not adversely affected by the development, in accordance with Policy T6 of the Local Plan (2018).

Justification for approving application:

- 1) Land use: The proposals would achieve a sustainable development by contributing to the vibrancy of the surrounding locality and would not conflict in any way with the Council's aims for this area. As such, the proposals would be consistent with Policy DC1 of the Local Plan (2018).
- 2) Highways: It is considered that the scheme would not have a significant further impact on the highway network or local parking conditions and is thus considered to be acceptable. Satisfactory provision would be made for the loading/unloading and deliveries and an acceptable width of footway would remain unobstructed for pedestrians. The development thereby accords with Local Plan (2018) Policies T1 and T6 of the Local Plan (2018) as well as London Plan (2016) Policies 6.1, 6.3, 6.10, 6.11 and 6.13.
- 3) Residential Amenity: The impact of the proposed development upon neighbouring residential occupiers is considered acceptable. The proposals would not have an unacceptably harmful impact on neighbouring residential amenity in terms of noise disturbance or other nuisance, such as hot food smells. In this regard, the development would respect the principles of good neighbourliness, and would therefore be acceptable in accordance with Policies CC11 and CC13 of the Local Plan (2018).
- 4) Appearance: The development is considered to comply with Local Plan (2018) Policies DC1 and DC8 which require a high standard of design in all new build developments and extensions and alterations to existing buildings, compatible with the scale and character of existing development and its setting. The stalls are not a permanent fixture, are of a neat and tidy appearance and do not

feature any large, obtrusive or garish signage or advertisement. The character and appearance of the conservation area would be preserved.

That the applicant be informed as follows:

- 1) In determining this application, the local planning authority has worked in a pro-active and positive manner with the applicant to foster the delivery of sustainable development, in accordance with the requirements of paragraph 38 of the National Planning Policy Framework (2023).
- 2) It is illegal to trade anywhere on either the highway, or the footway in the borough without first obtaining a Street Trading Licence. Standard Conditions for Street Trading, based on the London Local Authorities Act 1990, is currently in force and traders are strongly advised to take note of the regulations.

Officer Report

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

All Background Papers held by case officer named above:

Application form received: 11th February 2019
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:

1.0 BACKGROUND AND SITE HISTORY

- 1.1 The application sites are located on the northern and southern sides of Beaconsfield Walk, an area of public footway connecting Parsons Green Lane and St Maur Road. The site is in close to the second entrance serving Parson's Green Tube Station and the junction with Parson's Green Lane.
- 1.2 The application site is located within the Parsons Green Conservation Area, is designated as within the Environment Agency's Flood Zone 2 and is located approximately 45 metres to the north of the Parson's Green Lane Neighbourhood retail parade.
- 1.3 This site was the subject of a previous temporary 24-month permission (ref: 2019/00431/FR3) approved by the Committee in December 2019 for the use of part of the public highway for two temporary traders' market stalls; one for commodity flowers Monday to Sunday from 7am to 8pm; one for Trading Coffee Monday to Friday from 7am to 5pm. This temporary approval provided an opportunity to for officers to monitor the operation of the stalls to ensure that no adverse impacts occurred, particularly with regards to Highways impacts and noise and disturbance to neighbouring properties.
- 1.4 This application seeks permission for the use of part of the public highway for two temporary traders' market stalls; comprising two commodity flowers stall with opening hours of Monday to Saturday from 7am to 8pm and Sundays from 10am to 4pm.

2.0 PUBLICITY AND CONSULTATION RESPONSES

Public Consultation

- 2.1 The application was advertised by way of site and press notices, and individual letters were sent to residents of 36 neighbouring properties. No letters of representation were received.

External Consultation

- 2.2 Crossrail: No objection.
- 2.3 Metropolitan Police (Crime Prevention): No objection.
- 2.4 Transport for London: No objections, subject to condition.

3.0 PLANNING CONSIDERATIONS

- 3.1 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) and the Planning Guidance Supplementary Planning Document [SPD] (2018) are:

- The principle of the development.
- Highways matters, most particularly servicing and deliveries.
- Noise and disturbance to neighbouring residential properties.

- Visual amenity and street clutter.

4.0 PRINCIPLE OF DEVELOPMENT

4.1 There are no policies within the Local Plan (2018) that specifically mention new proposals for street food or market stalls, and accordingly, Officers recommend that no objections be raised to the principle of the development. The key issues to be assessed are the highways impact of the scheme, noise and disturbance for neighbours, and the impact of the scheme on visual amenity and the character and appearance of the conservation area.

5.0 HIGHWAYS

5.1 The main Highways issues in respect of the development are (a) ensuring satisfactory arrangements for safe and convenient loading/unloading and deliveries for the market stalls and (b) ensuring that there is still space on the pavement for the safe and convenient passage of pedestrians, including those with mobility impairments.

5.2 Policy T1 of the Local Plan (2018) states that the Council will seek to ensure that traffic generated by new development is minimised so that it does not add to parking pressures on local streets.

5.3 Parson's Green Lane is a Local Access Road. Policy T6 of the Local Plan (2018) states that development would not be permitted if it would prejudice the effectiveness of these roads to provide safe and convenient access to individual properties or result in their use by through-traffic.

5.4 Highways Officers have reviewed the proposals and have noted that the area of the carriageway nearest the location of the proposed market stalls is a no stopping area. Accordingly, conditions will be attached to ensure that a delivery and service management plan and a waste management plan, clearly detailing where and how the market stalls will be serviced and how waste collection will occur without illegally parking along the carriageway or on designated driveway of other establishments.

5.5 The proposed market stalls are located in an area of the highway with a high level of footfall in proximity to the northern entrance of Parson's Green Station. Key Principle TR29 states: 'A minimum width of 1.8m clear and unobstructed footway will usually be required outside Town Centres... where there is a high level of footfall, even over short bursts, a greater width of clear and unobstructed footway than specified may be required'.

5.6 Highways Officers have advised that due to the site's location outside a busy tube station where it is expected to have high footfall at peak hours, there is a requirement for a buffer of 500mm from the stall edges in line with Pedestrian Comfort Guidance for London Version 2 (2019). As such, a condition will be attached requiring the submission and approval of details demonstrating that there is a minimum clear footway of 2m at all times whilst accommodating the proposed stalls, aforementioned buffer zones, cycles and all street furniture.

- 5.7 In this instance, the proposed layout plan indicates that an unobstructed footway width of 2.7 metres would be provided around the market stalls. As such, even with existing obstructions including bicycle racks and lamp columns taken into consideration, there would sufficient space remaining to ensure the free flow of pedestrians.
- 5.8 Subject to these conditions, it is considered that the proposals would have an acceptable impact on Parson's Green Lane and would not prejudice the effectiveness of Parson's Green Lane in providing safe and convenient access to individual properties or result in increased use of Parson's Green Lane by through-traffic.
- 5.9 Subject to conditions, the proposals accord with Policies T1 and T6 of the Local Plan.

6.0 NOISE AND NUISANCE

- 6.1 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.
- 6.2 The nearest residential properties are located on the southern side of Purser's Cross Road and at the upper floor of No 46 Parson's Green Lane. Measurements demonstrate that there would be an approximate distance of 9-15 metres between the proposed market stall location and these residential properties.
- 6.3 Officers acknowledge that noise from the development could be generated from vehicles arriving, servicing and voices etc. The application proposes a start time of 7am for trading, with set up commencing prior to that time. Whilst the start time could be considered early to some, it is not considered that the market stalls would generate additional noise beyond what has been established by the existing commercial activities in the area and nearby Parsons Green Lane neighbourhood Parade, by London Underground tubes travelling past Parsons Green Station or the pedestrian footfall outside this station at that time.
- 6.4 Ambient noise is also generated by vehicular noise along Parsons Green Lane and a high pedestrian footfall in Beaconsfield Walk associated with the proximity of the site to Parson's Green Station. For these reasons, it is considered that no objections would be raised to the 7am start time proposed from Monday to Saturday or the 10am start time on Sundays. It is considered appropriate to attach a condition to ensure that the traders' vehicle(s) do not arrive on site prior to the start time.
- 6.5 The application proposes that the existing flower stall would continue to sell fresh flowers and proposes that the coffee stall will instead sell flowers as well. As such, hot food odours would not be associated with the proposal and a condition prohibiting the provision of hot food is attached accordingly.

- 6.6 As there do not appear to have been any noise or odour complaints made with regards to the existing temporary coffee and flower market stalls (planning ref: 2019/00431/FR3), it is recommended that the proposal for two markets stalls comprising 2 x flower stalls is granted.
- 6.7 Consistent with recent approvals for similar market stalls in public locations, a condition is recommended to prevent the use of mobile electrical fuel-based generators (e.g. diesel, petrol shall not be used for heating, lighting and energy supplies for the traders' market stalls), as it is considered that power can be provided by a form of mobile battery pack. This will reduce noise and fumes from less acceptable power generators. Subject to this condition, officers consider that no objections would be raised on these grounds. It is also considered appropriate that a condition is attached that prohibiting amplified music by the stallholder in order to reduce potential noise and disturbance.
- 6.8 Overall, subject to conditions the proposals would accord with CC11 and CC13 of the Local Plan and SPD Key Principle NN5.

7.0 APPEARANCE/VISUAL CLUTTER

- 7.1 Policy DC1 of the Local Plan states that all development within the borough, should create a high quality urban environment that respects and enhances its townscape context and heritage assets. Amongst other things development should have a good design, respect the quality public realm and heritage assets.
- 7.2 Policy DC8 of the Local Plan 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.
- 7.3 The application site is situated in the Parson's Green Conservation Area. The proposal proposes two market stalls within the pedestrianised area in front of Parson's Green Station.
- 7.4 The existing flower market stall is considered to be modest in terms of its footprint, bulk and mass, which is comprised of a metal structure on wheels with a gazebo-type roof.
- 7.5 While no drawings have been provided for the proposed flower stalls, officers note that the stalls are tantamount to mobile structures that are not permanent. In order for the market stalls to comply with street trading licencing regulations, they must be designed to integrate with the surrounding urban environment without detracting from its character and appearance. As such, no objections are raised on the grounds of visual amenity, and it is therefore considered that the character and appearance of the Parsons Green Conservation Area would be preserved.
- 7.6 Overall, the proposals accord with the Policies DC1 and DC8 of the Local Plan.

8.0 CONCLUSIONS AND RECOMMENDATIONS

- 8.1 Officers consider that the proposed development would be acceptable in terms of its highways implications and noise and disturbance for neighbours, as well as appearance and the impact on the character and appearance of the conservation area.
- 8.2 It is recommended that planning permission be granted, subject to conditions.

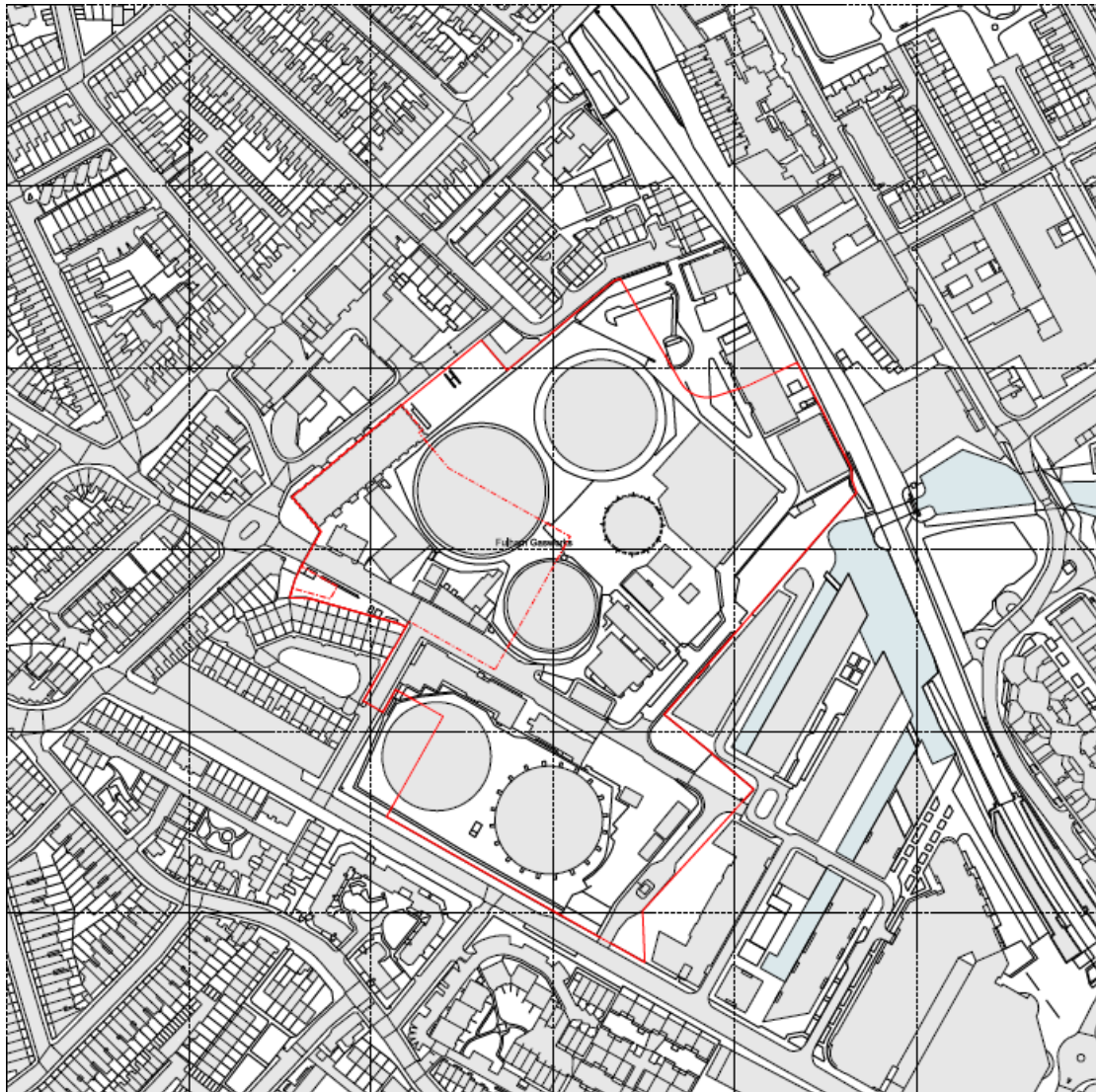
Agenda Item 6

Ward:

Sands End

Site Address:

Fulham Gasworks, Imperial Road, London, SW6



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Req. No:

2024/00961/VAR

Case Officer:

Jacques du Plessis

Date Valid:

22.05.2024

Conservation Area:

Imperial Square and Gasworks Conservation Area

Committee Date:

08.10.2024

Applicant:

St William Homes LLP
C/o Agent

Description of Development:

Variation of Condition 4 (Drawings) and Condition 5 (Design Codes and Parameter Plans) of planning permission 2018/02100/COMB dated 8 February 2019 (as amended by Ref: 2020/01088/NMAT dated 15 July 2020 and Ref: 2024/00818/NMAT dated 20 May 2024) for:

'Planning Application (part-detailed, part-outline) for demolition of existing buildings and structures (excl. No.2 Gasholder, 1856 Chief Engineer's Office, 1927 Research Laboratory, 1920 WW1 War Memorial and WW2 War Memorial) and redevelopment to provide a residential-led mixed use development comprising the erection of new buildings ranging from 1 to 37 storeys. (1) Detailed planning application for residential floorspace together with ancillary residential facilities (C3 Use); flexible commercial floorspace (A1, A2, A3, A4 Uses); community and leisure floorspace (D1/D2 Use); provision of a basement; new pedestrian and vehicular access; provision of amenity space, landscaping, car/cycle parking, refuse storage, energy centre, servicing area, and other associated infrastructure works. (2) Outline planning application (with all matters reserved) for residential floorspace and ancillary residential facilities (C3 Use); non-residential floorspace comprising flexible commercial retail (A1, A2, A3, A4 Uses), office (B1 Use), community (D1 Use) and leisure (D2 Use) floorspace; provision of new basement level; new pedestrian and vehicular access; and associated amenity space, publicly accessible open space, landscaping, car/cycle parking, refuse storage, energy centres, servicing area, and other associated infrastructure works.'

Amendments comprise (a) configuration of Plots H1, H2 and H3 (towers) by removing the tower element of H3 and merging with H2 (no change to overall floorspace); (b) increase to Plots H1 and H2 building floorplates and changes to internal layout design; (c) increase to shoulder height of Plot H2; (d) increase in number of floors for Plots H1 and H2 (no change to maximum heights); (e) redistribution of land uses; and (f) changes to indicative landscape strategy (Phases 2b, 3a, 4a-d, 5a-b, 6).

Drawing Nos: As listed in Condition 3 and 4 below

Application Type:

Vary or Delete Conditions Full/Outline

REPORT CONTENTS

RECOMMENDATIONS

CONDITIONS

RECOMMENDED REASONS FOR APPROVAL

1.0 BACKGROUND

2.0 SITE AND SURROUNDINGS

3.0 RELEVANT PLANNING HISTORY

4.0 APPLICATION DETAILS

5.0 PUBLICITY AND CONSULTATION

6.0 POLICY FRAMEWORK

7.0 PLANNING ASSESSMENT

7.1 Principle of Development.

7.2 Housing Provision.

7.3 Layout, Height and Massing.

7.4 Built Heritage, Views & Townscape

7.5 Residential Quality

7.6 Public Realm and Landscaping

7.7 Transport and Highways

7.8 Amenity Considerations

7.9 Environment Considerations

7.10 Sustainability and Energy

7.11 Fire Strategy

8.0 FINANCIAL VIABILITY ASSESSMENT

9.0 SECTION 106 / HEADS OF TERMS AND COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.0 SECTION 73 APPLICATION PROCESS

11.0 SUMMARY OF BENEFITS

12.0 CONCLUSION AND RECOMMENDATION

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 Deed of Variation to the extant 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

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.

Reserved Matters Details

- 1) In respect of Development Plots B1, C1, C2, D1, D2, E1, E2, F1, F2, G1, H1, H2, and J1, as defined by the development hereby permitted, development works (excluding Demolition, Ground and Enabling Works) shall not commence until all details of the proposed means of access; layout and scale; and appearance and landscaping associated with that development plot have been submitted to and approved in writing by the Local Planning Authority.

In order that the Council may be satisfied as to the details of the proposal, to comply with the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

Time Limits

- 2)
 - i) Development Plot A1, A2 or A3 hereby permitted shall commence no later than 3 years from the date of the original permission for 2018/02100/COMB (8 February 2019).
 - ii) Application(s) for the approval of Reserved Matters in respect of Development Plot B1, specified by Condition 1 shall be made to the Local Planning Authority before the expiration of 5 years from the date of the original permission for 2018/02100/COMB (8 February 2019). Development

within Development Plot B1 shall be begun before the expiration of 2 years from the date of the approval of the last of the relevant Reserved Matters (in respect of Plot B1) to be approved pursuant to Condition 1.

iii) Application(s) for the approval of the Reserved Matters in respect of Development Plots C1 and C2 specified by Condition 1 shall be made to the Local Planning Authority before the expiration of 7 years from the date of the original permission for 2018/02100/COMB (8 February 2019). Development within Development Plots C1 and C2 shall be begun before the expiration of 2 years from the date of approval of the last of the relevant Reserved Matters (in respect of Plots C1 and C2) to be approved pursuant to Condition 1.

iv) Application(s) for the approval of the Reserved Matters in respect of Development Plots D1, D2, E1 and E2 specified by Condition 1 shall be made to the Local Planning Authority before the expiration of 7 years from the date of the original permission for 2018/02100/COMB (8 February 2019). Development within Development Plots D1, D2, E1 and E2 shall be begun before the expiration of 2 years from the date of approval of the last of the relevant Reserved Matters (in respect of Plots D1, D2, E1, E2) to be approved pursuant to Condition 1.

v) Application(s) for the approval of the Reserved Matters in respect of Development Plot G1, specified by Condition 1 shall be made to the Local Planning Authority before the expiration of 9 years from the date of the original permission for 2018/02100/COMB (8 February 2019). Development within Development Plot G1 shall be begun before the expiration of 2 years from the date of approval of the last of the relevant Reserved Matters (in respect of Plot G1) to be approved pursuant to Condition 1.

vi) Application(s) for the approval of the Reserved Matters in respect of Development Plots F1, H1, and H2 specified by Condition 1 shall be made to the Local Planning Authority before the expiration of 13 years from the date of the original permission for 2018/02100/COMB (8 February 2019). Development within Development Plots F1, H1, and H2 shall be begun before the expiration of 2 years from the date of approval of the last of the relevant Reserved Matters (in respect of Plots F1, H1, H2, H3) to be approved pursuant to Condition 1.

vii) Application(s) for the approval of the Reserved Matters in respect of Development Plots F2 and J1 specified by Condition 1 shall be made to the Local Planning Authority before the expiration of 16 years from the date of the original permission for 2018/02100/COMB (8 February 2019). Development within Development Plots F2 and J1 shall be begun before the expiration of 2 years from the date of approval of the last of the relevant Reserved Matters (in respect of Plots F2 and J1) to be approved pursuant to Condition 1.

Condition required to be imposed by Section 92(2)(a) of the Town and Country Planning Act 1990. Extended time periods for which the planning permission can be implemented is given considering exceptional

circumstances relevant to the Demolition, Ground and Enabling Works and the extent of the development.

Detailed Component (Drawings)

- 3) The planning permission relating to the detailed components of the development hereby permitted (i.e.: those parts that are not to be subject to Reserved Matters) shall not be constructed unless in accordance with the approved drawings marked.

10753-EPR-ZZ-XX-TP-A-00-P001 Rev P2; 10753-EPR-ZZ-ZZ-TP-A-00-P002 Rev P2; 10753-EPR-ZZ-B1-TP-A-02-P089 Rev P2; 10753-EPR-ZZ-GF-TP-A-02-P090 Rev P2; 10753-EPR-ZZ-B1-TP-A-02-P099 Rev P2; 10753-EPR-ZZ-GF-TP-A-02-P100 Rev P3; 10753-EPR-ZZ-01-TP-A-02-P101 Rev P3; 10753-EPR-ZZ-02-TP-A-02-P102 Rev P3; 10753-EPR-ZZ-03-TP-A-02-P103 Rev P3; 10753-EPR-ZZ-04-TP-A-02-P104 Rev P3; 10753-EPR-ZZ-05-TP-A-02-P105 Rev P3; 10753-EPR-ZZ-06-TP-A-02-P106 Rev P3; 10753-EPR-ZZ-07-TP-A-02-P107 Rev P3; 10753-EPR-ZZ-08-TP-A-02-P108 Rev P3; 10753-EPR-ZZ-09-TP-A-02-P109 Rev P3; 10753-EPR-ZZ-10-TP-A-02-P110 Rev P3; 10753-EPR-ZZ-11-TP-A-02-P111 Rev P3; 10753-EPR-ZZ-12-TP-A-02-P112 Rev P3; 10753-EPR-ZZ-RF-TP-A-02-P113 Rev P2; 10753-EPR-ZZ-EA-TP-A-04-P001 Rev P2; 10753-EPR-ZZ-NO-TP-A-04-P002 Rev P2; 10753-EPR-ZZ-SO-TP-A-04-P003 Rev P2; 10753-EPR-ZZ-WE-TP-A-04-P004 Rev P2; 10753-EPR-ZZ-EA-TP-A-04-P005 Rev P2; 10753-EPR-ZZ-NO-TP-A-04-P006 Rev P2; 10753-EPR-ZZ-SO-TP-A-04-P007 Rev P2; 10753-EPR-ZZ-WE-TP-A-04-P008 Rev P2; 10753-EPR-ZZ-AA-TP-A-05-P001 Rev P2; 10753-EPR-ZZ-BB-TP-A-05-P002 Rev P2; 10753-EPR-ZZ-CC-TP-A-05-P003 Rev P2; 10753-EPR-ZZ-DD-TP-A-05-P004 Rev P2; 10753-EPR-ZZ-EE-TP-A-05-P005 Rev P2.

