

# Planning and Development Control Committee

## Agenda

Tuesday 3 December 2024 at 7.00 pm

The Main Hall - Irish Cultural Centre, 5 Black's Road, Hammersmith,  
W6 9DT

Watch the meeting live: [youtube.com/hammersmithandfulham](https://youtube.com/hammersmithandfulham)

### MEMBERSHIP

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

**CONTACT OFFICER:** Charles Francis  
Governance and Scrutiny  
Tel: 07776 672945  
E-mail: [charles.francis@lbhf.gov.uk](mailto:charles.francis@lbhf.gov.uk)

### Public Notice

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

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

For details on how to register to speak at the meeting, please see overleaf.  
**Deadline to register to speak is 4pm on Thursday 28 November 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](mailto:speakingatplanning@lbhf.gov.uk) with your name, address and telephone number and the application you wish to speak to as well as the capacity in which you are attending.

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

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

### **At the meeting**

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

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

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

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

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

# Planning and Development Control Committee Agenda

3 December 2024

<u>Item</u>		<u>Pages</u>
<b>1.</b>	<b>APOLOGIES FOR ABSENCE</b>	
<b>2.</b>	<b>DECLARATION OF INTERESTS</b>	
	<p>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken.</p> <p>Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.</p> <p>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Standards Committee.</p>	
<b>3.</b>	<b>MINUTES</b>	5 - 7
	<p>To approve as an accurate record, and the Chair to sign, the minutes of the meeting of the Committee held on 5 November 2024.</p>	
<b>4.</b>	<b>HURLINGHAM CLUB RANELAGH GARDENS, LONDON SW6 3PR, PALACE AND HURLINGHAM, 2023/02819/FUL</b>	8 - 31
<b>5.</b>	<b>NETHERWOOD PLACE, LAND TO REAR OF 17A NETHERWOOD ROAD, LONDON W14, ADDISON, 2022/02745/FUL</b>	32 - 66

6. **14 ELLINGHAM ROAD, LONDON W12 9PR, CONINGHAM,  
2024/01862/FUL** 67 - 78
  
7. **PAVEMENT ON CEDARNE ROAD ADJACENT TO 547-551 FULHAM  
ROAD SW6, WALHAM GREEN, 2024/00650/FR3** 79 - 90

London Borough of Hammersmith & Fulham



# Planning and Development Control Committee Minutes

Tuesday 5 November 2024

## **PRESENT**

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

### **Other Councillors:**

Councillor David Morton  
Councillor Ben Coleman

### **Officers:**

Matt Butler (Assistant Director of Development Management)  
Ieuan Bellis (Team Leader)  
Allan Jones (Team Leader Urban Design and Heritage)  
Jacques Du Plessis (Deputy Team Leader)  
John Sanchez (Deputy Team Leader)  
Catherine Paterson (Highways)  
Joel Semakula (Landmark Chambers)  
Emmanuel Amponsah (Solicitor - Property and Planning)  
Charles Francis (Clerk)

## **1. APOLOGIES FOR ABSENCE**

Apologies for absence were provided by Councillors Ross Melton and Alex Karmel.

## **2. DECLARATION OF INTERESTS**

There were no declarations of interest.

## **3. MINUTES**

The minutes of the previous meeting held on 8 October 2024 were agreed as an accurate record.

4. **AVONMORE PRIMARY SCHOOL, AVONMORE ROAD, LONDON W14, AVONMORE, 2023/03051/FR3**

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

Jacques Du Plessis provided a presentation on the application. A resident and the Chairman of the Hammersmith Society spoke in objection to the application. The Head of Avonmore Primary School and the Agent spoke in support of the application.

Councillor David Morton, Ward Councillor for Avonmore spoke in objection to the application.

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

Recommendation 1:

<b>FOR</b>	<b>5</b>
AGAINST:	1
NOT VOTING:	0

Recommendation 2:

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

Recommendation 3:

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

**RESOLVED**

1. That the Director of Planning and Property be authorised to grant permission subject to the conditions listed below (as amended or varied in accordance with 2) below) and subject to the completion of a Memorandum of Understanding dealing with the matters set out in Section 27.0 of this Report.
2. That the Director of Planning and Property, after consultation with the Assistant Director of Legal Services and the Chair of the Planning and

Development Control Committee be authorised to make any changes to the conditions listed below, which may include the amendment, addition or deletion of conditions.