To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with the NPPF 2023, Policies SD10, D1, D2, D3, D4, D5, D7, D8, D9, D11, D12, D13, D14, HC1, HC3, HC4, H1, G5 and G7 of the London Plan 2021 and Policies SFRRRA, SFRRRA1, DC1, DC2, DC3 and DC8 of the Local Plan 2018.

Outline component (Drawings)

- 4) The planning permission relating to the outline components of the Development hereby permitted (i.e. those parts that are subject to reserved matters) shall not be constructed unless in accordance with the approved drawings listed below.

A_FGW_PL_020 Rev 01; A_FGW_PL_021 Rev 01; A_FGW_PL_022 Rev 01; A_FGW_PL_023 Rev 03; A_FGW_PL_024 Rev 01; A_FGW_PL_025 Rev 01; A_FGW_PL_026 Rev 01; A_FGW_PL_027 Rev 01; A_FGW_PL_028 Rev 02; A_FGW_PL_029 Rev 01.

To ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with the NPPF 2023, Policies SD10, D1, D2, D3, D4, D5, D7, D8, D9, D11, D12, D13, D14, HC1, HC3, HC4, H1, G5 and G7 of the London Plan 2021 and Policies SFRRRA, SFRRRA1, DC1, DC2, DC3 and DC8 of the Local Plan 2018.

Outline component (Design Codes and Parameters)

- 5) All reserved matters applications shall include a statement to demonstrate how the reserved matters have been prepared in accordance with the principles set out in the Development Specification & Parameters Report prepared by Lichfields (dated April 2024) and the Mandatory Design Codes prepared by Apt (dated September 2024).

To ensure that the development is constructed in accordance with the Design Guidelines on which this decision is based and to be consistent with the principles of good master planning, in accordance with the NPPF 2023, Policies SD10, D1, D2, D3, D4, D5, D7, D8, D9, D11, D12, D13, D14, HC1, HC3, HC4, H1, G5 and G7 of the London Plan 2021 and Policies DC1, DC2, DC3 and DC8 of the Local Plan 2018.

Phasing

- 6) The development shall be carried out in accordance with the development phasing plans, including any sub-phases, granted under planning reference 2021/01207/DET granted 27 October 2021.

To assist with the identification of each chargeable development (being the Phase) and the calculation of the amount of CIL payable in respect of each chargeable development in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

Demolition, Ground and Enabling Works

- 7) Prior to the commencement of any demolition, ground and/or enabling works within the relevant Development Plot details of any demolition, ground and/or enabling works shall be submitted to and approved in writing by the Local Planning Authority (any such works approved under this Condition 7 are referred to in other conditions as "Demolition, Ground and Enabling Works"). The enabling works shall proceed in accordance with the approved details.

To ensure that the development accords with the provisions and assessment of the approved Environmental Statement and to ensure that the development is carried out in a satisfactory manner in accordance with Policies DC1, and CC2 of the Local Plan 2018.

Hoardings

- 8) No development shall commence until a scheme for temporary fencing and/or enclosure of the site has been submitted to and approved in writing by the Local Planning Authority, and the temporary fencing and/or enclosure has been erected in accordance with the approved details. The temporary fencing and/or enclosure shall thereafter be retained for the duration of the demolition and building works in accordance with the approved details. No part of the temporary fencing and/or enclosure of the site within the Imperial Square and Gasworks conservation area shall be used for the display of advertisement hoardings, unless consent is sought from the Local Planning Authority.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies D1 and D4 of the London Plan, Policy DC1 and DC8 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD (2018).

Number of Residential Units

- 9) The total number of residential units (Class C3) hereby approved shall not exceed 1,843 units.

To ensure the development carried out does not exceed the cumulative maximum approved and to ensure the quantum of floor space keeps within the parameters assessed pursuant to the EIA in relation to the development in accordance with the NPPF 2023, Policies D1, D2, D3, D4, D6, D7, of the London Plan 2021, Policies HO1, HO4, and HO5 of the Local Plan 2018.

Gross External Floorspace

- 10) The total gross external floorspace (GEA) areas of the development comprising the land uses hereby approved shall not exceed the following:
- i) An overall gross maximum floor space of all the development, including basement parking, servicing, energy centre and plant and storage shall not exceed 257,293 square metres GEA; and
 - ii) Overall gross maximum floor space (excluding basement car park and energy centre) by land use, notwithstanding the provisions of the Town and Country Planning (Use Classes Order 1987) (as amended) or (General Permitted development) Order 1995 (as amended) or any subsequent act, shall not exceed the following:
 - Residential (C3): 203,248 sqm
 - Business (B1): 3,840 sqm
 - Retail/Café/Restaurant (A1 - A4): 4,037 sqm
 - Community and Leisure (D1/D2): 1,810 sqm
 - Residential Facilities (Ancillary to C3): 3,420 sqm
 - Basement Residential Facilities (Ancillary C3): 1,600 sqm

- Basement 40,938 sqm (including up to 1,600 sqm of Basement Residential Facilities as set out above).

or;

iii) such breakdown by Development Plot of the overall gross maximum floor space specified in (i) and (ii) above as may be submitted to and approved by the Local Planning Authority

To ensure the development carried out does not exceed the cumulative maximum floor space, in accordance with the approved plans and to ensure a suitable mix and distribution of land uses within the development and to ensure the quantum of floor space keeps within the Parameters assessed pursuant to the EIA in relation to the development, in accordance with the NPPF 2023, Policies SD6, SD8, D1, D2, D3, D4, D5, HC1, HC3, HC4 of the London Plan 2021, Policies TLC1, TLC5, CF1, and CF2 of the Local Plan 2018.

Temporary land uses

- 11) Prior to implementing works for any temporary uses or structures including temporary landscaping and sales/marketing suites within the site details shall be submitted to and approved in writing by the Local Planning Authority. Any interim structures, uses and buildings shall be implemented in accordance with the approved details, for a specified time period set out in the details and shall be discontinued/removed once the temporary period has been expired. Temporary landscaping shall be amended to reflect details approved under Condition 92 of this permission once the temporary landscaping period has expired.

To ensure that the site remains in a tidy condition during the construction phase and to ensure that any temporary uses/structures do not create un-neighbourly impacts and to prevent harm to the street scene and character and appearance of the adjoining conservation area, in accordance with Policy DC1, DC2 and DC8 of the Local Plan 2018.

Retail amalgamation

- 12) Prior to first occupation of each Development Plot which is to contain retail (Class A1) or restaurant (Class A3) floorspace (excluding Development Plots A1, A2 and A3 hereby permitted) and notwithstanding the details on the approved drawings, the layouts of the ground level retail (Class A1) and restaurant (Class A3) units shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with details approved pursuant to this condition and the units hereby approved shall not be amalgamated to create larger units within the development.

To safeguard the amenities of occupiers of neighbouring residential properties in terms of noise, disturbance, car parking and traffic from noise

generating uses, in accordance with Policies TLC1, TLC4, CC11, CC13 and T4 of the Local Plan 2018.

B1 Use Class

- 13) The Class B1 use hereby permitted shall be used for uses within Class B1 only and for no other purpose in accordance with the Town and Country Planning (Use Classes Order) 1987 (as amended), or any subsequent Order, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

In granting this permission, the Council has had regard to the particular circumstances of the case. The change of use of the approved new Class B1 accommodation to residential purposes could raise materially different planning considerations and the Council wishes to have an opportunity to consider such circumstances at that time, and to ensure the uses are compatible with the adjoining land uses and to ensure that the amenity of occupiers residing in surrounding residential properties would be safeguarded in accordance with Policies CF3, DC1, DC2, DC7, DC8, E1, HO11, T1, T2, TLC3, TLC5 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

Demolition Logistic Plan

- 14) Demolition works shall be undertaken in accordance with the Demolition Logistics Plan approved under application reference 2019/01064/DET.

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 D1, D14, SI 1, SI 7, and SI 10 of the London Plan 2021, and Policies DC1, DC2, CC6, CC7, CC10, CC11, and CC12 of the Local Plan 2018.

Demolition Environmental Management Plan

- 15) Demolition works hereby approved shall be undertaken in accordance with the Demolition Environmental Management Plan granted under application reference 2019/01064/DET.

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 D1, D14, SI 1, SI 2, SI 7, and SI 10 of the London Plan 2021, Policies DC1, DC2, CC6, CC7, CC10, CC11, and CC12 of the Local Plan 2018.

CONTAMINATED LAND

Preliminary Risk Assessment Report

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan 2018 and SPD Key Principles LC1 to LC7 2018.

Site Investigation Scheme

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan 2018 and SPD Key Principles LC1 to LC7 2018.

Quantitative Risk Assessment Report

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan 2018 and SPD Key Principles LC1 to LC7 2018.

Remediation Method Statement

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan 2018 and SPD Key Principles LC1 to LC7 2018.

Verification Report

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

Potentially contaminative land uses (past or present) are understood to occur at, or near to, this site. This condition is required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works, in accordance with Policies CC9 and CC13 of the Local Plan 2018 and SPD Key Principles LC1 to LC7 2018.

Onward Long-Term Monitoring Methodology Report

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

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

Policies CC9 and CC13 of the Local Plan 2018 and SPD Key Principles LC1 to LC7 2018.

Archaeology (GLAAS)

- 22) Prior to commencement of development within a Phase, an archaeological Written Scheme of Investigation (WSI) (including a watching brief) for that Phase shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place within each Phase other than in accordance with the approved agreed WSI for that Phase and subject to the implementation of the watching brief, which shall include the statement of significance and research objectives, and
- A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This Part B of the condition shall not be discharged until these elements have been fulfilled in accordance with the approved WSI programme set out in the WSI.

Heritage assets of archaeological interest may survive on the site. The local planning authority wishes to secure the provision of appropriate archaeological investigation, including the publication of results, in accordance with Section 16 of the NPPF 2023, Policy HC1 of the London Plan 2021, Policies DC1, DC8 of the Local Plan 2018 and key principles within the Planning Guidance Supplementary Planning Document 2018.

Building Recording (GLAAS)

- 23) Prior to commencement of development within a Phase containing structures and/or assets which are Listed Structures hereby permitted, a Written Scheme of Historic Building Investigation (WSHBI) shall be submitted to and approved in writing by the Local Planning Authority in relation to those structures and/or assets which are Listed Structures. No works shall be carried out to the structures and/or assets which are listed within that Phase other than in accordance with the agreed WSHBI. The WSHBI shall include a statement of significance and research objectives, and
- A. The programme and methodology of historic building investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This Part B of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSHBI.

Built heritage assets on this site will be affected by the development. The planning authority wishes to secure building recording in line with NPPF 2023, and publication of results, in accordance with Section 16 of the NPPF 2023.

Piling Method Statement (Thames Water)

- 24) No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out within each Phase (where relevant) including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works has been submitted to and approved in writing by the Local Planning Authority in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement, for each relevant Phase.

To prevent any potential to impact on local underground water and sewerage utility infrastructure, in accordance with Policies SI 5 of the London Plan 2021, Policies CC3 and CC5 of the Local Plan 2018. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

CONSTRUCTION

Construction Management Plan

- 25) Prior to commencement of development within a Phase, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800-1300hrs on Saturdays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. Approved management details for each relevant Phase, or part thereof shall be implemented throughout the project period.

To ensure that occupiers of surrounding premises are not adversely affected by noise, vibration, dust, lighting or other emissions from the building site in accordance with Policies D1, D14, SI 1, SI 7, and SI 10 of the London Plan 2021, Policies DC1, DC2, CC6, CC7, CC10, CC11 and CC12 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD (2018).

Construction Logistics Plan

- 26) Prior to commencement of development within a Phase, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development of that Phase shall be carried out in accordance with the approved Construction Logistics Plan. Each Construction Logistics Plan shall include the following minimum requirements:

- site logistics and operations;
- construction vehicle routing;
- contact details for site managers and details of management lines of reporting;
- location of site offices, ancillary buildings, plant, wheel-washing facilities, stacking bays and car parking;
- storage of any skips, oil and chemical storage etc.; and
- access and egress points;
- membership of the Considerate Contractors Scheme.

To ensure that no unacceptable adverse effect on the amenity of surrounding occupiers in accordance with Policies DC1, DC2, T1, T2, CC6, CC7, CC10, CC11, and CC12 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD (2018).

DRAINAGE

Revised Flood Risk Assessment

- 27) The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment granted under planning reference 2019/01608/DET granted 20 August 2019 and the “Kings Road Park Addendum to Flood Risk Assessment and Drainage Strategy” dated 10 July 2024 Rev 2 by Expedition.

To reduce the impact of flooding to the proposed development and future occupants, in accordance with Policies SI 5, SI 12, and SI 13 of the London Plan 2021, and Policy CC3 of the Local Plan 2018.

Drainage Strategies

- 28) i) The development hereby permitted shall be carried out in accordance with the Outline Drainage Strategy granted under planning reference 2019/01608/DET granted 20 August 2019.
- ii) Prior to commencement of development (excluding Demolition, Ground and Enabling Works), within a Phase, a detailed Drainage Strategy for that Phase, which details on and/or off-site drainage works and how surface water will be managed on-site in-line with the London Plan Drainage Hierarchy's preferred SuDS measures, shall be submitted to and approved in writing by the Local Planning Authority.

The detailed Drainage Strategy shall be prepared to accord with the site-wide outline Drainage Strategy and the revised Flood Risk Assessment shall include details on the design, location and attenuation capabilities of the proposed sustainable drainage measures such as permeable surfaces, including green roofs. Details of the proposed flow controls and flow rates for any discharge of surface water to the combined sewer system should also be provided, with the aim of achieving greenfield rates for final discharges.

Where feasible, rainwater harvesting and grey recycling systems should also be used.

iii) No foul or surface water arising from the development of the site shall be discharged into the public system until the drainage works referred to in the approved drainage strategies have been completed.

The approved drainage strategies shall be implemented in accordance with the approved details, and thereafter all measures and works in the approved measures shall be retained and maintained for the lifetime of the development.

To prevent any increased risk of flooding and to ensure the satisfactory storage of/disposal of surface water from the site in accordance with Policy SI 13 of The London Plan 2021; and Policies CC3 and CC4 of the Local Plan 2018.

Water Network (Thames Water)

- 29) Prior to occupation of development within a Development Plot hereby permitted, confirmation shall be submitted to and approved in writing by the Local Planning Authority that either:
- (a) all water network upgrades required to accommodate the additional flows from the Development Plot have been completed; or
 - (b) a housing and infrastructure phasing plan has been agreed with Thames Water.

If required, a housing and infrastructure phasing plan shall include the number of dwellings in that Development Plot which is permitted to be occupied; the timings for when a number of dwellings in that Development Plot may be occupied; and whether such occupation is contingent on delivery of infrastructure for the water network and if so what the terms of the conditions for such occupation are. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

Condition required by Thames Water, to ensure that sufficient water capacity is made available to cope with the new development; and to avoid adverse environmental impact upon the community in accordance with the NPPF 2023 and Policy SI 5 of the London Plan 2021.

Integrated Water Management Strategy

- 30) Prior to commencement of development in a Phase an integrated water management strategy detailing, what infrastructure is required, where it is required, when it is required and how it will be delivered, has been submitted to and approved in writing by the Local Planning Authority in consultation

with the water undertaker. The development shall be occupied in line with the recommendations of the approved strategy.

The development may lead to no water and or significant environment impacts an Integrated water management strategy is required to ensure that sufficient capacity is made available to cater for the new development; and to avoid adverse environmental impact upon the community.

Condition required by Thames Water, to ensure that sufficient drainage capacity is made available to cope with the new development; and to avoid adverse environmental impact upon the community in accordance with the NPPF 2023 and Policy SI 5 of the London Plan.

Boreholes

- 31) Prior to commencement of development within each relevant Phase, a scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of the development.

Condition required by the Environment Agency to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 109 of the National Planning Policy Framework and Position Statement A8 of the Environment Agency's approach to groundwater Protection. We expect best practice regarding the development or backfilling of any shaft, well, borehole, tunnel, SuDs or audit in order to prevent pollution or loss of water resources. We expect operators to adopt appropriate engineering standards and comply with our publication, Good practice for decommissioning redundant boreholes and wells (Environment Agency 2012). Any contamination that is discovered during decommissioning or otherwise should be dealt with in accordance with our position statements on land contamination.

Surface water drainage

- 32) No infiltration of surface water drainage associated with the development is permitted other than with the written consent of the Local Planning Authority.

Condition required by the Environment Agency to ensure that the development is not contributing to, put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework. To prevent deterioration of groundwater within the Secondary An Aquifer and Principal Chalk Aquifer and the Thames River and adjacent Chelsea Creek surface water bodies. Infiltration of surface water has the potential to mobilise contamination present within the soil and made

ground. Where the proposal involves the discharge of anything other than clean roof water via sealed drainage, within sensitive groundwater locations, a risk assessment and suitable level of treatment may be required. In certain circumstances the discharge may be classified as a groundwater activity and require an environmental permit. Due to the historic uses of the site we do not believe that the use of infiltration SuDS is appropriate in this location.

Green / Brown / Blue Roofs

- 33) Prior to commencement of development above ground level within a Development Plot hereby permitted which is to contain green, brown or blue roofs, details of any such roofs, including details of types of such roofs and a planting maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. A Development Plot with any such roof shall not be occupied until the details approved by this condition have been implemented and those approved details shall be retained for the lifetime of the development.

To ensure the provision of green roofs in the interests of sustainable urban drainage and habitat provision, in accordance with Policies SI 13, G5, and G6 of the London Plan 2021 and Policy OS5 of the Local Plan 2018.

ENVIRONMENT

Sustainability

- 34) Prior to commencement of development (excluding Demolition, Ground and Enabling Works), within a Development Plot listed in Condition 1 hereby permitted, a Sustainability Statement and a BREEAM New Construction pre-assessment shall be submitted to and approved in writing by the Local Planning Authority to confirm the sustainable design and construction measures to be integrated in that Development Plot. The associated BREEAM ratings for the offices and retail spaces and any other non-residential uses should achieve the "Very Good" rating as minimum, except in relation to Water which shall achieve the equivalent of BREEAM Excellent.

In the interests of energy conservation, reduction of CO2 emissions and wider sustainability, in accordance with Policy SI 2, SI 3, SI 5 of the London Plan 2021 and Policies CC1, CC2 of the Local Plan 2018.

BREEAM Certificates

- 35) Within 6 months of final occupation of each Development Plot listed in Condition 1, a BREEAM (2014) certificate confirming that sustainability performance (Very Good ratings) had been achieved as proposed shall be submitted to and approved in writing by the Local Planning Authority. Supporting information shall also be submitted for approval to demonstrate that the residential units meet the minimum sustainable design and construction standards of the London Plan.

In the interests of energy conservation, reduction of CO2 emissions and wider sustainability, in accordance with Policy SI 2, SI 3 and SI 5 of the London Plan 2021 and Policies CC1, CC2 of the Local Plan 2018.

Energy Strategy

- 36) The development hereby permitted shall be carried out in accordance with the Energy Strategy (Energy Strategy Version 5, August 2021) approved under planning reference 2021/02522/DET.

In the interests of energy conservation and reduction of CO2 emissions, in accordance with Policies SI 2 and SI 3 of the London Plan 2021, Policy CC1 of the Local Plan 2018.

Energy Statements

- 37) Prior to commencement of development (excluding Demolition, Ground and Enabling Works) within a Development Plot listed in Condition 1 hereby permitted, an Energy Statement for the Development Plot shall be submitted to and approved in writing by the Local Planning Authority to show compliance with the Energy Strategy approved pursuant to Condition 36. No part of the Development Plot shall be used or first occupied (other than for construction purposes) until it has been carried out in accordance with the approved details and shall be retained for the lifetime of the development.

In the interests of energy conservation and reduction of CO2 emissions, in accordance with Policies SI 2 and SI 3 of the London Plan 2021, Policy CC1 of the Local Plan 2018.

Energy Statement Compliance (Residential)

- 38) Within 3 months of final occupation of the residential dwellings within a Development Plot, evidence shall be submitted that the energy statements approved pursuant to Condition 37 above have been implemented in accordance with the approved details.

In the interests of energy conservation and reduction of CO2 emissions, in accordance with SI 2 and SI 3 of the London Plan 2021, Policy CC1 of the Local Plan 2018.

Energy Statement Compliance (Non-residential)

- 39) Within 3 months of final occupation of the non-residential units within a Development Plot, evidence shall be submitted that the energy statements approved pursuant to Condition 37 above have been implemented in accordance with the approved details.

In the interests of energy conservation and reduction of CO2 emissions, in accordance with Policies SI 2 and SI 3 of the London Plan 2021, Policy CC1 of the Local Plan 2018.

Micro Climate

- 40) Prior to commencement of development above ground level within each relevant Development Plot listed in Condition 1 hereby permitted, details of micro climate mitigation measures necessary to provide an appropriate wind environment throughout and surrounding the development shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be implemented, and shall be retained for the lifetime of the development.

To ensure that suitable measures are incorporated to mitigate potential adverse wind environments arising from the development, in accordance with Policies D8, D9, and G1 of the London Plan 2021, the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

AIR QUALITY

Air Quality Assessment

- 41) The development hereby permitted shall be carried out in accordance with the Air Quality Assessment granted under planning reference 2019/02313/DET, dated 18 September 2020. All mitigation measures as stated in sections 7.3 and 8.0 of the approved Air Quality Assessment (Ref. W501-TEM-XX-XX-RP-AQ-9100-0003, Version 14, 16/09/2020) shall be fully implemented prior to the occupation/use of the development and retained and maintained for the lifetime of the development.

To comply with the requirements of the NPPF 2023, Policies SI 1 of the London Plan 2021 and Policy CC10 of the Local Plan 2018.

Ventilation Strategy

- 42) Prior to commencement of development above ground level within each relevant Development Plot hereby permitted a Ventilation Strategy Report to mitigate the impact of existing poor air quality for B1, C3, D1 and D2 use class shall be submitted to and approved in writing by the Local Planning Authority. The report for receptor locations where the annual mean and hourly air quality objectives for NO₂ and World Health Organisation (WHO) targets for Particulate Matter (PM_{2.5}, PM₁₀) are already exceeded and where current and future predicted pollutant concentrations are within 5 per cent of these limits shall include the following information:
- a) Details and locations of the air ventilation intake locations at rear roof level
 - b) Details of non-openable windows (except for emergency purge ventilation) for habitable rooms (Bedrooms, Living rooms) with front elevations with Imperial Road, Michael Road and Sands End Lane

- c) Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes, openable windows, terraces
- d) If part (a) is not implemented details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{2.5}, PM₁₀) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 75% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM_{2.5}, PM₁₀) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.

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

Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To comply with the requirements of the NPPF 2023, Policies SI 1 of the London Plan 2021 and Policy CC10 of the Local Plan 2018.

Low Emissions Strategy

- 43) Prior to occupation of the development hereby permitted an Ultra-Low Emission Strategy (ULES) for the operational phase of the development in order to mitigate the impact of air pollution shall be submitted to and approved in writing by the Local Planning Authority.

The ULES must detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. design solutions). This Strategy must make a commitment to implement the mitigation measures that are required to reduce the exposure of poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NO_x and Particulates (PM_{2.5}, PM₁₀) from on-road vehicle transport by the use of ULEZ compliant vehicles in accordance with the emissions hierarchy 1) Cargo bike (2) Electric Vehicle, (3) Alternative Fuel e.g. CNG, Hydrogen, LPG (4) Hybrid (Electric-Petrol) (5) Diesel/ Petrol Euro 6 (AIR Index Urban NO_x rating A) and Euro VI. A monitoring report of the implementation of the ULES shall be submitted on annual basis to the LPA.

Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To comply with the requirements of the NPPF 2023, Policies SI 1 of the London Plan 2021, and Policy CC10 of the Local Plan 2018

Air Quality Dust Management Plan

- 44) Prior to the commencement of the construction of each phase of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) in order to mitigate air pollution shall be submitted to and approved in writing by the Local Planning Authority.

The AQDMP must include an Air Quality Dust Risk Assessment (AQDRA) that considers sensitive receptors off-site of the development and is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and the identified measures recommended for inclusion into the AQDMP.

The AQDMP submitted must comply with the Mayor's SPG and should include: Inventory and Timetable of dust generating activities during construction; Site Specific Dust mitigation and Emission control measures in the table format as contained within Appendix 7 of Mayor's SPG including for on-road and off-road construction traffic. The Non-Road Mobile Machinery (NRMM) used on the site shall include CESAR Emissions Compliance Verification (ECV) identification and shall comply with the minimum Stage IV NO_x and PM₁₀ emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments.

This will apply to both variable and constant speed engines for both NO_x and PM. An inventory of all NRMM for the first phase of construction shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of construction works and thereafter retained and maintained until occupation of the development; use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g. Diesel/Petrol Euro 6 (AIR Index Urban NO_x rating A, B) and Euro VI; Details including calibration certificates of MCERTS compliant monitoring of Particulates (PM₁₀) used to prevent levels exceeding predetermined PM₁₀ threshold trigger levels.

Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM₁₀, PM_{2.5}) and NO_x emissions at all times.

Approved details shall be fully implemented and permanently retained and maintained during the construction phases of the development.

To comply with the requirements of the NPPF 2023, Policies SI 1 of the London Plan 2021, and Policy CC10 of the Local Plan 2018

Combustion Plant compliance with Emission Standards – Air Quality

- 45) Prior to the occupation of the development hereby permitted, a report with details of the combustion plant in order to mitigate air pollution shall be submitted to and approved in writing by the council.
The report shall include the following:
- a) Details to demonstrate that the termination height of the shared Flue stack for the combustion Plant has been installed a minimum of 2 metres above any openable window and/or roof level amenity area and meet the overriding minimum requirements for Chimney heights of the third edition of the 1956 Clean Air Act memorandum
 - b) Details of emissions certificates, and the results of NO_x emissions testing of each CHP unit, Ultra Low NO_x gas boiler and Emergency Diesel Generator Plant to demonstrate that all the CHP Plant, Ultra Low NO_x Gas fired boilers, Emergency Diesel Generator Plant and associated abatement technologies shall meet a minimum dry NO_x emissions standard of 25 mg/Nm⁻³ (at 5% O₂), 30 mg/kWh (at 0% O₂) and 95 mg/Nm⁻³ (at 15% O₂) respectively by an MCERTS accredited organisation shall be provided following installation and thereafter on an annual basis to verify compliance of the relevant emissions standards in part b). Where any combustion plant does not meet the relevant emissions Standards in part b) above, it should not be operated without the fitting of suitable secondary NO_x abatement Equipment or technology as determined by a specialist to ensure comparable emissions.
 - c) Details to demonstrate where secondary abatement is used for the Emergency Diesel Generator the relevant emissions standard in part b) is met within 10 minutes of the generator commencing operation. During the operation of the emergency Diesel generators there must be no persistent visible emission. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications. The diesel fuelled generators shall only be used for a maximum of 48 hours when there is a sustained interruption in the mains power supply to the site, and the testing of these diesel generators shall not exceed a maximum of 12 hours per calendar year.

Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To comply with the requirements of the NPPF, Policies SI 1 of the London Plan 2021, and Policy CC10 of the Local Plan 2018

Green Infrastructure – Air Quality

- 46) Prior to commencement of development above ground level within either Development Plots A1, D1, E1, G1, F1 or J1 hereby permitted, details of the construction of green vegetation barrier (including details of planting species and maintenance) to be installed within 1 metre of the kerbside of Imperial Road, Michael Road and Sands End Lane in order to mitigate air pollution shall be submitted to and approved in writing by the Local Planning Authority.

The green infrastructure shall be constructed and planted in full accordance with the 'Using Green Infrastructure to Protect People from Air Pollution', Mayor of London, GLA, April 2019 guidance document within the first available planting season following completion of the development. Any plants which die, are removed, become seriously damaged and diseased within a period of five years from completion of the development shall be replaced in the next planting season with others of similar size and species.

Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To comply with the requirements of the NPPF, Policies SI 1, and G1 of the London Plan 2021, and Policy CC10 of the Local Plan 2018.

NOISE

Transport and/or industrial noise sources

- 47) Prior to commencement of development above ground level within each relevant Development Plot hereby permitted, a noise assessment shall be submitted to and approved in writing by the Local Planning Authority, of external noise levels incl. reflected and re-radiated noise and details of the sound insulation of the building envelope, orientation of habitable rooms away from major noise sources and of acoustically attenuated mechanical ventilation as necessary to achieve internal room- and (if provided) external amenity noise standards in accordance with the criteria of BS8233:2014. Approved details shall be implemented prior to occupation of the development and shall be retained for the lifetime of the development.

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

Separation of noise sensitive rooms in neighbouring flats

- 48) Prior to commencement of development above ground level within each relevant Development Plot hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority, of an enhanced sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings. Approved details shall be implemented prior to occupation of the development and shall be retained for the lifetime of the development.

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

Separation of commercial and noise sensitive premises

- 49) Prior to commencement of development above ground level within each relevant Development Plot hereby permitted, 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 5dB 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 shall be retained for the lifetime of the development.

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.

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

- 50) Prior to commencement of development above ground level within a Development Plot hereby permitted, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/ ceiling/ walls separating the basement plant room, basement car park and communal facilities from 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 implemented to contain commercial noise within the commercial premises and to achieve the criteria LAeq in Table 4 of BS8233:2014 (measured over the noisiest one-hour period) within the dwellings/ noise sensitive premises. Approved details shall be implemented prior to occupation of that Development Plot and shall be retained for the lifetime of the development.

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.

Sound Insulation of commercial/ industrial building envelope

- 51) Prior to commencement of development above ground level within a Development Plot hereby permitted, details shall be submitted to and approved in writing by the Council, of sound insulation of the building envelope and other mitigation measures, as appropriate. Details shall demonstrate that noise from uses and activities is contained within the building/ development site and shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/ habitable rooms and private external amenity spaces. Approved details shall be implemented prior to occupation of the development and shall be retained for the lifetime of the development.

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

Ground and airborne building vibration

- 52) Prior to commencement of development above ground level within a Development Plot hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority, of building vibration levels and, together with appropriate mitigation measures where necessary. Details shall demonstrate that vibration will meet a level that has low probability of adverse comment and the assessment method shall be as specified in BS 6472:2008. No part of that Development Plot shall be occupied until the approved details have been implemented. Approved details shall be retained for the lifetime of the development.

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

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

- 53) Prior to commencement of development above ground level within a Development Plot hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority, of the external sound level emitted from plant/ machinery/ equipment and mitigation measures in that Development Plot and adjacent Development Plot(s) as appropriate. The measures shall ensure that the external sound level emitted from plant, machinery/ equipment will be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. Approved details shall be implemented prior to occupation of that Development Plot and shall be retained for the lifetime of the development.

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

Anti-vibration mounts and silencing of machinery etc.

- 54) Prior to commencement of development above ground level within a Development Plot hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Any requirements for vibration isolation shall be determined in accordance with CIBSE Guide B4. The measures shall ensure that machinery, plant/ equipment, extract/ventilation system and ducting are mounted with anti-vibration mounts as required to ensure no impact in terms of either tactile vibration or re-radiated noise to

sensitive receivers. Approved details shall be implemented prior to occupation of that Development Plot and shall be retained for the lifetime of the development.

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.

Extraction and Odour Control system for non-domestic kitchens

- 55) Prior to first use or first occupation of any retail unit within use class A3 or A4 with a non-domestic kitchen within a Development Plot hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority, of the installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet, in accordance with the 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' January 2005 by DEFRA. Approved details shall be implemented prior to the first occupation of the unit and shall be retained for the lifetime of the development.

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

Cleaning Schedule

- 56) Prior to the first use or first occupation of any retail units to which Condition 55 above applies, details of a suitable cleaning schedule and/or maintenance contract for the extract system and any odour control system for the retail units have been submitted to and approved in writing by the Local Planning Authority. All cleaning and/or maintenance of those retail units shall be carried out in accordance with the approved details.

To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by smell, steam and other effluent, in accordance with Policy CC13 of the Local Plan 2018.

No music / Amplified sound

- 57) No music nor amplified sound emitted from the commercial element of the development within a Development Plot hereby permitted shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/ habitable rooms and private external amenity spaces.

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

Outside Seating (Furniture and delineation)

- 58) The use of grade level outside seating area(s) in connection with the Class A3 floorspace within a Development Plot hereby permitted, shall not commence until details of the extent of seating area and method of delineating the extent of the seating area in each case, have been submitted to and approved in writing by the Local Planning Authority. The outside seating area(s) shall be arranged and managed only in accordance with the approved details.

To ensure a satisfactory external appearance, in accordance with Policies CC11 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

Outside Seating (Operating Hours)

- 59) Prior to first operation of any outside seating areas in connection with the retail (A1, A2, A3 and A4 Uses) office (B1 Use), community (D1 Use) and leisure (D2 Use) uses within a Development Plot hereby permitted, details of operating hours for any outside seating areas shall be submitted to and approved in writing by the Local Planning Authority. The outside seating areas will operate in accordance with the approved details and be closed outside of these hours and any temporary seats/tables shall be removed and stored internally within the unit(s).

To ensure that the development does not result in conditions prejudicial to the amenities of local residents by reason of noise and disturbance in accordance with Policies CC11, CC12 and CC13 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

Operating Hours (Use Classes A1, A2, A3, A4, B1, D1, D2)

- 60) Prior to first occupation of any retail (A1, A2, A3, A4 Uses), business (B1 Use), community (D1 Use) and leisure (D2 Use) uses within a Development Plot hereby permitted, details of operating hours shall be submitted to and approved in writing by the Local Planning Authority. Details shall be implemented and retained in accordance with the approved details.

To ensure that the amenities of surrounding occupiers are not unduly affected by noise and other disturbance, in accordance with Policies CC11, CC12 and CC13 of the Local Plan 2018.

HIGHWAYS

Roads, Footways, Footpaths and Cycleways

- 61) Prior to the commencement of development above ground level within a Phase, details of the layouts of any road, footway or footpath associated with that Phase, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall show (as relevant) the

alignment, widths, surfacing arrangements, kerbs, access ramps (including the car park ramps with confirmation of vertical clearance), vehicle/pedestrian access points, details of any street level car parking arrangements, forward visibility sight lines and vision splays, speed restraint measures, turning heads, gradients, street lighting and drainage in respect of the relevant part of the development. A Development Phase shall not be occupied until the approved ramps, roads, accesses, footways, footpaths and cycleways associated with that Phase have been constructed and been made available for use. The development shall be implemented in accordance with the approved details.

To ensure that the detailed design of the access ramps provides sufficient vertical clearance and capacity for vehicle manoeuvring in the interest of public safety and to ensure that the detailed design of the roads, footways and cycleways would avoid vehicle/pedestrian conflict in accordance with Policy T1, T2, T4, T5 of the Local Plan 2018.

Road Safety Audit(s)

- 62) Prior to commencement of works to the Link Road, Park Road and/or operational vehicular access to the site (whichever the earlier), details of Road Safety Audit(s) shall be submitted to and approved in writing by the Local Planning Authority.

To ensure the accesses and proposed roads do not compromise highway safety or the safety of pedestrians on the footway, in accordance with policy T1, and T4 of the London Plan 2021, Policies T4 and T5 of the Local Plan 2018.

Safe use of drop-off locations

- 63) Prior to first occupation of a Phase, a scheme shall be submitted to and approved in writing by the Local Planning Authority which demonstrates how the risk of collisions between vehicles and the visually impaired within the site will be mitigated through design. The scheme shall address the management of the use of proposed drop-off locations, including deliveries and stopping by Blue Badge Holder vehicles and taxis outside buildings within the site. The scheme shall be implemented in accordance with the approved details prior to first occupation of the phase.

To ensure that deliveries and dropping off can occur without compromising highway safety or the safety of pedestrians on the footway, in accordance with policy D5, T1, T4 and T7 of the London Plan 2021, Policies HO6, T1 and T5 of the Local Plan 2018 and SPD Key Principle TR6 2018.

Electric vehicle charging points

- 64) At least 20% of any residential car parking spaces associated with each Development Plot shall have active elective vehicle charging points, and passive provision shall be made for the remaining spaces. Details of the

installation (including location and type) of active electric vehicle charging points within the car parking areas for a Development Plot must be submitted to and approved in writing by the Local Planning Authority prior to occupation of that Development Plot. The approved electric vehicle charging points in a Development Plot shall be installed and retained for the lifetime of the development.

To encourage sustainable travel in accordance with policies T1, and T6 of the London Plan 2021, Policies T1, T2 and T4 of the Local Plan 2018.

Cycle Parking

- 65) Prior to first occupation of a Development Plot hereby permitted, details of the facilities to be provided for the secure storage of residents' and other users' bicycles for that Development Plot shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the number, location and access arrangements to cycle parking for the relevant Development Plot. No residential or commercial units shall be occupied in the relevant Plot until the relevant approved facilities have been provided. The cycle parking facilities shall be retained for the lifetime of the development and not used for any other purpose without the prior written consent of the Local Planning Authority.

To ensure the suitable provision of cycle parking within the Development to meet the needs of future site occupiers and users and in the interest of the appearance of the development, in accordance with Policies T1, and T5 of the London Plan 2021, and Policy T3 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

Vehicular parking

- 66) Prior to commencement of development (excluding Demolition, Ground and Enabling Works) within each Development Plot hereby permitted, the detailed design, access, layout and location of the car parking provided for that relevant Development Plot shall be submitted to and approved in writing by the Local Planning Authority. The proposed car parking shall accord with the details as approved and shall be retained for the lifetime of the development.

To ensure that the detailed design of the access ramps provides sufficient vertical clearance and capacity for vehicle manoeuvring in the interest of public safety and to ensure that the detailed design of the roads, footways and cycleways would avoid vehicle/pedestrian conflict in accordance with Policies T1, T4 and T5 of the Local Plan 2018.

Vehicular Parking Provision

- 67) The residential vehicular parking provision for the development shall not exceed 460 car parking spaces or a space per residential unit ratio of 0.25 on the whole site.

To avoid creating unacceptable traffic congestion on the surrounding road network and to ensure there would be adequate parking for the development, in accordance with Policies T1, and T6 of the London Plan 2021 and Policy T4 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

Basement Vehicular Parking

- 68) The basement vehicular parking hereby permitted shall be accessed and used only by residents, car clubs and long stay blue badge holders for the commercial use.

To avoid creating unacceptable traffic congestion on the surrounding road network and to ensure there would be adequate parking for the development, in accordance with in accordance with Policies T1, and T6 of the London Plan 2021, and Policies T1, and T4 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

Car & Cycle Parking Management Plan

- 69) Prior to first occupation of each Development Plot hereby permitted, a Car and Cycle Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be operated otherwise than in accordance with the Car and Cycle Parking Management Plan as approved and shall be retained for the lifetime of the development.

To ensure an appropriate level, mix and location of car and cycle parking is achieved for the development and that management arrangements are in place to control its allocation and use in accordance with Policies T1, T5, and T6 of the London Plan 2021, Policies CC1, CC2, CC6, CC7, CC9, CC10, CC11, CC12, CC13, T1 and T6 of the Local Plan 2018 and SPD Transport Policies of the Planning Guidance Supplementary Planning Document 2018.

Delivery and Servicing Management Plan

- 70) Prior to first occupation of any residential dwellings or commercial units within a Development Plot hereby permitted, a Delivery and Servicing Management Plan (DSMP), including vehicle tracking, for that relevant Development Plot shall be submitted to and approved in writing by the Local Planning Authority. The DSMP shall detail the management of deliveries, emergency access, collection of waste and recyclables, times and frequencies of deliveries and collections/ silent reversing methods/ location of loading bays and vehicle movement in respect of the relevant Development Plot. The approved measures shall be implemented and thereafter retained for the lifetime of the residential or commercial uses in the relevant part of the site.

To ensure that satisfactory provision is made for refuse storage and collection and to ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by noise, in accordance with Policy T1, and T7 of the London 2021 and Policies T2, CC11 and CC13 of the Local Plan 2018 and SPD Key Principle TR28 (2018).

Operational Waste Management Plan

- 71) i) Development Plots A1, A2 and A3 hereby permitted shall be carried out in accordance with the Temporary Operational Waste Management Strategy approved under planning reference 2020/00737/DET granted 1 July 2020. All approved storage details shall be implemented in accordance with the approved details. Upon practical completion of Development Plots A1, A2 and A3, the details in the Operational Waste Management Plan prepared by Buro Happold (May 2018) relating to Developments Plots A1, A2 and A3 shall be implemented.
- ii) Prior to commencement of development above ground level within each relevant Development Plot listed in Condition 1 hereby permitted, a detailed Operational Waste Management Strategy shall be prepared which shall align with the principles set out in the Operational Waste Management Plan prepared by Buro Happold (May 2018) relating to the outline components of the development. It shall be submitted and approved in writing by the Local Planning Authority. Details shall include refuse arrangements including storage, collection and recycling for all uses within each Development Plot and how recycling will be maximised and be incorporated into the facilities of the development. All approved storage arrangements shall be provided in accordance with the approved details and shall be retained for the lifetime of the development in accordance with the approved details.

To protect the environment and to ensure that satisfactory provision is made for refuse/recycling storage and collection, in accordance with the NPPF 2023, Policy SI 7, SI 8, and T7 of the London Plan 2021 and Policies CC6 and CC7 of the Local Plan 2018 and SPD Key Principle WM1 2018.

External Doors

- 72) All external entrance doors facing the public highway hereby permitted shall be designed and installed so that they do not encroach onto the public highway, and shall be retained for the lifetime of the development in this form.

To prevent obstruction of the public highway in accordance with the Highways Act 1980, and Policy T3 of the Local Plan 2018.

DESIGN

Details and Materials

- 73) Prior to commencement of development above ground level within a Development Plot hereby permitted, the following details shall be submitted to and approved in writing by the Local Planning Authority:
- a) Particulars and samples (where appropriate) of the materials to be used on all external faces of the buildings including external ground and upper level surfaces such as roof terraces. A façade mock-up panel of a typical section of the proposed cladding system (scale 1:1) shall be erected on site and inspected by Local Planning Authority officers.
 - b) Details of the appearance of the loading bay and service entrance including loading bay doors and cycle entrance doors.
The development shall be carried out in accordance with the details as approved and shall be retained for the lifetime of the development.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies D1, D4, and D6 of the London Plan 2021, Policies DC1 and DC8 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

1:20 Details

- 74) Prior to commencement of development above ground level within a Development Plot hereby permitted, detailed drawings at a scale not less than 1:20 (in plan, section and elevation) of typical sections/bays of each of the approved buildings shall be submitted and approved in writing by the Local Planning Authority. These shall include details of the proposed cladding, fenestration (including framing and glazing details), balustrades (including roof terraces), entrances, roof top plant and plant screening, handrails, canopies and junctions between building elements. The development shall be carried out in accordance with the details as approved and shall be retained for the lifetime of the development.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies D1, D4, and D6 of the London Plan 2021, Policies DC1 and DC8 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

A1/A3 1:20 Details

- 75) Prior to commencement of development above ground level within a Development Plot hereby permitted detailed drawings in plan, section and elevation at a scale of no less than 1:20 of the frontages for the Class A1/Class A3 units, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as approved and shall be retained for the lifetime of the development.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies DC1 and DC8 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

Obscured Glass

- 76) The window glass at ground level in the development, including the shop fronts, shall not be mirrored, painted or otherwise obscured and shall be retained for the lifetime of the development as such unless clearly indicated on approved drawings or subsequently agreed with the Local Planning Authority in writing.

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

Solar glare

- 77) Prior to the commencement of development above ground level within Development Plots H1 and H2 hereby permitted, a solar glare study shall be submitted to and approved in writing by the Local Planning Authority. All development pursuant to this permission shall be carried out in accordance with the approved details.

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

No roller shutters

- 78) No roller shutters shall be installed in front of any shopfront, commercial entrance or display facade hereby approved.

To ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies DC1, DC5, DC8, and TLC2 of the Local Plan 2018.

No advertisements (Imperial Square and Gasworks conservation area)

- 79) No advertisements in the Imperial Square and Gasworks conservation area without securing consent from the Local Planning Authority.

In order that any advertisements displayed on the building are assessed in the context of an overall strategy, to ensure a satisfactory external appearance and to preserve the integrity of the design of the building, in accordance with Policies DC1 and DC8 of the Local Plan 2018.