3. 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 finalise the Memorandum of Understanding to deal with the matters set out in Section 27 below.

## **Addendum**

Meeting started: 7.02 pm  
Meeting ended: 8.56 pm

Chair .....

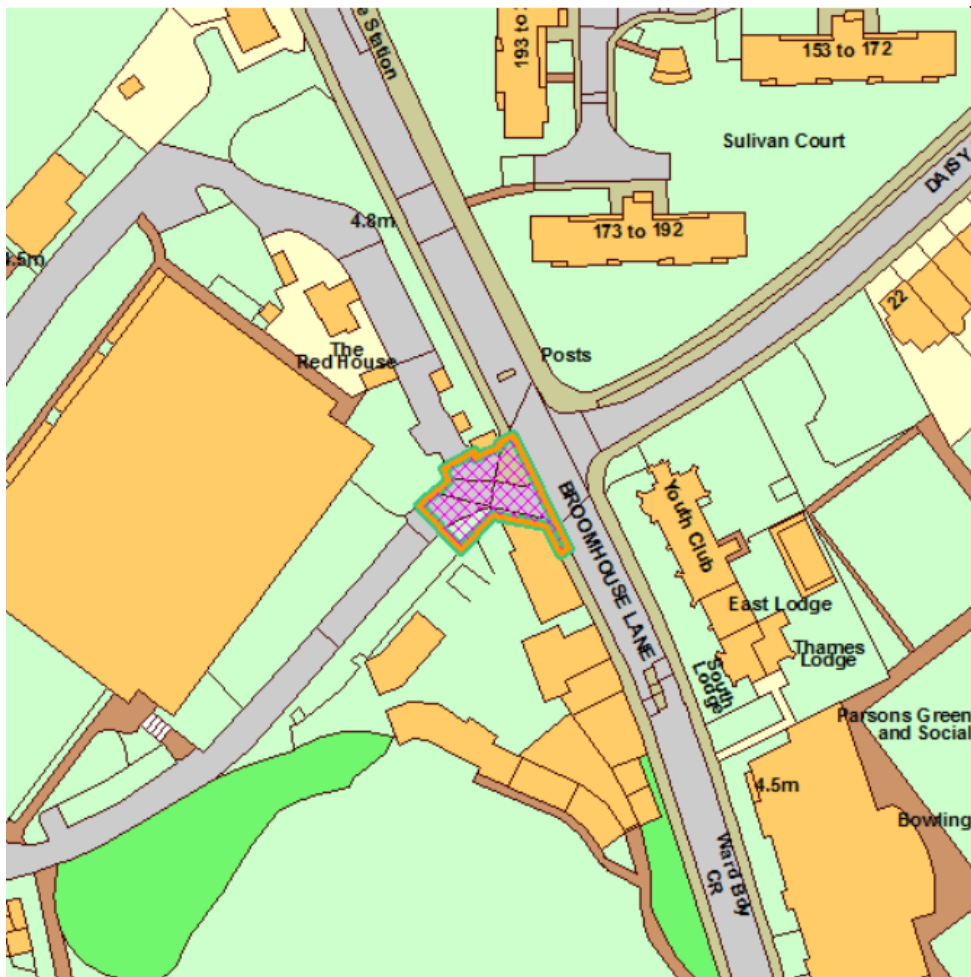
Contact officer: Charles Francis  
Committee Co-ordinator  
Governance and Scrutiny  
Tel 07776 672945  
E-mail: charles.francis@lbhf.gov.uk

# Agenda Item 4

**Ward:** Palace and Hurlingham

**Site Address:**

Hurlingham Club Ranelagh Gardens London SW6 3PR



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

**Reg. No:**

2023/02819/FUL

**Date valid:**

26.10.2023

**Committee Date:**

5.12.2024

**Case Officer;**

Graham Simpson

**Conservation Area:**

Hurlingham

**Applicant:**

Hurlingham Club  
C/O Agent



**Description:**

Alterations to include replacement of existing vehicular access gate including widening of private carriageway, replacement of pedestrian access gate, partial demolition of existing wall, and associated highway works

**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) Timeframe**

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

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

**2) Approved drawings**

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

8000137-IW-XX-00-DR-A-2400 P2;  
8000137-IW-XX-XX-DR-A-2600 P1;  
22144-SFK-XX-XX-DR-C-0101.