Signage Strategy

- 80) Prior to the first occupation of the retail units within a Development Plot hereby permitted, a Signage Strategy for the retail units within that Development Plot shall be submitted to and approved in writing by the Local Planning Authority and all development pursuant to this permission shall be carried out in accordance with the approved details.

To ensure that the Local Planning Authority may be satisfied with the detail of the proposed development and to ensure a satisfactory external appearance in accordance with Policies DC1 and DC8 of the Local Plan 2018.

Urban Greening Strategy

- 81) Prior to commencement of development above ground level within a Phase of the development hereby permitted, an Urban Greening Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall consider green walls and green roofs, and include tree planting, and soft landscaping. The strategy should include details of the types of planting and the maintenance of the greening. The relevant Phase shall not be occupied until the works have been carried out in accordance with the approved details, and shall be retained for the lifetime of the development.

To improve biodiversity and contribute to the adaptation to, and reduction of, the effects of climate change in accordance with the NPPF 2023 and Policy G5, and G6 of the London Plan 2021.

Roof enclosures

- 82) Prior to commencement of development above ground level within a Development Plot hereby permitted, details of any enclosure(s) to be fitted to roof mounted equipment at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be used or occupied until any enclosure(s) have been constructed in accordance with the approved details, and the enclosure(s) shall be retained for the lifetime of the development.

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

No plant, water tanks

- 83) No plant, water tanks, water tank enclosures or other structures, that are not shown on the approved plans for Plots A1, A2 and A3, and any subsequent plans approved under Reserved Matters Applications, shall be erected upon the roofs of the buildings hereby permitted unless approved in writing.

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

Aerials and Satellite Dishes

- 84) Prior to commencement of development (excluding Demolition, Ground and Enabling Works) above ground level within a Development Plot hereby permitted details of any aerials and satellite dishes shall be submitted and approved in writing by the Local Planning Authority. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that principal Order with or without modification), no additional aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being obtained.

To ensure that the visual impact of telecommunication equipment upon the surrounding area can be considered, in accordance with Policies D4 of the London Plan 2021, and Policies DC1 and DC8 of the Local Plan 2018.

Window Cleaning Equipment

- 85) Prior to first use or first occupation of the development within a Development Plot hereby permitted, details of the proposed window cleaning equipment shall be submitted and approved in writing by the Local Planning Authority. The details shall include the appearance, means of operation and storage of the cleaning equipment. No part of that Development Plot shall be used or occupied until the equipment has been installed in accordance with the approved details and shall thereafter be retained for the lifetime of the development in this form.

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

Changes to the external appearance

- 86) No alterations shall be carried out to the external appearance of the buildings, including the installation of air-conditioning units, ventilation fans, extraction equipment, balustrades, fencing, canopies or roof structures not 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 and DC8 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

Materials

- 87) Prior to commencement of development above ground level within each of Development Plots H1, and H2 , in addition to the samples of all external materials (required in Condition 73), a supporting statement shall be submitted to the local planning authority for approval in writing setting out the detailed specifications for each Development Plot of each material indicating performance, sustainability rating, impacts from weathering and exposure to pollution sources in order to demonstrate that the materials are of the highest quality. The development shall be carried out in accordance with such details as have been approved.

To ensure the external appearance and environmental performance of the tall building is of the highest quality and to prevent harm to the street scene and public realm, in accordance with policies D1, D4, and D9 of the London Plan 2021, Policies DC1 and DC8 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

Secure by Design (Basement Phases)

- 88) Prior to commencement of a Basement Phase of the development hereby permitted, (excluding Demolition, Ground and Enabling Works) a statement of how principles of 'Secure by Design' will be adequately delivered for that basement shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include, but not be limited to: CCTV to be installed in the basement of that Phase and feasibility study relating to linking CCTV with the Council's borough wide CCTV system, access controls and basement security measures and means to secure the site throughout construction in accordance with BS8300:2009. No part of that basement Phase shall be used or occupied until these measures have been implemented in accordance with the approved details, and the measures shall be retained for the lifetime of the development.

To ensure that the development incorporates suitable design measures to minimise opportunities for, and the perception of, crime and provide a safe and secure environment, in accordance with Policy D11 of the London Plan 2021, and Policies DC1 and DC8 of the Local Plan 2018.

Secure by Design (Development Phases)

- 89) Prior to commencement above ground level of a Phase of the development hereby permitted, a statement of how principles of 'Secure by Design' will be adequately delivered shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include (where relevant), but not be limited to: CCTV to be installed in that Phase and any public realm associated with it realm and feasibility study relating to linking CCTV with the Council's borough wide CCTV system, access controls, and means to secure the site throughout construction in accordance with BS8300:2009. No part of that Phase shall be used or occupied until these measures have been

implemented in accordance with the approved details, and the measures shall be retained for the lifetime of the development in this form.

To ensure that the development incorporates suitable design measures to minimise opportunities for, and the perception of, crime and provide a safe and secure environment, in accordance with Policy D11 of the London Plan 2021, and Policies DC1 and DC8 of the Local Plan 2018.

Floodlights, Security lights and Decorative External Lighting

- 90) Prior to commencement of development above ground level within a Development Plot hereby permitted, details of any external artificial lighting, including security lights shall be submitted to and approved in writing by the Local Planning Authority. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Notes for the Reduction of Light Pollution 2011' (or relevant guidance) to ensure that any lighting proposed does not harm the existing amenities of the occupiers of neighbouring properties. Details should also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. No part of the Development Plot shall be used or occupied until any external lighting provided has been installed in accordance with the approved details and shall be retained for the lifetime of the development in this form.

To ensure that the amenity of occupiers of the development site / surrounding premises and natural habitat is not adversely affected by lighting, and to ensure a satisfactory external appearance and to prevent harm to the street scene and public realm, in accordance with Policies D4, D6, and G6 of the London Plan 2021, and Policies DC1, DC8, OS1 and OS2 of the Local Plan 2018.

Lights off

- 91) Prior to first occupation of a Development Plot hereby permitted, a scheme for the control and operation of the proposed lighting within the office buildings, during periods of limited or non-occupation, shall be submitted to and approved in writing by the Local Planning Authority. Details shall be implemented prior to the occupation of the relevant phase and operated only in accordance with the approved details.

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

LANDSCAPING

Soft and Hard Landscaping

- 92) Prior to commencement of development above ground within a Phase hereby permitted, details of the proposed soft and hard landscaping of all areas external to the buildings shall be submitted to and approved in writing by the Local Planning Authority. The details shall include: planting schedules and details of the species, height and maturity of any trees and shrubs, including sections through the planting areas; depth of tree pits, containers and shrub beds; details relating to the access of each building, including pedestrian surfaces, materials, kerb details, external steps and seating that ensure a safe and convenient environment for blind and partially sighted people. The landscaping works shall be carried out in accordance with the approved details and shall be retained for the lifetime of the development in this form.

To ensure a satisfactory external appearance of the development and relationship with its surroundings, and the needs of the visually impaired are catered for in accordance with the Equality Act 2010, Policies D4, G1, and G5 of the London Plan 2021, and Policies DC1, DC8, OS2 and OS5 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

Replacement Trees, shrubs etc

- 93) All planting, seeding and turfing approved as part of the agreed soft landscaping scheme associated with each relevant Development Plot hereby permitted shall be carried out in the first planting or seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or shrubs which die, are removed or become seriously damaged or diseased within 5 years of the date of the initial planting shall be replaced in the next planting season with other similar size and species.

To ensure a satisfactory external appearance in terms of the provision of tree and shrub planting, in accordance with Policies D4, G1, and G5 of the London Plan 2021, and Policies DC1, DC8, OS2 and OS5 of the Local Plan 2018.

Ecological Management Plan

- 94) Prior to practical completion of a Development Plot hereby permitted, an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The EMP shall comprise a habitat management plan and monitoring report which shall set out objectives and prescriptions for the management of new areas of vegetation and public open spaces within the development, for a minimum period of 5 years, unless otherwise agreed in writing with the Local Planning Authority.

To ensure the biodiversity of the site is protected and enhanced where possible, in accordance with policy G6 of the London Plan 2021 and Policies CC2, DC1, DC8, OS2, OS4 and OS5 of the Local Plan 2018.

Protection of Existing Trees

- 95) Prior to commencement of development within a Phase of Development hereby permitted, all the trees in the proximity of that Phase that are to be retained, shall be protected from damage in accordance with BS5837:2012 during both the demolition and construction works.

To ensure that trees on site are retained and to prevent harm during construction, in accordance with Policies DC1, DC8, OS2, OS4 and OS5 of the Local Plan 2018.

Outdoor Play Spaces

- 96) Prior to commencement of development above ground level within a Phase hereby permitted, a scheme detailing the play equipment, boundary treatments and ground surface treatment of the outdoor play spaces, for that part of the development shall be submitted to the local planning authority and approved in writing. Any play equipment will be designed to be fully inclusive to ensure the play areas are accessible to all and will be implemented in accordance with the approved plans, to be retained for the lifetime of the development.

To ensure equal life chances for all, and to prevent groups such as blind people and disabled children being excluded from use of public realm and other amenities by designs failing in detail to take specific needs into account, in accordance with Policy D5, and D7 of the London Plan 2021, and Policy OS3 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

Street Furniture

- 97) Prior to first occupation of a Phase hereby permitted, details including the locations of the benches and litter bins for that Development Plot shall be submitted to and approved in writing by the Local Planning Authority. The street furniture listed above shall be designed and sited to be fully inclusive and accessible for all users and will not provide any obstruction to disabled persons or people of impaired mobility and/or sight. The relevant Phase shall not be open to users until the benches, litter bins and signage as approved have been provided, and must be retained for the lifetime of the development.

To ensure the satisfactory provision of facilities, in accordance with Policies CC2, DC1, DC8 and OS2 of the Local Plan 2018 and Key Principles of the Planning Guidance SPD 2018.

ACCESS

Access Management Plan

- 98) Prior to first occupation of a Phase hereby permitted, an Inclusive Access Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Phase shall not be operated otherwise than in accordance with the Inclusive Access Management Plan as approved and be retained for the lifetime of the development in this form.

To ensure that the proposal provides an inclusive and accessible environment in accordance with the Policy D5 of the London Plan 2021 and Policy E3 of the Local Plan 2018.

Level Threshold

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

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

Lifts

- 100) Prior to first occupation and/or first use of each relevant Development Plot hereby permitted, details of fire rated lifts in each of the buildings submitted to and approved in writing by the Local Planning Authority. Details shall include loading lifts to the basement levels and the measures to ensure that at least one lift per core will operate at all times and that no wheelchair occupiers are trapped if a lift breaks down. The fire rated lifts shall be installed as approved and maintained in full working order for the lifetime of the development.

To ensure that the development provides for the changing circumstances of occupiers and responds to the needs of people with disabilities, in accordance with Policies D5, and D11 of the London Plan 2021, and Policies DC1 and HO6 of the Local Plan 2018.

Finished floor levels

- 101) Prior to commencement of development (excluding Demolition, Ground and Enabling Works) within a Phase hereby permitted, a site survey and survey of highway and other land at the perimeter of the site shall be carried out and details must be submitted to and approved in writing by the Local Planning Authority indicating the proposed finished floor levels at basement and ground floor levels in relation to the existing Ordnance Datum levels of the adjoining streets and open spaces. The development shall be carried out in

accordance with the approved survey for that Phase unless otherwise agreed in writing by the local planning authority.

To ensure continuity between the level of existing streets and the finished floor levels in the proposed building and to ensure a satisfactory treatment at ground level, in accordance with Policies D4 and D8 of the London Plan 2021, and Policies DC1, DC5 and DC8 of the Local Plan 2018. These details are required prior to commencement in order that a record is made of the conditions prior to changes caused by the development and that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.

Urban Realm Strategy

- 102) Prior to commencement of development above ground level within a Phase, and notwithstanding the information in the landscape drawings hereby approved, an Urban Realm Strategy for that Phase which includes detailed drawings of any shared surfaces, the methods of delineation of the vehicular and pedestrian areas shall be submitted to and approved by the Local Planning Authority in writing. The urban realm strategy for the relevant Development Plot shall demonstrate how the shared surfaces would adhere to the guidance set out in Department of Transport Note LTN1/11 "Shared Space" October 2011 (or any other relevant guidelines). Such details shall be implemented in accordance with the approved plans for that Phase and retained for the lifetime of the development.

To ensure that the proposal provides an inclusive and accessible environment in accordance with Policy D8 of the London Plan 2021, Policies DC1 and T1 of the Local Plan 2018.

Corrosion Protection (Gasholder No.2)

- 103) The development hereby permitted shall be carried out in accordance with the Corrosion Protection Measures approved under planning reference 2019/02397/DET.

To safeguard the special architectural or historic interest of the structures in accordance with the NPPF 2018, Policies DC1 and DC8 of the Local Plan 2018 and the Council's "Planning Guidance" Supplementary Planning Document.

Intrusive Condition Survey Methodology (Gasholder No.2)

- 104) Within 18 months of commencement of the Development, the Intrusive Condition Survey Methodology and any applications for Listed Building Consent as may be necessary to enable the Intrusive Condition Survey to be carried out in accordance with the submitted Intrusive Condition Survey Methodology shall be submitted to the Local Planning Authority for approval in consultation with Historic England. The Intrusive Condition Survey Methodology shall set out the methodology for the carrying out of the

Intrusive Condition Survey, the purpose of which is to survey the fabric and structure of Gasholder No.2 for the following purposes:

- (a) assessing the condition of Gasholder No.2 to inform future proposals for its future retention and reuse by addressing various issues, including but not limited to fabric deterioration and corrosion; materials decay; weathering; assessment of structural condition; soil investigation; contamination sampling and testing and prognosis of likely effects of deterioration processes; and
- (b) the carrying out of measured surveys and historic recording to Level 4.

The Intrusive Condition Survey shall be carried out in accordance with the approved Intrusive Survey Methodology and any required Listed Building Consents.

To safeguard the special architectural or historic interest of the structures in accordance with the NPPF 2023, Policies DC1 and DC8 of the Local Plan 2018 and the Council's "Planning Guidance" Supplementary Planning Document.

Gasholder No.2 Proposals

- 105) Within 12 months of completion of the Intrusive Condition Survey, details of proposals for the restoration and retention of Gasholder No.2 and any application for Listed Building Consent as may be necessary for the works required to secure the delivery of those proposals for Gasholder No.2 shall be submitted to the Local Planning Authority for approval in consultation with Historic England. The proposals shall be implemented in accordance with the approved details.

To safeguard the special architectural or historic interest of the structures in accordance with the NPPF 2023, Policies DC1 and DC8 of the Local Plan 2018 and the Council's "Planning Guidance" Supplementary Planning Document.

Listed Office Buildings and War Memorials Proposals

- 106) Prior to submission of any Reserved Matters Applications in relation to any of Development Plots C1, C2, F1 or F2, details of proposals for the restoration and future uses for the Listed Office Buildings and War Memorials and any application for Listed Building Consent as may be necessary for works required to secure the delivery of those proposals shall be submitted to the Local Planning Authority for approval. The proposals will include details of the main physical alterations required and design principles to be applied in connection with the proposed future uses. The proposals shall be implemented in accordance with the approved details.

To safeguard the special architectural or historic interest of the structures in accordance with the NPPF 2023, Policies DC1 and DC8 of the Local Plan 2018 and the Council's "Planning Guidance" Supplementary Planning Document.

19th Century Wall (Gasholder No.3)

- 107) Features recovered from the 19th Century wall supporting the bank surrounding Gasholder No.3 shall be incorporated into the development in accordance with the Atkins Technical Note dated 6 June 2017 as approved under planning reference 2017/02340/DET dated 12 June 2017 and Interpretation Strategy which is required to be submitted and approved pursuant to planning reference 2017/01577/VAR granted 28 September 2017.

To safeguard the special architectural or historic interest of the structures in accordance with the NPPF 2023, Policies DC1 and DC8 of the Local Plan 2018 and the Council's "Planning Guidance" Supplementary Planning Document.

Interpretation Strategy (Gasholder No.7)

- 108) Elements of Gasholder No. 7 shall be incorporated into the development in accordance with the Montagu Evans Gasholder 7 Interpretation Strategy dated January 2018 as approved under the S106 Legal Agreement made between the Mayor and Burgesses of the London Borough of Hammersmith and Fulham and National Grid Twenty-Seven Limited dated 5 March 2015 (varied subsequently on 22 February 2017 and 31 August 2017) and in accordance with the updated Interpretation Strategy required to be submitted and approved under that same agreement.

To safeguard the special architectural or historic interest of the structures in accordance with the NPPF 2023, Policies DC1 and DC8 of the Local Plan 2018 and the Council's "Planning Guidance" Supplementary Planning Document.

Airwaves Interference Study

- 109) Prior to commencement of development above ground level within a Development Plot hereby permitted the following details shall be submitted to and approved in writing by the Local Planning Authority:
- a) The completion of a Base-Line Airwaves Interference Study (the Base-Line Study) to assess airwave reception within/adjacent to the site; and
 - b) The implementation of a Scheme of Mitigation Works for the purpose of ensuring nil detriment during the Demolition Works and Construction Works identified by the Base-Line Study. Such a Scheme of Mitigation Works shall be first submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details for that Development Plot and shall be retained for the lifetime of the development in this form.

To ensure that the existing airwaves reception is not adversely affected by the proposed development, in accordance with Policy SI 3 of the London Plan 2021, and Policies DC1 and DC8 of the Local Plan 2018.

Fire Safety

- 110) The development shall be implemented in accordance with the fire safety principles set out in the Fire Statement prepared by Exova Warringtonfire (2018).

To ensure that the Development contributes to the minimisation of potential fire risk, in accordance with the Policy D12 of the London Plan 2021.

Ventilation Strategy Compliance

- 111) Prior to occupation of a Development Plot listed in Condition 1 hereby permitted, details of a post installation report of the approved Ventilation Strategy (Condition 42) to mitigate the impact of existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority.

Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To comply with the requirements of the NPPF 2023, Policies SI 1 of the London Plan 2021 and Policy CC10 of the Local Plan 2018.

Zero Emission Combustion Plant compliance

- 112) Prior to occupation of a Development Plot listed in Condition 1 hereby permitted, details of the installation of the Air/Water Source Heat Pumps, Electric Boilers, and Zero Emission Emergency generators shall be submitted to and approved in writing by the Local Planning Authority.

Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained

To comply with the requirements of the NPPF 2023, Policies SI 1 of the London Plan 2021 and Policy CC10 of the Local Plan 2018.

Justification for Approving the Application:

- 1) **Section 73 of the Town and Country Planning Act 1990:** The proposed changes would constitute a material change within the context of the extant planning permission scheme (ref: 2018/02100/COMB) dated 8 February 2019 and therefore meet the requirements processed under Section 73 of the Town and Country Planning Act 1990.

- 2) **Principle of Development/Regeneration:** The principle of a comprehensive residential led mixed-use redevelopment of the site were considered to be acceptable under the extant planning permission scheme (ref: 2018/02100/COMB) dated 8 February 2019 and in accordance with national, strategic, and local planning policies, which advocate making the most efficient use of brownfield land in sustainable locations. The proposals, as amended, would continue to contain appropriate mix of land uses that are compatible with the South Fulham Riverside Regeneration Area, considered to make an important contribution towards meeting local and strategic housing needs and would also create a vibrant and creative place with a stimulating and high-quality environment where people will want to live, work, shop, and spend their leisure time. The proposed development, as amended, would also contribute to the regeneration of the area by providing significant areas of new public realm which serve the needs of the wider area as well as those in the development, improving linkages, movement through and connections within the area. The relatively small size and location of the retail and leisure uses would not compromise the vitality or viability of surrounding centres. The proposed development, as amended would contain appropriate land uses that are compatible with the South Fulham Riverside Regeneration Area and is well served and accessible by public transport. The proposed development is therefore considered acceptable, on balance, and in accordance with Policies SD1, H1, and D3 of the London Plan (2021) and policies SFRRRA, SFRRRA1, DC1, DC2 and DC3 of the Local Plan (2018).
- 3) **Housing:** The proposed development (as revised by this application) does not alter the amount of housing (new homes/units being delivered and overall affordable housing provision) granted under the extant planning permission (2018/02100/COMB) dated 8 February 2019. The proposed development is considered to make a significant contribution towards providing much needed additional housing in accordance with London Plan Policies H1 and would continue to help the borough meet and exceed its housing targets in accordance with Table 4.1 of the London Plan. It is considered that the development would contribute towards the indicative housing targets set out in Policy HO1 of the Local Plan (2018) which promotes the development of new housing within the Strategic sites and would help to regenerate the wider South Fulham Riverside Regeneration Area which sets an indicative housing target of 4,000 homes proposed across the plan period. The wider development provides the maximum reasonable proportion of affordable housing for the site and will delivery much needed affordable housing within the borough. The principle and density of residential development proposed is considered acceptable and would be in accordance with London Plan Policies H1 and D3 and Local Plan policies SFRRRA, SFRRRA1, HO1, HO3, HO4 and HO5. The proposed development would comprise an appropriate mix of dwelling sizes that would meet local and London-wide housing needs and is therefore considered to be in accordance with Policy H10 of the London Plan (2021) and Local Plan policies HO4 and HO5. The amenity and play space provided accords with the adopted policies and would provide a high quality of private and communal amenity for future occupants together with a high standard of residential accommodation in accordance with Local Plan policies HO11, OS2 and OS3.

- 4) **Design:** The reduction in the number of development plots from three to two is considered to be beneficial. These include expanding the park area, significantly improving sunlight access, and enhancing sky and outdoor views from within the development. The changes lead to a better living environment for existing and future residents and improved levels of greater sustainability by reducing construction requirements and eliminating one of the proposed towers. The proposed development, as amended, therefore provides an appropriate design response to the emerging context in the South Fulham Riverside Regeneration Area and would have very limited adverse impacts on the surrounding built environment which includes the Imperial Square and Gasworks Conservation Area and adjoining sites which are subject to redevelopment and regeneration. The scale and massing of the detailed components of the proposed development are considered on balance to meet the policy requirements in delivering buildings with good quality architecture which optimises the residential capacity of the site and provides a significant level of public open spaces around the building plots. The proposed development is not considered to prejudice the development potential of the adjoining development sites, subject to conditions and detailed design. Specifically, the distribution of scale, massing, and height of the taller elements has been demonstrated to have minimal townscape, heritage and visual amenity impacts on the local and wider context. When considered alongside the significant planning benefits in terms of housing provision and public open space included as part of the development, the proposals are considered, on balance, to be in general accordance with local plan strategic policies SFRRRA and SFRRRA1. Although the proposed development will be visible and will have an impact on views from within LBHF and from RBKC it is considered that the impact is not one of significant harm to conservation areas or local townscape and the proposed development would have a neutral impact on the skyline of this part of South Fulham. The proposed development is therefore considered acceptable in accordance with Policies D1, D3, D4, D5, D8, D9 and G7 of the London Plan (2021), Local Plan policies SFRRRA, SFRRRA1, HO1, HO3 and HO4 of the Local Plan 2018. DC1, DC2, DC3 and DC8 and the Council's Planning Guidance Supplementary Planning Document.
- 5) **Built Heritage:** It is considered that the proposed development would cause less than substantial harm to the character or appearance of the conservation area and setting of the nearby listed buildings. The limited extent of harm that is caused would be outweighed by the significant townscape, urban design, and regeneration benefits of the proposals. The proposed development, as amended, would be visible from within LBHF and from isolated instances in the Royal Borough of Kensington and Chelsea, but the amended impacts are not greater than the previously approved scheme. The impact of the proposal, as amended, on the historic significance, visual amenity, character, and appearance of these areas, in particular the Imperial Square and Gasworks Conservation Area and setting of the Grade II listed buildings/structures within the site together with heritage assets outside the site is considered on balance acceptable. The proposed development, as amended, by way of varying conditions of the extant permission is therefore

considered to be acceptable and would be in accordance with Policies D3, D9 and HC1 of the London Plan (2021), Local Plan policies SFRRA, SFRRA1, HO1, HO3 and HO4 of the Local Plan 2018, DC1, DC2, DC3 and DC8 and the Council's Planning Guidance Supplementary Planning Document.

- 6) **Residential Amenity:** It is considered that the proposed development, as amended, would not result in significant harm to the amenities of adjoining occupiers in terms of daylight/sunlight, over-shadowing, and privacy. It is considered that the proposals, as amended, have been designed so that they do not unduly prejudice the development potential of the adjoining sites which have the capacity to contribute towards the comprehensive regeneration of the Opportunity Area, by virtue of the extent of the daylight, sunlight, overshadowing and privacy impacts. Potential impacts (both amended scheme and its cumulative effects) in terms of air quality, light pollution, solar glare, wind tunnelling, noise or TV/radio reception would be acceptable, subject to the various mitigation methods proposed which are secured by conditions and reserved matters. In this regard, the amended development would respect the principles of good neighbourliness. The proposed development is therefore considered to be acceptable and would be in accordance with Policies D3, D4, D9, D14, S4 and SI 1 of the London Plan (2021), Local Plan policies HO11, DC1, DC2 and DC3 and the Council's Planning Guidance Supplementary Planning Document.
- 7) **Safety and Access:** The proposed amendments are borne primarily out of necessity to amend the design of the taller building plots H1 and H2 to comply with amended fire safety regulations. The revised design has been developed to include the provision of two staircases per core, a third lift to provide dignified escape, and a range of other measures such as individual smoke shafts to each smoke compartment within a core. The proposed development plots will therefore be constructed in a manner which will minimise the risk of fire spread, have a suitable and convenient means of escape for all building users and will provide suitable access, water supplies and equipment for use by the Fire Service in the event of an emergency. Subject to conditions, and continued consultation with local access groups, it is considered that the development, as amended, would provide a safe and secure environment for all users. The development is therefore considered to be acceptable in accordance with Policies H10, T3 and D5 of the London Plan (2021) policy HO6 of the Local Plan 2018 and the Council's "Planning Guidance" Supplementary Planning Document.
- 8) **Quality of Residential Accommodation:** Amendments to the residential accommodation will continue to provide high quality residential units for a scheme which is located within a high-density urban context that is envisaged to optimise development capacity, providing an acceptable standard of accommodation for future occupiers of the residential in respect of the living space, aspect, and amenity. The assessment at this stage confirms that most of the proposed units would benefit from acceptable levels of daylight/sunlight, outlook, and privacy. The development is therefore considered, on balance, to be acceptable in accordance with

Policies D3 and D6 of the London Plan (2021), Policies HO4, HO11, DC1, DC2 and CC11 of the Local Plan (2018) and the Council's "Planning Guidance" Supplementary Planning Document.

- 9) **Highways:** It is considered that the overall traffic impact of the proposed development would be unchanged from the extant scheme. As such, the traffic impact (from the amended proposals) would be acceptable and in accordance with Local Plan policy T1. The level of car, motorcycle and cycle parking is assessed as being acceptable in accordance with Local Plan policy T3 and the Council's "Planning Guidance" Supplementary Planning Document. The site is well served by public transport. The proposed development would enhance pedestrian and cycle linkages to development sites. Such improvements would be the benefit of the wider South Fulham Riverside Regeneration Area. It is considered that any impacts arising from the development would be mitigated by conditions and previously secured s106 provision to contribute towards sustainable transport infrastructure measures within the South Fulham Riverside Regeneration Area and prevent significant increase in on-street parking pressures in surrounding roads. A car park management, servicing, road safety and travel planning initiatives would be implemented in and around the site to mitigate against potential adverse impacts. The proposed development is therefore considered acceptable in accordance with Policies T1, T2, T3, T4, T5 and T6 and Table 10.2 of the London Plan (2021), policies T1, T2, T3, T4 and T7 of the Local Plan and the Council's "Planning Guidance" Supplementary Planning Document.
- 10) **Sustainability:** The proposed amendments allow for better alignment with strategic policy objectives in relation to sustainability and energy efficiency. In particular, the revised design supports the energy hierarchy in London Plan Policy SI 2, by using less energy and managing demand during operation. The proposed layout and massing rearrangements, including the diagonal orientation of the buildings and floor plate geometry, mean there is a greater opportunity for the new buildings to adopt an energy efficient design through passive (cooling, heating, and lighting) design measures. This includes, for example, utilising the layout for natural cross-ventilation potential and a greater capacity to address overheating. In addition, there are also clear benefits in terms of minimising energy demand and reducing the overall carbon footprint associated with the proposed omission of the H3 plot and construction of an additional building/core. Subject to conditions, and the previously secured carbon off-setting s106 financial contribution, the proposed development is therefore considered to be acceptable and would be in accordance with policies SI 1, SI 2, SI 3, SI 4, SI 5, SI 7, SI 8, SI 10, SI 12, SI 13 and G6 of the London Plan (2021), and would broadly comply with the intent of policies CC1, CC2, CC3, CC4, CC6, CC9 and CC10 of the Local Plan and the Council's Planning Guidance Supplementary Planning Document.
- 11) **Flood Risk:** The site is located within Flood Risk Zones 2 and 3. A Flood Risk Assessment (FRA) has been submitted which advises standard construction practices to ensure the risk of flooding at the site remains low.

Sustainable drainage systems (SUDS) would be integrated into the development to cut surface water flows into the communal sewer system with further information on surface water drainage secured by condition. Subject to conditions, the development would therefore be acceptable and in accordance with Policies SI 12 and SI 13 of the London Plan (2021), policies CC2, CC3 and CC4 of the Local Plan and the Council's Planning Guidance Supplementary Planning Document.

- 12) **Environmental Impacts:** All Environmental Impacts have been assessed with regard to construction, demolition, proposed development and alternatives, Noise, Air Quality, Ecology, Transport, Socio-economics, Archaeology, Sunlight, Daylight, Overshadowing, Solar Glare, Water Resources and Flood, Waste, Ground Contamination, Microclimate, Electronic Interference, Townscape and Heritage, Cumulative and Residual Impacts, set out in the Environmental Statement and Addendums and the Environmental Impact Assessment (EIA) Statement of Conformity letters in accordance with the EIA Regulations 2011. The Environmental Statement which comprises the original ES (and appendices), the ES addendums and revised appendices, the Environmental Impact Assessment (EIA) Statement of Conformity letters together with the consultation responses received from statutory consultees and other stakeholders and parties, enable the Council to determine this application with knowledge of the likely significant environmental impacts of the proposed development.
- 13) **Legal Agreement:** The application is to be amended by way of varying conditions of the former extant planning permission but without any commensurate increase in residential units or floorspace. The financial contributions previously secured, which will go towards affordable housing in LBHF, the enhanced provision of education, health, employment, community facilities, accessibility and sustainable transport, highways (including pedestrian and cycle routes), carbon off-setting and the public realm continue to be sufficient to mitigate the impacts of the development as amended. Accordingly, it is not necessary to secure additional financial contributions to make the development acceptable in policy terms. The affordable housing mix, to be delivered within Phase 4 of the scheme, shall be amended in line with the Council's identified need across tenures. The proposed development would therefore continue to mitigate external impacts and would accord with London Plan (2021) Policy DF1, and Policies SFRRRA, SFRRRA1 of the Local Plan (2018).

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

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

Application form received: 25th April 2024
Drawing Nos: As listed in Condition 3 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:
Greater London Authority (GLA)	30.09.24
Historic England	11.06.24
Greater London Archaeology Advisory Service (GLAAS)	11.06.24
Environment Agency	04.06.24
Port of London Authority	12.06.24
Network Rail	02.09.24
Health And Safety Executive	19.06.24
Royal Borough of Kensington and Chelsea	24.05.24

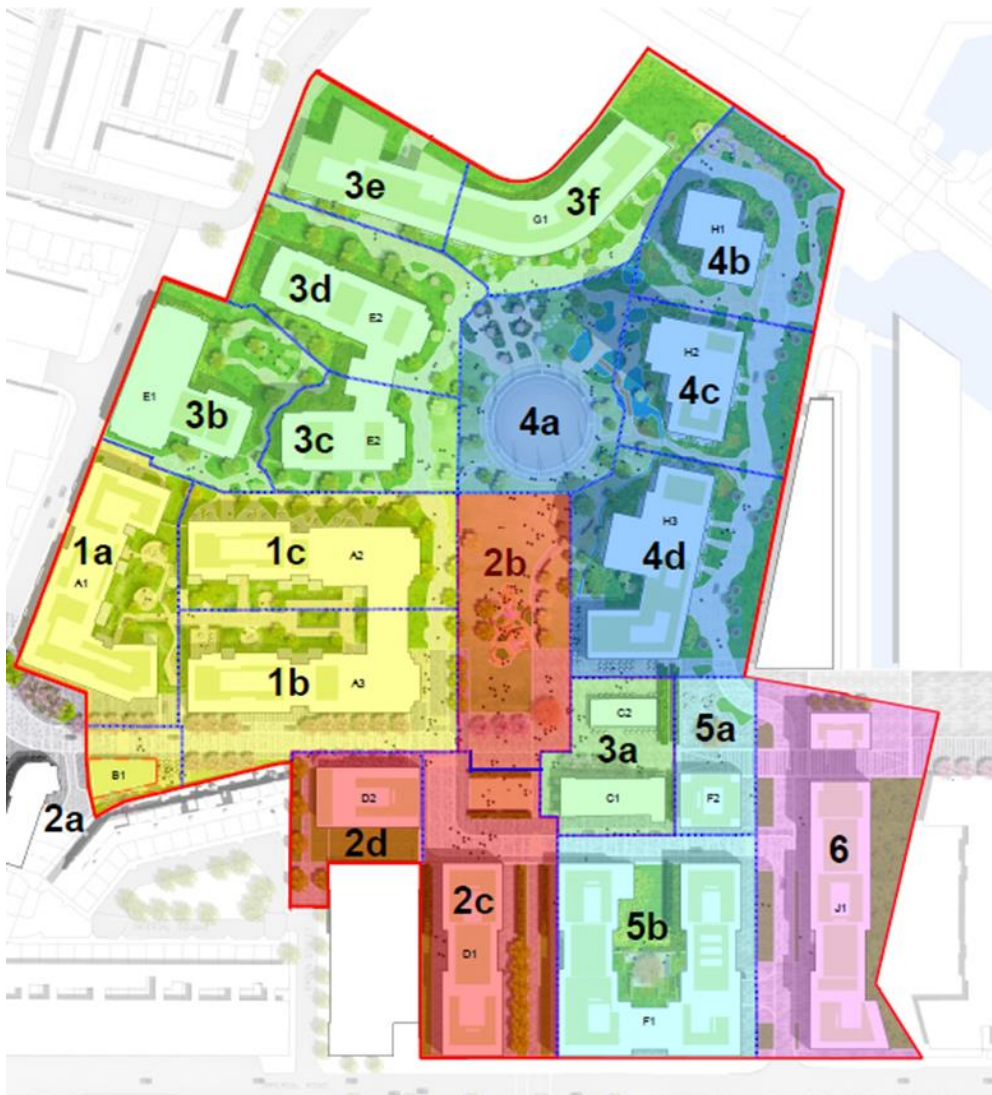
Neighbour Comments:

Letters from:	Dated:
Flat 142 Doulton House, 11 Park Street SW6	27.05.24

1.0 BACKGROUND

1.1 This planning report relates to an application to vary Condition 4 (Drawings – Outline Component) and Condition 5 (Design Codes and Parameters) of planning permission (ref: 2018/02100/COMB) granted 8 February 2019 (as amended), for the site formerly known as South Fulham Gasworks but now marketed as ‘King’s Road Park’. The planning permission was approved as a Hybrid Permission (part-detailed, part-outline) with Phases 1a, 1b, 1c (Plots A1, A2, A3) in detail and the remainder of the site, Phases 2 - 6, in outline form, to be determined later.

- 1.2 King's Road Park will deliver a residential led mixed-use development comprising 15 new buildings (Plots A1, A2, A3, B1, D1, D2, E1, E2, F1, F2, G, H1, H2, H3 and J1) plus the renovation of listed buildings / structures / memorials (No.2 Gasholder, 1927 Former Research Laboratory, 1856 Chief Engineer's Office, WW1 War Memorial and WW2 War Memorial) and the provision of a public square and a public park measuring no less than 6,700 sqm.
- 1.3 The proposed amendments relate primarily to the design of Phase 4 (b, c and d) but also to the indicative landscape strategy for the wider outline element of the masterplan (Phases 2b, 3a, 4a-d, 5a-b and 6) and can be summarised as follows:
- a) configuration of the tower buildings (Plots H1, H2 and H3) with no change to overall floorspace;
 - b) increase to Plots H1, H2 building floorplates and changes to layout design;
 - c) increase to shoulder height of Plot H2 by 8m;
 - d) increase in number of floors for Plots H1, H2 (no change to max heights);
 - e) redistribution of land uses; and
 - f) changes to indicative landscape strategy (Phases 2b, 3a, 4a-d, 5a-b, 6).
- 1.4 The proposals involve amendments to the approved Parameters Plans and Document and the Development Specification, to amend the scale and massing of Plots H1, H2 and H3, by removing the tower element of H3 and merging with H2. Amendments are also proposed to the Design Codes.
- 1.5 The application is made under Section 73 of the Town and Country Planning Act 1990 (as amended) which facilitates the approval of material amendments to the permitted development scheme. Guidance regarding the form of the application, as a minor material amendment to an approved scheme submitted as a variation of condition under Section 73 of the Town and Country Planning Act, advises that proposed amendments should be of a scale and nature that would result in a development which is not substantially different from the one which has been approved.



Consented Phasing (2019)

2.0 SITE AND SURROUNDINGS

- 2.1 King's Road Park measures approx. 6.33 hectares of previously developed industrial land, located in the south east of the borough, within close proximity to the River Thames. The Site is situated approximately 0.5 kilometres south east of Fulham Town Centre within the Sands End Ward. The site is irregular in shape and bounded by Gwyn Close and the Overground railway line to the north; Chelsea Creek residential development to the east; Imperial Road with Imperial Square to the south; and Michael Road to the west. The Site is divided into two defined areas by Sands End Lane to form the Northern Sector and Southern Sector.
- 2.2 The site has mostly been cleared for development apart from the listed buildings/structures/memorials. Development has been completed on Phases 1a, b and c (Plots A1, A2, A3) plus 2a (Plot B1). Buildings currently under construction are Phases 2b (Park South); 2c (Plot D1); 2d (Plot D2); 3b (Plot E1); 3c and d (Plot E2) and 3e and f (Plot G) in accordance with the Hybrid Permission.

Surrounding Context

- 2.3 The surrounding area is characterised by a mix of uses, with predominantly residential buildings to the north with some commercial and business premises located off Michael Road. Similarly, residential areas including Harwood Terrace and Imperial Square are located to the west, with commercial units located to the northern end of Imperial Road known as Imperial Studios. There are residential units within No. 11 Imperial Road on the corner of Emden Street and Imperial Road and residential estates on the south side of Imperial Road. To the south-east lies two residential developments known as Chelsea Creek and Imperial Wharf.

Designations and Heritage Assets

- 2.4 The southern portion of the Site is located within the South Fulham Riverside Regeneration Area (Local Plan 2018 Policy SFRRRA); the Imperial Square and Gasworks Conservation Area (Local Plan Policy DC8); is identified as a Strategic Site (Local Plan 2018 Policy SFRRRA1); and is within Flood Risk Zones 2 and 3. The Imperial Square Conservation Area (designated in 1975) was extended in 2005 to include the adjoining buildings in Harwood Terrace and Imperial Road, and the northern part of the gasworks site that is inextricably linked to the history of the houses in Imperial Square. The designation of the Conservation Area sought to protect its special character and in recognition of its unique industrial history. A small part of the Site (along the north-west) is located within the Sanford Manor Archaeological Priority Area.
- 2.5 There are four Grade II listed buildings/structures within the Site. Gasholder 2 is widely regarded as the oldest remaining gasholder in the world dating back to the 1830's and was statutory Listed at Grade II in 1970. The 1857 Neoclassical Chief Engineer's Office, the 1927 Research Laboratory and a War Memorial were nationally listed in 2007. The relocated war memorial dating from 2000 is considered by the Council to be a non-designated heritage asset.

3.0 RELEVANT PLANNING HISTORY

- 3.1. 8 February 2019: Planning Permission (ref: 2018/02100/COMB) granted (part-detailed, part-outline) for demolition of existing buildings and structures (excluding No.2 Gasholder, 1856 Chief Engineer's Office, 1927 Former Research Laboratory, 1920 WW1 War Memorial and WW2 War Memorial) and redevelopment to provide a residential-led mixed use development comprising the erection of new buildings ranging from 1 to 37 storeys to provide up to 1,843 (including 646 (35%) Affordable Housing) residential units and ancillary residential facilities (C3 Use) and non-residential floorspace in Use Classes A1, A2, A3, A4, B1, D1 and D2, the provision of a new publicly accessible open space, new pedestrian and vehicle routes, accesses and amenity areas, basement level car park with integral servicing areas, interim works and other associated works:

- 1) Detailed planning application for 37,774sqm (GEA) residential floorspace together with 712sqm (GEA) ancillary residential facilities (C3 Use); 982sqm (GEA) flexible commercial floorspace (A1, A2, A3, A4 Uses); 3,432sqm (GEA) community and leisure floorspace (D1/D2 Use); provision of a 10,365sqm (GEA) basement; new pedestrian and vehicular access; provision of amenity space, landscaping, car and cycle parking, refuse storage, energy centre, servicing area, and other associated infrastructure works.
- 2) Outline planning application (with all matters reserved) for up to 166,560sqm (GEA) residential floorspace and ancillary residential facilities (C3 Use); up to 6,895sqm non-residential floorspace comprising flexible commercial retail (A1, A2, A3, A4 Uses), office (B1 Use), community (D1 Use) and leisure (D2 Use) floorspace; provision of up to 30,573sqm (GEA) new basement level; new pedestrian and vehicular access; and associated amenity space, publicly accessible open space, landscaping, car and cycle parking, refuse storage, energy centres, servicing area, and other associated infrastructure works.

Reserved Matters

- 3.2. 3 July 2029: Reserved Matters Application (2019/00755/RES) granted in respect of Phase 2a (Development Plot B1) for the erection of a single storey pavilion-style building comprising 205sqm of flexible floorspace (Use Classes A1, A2, A3, A4 and B1) with associated landscaping.
- 3.3. 22 November 2021: Reserved Matters Application (2021/02303/RES) granted in respect of Phase 2b (Park South) for the delivery of part of the central landscaped area with play space; part public square and part basement.
- 3.4. 14 March 2022: Reserved Matters Application (2021/02533/RES) granted in respect of Phases 2c and 2d (Development Plots D1 and D2), for the erection of two mixed-use buildings, comprising commercial and residential floorspace with associated landscaping and play space.
- 3.5. 4 April 2022: Reserved Matters Application (2021/03976/RES) granted in respect of Phase 3b (Development Plot E1) for the erection of a building comprising residential floorspace with associated landscaping and play space.
- 3.6. 14 July 2022: Reserved Matters Application (2021/04010/RES) granted in respect of Phase 3e and Phase 3f (Development Plot G1), for the erection of a building comprising residential floorspace with associated landscaping and play space.
- 3.7. 22 July 2022: Reserved Matters Application (2022/00559/RES) granted in respect of Phase 3c and 3d (Development Plot E2) for the erection of a

building comprising residential and non-residential floorspace with associated landscaping.

- 3.8. Reserved Matters Application (2023/03113/RES) pending consideration in respect of Phase 4a for the delivery of a landscaped area known as Park North.
- 3.9. Reserved Matters Application (2024/01420/RES) pending consideration in respect of Phases 4b, 4c and 4d (Development Plots H1 and H2) relating to the approval of access; appearance; landscaping; layout and scale subject to approval of the current application seeking amendments to Phases 4b, 4c and 4d (Development Plots H1 and H2).

Planning Conditions

- 3.10. Following the determination of the applications listed above, a number of discharge of condition applications have been submitted and approved. None of these are of relevance to this application.