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, DC4 and DC8 of the Local Plan 2018.

**3) Hoardings**

No development shall commence until details of a scheme for temporary fencing and/or enclosure of the site has been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed sequencing/phasing of the development. The temporary fencing and/or enclosure

shall 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 shall be used for the display of commercial advertisement hoardings unless the relevant advertisement consent is sought from the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to prevent harm to surrounding residential occupiers, the street scene and the Conservation Area, in accordance with Policy D4 of the London Plan (2021), Policies DC1, DC8 and CC12 of the Local Plan (2018) and Key Principles of the Planning Guidance SPD (2018).

#### **4) Hard and soft landscaping**

The development hereby permitted shall not commence before details and samples of external materials and surface materials, of the soft and hard landscaping of all 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.

Reason: To ensure the building maintains satisfactory external relationship with its surroundings and that the new external areas are of an acceptable appearance and avoid harm to the Conservation Area, in accordance with Policies DC1 and DC8 of the Local Plan 2018.

#### **5) 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.

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

#### **6) Secure 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 Council. 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.

Reason: To ensure a safe and secure environment for users of the development, in accordance with Policies HO11 and DC1 of the Local Plan (2018).

### **Justification for approving application:**

1. Land Use: It is considered that the proposals would not harm the openness and character of the Metropolitan Open Land and as such does not conflict with this designation. Accordingly, officers consider that the proposals would be acceptable in land use terms and in accordance with Policy G3 of the London Plan (2021), and Policy OS2 of the Local Plan (2018).
  2. Heritage & Design: It is considered that the proposed alterations to the existing vehicular access would be appropriate in scale, height, mass, proposed materials, and design. Furthermore, it is considered that the proposal would be of an acceptable visual appearance, and it would not harm the settings of adjacent listed buildings. The proposal would preserve the character and appearance of the conservation area, including the protection of existing trees and securing the replacement of lost trees. The development would therefore be acceptable in accordance with s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF (2023), Policies G2, G3 and S5 the London Plan (2021), Policy DC1, DC4, DC8 and RTC3 of the Local Plan (2018) and Key Principles AH2, CAG2, CAG3 and CAG6 of the Planning Guidance SPD (2018).
  3. Residential Amenity: The impact of the proposed development upon neighbouring occupiers is considered acceptable. Due to the relationship of the proposals to neighbouring residential buildings and its position, height and bulk, it is considered that the proposal would not materially affect the outlook from, and light to any properties. In this regard, the development would respect the principles of good neighbourliness, and thereby satisfy Policies DC1, DC4, Ho11, CC11, CC12, CC13 of the Local Plan (2018).
  4. Highways matters: There would be no adverse impact on traffic generation and the scheme would not result in congestion of the primary road network. The proposal is thereby in accordance with NPPF (2023), Policies T4, T5 and T9 of the London Plan (2021), Policy T1, T2, T3, and T4 the Local Plan (2018), and Key Principles TR1, TR12, TR15, TR16, TR17, TR23, TR24 Transport Policy of the Planning Guidance SPD (2018).
  5. Environmental Issues: The impact of the development with regards to land contamination, flood risk, energy, sustainability and air quality are considered acceptable, 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).
  6. Planning Obligations: Planning obligations to offset the impact of the development and to make the development acceptable in planning terms are secured. This includes a financial contribution towards the costs of a camera at the junction with Daisy Lane at the club's entrance for enforcement (£11,000); and s278 highways works. The proposed development would therefore mitigate external impacts and would accord with Policy DF1 of the London Plan (2021) and Policy INFRA1 of the Local Plan (2018).
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**LOCAL GOVERNMENT ACT 2000  
LIST OF BACKGROUND PAPERS**