Non-material Amendments

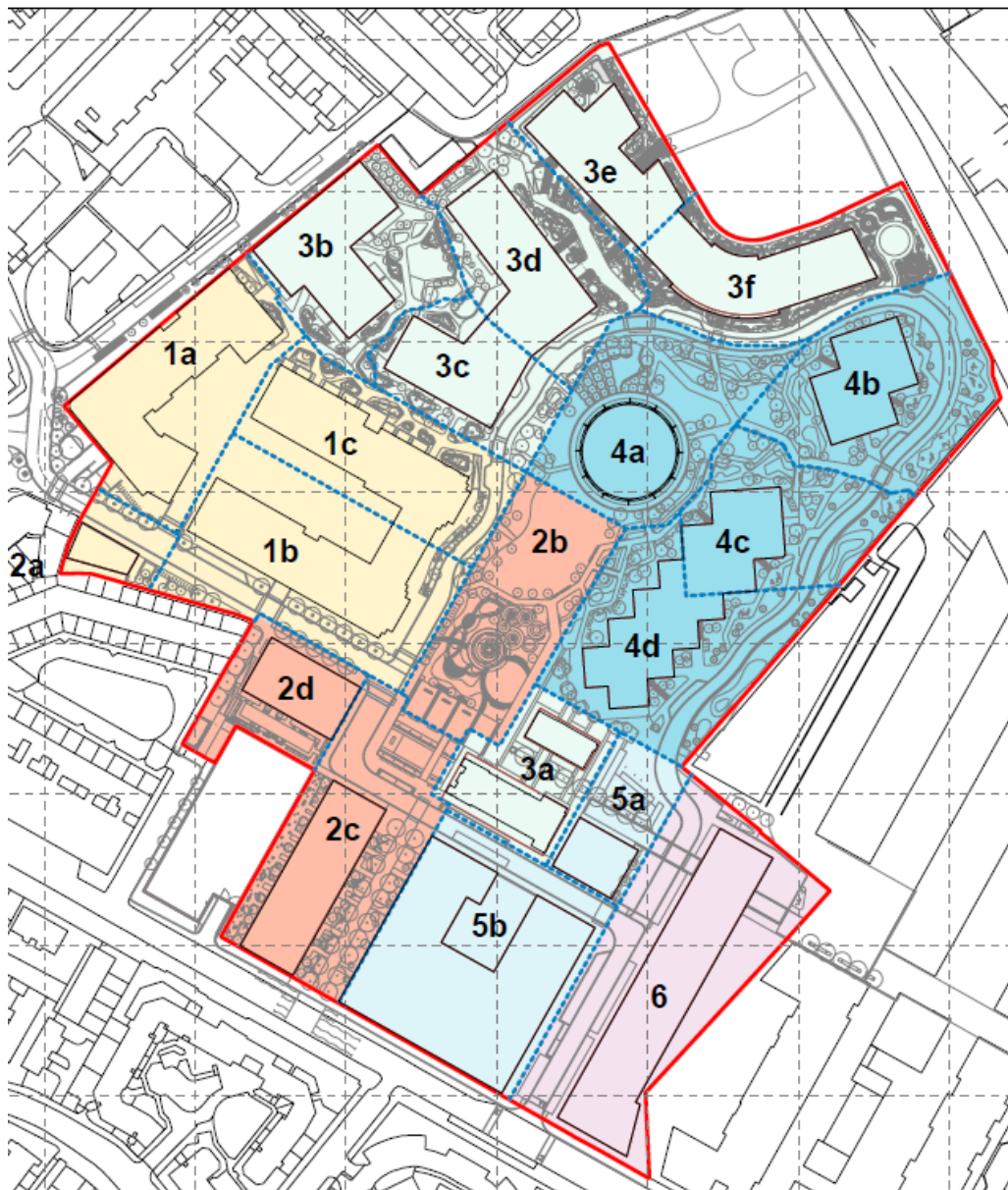
- 3.11. The applicant has sought approval for twenty-two non-material amendment (s96a) applications which all have been granted. The majority of the approved non-material amendment applications are not relevant to the current s73 application and related to changes not affecting Phase 4 of the development. Those that are relevant are listed below:
 - 20 August 2021: Non-Material Amendment (2021/01739/NMAT) granted to Planning Permission 2018/02100/COMB to amend Condition 4 (Outline Component) and Condition 5 (Design Codes and Parameters) to vary the approved maximum basement extents and depths.
 - 20 May 2024: Non-Material Amendment (2024/00818/NMAT) granted to Planning Permission 2018/02100/COMB to vary the Description of Development, removing the reference to the range of building heights "ranging from 1 to 37 storeys" within the description of development.

4. APPLICATION DETAILS

- 4.1 The current application seeks to vary Condition 4 (Drawings – Outline Component) and Condition 5 (Design Codes and Parameters) of the extant permission (ref: 2018/02100/COMB) dated 8 February 2019, which would facilitate the amendment of the outline element of development. The proposals involve amendments to the approved Development Specification & Parameters Report and the Mandatory Design Codes.

Development Specification

- 4.2 Overall: The proposed changes to the approved Development Specification and its appendices consist of minor changes, principally relating to Phase 4 to replace references to plots H1, H2 and H3 with plots H1 and H2 only, and to reference the updated images and versions of the parameter plans and other relevant plans. The document also includes an updated site-wide construction programme (Appendix 4) to reflect completions, which would bring forward the completion date by approximately five years. Minor updates have also been made to the site context section to reflect the ownership and current demolition/construction status at the wider King's Road Park site.



Proposed Phasing (2024) (Changes made to Phase 4 only)



Consented Massing 2019 (includes Plots H1, H2 and H3)



Proposed Massing 2024 (with Plots H1 and H2)

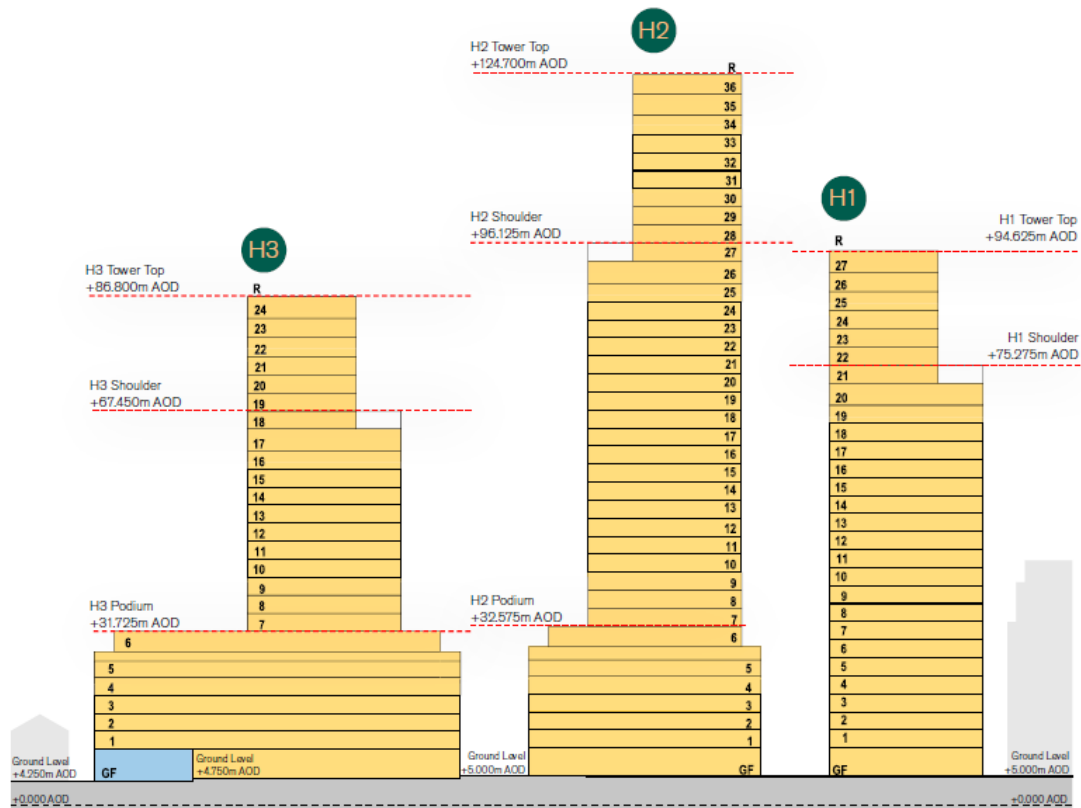
- 4.3 Development Quantum and Land Use: The approved Development Specification splits the total Gross External Areas ('GEA') across the site into maximum areas for the main uses proposed by development plot (Table 4.3). As approved, a maximum of 51,901 sqm residential floorspace and 437 sqm non-residential floorspace is permitted across plots H1, H2 and H3. With the removal of plot H3, the proposed changes seek to redistribute the overall approved GEA across two plots, H1 and H2, to ensure no overall change in the number of units or floorspace figures for this phase of the

development. In addition, the proposed changes seek to redistribute the overall approved land uses (Table 4.4) to principally a residential led land use for both plots, and with other land uses (potentially retail, office, community, cultural or leisure) within plot H2.

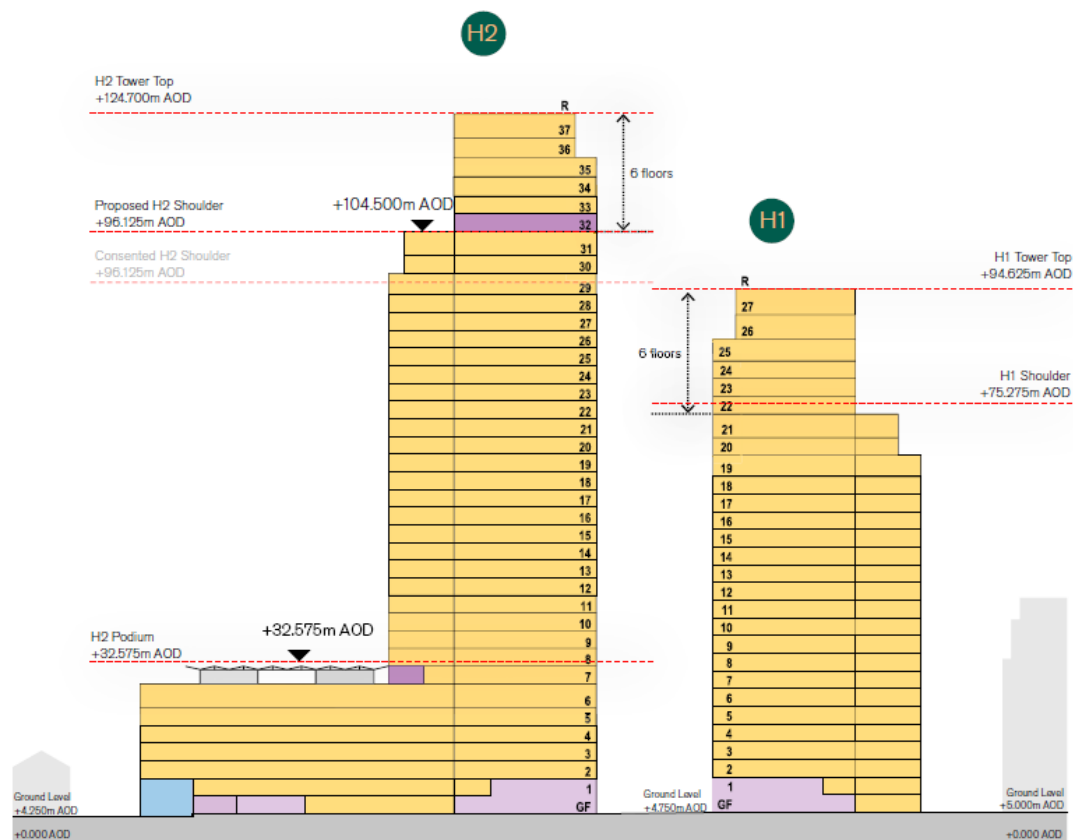
- 4.4 Open/Amenity Space: The proposed changes to the approved Development Specification include a small increase in the overall provision of open amenity space (Table 4.7) from 36,319 sqm to 36,690 sqm, resulting in an increase in public amenity space from 27,330 sqm to 27,426 sqm.

Design Codes

- 4.5 Storey Heights: The approved Design Codes set a maximum storey height of 28 storeys (including ground level) for plot H1 with a maximum shoulder height of 21 storeys (including ground) with an additional ‘storey’ outlined by the building frame, but with no built development.



Consented Maximum Parameters and Floors (2019)

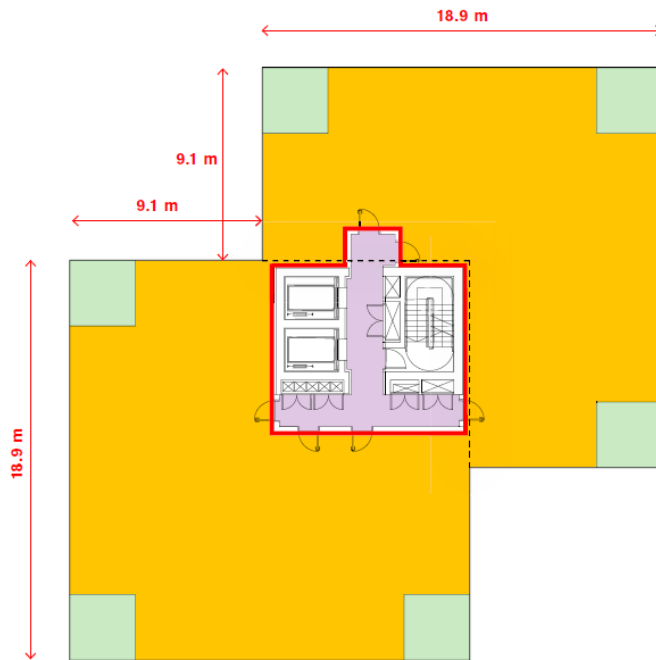


Proposed Maximum Parameters and Floors 2024

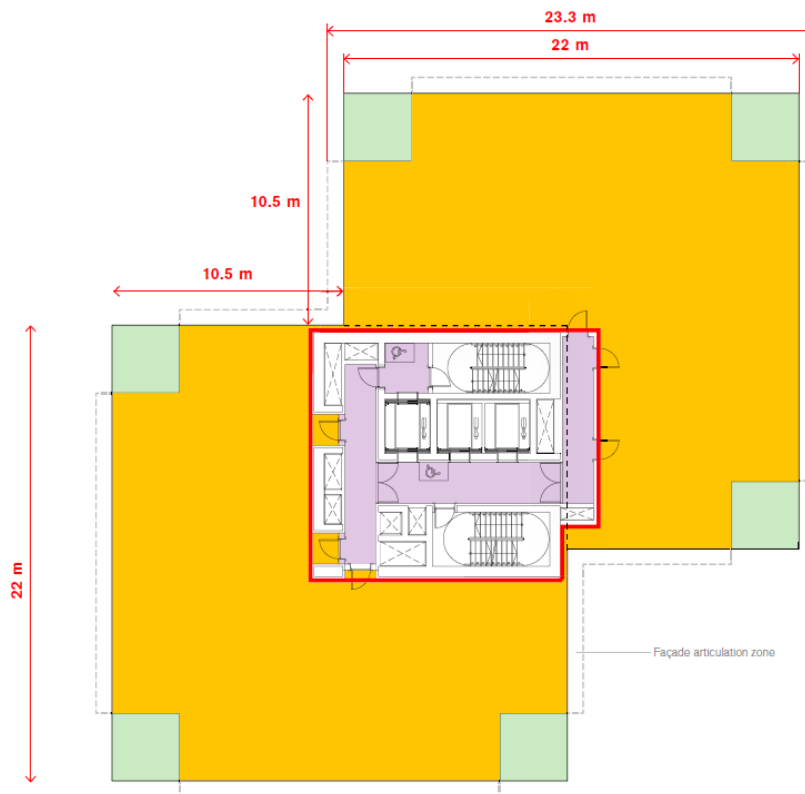
4.6 For plot H2, the approved Design Codes set a maximum of 37 storeys (including ground), with a maximum shoulder height of 27 storeys (including ground) and a 7-storey podium (including ground level). Plot H3 is permitted to be up to 25 storeys (including ground), with an 18-storey shoulder height and a 7-storey podium. As a result of design efficiencies in relation to the residential floor-to-floor height, and to account for the amalgamation of two plots, plot H2 is proposed to be increased by one additional storey to a maximum of 38 storeys (including ground level), alongside an increase to 32 storeys (including ground) at the shoulder height. The shoulder of plot H1 is also proposed to be increased by one additional storey to 22 storeys including ground (i.e. the building frame which already extends to 22 storeys is proposed to contain built development and form a full storey). However, as explained in the supporting Planning Statement and Design and Access Statement (DAS), the approved overall maximum height for the development plots will remain unchanged with the proposed amendments.

4.7 Building Design/Layout: The approved 'floor plate' design (i.e. the footprint or floor area of a single level of a building) comprises two interlocking squares with corner balconies on all sides, and the core located in the middle of the high-rise portion of the floor plate, measuring c.618 sqm for a typical floor. The approved core consists of a single fire escape stair and two lifts, with no compartmentation between the lift/stair lobby and access corridors which residents will use to access their apartments. The proposed changes increase the overall floor plate to c.836 sqm to accommodate the necessary larger stair core strategy, which includes the introduction of a

principal firefighting shaft (including stair, lobby, and lift) in addition to a dedicated evacuation lift with refuge space, an additional evacuation shaft (including a second fire staircase and protected lobby), dedicated corridors provide access to apartments, and smoke control systems.



Consented Floor Plates 2019 (Approx. 618 sqm)



Proposed Floor Plates 2024 (Approx. 836 sqm)

4.8 Materiality: The approved Design Codes specify that the primary material for plots H1 and H2 should be light coloured cast masonry for the articulated building frame, with a provision for alternative cast masonry colours and texture treatments and metalwork for fenestration and balustrades. The proposed changes to the materiality for plots H1 and H2 are limited to proposing a light primary material comprising cast masonry 'or natural ceramic panels' on the façade. The secondary material palette continues to provide a contrast, using a dark coloured metal.



Consented Indicative Scheme 2019



Proposed Indicative Scheme 2024

4.9 Illustrative Landscaping: The approved Design Codes include the illustrative landscape masterplan and key landscape principles and strategies; as such they 'illustrate' the design approach to be taken for each landscape character area as part of future RMAs. The approved illustrative masterplan establishes landscape characters for the Park View area (plots H1, H2 and H3) with a linear park, open informal planting and play areas as well as a pedestrian connection to Chelsea Creek, two pedestrian park connections between plots H1, H2 and H3, and green/brown roofs across plots H2 and H3. The proposed amendments relate to the illustrative landscape strategy for the development phases which remain in outline, with the proposed illustrative masterplan also reflecting the landscaping details as approved for the detailed component and subsequent RMAs. Overall, the proposed changes relate to how the landscape works between the proposed development plots and the gasholder but include an increase in open space. For Phase 4 of the development, the proposed changes include the creation of a singular, wider pedestrian connection to Chelsea Creek between plots H1 and H2 (due to the revised layout design comprising two development plots as opposed to three), and associated realignment of Park Road and the play areas. The proposed amendments to the illustrative landscape strategy are detailed further in the accompanying S73 DAS document.



Proposed Illustrative Landscaping 2024

- 4.10 Indicative Diagrams and Architectural Language: Other minor amendments are proposed to the Design Codes in relation to the indicative massing diagrams (to reflect plots H1 and H2 only), and changes to architectural language, to allow for the detailed changes to the design of the development plots. Please see the Design Codes for further detail.

Parameter Plans

- 4.11 All Parameter Plans: The proposed changes to the approved parameter plans, as shown on the submitted annotated 'bubble' plans, primarily relate to the rearranged configuration of the development plots – combining previous plots H2 and H3 into a new single plot H2 – and associated amendments to modify the position and footprint of the development plots.
- 4.12 Horizontal Plot Limits: Proposed changes to the position and horizontal plot limits of plots H1 and H2, as clearly shown on the key of the proposed parameter plan.
- 4.13 Vertical Plot Limits: Proposed increase to the vertical plot limit of the plot H2 shoulder only, from 96.125m AOD to 104.500m AOD, with all other maximum vertical plot limits (including the overall height of the development plots) remaining unchanged.
- 4.14 Level 0 Land Use: Proposed introduction of mixed residential and non-residential use in plot H2 at ground floor, instead of within the ground floor of Plot H3 (as approved). The proposed parameter plan also seeks to regularise a change of use within Level 00 plot E2 from residential to non-residential, in line with the approved reserved matters application for this plot (ref. 2022/00559/RES).
- 4.15 Level 1 Land Use: Proposed introduction of mixed residential and non-residential use in plot H2 at first floor, instead of within the ground floor of Plot H3. The updated parameter plan also seeks to regularise a change of use within Level 01 plot D1 from mixed residential and/or non-residential use to residential use only, following identification of an error on the original parameter plan.
- 4.16 Public Realm and Amenity Space: Along with the amendments to the position and amalgamation of plots H1, H2 and H3, the proposed parameter plan seeks to regularise the building extent of plot F1 at ground level, in line with both the approved and proposed Level 00 Land Use Parameter Plan, following identification of an error on the original parameter plan.
- 4.17 Access and Circulation: Proposed changes to the access and circulation, with one wide 'east-west' route from the park to Chelsea Creek rather than two narrow routes, and minor re-alignments of the primary and secondary circulation pathways through the park, along with the provision of primary pathways to the lobby entrances of the development plots from the Park Lane route.

4.18 Note the following aspects of the proposed development remain unchanged:

- The overall gross external area will remain unchanged from the consented position (the loss of one building is balanced by the increased footprints of Plot H1 and H2, and a height increase at H2 shoulder level). In addition, amendments to floorspace area due to the changes in use in Plot E2 and D1 will be rebalanced in future Phase 5 amendments.
- The maximum number of homes will remain unchanged.
- There are no changes to the affordable housing provision. These plots are not delivering to the affordable housing requirement for the site.
- No change to car and cycle parking provision.
- The maximum basement extent parameter plan will remain unchanged.

S106 Obligations

4.19 A Deed of Variation to the legal agreement will be used to secure the extant obligations agreed within the S106 Agreement (dated 8 February 2019).

Section 73 Application Procedure

4.20 The relevant guidance relating to s73 applications is contained in the Department for Levelling Up, Housing and Communities' National Planning Practice Guidance. Amongst other things the guidance states that a minor material amendment is likely to include any amendment whose scale and/or nature results in a development which is not substantially different from the one which has been approved. Relevant and recent case law on this matter indicates that the section 73 route can be applied to determine amendments which do not result in a "fundamental" change to an approved development.

4.21 The proposals do not seek to amend the description of development, which cannot be secured by way of an application under s73. Officers are satisfied that the proposed amendments to the development (as per the variations to the residential and non-residential maximum and parameter plan levels of deviation amended by the conditions) , as set out in paragraphs 4.1 - 4.2 do not amount to a fundamental alteration from the original scheme when considered as a whole, particularly given the scale of the development.

4.22 In accordance with the s73 procedure, the variation of Condition 4 (Drawings – Outline Component) and Condition 5 (Design Codes and Parameters) pursuant to the extant planning permission would necessitate the need to issue a new planning permission. The new planning permission would take the same hybrid form as the extant scheme, although it would have a new reference number.

Planning Conditions to be amended by way of the Section 73 application:

- 4.23 Condition 4 relates to the approved outline component drawing numbers. This application seeks to vary condition 4 to include the updated parameter plans.
- 4.24 Condition 5 (as amended) states that any forthcoming reserved matters application must be in accordance with the principles set out in the Development specification & Parameters Report prepared by Quod (dated May 2022) and the Mandatory Design Codes prepared by RPP (dated August 2018). The amended documents secure the amendments listed in paragraph 4.2 of this report.

Revised Development Specification and Parameters Report

- 4.25 The proposed amendments relate to the outline component of the original planning permission. The Amended Development Specification and Parameters document (dated September 2021) submitted with this Application provides further detail and sets out a description and explanation of the constituent parts of the development for which permission is sought, including the parameters that will apply to and inform subsequent applications for reserved matters and other approvals required under the planning permission. This document has been updated to reflect the proposed amendments to the application scheme. It is relevant to note that the proposed amendments do not alter the detailed component of the development, where construction is largely completed

SUBMITTED DOCUMENTS

- 4.26 The following documents have been submitted in support of the applications:
- Covering Letter
 - Section 73 Planning Statement
 - Site Location Plan (ref. A_FGW_PL_010)
 - Cover Sheet and Drawing Schedule (ref. A_FGW_PL_000)
 - Section 73 Design and Access Statement
 - Modified Design Codes (including as proposed for approval, and tracked changes version)
 - Modified Development Specification
 - Modified Landscape Masterplan
 - Environmental Statement Addendum and Technical Appendices
 - Full set of Parameter Plans:
 - Development Plot Plan (A_FGW_PL_020 Rev 01)
 - Horizontal Plot Limits (A_FGW_PL_021 Rev 01)
 - Proposed Ground Floor Levels (A_FGW_PL_022 Rev 01)
 - Vertical Plot Limits (A_FGW_PL_023 Rev 03)
 - Basement Maximum Extents (A_FGW_PL_024 Rev 01)

- Land Use Level 00 (A_FGW_PL_025 Rev 01)
- Land Use Level 01 (A_FGW_PL_026 Rev 01)
- Land Use Level 02 and above (A_FGW_PL_027 Rev 01)
- Public Realm and Amenity Space (A_FGW_PL_028 Rev 02)
- Access and Circulation (A_FGW_PL_029 Rev 01)

Environmental Statement

- 4.27 In accordance with EIA regulations and procedure, the Environmental Statement submitted with the hybrid permission (Ref 2018/02100/COMB) has been reviewed and assessments undertaken to identify whether the proposed changes to the scheme would result in any new or amended environmental effects.
- 4.28 The ES Addendum submitted with this S73 application assesses the proposed amendments to the development and how these have altered the conclusions reached (from an environmental perspective) in the previous ES reporting.
- 4.29 Aspects of the proposed development that remain unchanged include the maximum number of homes/units being delivered, affordable housing provision, the maximum basement extent parameter plan, and the provision of car and cycle parking.
- 4.30 Following a review of the proposed amendments to the proposed development, the following conclusions have been made from an Environmental Impact Assessment perspective:
- Several construction and operational effects have changed due to the proposed amendments. These relate specifically to the traffic & transportation, noise & vibration, and wind microclimate disciplines.
 - Several new environmental effects have been identified for receptors not previously considered. These relate specifically to the noise, daylight, sunlight & overshadowing, wind microclimate, and townscape, heritage, and visual impact (THVIA) disciplines.
 - As a result of Phases 1-3 being operational and/or largely built out ahead of Phase 4, these are now classed as new 'on-site receptors', and therefore the assessment considers new effects on daylight/sunlight to these receptors.
 - The amendments to the site-wide phasing programme have not resulted in any material changes to the previously predicted intermediate year construction effects.
 - No further supplementary mitigation measures beyond those already proposed have been identified as being required on review of the amended proposed development.

- Three new cumulative schemes have been identified, and the following conclusions are made with regards to cumulative effects:
 - i. The previous interaction effects remain valid, except for an additional interactive effect to Phase 3 Plot G1, as this is now assessed as an 'on-site receptor' which experiences reduction in daylight/sunlight (as above).
 - ii. The majority of previous in-combination effects remain valid, however updates to the assessment have been made in terms of traffic and transportation, wind microclimate, and presence of an additional heritage asset (which would experience no cumulative effect).
- 4.31 Overall, the ES Addendum concludes that the development continues to respond to the site's setting and environmental constraints, that no further supplementary mitigation measures are required to reduce environmental effects to those already proposed, and that significant residual effects will contribute to the regeneration of the area.

5.0 PUBLICITY AND CONSULTATION

5.0 The application has been advertised on the following basis:

- Development is subject to an Environmental Impact Assessment
- The site is within a Conservation Area and affects the setting of Nationally Listed Buildings/Structures and a Locally Listed Structure.
- The scheme comprises a Major Development

Residents

- 5.1 Residents were notified of the application by way of 2,012 letters, site notices posted on 29 May 2024 and a press advert published 23 May 2024.
- 5.2 One representation received from a neighbouring property querying the location of Social Housing in the development.

Technical Consultations

5.3 Technical consultations were undertaken and are summarised below:

Environment Agency (EA):

5.4 The EA reviewed the variation application and had no comments to make.

Historic England (HE)

5.5 HE commented that on the basis of the information available, they do not wish to offer any comments. HE confirmed it is not necessary for them to be

consulted on this application again, unless there are material changes to the proposals.

Health and Safety Executive (HSE)

- 5.6 The HSE welcome the provision of additional staircases/alternate means of escape the design modifications. State it will be for the applicant to demonstrate compliance at later regulatory stages. In summary, following a review of the information provided with this application, the HSE is content with the fire safety design of the detailed element of the application, to the extent that it affects land use planning.

Greater London Archaeological Advisory Service (GLAAS)

- 5.7 GLAAS confirms the proposals are unlikely to have a significant effect on the heritage assets of archaeological interest. Part of the site along the northern boundary, which excludes Plots H1 and H2, lies within an Archaeological Priority Area. GLAAS confirms that the amendments proposed under this application do not require any material change to previous archaeological recommendations on the site.

Port of London Authority (PLA)

- 5.8 The PLA reviewed the proposals and confirm they have no objection to the proposed variation and welcome the enhanced accessway through the site towards the Chelsea Creek area.

Network Rail

- 5.9 Network Rail raise no objection to the proposals. Add the developer must ensure that the proposal, both during construction and after completion do not encroach onto Network Rail land; affect the safety, operation or integrity of the company's railway and its infrastructure; undermine its support zone; damage the company's infrastructure; place additional load on cuttings; adversely affect any railway land or structure; over-sail or encroach upon the air-space of any Network Rail land; and cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future. Request infomatives be added to any approval to maintain the safe operation of the railway and protect Network Rail's infrastructure.

Greater London Authority (GLA) Stage 1 Response

- 5.10 The GLA provided a letter confirming that the proposals raise No Strategic Issues.

6.0 POLICY CONTEXT

Planning Framework

6.0 The Town and Country Planning Act 1990 (referred to as 'the Act'), the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England and Wales. 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).

6.1 In this instance the statutory development plan comprises the London Plan 2021, the Local Plan 2018 and the Planning Guidance Supplementary Planning Document 2018 (hereafter referred to as Planning Guidance SPD).

National Planning Policy Framework 2023 (NPPF)

6.2 National Planning Policy Framework 2023 (NPPF) is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.

6.3 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.

6.4 With regards to this application, all planning policies in the NPPF, London Plan 2021, Local Plan 2018 and Planning Guidance Supplementary Planning Document (SPD) which have been referenced where relevant in this report have been considered with regards to equalities impacts through the statutory adoption processes, and in accordance with the Equality Act 2010 and Council's PSED. Therefore, the adopted planning framework which encompasses all planning policies which are relevant in officers' assessment of the application are considered to acknowledge protected equality groups, in accordance with the Equality Act 2010 and the Council's PSED.

The London Plan (2021)

6.5 The London Plan (2021) was published in March 2021 and is the Spatial Development Strategy for Greater London. The proposed affordable housing provisions have been assessed in line with the updated policies set out in the Plan. Together with the Local Plan, the London Plan forms the Development Plan.

LBHF Local Plan (2018)

- 6.6 The Local Plan (February 2018) sets out the council's vision for the borough until 2035. It contains development policies to be used by the Council in helping to determine individual planning applications. The Local Plan should be read and considered alongside the London Plan and will be supplemented by supplementary planning documents (SPDs).

7.0 PLANNING CONSIDERATIONS

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

- 7.1 Principle of Development
- 7.2 Housing Provision
- 7.3 Layout, Height and Massing
- 7.4 Built Heritage, Views & Townscape
- 7.5 Residential Quality
- 7.6 Public Realm and Landscaping;
- 7.7 Transport and Highways
- 7.8 Amenity Considerations
- 7.9 Environment Considerations
- 7.10 Sustainability and Energy
- 7.11 Fire Strategy

7.1. PRINCIPLE OF DEVELOPMENT

- 7.1.1. The extant hybrid planning permission established the principle of a comprehensive residential-led mixed use redevelopment of the site and was judged to be acceptable by the council in accordance with national, strategic and local planning policies, which advocate making the most efficient use of brownfield land in sustainable locations and would help meet local and strategic housing needs. The proposed development, as revised, would continue to contain appropriate land uses that are compatible with the South Fulham Riverside Regeneration Area which is well served and accessible by public transport.
- 7.1.2. The proposed development, as amended would be acceptable subject to demonstration that the positive benefits of the proposed amendments can be delivered in a manner that is appropriate in design and townscape terms, and that the environmental impacts remain acceptable. The detailed matters are set out in this report. However, the principle of the proposed development is considered acceptable in accordance with Policies GG2, GG4, SD1 and H1 of the London Plan (2021) and Policies HO1, SFRR1 of the Local Plan (2018).
- 7.1.3. This application proposes some alterations to the external appearance, massing, layout and landscaping. Accordingly, it is considered that the main issues of the application relate to the design and appearance of the proposed amendments.

7.2. HOUSING PROVISION

- 7.2.1. The overall number of homes across the site will remain within the maximum permitted quantum comprising of 1,843 homes. There is no change to the approved Gross External Floorspace (GEA) across the site or the maximum parameters for the plots within phases 4b, 4c and 4d. The loss of plot H3 has been balanced by the increased footprints of plots H1 and H2 and height increases at the shoulder podium level. The modified scheme consists of 43,807 sqm of residential floorspace and 437 sqm of retail space across two plots, H1 and H2 with the retail space all located within plot H2. This is within the maximum permitted floorspace of 51,901 sqm for the residential floorspace and 437 sqm non-residential floorspace, as set by the consented Condition 10 and the Development Specification Document for plots H1 – H3.
- 7.2.2. The proposed amendments do not alter the approved level of affordable housing provision within the wider masterplan. The first affordable housing will come forward in Phase 2c (Plot D1) and Phase 2d (Plot D2) which will deliver 128 Social Rent units with occupation anticipated to take place early 2025 by Stoll a provider of supported housing to vulnerable veterans currently providing accommodation on Fulham Road.
- 7.2.3. The modified scheme will continue to provide an appropriate mix of housing types and sizes to meet the needs of different households to help create a balanced and sustainable community, in accordance with Local Plan Policy H05 and London Plan Policy H10. The Development Specification (approved under Condition 5 of the hybrid permission) sets out an overall residential dwelling mix for the whole development; there is no phase specific mix approved as part of the hybrid permission. The housing mix will be determined at reserved matters stage (and is therefore beyond the scope of this application), but there are no proposed amendments to the approved housing mix, and the modified scheme will be in line with the overall ranges set out in the approved Development Specification.
- 7.2.4. In relation to affordable housing, phases 4b, 4c and 4d of the development will remain as entirely market housing, which is in accordance with the S106 agreement associated with the hybrid permission. The proposed amendments do not seek to change the overall provision of affordable housing either site-wide or for phases 4b, 4c and 4d. The remaining phases will achieve the approved level of affordable housing (a minimum of 35%) across the whole King's Road Park allocation.
- 7.2.5. Overall, the mix and tenure of housing proposed is consistent with the outline parameters for the site as well as relevant planning policy and will provide an appropriate mix of housing types and sizes to meet local housing needs. This application will not change the overall mix of units to be provided across the site or the provision of affordable housing.

7.2.6. The proposed development, as amended, would accord with Local Plan policies HO1, HO3 and HO5, as well as the suite of housing policies in the New London Plan.

7.3. LAYOUT, HEIGHT AND MASSING

7.3.1. The revised layout for phases 4b, 4c, and 4d primarily involve reconfiguring the development plots and adjusting their positions and footprints. These changes are necessary to meet updated Building Regulations, particularly regarding fire safety. A larger floor plate and revised stair core design are introduced to incorporate these safety measures, improving overall building compliance.

7.3.2. The reduction in the number of development plots from three to two offers several benefits. These include expanding the park area, significantly improving sunlight access (consistent with London Plan Policy D6) and enhancing sky and outdoor views from within the development. The changes lead to a better living environment for existing and future residents and improved levels of sustainability by reducing construction requirements and eliminating one of the proposed towers.

7.3.3. The revised layout also responds to site-specific opportunities and constraints, further improving the previously approved scheme. Key enhancements include better connectivity between Imperial Wharf Station and King's Road via the Chelsea Creek development, a widened visual corridor between the development and the park/gasholder, and stronger visual links between Sands End Square and the park.

7.3.4. These layout principles ensure the proposed amendments accord with relevant London Plan policies, especially Policy D3, which emphasizes creating buildings and spaces that positively respond to local character through thoughtful layout, scale, appearance, and orientation. These updates represent an improved scheme that balances existing policies with the site's context while optimizing sustainability and design efficiency for the brownfield site.

Height and Massing

7.3.5. According to London Plan Policy D9, tall buildings should only be located in sustainable areas, with such locations identified in Development Plans. Hammersmith and Fulham Local Plan Policy DC3 designates the South Fulham Riverside Regeneration Area (SFRRRA), where the site is located, as an area suitable for tall buildings in principle.

7.3.6. The approved maximum AOD height and plot limits for Plots H1 and H2 remain unchanged, but the reconfiguration combines Plots H2 and H3 into a single plot. Plot H2 sees a minor shoulder height increase of about 8m, with the number of storeys optimized through adjustments to floor to ceiling heights and floor levels.

- 7.3.7. This design approach is considered to be a suitable response to the site's context, ensuring the development fits within the area's residential capacity while maintaining the visual quality of long-distance views, as required by local policies (Local Plan Policies DC2 and SFRRA1). The shoulder height of Plot H1 remains within the approved maximum levels to protect views of Brompton Cemetery. Plot H2 gains an additional storey, allowing for an amenity terrace to be incorporated just above the shoulder level. The stepped design of Plot H2 mirrors the massing of Plot H1, creating visual harmony between the two towers.
- 7.3.8. The proposal would meet local and strategic objectives outlined in the Local Plan (SFRRA and Policy HO4) and the London Plan (Policy D3), by optimizing site capacity for higher-density development in a well-connected, sustainable location. The design of the tall buildings complies with Policy D9, which requires consideration of visual, functional, and environmental impacts, such as wind, daylight, and noise.
- 7.3.9. A supplementary Heritage, Townscape, and Visual Impact Assessment (HTVIA) confirms that the proposed changes do not alter previous conclusions about the townscape's character and result in no additional significant impacts.
- 7.3.10. In summary, the revised layout, height, and massing reflects careful design enhancements that respond to both site-specific opportunities and broader policy requirements. These amendments, detailed further in the accompanying Design and Access Statement (DAS), were developed through a detailed review process aimed at delivering a high-quality, sustainable design that meets fire safety standards while enhancing the development's overall vision. The updated scheme preserves the original design intentions and aligns with both local and strategic policies, offering substantial improvements to the King's Road Park development.

7.4. BUILT HERITAGE, VIEWS & TOWNSCAPE

- 7.4.1. Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, or buildings or land in conservation areas, the LPA shall have special regard to the desirability of preserving the building or its setting, or the desirability of preserving or enhancing the character or appearance of that area. In this context, "preserving", means doing no harm.
- 7.4.2. Paragraph 202 of the National Planning Policy Framework 2021 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, such harm should be weighed against the public benefits of the proposal. The previous applications have been justified on the above basis and it was noted that the numerous public benefits of the development outlined within the previous committee reports outweigh any limited (less than substantial) harm to any heritage assets.

Officers consider the same judgement can be applied to the current amended proposals.

- 7.4.3. The ES Addendum (2024) provides an updated assessment for the built heritage, townscape and visual effects in respect of the proposed development amendments. The assessment includes a review of relevant changes in legislation since the previous assessment; a review of the baseline conditions; a review of further supplementary mitigation measures required; and any changes to the likely residual environmental effects after these measures have been adopted.
- 7.4.4. The potential effects of the proposed amendments on the heritage significance of assets within the local area have been assessed and are, as above, presented in the HTVIA supplementary chapters of the ES Addendum. This includes an assessment of 10 conservation areas, 13 listed buildings (or groups of listed buildings), 11 nearby non designated heritage assets (or groups thereof) and 1 registered park and garden. Overall, the assessment continues to find that – while the visibility of the proposed development would represent a change to the setting of listed buildings and views looking out of conservation areas – the proposed development is appropriately designed in relation to its surroundings and would have no effect on the heritage significance of the identified receptors, in line with the NPPF, the London Plan and the LBHF Local Plan. Indeed, the ES Addendum confirms that the change arising from the juxtaposition of built form would still form part of the emerging character of this part of Hammersmith and Fulham and would not harm the significance of heritage assets or the ability to appreciate them, owing to the expected high quality of architecture of the proposed scheme.
- 7.4.5. Notwithstanding, the HTVIA notes that, despite the mitigation achieved by the good quality of design, the location and scale of the proposed development within the wider setting of Brompton Cemetery would mean that it would cause ‘less than substantial harm’ (as defined in the NPPF, or a significant effect in ES terms) to the significance of the heritage assets associated with the Cemetery (the main listed buildings comprising the Grade II* Church of England Chapel and the arcades forming four quarters of a circle; the Brompton Cemetery Conservation Area; and the Grade I Brompton Cemetery registered park and garden). However, this remains unchanged from the findings of the previous assessment of effects on the identified heritage assets, with the ES Addendum concluding that there will be no additional significant effects.
- 7.4.6. ES Addendum concludes that a review of the proposed development amendments has been undertaken and it has been determined that the built heritage effects identified in the 2018 ES and subsequent ES addendum and EIA Statements of Conformity remain valid and unchanged. The proposed development amendments adjust the design (appearance, scale, massing) of the overall development to an extent that nonetheless stays within the degree of effect on setting of heritage assets that has previously been assessed.

7.4.7. The scheme remains in accordance with LBHF planning policy, including the Local Plan Policy DC1- Built Environment and Policy DC8 Heritage and Conservation which require new development to conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets. The proposals are also considered to be in accordance with section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The implementation of the earlier phases of the extant permission for the redevelopment of the site, has resulted in less than substantial harm to a number of heritage assets and their setting. The elements of the proposal scheme subject to this variation application, would result in negligible/insignificant increases to the extent of harm caused by the development overall. As such, these changes would not alter the conclusions in relation to heritage and townscape matters, which remain as per the original officer assessment. It remains the case that the various public benefits of the development, stated throughout this report (e.g. (including regeneration of a highly sustainable brownfield site, high-quality housing, affordable housing delivery, open space provision, townscape enhancement, high quality design, and other economic, environmental and social benefits), will outweigh the identified less than substantial harm.

7.5. RESIDENTIAL QUALITY

7.5.1. Local Plan Policy HO4 (Housing Quality and Density) and London Plan Policy D6 require all housing development to respect the local setting and context, provide a high-quality residential environment, be well-designed and provide a good range of housing types and sizes. London Plan Policy D6 further promotes these principles and sets out both key quantitative (internal space standards) and qualitative (e.g. orientation of buildings) aspects that should be addressed in the design of housing developments to ensure successful sustainable housing.

7.5.2. The proposed layout and massing rearrangements (through the proposed dynamic geometry of the plot design and diagonal rotation of the development plots) enhance the opportunity for dual aspect units compared to the approved layout and maximise the opportunity to avoid overlooking between neighbouring apartments. This results in many inherent benefits both to the internal spaces and outdoor amenity spaces, in accordance with London Plan Policy D6, including a greater chance of direct sunlight for longer periods, natural cross-ventilation, a greater capacity to address overheating, pollution mitigation and an enhanced range of views. The proposed amendments also include an improved central core and larger floor plan, enabling well-designed apartment layouts that meet current safety regulations and comply with future fire regulations (as expanded on below).

7.5.3. In addition, in accordance with London Plan Policy D7 (and the recently adopted Housing Design Standards LPG, June 2023), the proposed amendments would not impact the ability of the detailed design of the scheme, to be approved under a separate RMA, to meet or exceed the

required space standards or be designed to ensure that at least the minimum number of units are capable of being built out or later being easily converted to be wheelchair accessible (at least 10%) or adaptable (all other units). Indeed, the Development Specification confirms that all dwelling sizes will accord with the requirements of the London Plan.

- 7.5.4. By reducing the number of development plots from three to two, the amended design will also enable an improved quantity and quality of outdoor amenity space. Specifically, the development plots have been orientated to optimise opportunities for visual interest through a range of immediate and longer-range views, provide clear and convenient pedestrian routes with a feeling of safety, and maximise the usability of outside amenity space. This would deliver on several objectives set out within Local Plan Policy H011 and London Plan Policy D6. For instance, the park area is proposed to be increased with more direct sunlight than the approved scheme, and an enhanced connection between Imperial Wharf Station and King's Road will be provided (this point is explained in further detail below).
- 7.5.5. In summary, it is considered that this application will result in a scheme that could provide an acceptable standard of accommodation for future occupiers of the residential accommodation in respect of the living space, aspect and amenity subject to detailed design. Officers are satisfied that the amendments sought by this submission would continue to allow for Phases 4 and 5 to comply with Policy D6 of the London Plan (2021) and Policy HO4 of the Local Plan (2018).

7.6. PUBLIC REALM AND LANDSCAPING

- 7.6.1. Policy D8 of the London Plan requires development proposals to explore opportunities for the delivery of well-design, safe, accessible and inclusive public realm. The Public London Charter LPG provides further guidance on the application of Policy D8.
- 7.6.2. Policy OS1 (Parks and Open Spaces) requires the council will protect, enhance and increase provision of parks, open spaces and biodiversity in the borough and this policy requires a mix of new public and private open space in the White City Regeneration Area. Policy OS2 (Access to Parks and Open Spaces) states that the council will seek to reduce open space deficiency and to improve will protect and enhance the quality of, and access to, existing open space by (but not limited to) requiring provision of accessible and inclusive new open space in major development, particularly within the council's regeneration areas.
- 7.6.3. The Application proposes to deliver a substantial amount of publicly accessible open and amenity space in addition to communal private amenity space. This space includes a new public park, a new public square, pedestrian-friendly streets, communal amenity space within private courtyard podiums and gardens, and other principal areas of public realm. Amenity space within the development can be defined as: private amenity space, communal private amenity space, and public amenity space.

- 7.6.4. This would make a significant contribution to the open space provision of the Borough, particularly in the context of the deficient levels of such space across the Borough. In particular it should be noted that this open space provision includes a park of nearly 7,000sqm (6,795sqm), excluding Gasholder No. 2 which itself is over 1,000sqm.
- 7.6.5. The proposed open space has been designed in outline the key features are secured through the Development Specification Document and the Design Codes which will control how the open space and public realm will come forward through Reserved Matters Applications.
- 7.6.6. The revised approach to the site layout and orientation of Plots H1 and H2 within Phases 4b, 4c and 4d has enabled the proposed development to increase the area of the central park and create additional smaller scale external spaces. The reduction from three to two development plots delivers betterment to the quality of space around the listed Gasholder and the overall scheme, including but not limited to an additional 488 sqm to the park area. A new focal point has also been created and enhanced on the south and west side of Plot H2, between the central park and listed commercial buildings onsite, which is enhanced further through the provision of retail space and public amenities maximising active frontages at ground level. Officers consider that a balance must be struck between commercial seating and 'free seating' within the public square which can be addressed at reserved matters stage.
- 7.6.7. The re-positioned development plots (H1 and H2) create a proposed amendment to the 'east-West' route from the park to Chelsea Creek; this is now proposed to comprise a single, wider 23m route compared to the previous two narrower 10m and 14m routes, benefitting from an enhanced connection and improved environment in terms of landscaping and visibility.
- 7.6.8. In summary, changes to the overall landscape strategy results in an increase in the quantum of open space by 371 sqm, to a total of 36,690 sqm across the King's Road Park site, including an increase in play provision by 2,111 sqm to a total of 6,745 sqm across all ages. The proposed amended massing to phases 4b, 4c and 4d has also led to a 59% increase of direct sunlight into the central park, with the amount of park area with 4+ hours of sunlight rising from 456 sqm to 726 sqm. Further, the proposed and updated illustrative landscape strategy has an increased Urban Greening Factor (UGF) of 0.4 (consented at 0.37) which complies with Policy G5 of the London Plan.
- 7.6.9. Officers consider that the overarching principals of the landscape and public realm strategy would remain unchanged from the extant scheme, with substantial areas of publicly accessible open space continuing to be delivered. The landscaping and public realm strategy continues to be well-considered and providing a generous quantum of open space within the development. The amendments proposed would enhance both the public

realm offering and the spaces for future residents. This is considered to be in line with Policy D8 of the London Plan and the associated LPG.

7.7. TRANSPORT AND HIGHWAYS

- 7.7.1. In determining this application, consideration is given to the Local Plan policies T1, T2, T3, T4, T5 and T7 which relate to traffic impact/transport assessments, car parking standards, cycle parking, encouraging walking and cycling. The previous planning applications were assessed against Transport policies including the National Planning Policy Framework and London Plan Policies T2, T3, T4, T5, T6 and T7. Policy SD1 (opportunity areas) of the London Plan is also relevant along with Policy WCRA of the Local Plan.
- 7.7.2. The Site is in a predominantly residential area which has a good level of access to public transport, particularly by Overground and by bus, with London Underground stations within walking distance. The public transport accessibility of the Site has been reviewed in context of the Proposed Development and new routes available through the Site and found that the northern half of the Site is a PTAL of 5 (Very Good) and the southern half of the site a PTAL 4 (Good).
- 7.7.3. As set out in the approved Development Specification, the site will provide a maximum ratio of 0.25 car parking spaces per residential unit across the development, alongside provision for 6 visitor spaces and 3 blue badge spaces for the proposed non-residential uses. As approved, the overall provision of cycle spaces will also include 3,583 long-stay and 292 short-stay cycle spaces, which accords with London Plan (Policy T5) cycle standards. There is no change to the number of car parking spaces or cycle parking provision.

Transport and servicing

- 7.7.4. No increase in floorspace is proposed as part of this application, so the total number of trips generated by the Proposed Development remains unchanged. The proposals, in this regard, are therefore still in accordance with the Local Development Plan and relevant material considerations.
- 7.7.5. During the construction phase, the temporary Link Road will provide vehicular access to Michael Road from Imperial Road. During the operational phase, service vehicles that are arriving from the south or west of the site will access the basement entrance on Michael Road via the Link Road. This ensures that there is no additional impact in the form of additional vehicle movements to Harwood Terrace. The original intentions of the Link Road as set out Policy SFRR1 are to alleviate traffic flows between Imperial Road, Michael Road and Harwood Terrace and are therefore preserved.
- 7.7.6. However, the ES Addendum submitted confirms that the South Fulham Clean Air Neighbourhood scheme (East), which was made permanent in

December 2021, have resulted in a significant reduction in traffic flows in the vicinity of the site. The Traffic and Transportation assessment had previously identified a significant (moderate) beneficial effect at Harwood Terrace in terms of severance, which is now considered insignificant (minor) beneficial.

- 7.7.7. The proposed development is therefore considered acceptable in accordance with policies T1, T2, T3, T4, T5 and T7 of the Local Plan (2018), policies T2, T3, T4, T5, T6 and T7 of the London Plan (2021) and the Council's supplementary planning guidance.

7.8. AMENITY CONSIDERATIONS

- 7.8.1. Local Plan policies HO11 (Residential Standards), DC1 (Built Environment) and DC3 (Tall Buildings) require development to be well designed and respect of the principles of good neighbourliness.

- 7.8.2. The daylight and sunlight studies included in the 2021 ES Addendum and Light Within Report demonstrate that the proposed changes to the parameters give rise to some

Daylight, Sunlight and Overshadowing

- 7.8.3. All daylight, sunlight and overshadowing sensitive receptors identified in the 2018 ES and subsequent ES addenda and EIA Statements of Conformity have been considered.

Daylight (External Receptors)

- 7.8.4. Only Chelsea Creek (Block H) is in close enough proximity to the Phase 4 to show material daylight changes from the amended development.
- 7.8.5. The screening exercise demonstrated that only the central bank of flats and an isolated instance in middle of the tower would see a material change in daylight. Therefore, the assessment of daylight effects has focussed on the flats located in these areas. The assessment considers the impacts of the Phase 4 amendments to determine if the amended proposed development result in additional significant effects to those reported in the 2018 ES and subsequent ES addenda and EIA Statements of Conformity.
- 7.8.6. The selection of flats at Chelsea Creek Block H comprise 66 windows serving 49 rooms. Of these 49 rooms, five located in the tower would meet BRE's criteria for both VSC and NSL and as such experience a Negligible effect.
- 7.8.7. All other windows and rooms would experience alterations beyond BRE's criteria and so are discussed further to determine whether the effects would alter from the 2018 ES and subsequent ES addenda and EIA Statements of Conformity.

- 7.8.8. For VSC, 15 of the 66 (22.7%) affected windows which have been assessed would meet BRE's criteria and are therefore considered to experience a Negligible effect.
- 7.8.9. Of the 51 affected windows, one would experience an alteration in VSC between 20-29.9% which is considered a minor adverse effect and two would experience an alteration between 30-39.9% which is considered a moderate adverse Effect. The remaining 48 windows would experience an alteration in excess of 40% which is considered a major adverse effect.
- 7.8.10. For NSL, 20 of the 49 (40.8%) rooms assessed would meet BRE's criteria and are therefore considered to experience a Negligible effect.
- 7.8.11. Of the 29 affected rooms, five would experience an alteration in NSL between 20-29.9% which is considered a minor adverse effect and five would experience an alteration between 30-39.9% which is considered a moderate adverse Effect. The remaining 19 rooms would experience an alteration in excess of 40% which is considered a major adverse effect.
- 7.8.12. These alterations in daylight are primarily as a result of the historic baseline being assessed which is a predominantly vacant site so reductions of this magnitude can be anticipated. The majority of windows and rooms are located beneath balconies which inherently limit daylight availability and result in large percentage reductions. Therefore, the overall daylight effect to this receptor will be negligible to major adverse which is unchanged from the 2018 ES and subsequent ES addenda and EIA Statements of Conformity.
- 7.8.13. In conclusions, whilst the number of windows and rooms seeing impacts from the amended proposed development differs slightly from those identified in the 2018 ES and subsequent ES addenda and EIA Statements of Conformity, the overall daylight effect would remain unchanged.
- 7.8.14. Chelsea Island and Imperial Wharf Plot L are noted as new receptors, but they remain unaffected in terms of daylight.

Daylight (Internal Receptors)

- 7.8.15. Only Block G1, given its proximity to Plot H1, would experience a material daylight change from the amended proposed development. Block G1 shows that many windows and rooms would meet the BRE's criteria, but several would experience "minor to major adverse effects".
- 7.8.16. These alterations in daylight are primarily as a result of being located beneath balconies which inherently limit daylight availability and result in large percentage reductions. The dual aspect living kitchen dining rooms (LKDs) which are affected remain well daylit due to the north east facing windows which are unaffected. The bank of south facing bedrooms and LKDs would see very little difference in the quality of daylight from the 2018 Consented Development (as amended).

- 7.8.17. Therefore, the overall daylight effect to this receptor be negligible to major adverse. These effects are consistent with the previous 2018 ES, and the overall impact is classified as “negligible to major adverse”.
- 7.8.18. The assessment of Block G1 is a new addition as this block wasn't previously identified as a sensitive receptor.

Sunlight (External Receptors)

- 7.8.19. Chelsea Creek Block H and Chelsea Island are the focus here. Both blocks experience minor alterations, with less than 5% APSH (Annual Probable Sunlight Hours) affected. These changes are deemed “negligible to major adverse”, similar to the 2018 baseline.
- 7.8.20. Due to its location south east of the Phase 4 amendments, the majority of Chelsea Creek Block H would not be affected in terms of sunlight by the proposed changes and therefore it has not been reassessed for sunlight. A very small transgression can be seen to occur beyond the 2018 Consented Development (as amended). However, the alteration equates to less than 5% APSH. From review of the floor plans, they appear to occur in rooms on the 6th storey, which are also served by other unaffected windows. As such, it is likely that the room as a whole would not see a material change in sunlight condition.

Sunlight (Internal Receptors)

- 7.8.21. Only Blocks A2, E2, and G1 would experience a material daylight change from the amended proposed development. A majority of windows in these blocks meet the BRE criteria, and where alterations occur, they are mostly due to the presence of balconies limiting sunlight.
- 7.8.22. The impact ranges from “negligible to minor adverse”, with the majority of windows retaining acceptable levels of sunlight.
- 7.8.23. Conclusion: While there are some slight differences in the number of impacted windows and rooms compared to the 2018 ES and subsequent addenda, the overall effects on daylight and sunlight remain consistent. The changes in daylight and sunlight for both external and internal receptors are not considered to be significant beyond what was previously assessed. Most occupants are expected to retain acceptable levels of daylight and sunlight, with any adverse effects largely attributable to design features like balconies.

Overshadowing

- 7.8.24. Following the initial screening exercise, all receptors sensitive to overshadowing assessed would experience no material change following the implementation of the amended development. Therefore, the overshadowing effects of the 2018 ES, the results of which were validated in subsequent ES addenda and EIA Statements of Conformity remains valid.

7.9. ENVIRONMENTAL CONSIDERATIONS

- 7.9.1. The Local Plan is clear in its desire to allow development that makes the fullest contribution to the mitigation of and adaptation to climate change where possible. Local Plan Policy CC2 requires, inter alia, a reduction in pollution and promotion of biodiversity and the natural environment. This too is woven into the NPPF which contains a presumption in favour of sustainable development, and more specifically at Chapter 14 and 15, which relate to climate change and environmental concerns.

Noise and Vibration

- 7.9.2. Policy CC11 (Noise) states that Noise (including vibration) impacts of development will be controlled by locating development in the most appropriate locations and protect against existing and proposed sources of noise and vibration through careful design, layout and use of materials, and by ensuring adequate insulation of the building envelope and internal walls, floors and ceilings as well as protecting external amenity areas.
- 7.9.3. Given that the latest noise survey of the site was carried out in 2015, and a lot of new developments have been completed around the King's Road Park site, a new noise survey was carried out in the vicinity of the scheme in 2023 to ensure accuracy of the assessment. The proposals include a revised minimum construction programme which is 5 years shorter than the programmed outline in the extant permission. Although construction noise will be slightly more intense because of the reduced programme timescales, it will occur for approximately half the estimated construction time during the worst-case peak construction phases. Therefore, the construction noise assessment for the previously assessed construction programme is considered equivalent to the new proposed construction programme. Hence, it is expected that the impact and significance of the construction noise and vibration assessment conducted in the April 2021 ES Addendum, and subsequent EIA Statements of Conformity, remain valid, and that the assessment conclusions therefore remain unchanged.
- 7.9.4. The conditions imposed on the extant permission would ensure that this policy can be broadly complied with, without fundamentally changing the permission. There would be no additional considerations arising as a result of the amendments proposed by this application.

Air Quality

- 7.9.5. Policy (CC10 Air Quality) states that the council will seek to reduce the potential adverse air quality impacts of new developments by requiring all major developments to provide an air quality assessment, mitigation measures to be implemented to reduce emissions, reduce exposure to acceptable levels and be 'air quality neutral'. The Policy states that the council will resist development proposals which would materially increase exceedances of local air pollutants and have an unacceptable impact on

amenity or health unless the development mitigates this impact through physical measures and/or financial contributions to implement proposals in the Council's Local Air Quality Management Plan; and requires all decentralised energy schemes to demonstrate that they can be used without having an unacceptable impact on air quality.

- 7.9.6. Owing to the introduction of the South Fulham (East) Clean Air Neighbourhood project (SFCANP), the reduction in traffic has resulted in lower traffic emissions in the area. Regarding combustion plant emissions, owing to the proposed changes in building massing the impact from proposed combustion plant emissions has been remodelled at proposed onsite receptors. There are no changes to the scale of emissions or emissions parameters previously assessed, therefore it can be assumed that the impact at offsite receptors will remain as previously reported in the July 2021 ES Addendum.

Wind Microclimate

- 7.9.7. Policy D9 of the London Plan requires proposals for tall buildings to make proper consideration of the wind and microclimate impacts. A robust assessment of pedestrian safety and comfort has been provided within Chapter 10.12 of the addendum to the ES and associated appendix. The assessment covers the impacts that would likely arise as a result of the amendments to Phase 4.
- 7.9.8. Phase 4 site benefits from protection at lower levels against prevailing south-westerly and westerly winds due to earlier phases of development. However, mid-to-upper levels of both Plots H1 and H2 remain exposed to these strong winds, which could result in wind-related effects.
- 7.9.9. Plot H1 is particularly exposed to west-south-west winds, which could lead to downdraughts and wind acceleration around building corners. While the stepped facades help reduce wind effects in some areas, there is still potential for wind channelling between Plots H1 and G. Additionally, the building faces north-easterly winds, which are lighter but common in spring.
- 7.9.10. Plot H2 is better oriented to handle south-westerly winds due to its stepped design, which lessens the chance of downdraughts at ground level. However, wind channelling may still occur between Plot H2 and the nearby Chelsea Creek Blocks G and H, especially from south-westerly and westerly winds.
- 7.9.11. Overall, the Phase 4 development obstructs north-westerly and south-easterly winds, which are generally lighter and less frequent. There is some risk of wind downdraughts channelling between Plots H1 and H2, but the impact is expected to be minimal due to the infrequency and lighter nature of these winds.

7.10. SUSTAINABILITY AND ENERGY

- 7.10.1. London Plan Policy SI 2 requires all major developments to be net-zero, and to deliver a minimum on-site reduction in emissions of at least 35% beyond Building Regulations.
- 7.10.2. Fundamentally, the proposed amendments will allow for a modified scheme that is better aligned with these strategic policy objectives in relation to energy efficiency. In particular, the revised design supports the energy hierarchy in London Plan Policy SI 2, by using less energy and managing demand during operation. The proposed layout and massing rearrangements, including the diagonal orientation of the buildings and floor plate geometry, mean there is a greater opportunity for the new buildings to adopt an energy efficient design through passive (cooling, heating and lighting) design measures. This includes, for example, utilising the layout for natural cross-ventilation potential and a greater capacity to address overheating. In addition, there are also clear benefits in terms of minimising energy demand and reducing the overall carbon footprint associated with the proposed omission of the H3 plot and construction of an additional building/core.
- 7.10.3. As required by Condition 37 of the hybrid permission and in accordance with London Plan Policy SI2, a detailed Energy Strategy to (1) show how the zero-carbon target will be met within the framework of the energy hierarchy, and (2) demonstrate compliance with the approved Energy Strategy for the site will be submitted prior to commencement of the proposed development plots (H1 and H2) in phases 4b, 4c and 4d.

7.11. FIRE STRATEGY

- 7.11.1. Policy D12 (Fire Safety) of the London Plan requires developments to achieve the highest standards of fire safety. The policy requires development proposals should consider how they will function in terms of the building's construction methods, products and materials, means of escape for all building users, features which reduce the risk to life, access for fire service personnel and provision within the curtilage of the Site to enable fire appliances to gain access to the building.
- 7.11.2. The proposed amendments are borne primarily out of necessity to amend the design of taller buildings to comply with amended fire safety regulations. The revised design has been developed to include the provision of two staircases per core, a third lift to provide dignified escape, and a range of other measures such as individual smoke shafts to each smoke compartment within a core. The proposed development plots will therefore be constructed in a manner which will minimise the risk of fire spread, have a suitable and convenient means of escape for all building users and will provide suitable access, water supplies and equipment for use by the Fire Service in the event of an emergency.

- 7.11.3. This is a considerable and important benefit compared to the approved scheme, the parameters of which did not allow for buildings to be delivered in accordance with the amended fire regulations.

8.0 FINANCIAL VIABILITY ASSESSMENT

- 8.1 The proposed amendments do not seek to change the overall provision of affordable housing either site-wide or for phases 4b, 4c and 4d. In addition, phases 4b, 4c and 4d of the development remain to be proposed as entirely market housing, which is in accordance with the S106 agreement associated with the hybrid permission, and future phases will achieve the approved level of affordable housing (a minimum of 35%) across the whole King's Road Park allocation. In short, this application will not change the overall mix or number of units to be provided across the site or the provision of affordable housing.
- 8.2 In this context, i.e. the proposed amendments are in accordance with the consented provision for affordable housing both site-wide and in development phases 4b, 4c and 4d, it is clear that the housing provision accords with the extant permission and S106 agreement, as well as the London Plan which does not seek a viability assessment where relevant schemes deliver 35% affordable housing. The proposed amendments would maintain the delivery of 35% affordable housing, and the London Plan (Policy H5, paragraph H) confirms that with regards to S73 applications determined before the threshold approach, any subsequent applications to vary the consent will not be required to submit viability information, providing the resultant development continues to meet the relevant thresholds. A financial viability review is therefore not required to be submitted with this application.

9.0 SECTION 106 / HEADS OF TERMS AND CIL

Section 106 / Heads of Terms

- 9.1 The extant planning permission was approved subject to a section 106 legal agreement. There has been one subsequent Deeds of Variation to the legal agreement since the extant permission was granted in 2019, which altered the phasing of development and introduced a temporary link road.
- 9.2 At each stage in amending the Section 106 Agreement, officers have considered if the Section 106 obligations were required in order to make the development acceptable in planning terms and were compliant with the CIL regulations (at the time), given the obligations are/were reasonable, proportionate and would be directly related to the development.
- 9.3 It is considered that the extent of the potential impacts to arise from the current proposed development (as amended) would not be more extensive than those attributed to the former scheme. No new obligations are proposed but planning obligations set out in the extant Section 106 Agreement would still apply in the event of approving this section 73

application, which would create a new planning permission to supersede the previous one. The applicant has agreed to enter into a Deed of Variation to the Section 106 Agreement to reflect this amendment and which carries over the provisions of the previous legal agreements and other relevant approved applications and deeds of variation under Section 106 of the Town and Country Planning Act 1990 (As Amended) and S278 of the Highways Act 1980 that will relate to the new planning permission. The non-financial contributions which formed a part of the previous planning permissions will be secured to mitigate the impacts of the development (as amended) and to make the modified scheme acceptable in planning terms. As is standard practice within LBHF, officers will recover costs involved with the preparation and signing of the Deed of Variation to the Section 106 Agreement.

Mayoral CIL

- 9.4 This development would be subject to a London-wide community infrastructure levy (Mayoral CIL2). MCIL2 will also be chargeable at a rate of £80/sqm for new development except for health and education. Relief is available on residential floorspace for social housing. The GLA expect the Council, as the collecting authority, to secure the levy in accordance with Policy 8.3 of The London Plan.

Borough CIL

- 9.5 The Proposed Development would also be liable for Borough CIL (BCIL). The LBHF CIL Charging Schedule identifies the type of developments liable to pay BCIL. BCIL is chargeable on the Proposed Development at the rates of £400 per sqm (/sqm) for new residential floorspace and £80/sqm for Use Class A floorspace and for health and fitness leisure centres.

10 SECTION 73 APPLICATION PROCESS

- 10.1 With respect with the process of addressing the proposed amendments by way of a Section 73 application for variation of condition, it is considered that the scale and nature of the proposed amendments would result in a scheme that is not substantially different from the approved scheme.
- 10.2 It is therefore considered that the proposed amendments would accord with the relevant guidance for minor material amendments to approved schemes and that it would be appropriate for these to be addressed by way of approval under Section 73 of the Town and Country Planning Act.

11. SUMMARY OF BENEFITS

- 11.1. This Planning Statement provides an assessment of the proposed minor material amendments to planning application (ref. 2018/02100/COMB) at the King's Road Park development, in the context of the approved documents for the outline component of the hybrid permission and updated relevant national, regional and local planning policy and guidance.

- 11.2. The proposed amendments relate to the design of Phase 4 (b, c and d) of King's Road Park, which currently comprise Plots H1, H2 and H3, and the landscape strategy only.
- 11.3. The changes proposed arise from the need to ensure the development can come forward in line with emerging Building Regulations and relevant planning policy. However, they have also resulted in improvements to the approved scheme, which will generate notable planning and regeneration benefits to the local area and are considered to be appropriate and in keeping with the key principles of the approved development. Some of the benefits to the amenity and design of the approved scheme sought via the proposed amendments include the following:
- An increased park area and significantly improved sunlight into the park
 - Improved sky visibility and outdoor space from inside the proposed buildings
 - An enhanced connection between the listed buildings and the park, as well as between Imperial Wharf Station and King's Road
 - Improved long distance views from sensitive viewpoints
 - Improved residential amenity, including reduced overlooking and increased number of dual aspect units
 - Improved living environment for future occupants
 - A sensitive massing approach to comply with amended fire safety regulations
- 11.4. When considering the scheme as a whole, the proposed changes are considered to be acceptable as minor material changes under S73. Overall, the proposed amendments will result in improvements to the approved scheme, in terms of design quality and the proposed development will continue to deliver significant benefits for the local area.
- 11.5. Officers have considered all the representations received when assessing the proposal against the relevant national, regional and local planning policies and guidance. For the reasons detailed in this report, officers conclude that the proposal is acceptable in accordance with the relevant planning policies set out in the London Plan, Core Strategy, Local Plan and NPPF.

12. CONCLUSION AND RECOMMENDATION

- 12.1. This S73 application has been assessed in terms of potential environmental impacts and having regard to design / amenity related impacts and the proposed changes to the detailed component of the scheme are acceptable in all respects. The application has been assessed against all relevant planning policies in the Development Plan including the Local Plan (2018) and London Plan (2021) and against the guidance set out in the National Planning Policy Framework (2021).

12.2. Officers support the proposed development in line with the recommendations at the start of the report.