**All Background Papers held by case officer named above:**

Application form received: 25<sup>th</sup> October 2023

Drawing Nos: see above

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

**Consultation Comments:**

<b>Comments from:</b>	<b>Dated</b>
Historic England	2.11.2023

**Neighbour Comments:**

<b>Letters from:</b>	<b>Dated:</b>
NAG	2.11.2023
16 Daisy Lane	3.11.2023
133 Wandsworth Bridge Road	17.11.2023
Ranelagh Gardens London SW6 3PA	18.11.2023
102 Drayton Road, Willesden	18.11.2023
69 Thorpebank Road	18.11.2023
604A Kings Road London SW6 2DX	18.11.2023
43 Clancarty Road London SW6 3AH	18.11.2023
71 Clancarty Road London SW6 3B	18.11.2023
86 Devonshire Road London W4 2HS	18.11.2023
438 Fulham Palace Road London SW6 6HX	18.11.2023
2 Bagley's Lane London SW6 2AS	18.11.2023
7 Albert Gray House World's End Passage SW10 0EZ	18.11.2023
288 Wandsworth Bridge Road, London	19.11.2023
223 Wandsworth Bridge Road, London	19.11.2023
Flat 8 Pearscroft Court Pearscroft Road SW6 2BQ	19.11.2023
50 Bowerdean Street Fulham London	19.11.2023
54 Wandsworth Bridge Road London SW6 2TH	19.11.2023
54 Wandsworth Bridge Road London SW6 2TH	19.11.2023
26 Bagleys Lane Fulham London	19.11.2023
4 Ravenscourt Place London W6 0UN	19.11.2023
45 Clancarty Road London SW6 3AH	19.11.2023
45 Clancarty Road London SW6 3AH	19.11.2023
169 Queens Gate London	20.11.2023
5 Clancarty Road London	20.11.2023
56 Clancarty Road London SW6 3AA	20.11.2023

1 Sunlight Mews London SW6 2LD	21.11.2023
80 Clancarty Road London SW6 3AA	21.11.2023
25 The Piper Building London SW6 3EF	21.11.2023
32 Hestercombe Avenue	21.11.2023
41 Quarrendon Street	21.11.2023
45 Rivermead Court Ranelagh Gardens London	21.11.2023
32 Bradbourne Street London SW6 3TE	21.11.2023
57 Doneraile Street London SW6 6EW	21.11.2023
59 St Dunstons Road	21.11.2023
59A Hurlingham Court, Ranelagh Gardens (x2)	21.11.2023
Flat B Oscar Court 17-19 Tite Street London	21.11.2023
22 Napier Avenue London SW6 3PT	21.11.2023
33 Clancarty Road London SW6 3AH	21.11.2023
42 Elthiron Road London SW6 4BW	21.11.2023
91 Magdalen Road London SW18 3NF	21.11.2023
35 Elthiron Road London SW6 4BW	22.11.2023
20 Hamble Street London SW6 2RS	22.11.2023
54 Wandsworth Bridge Road	22.11.2023
24 Gunterstone Road London W14 9BU	23.11.2023
36 Beltran Road London SW6 3AJ	24.11.2023
8 Tilton Street Fulham London	24.11.2023
3 Britannia Studios 49a Britannia Road London	25.11.2023
70 Margravine Gardens London W6 8RJ	25.11.2023
70 Margravine Gardens London W6 8RJ	25.11.2023
1 Clancarty Road London SW6 3AH	26.11.2023
The White House, Daisy Lane	26.11.2023
1 Clancarty Road London SW6 3AH	27.11.2023
22 Daisy Lane London SW6 3DD	27.11.2023
9 Clancarty Road London SW6 3AH	28.11.2023
9 Clancarty Road Fulham London	28.11.2023
9 Clancarty Road Fulham London	28.11.2023
11 Daisy Lane London SW6 3DD	01.12.2023
Flat 301, 50 Sullivan Road London	28.06.2024
Flat 301, 50 Sullivan Road London	28.06.2024
11 Napier Avenue London SW6 3PS	29.06.2024
38 Wandsworth Bridge Road Ground Floor London	29.06.2024
46 Chipstead Street London SW6 3SS	01.07.2024
Flat 301, 50 Sullivan Road London	02.07.2024
33 Peterborough Road London SW6 3BT	28.07.2024
Clancarty Road London SW6 3AD	03.10.2024
8 Pearscroft Court London SW6 2BQ	03.10.2024
50 Sullivan Road	04.10.2024
284 Wandsworth Bridge Road London SW6 2UA	04.10.2024
32 Hestercombe Avenue	04.10.2024
Flat 301, 50 Sullivan Road London	05.10.2024
1 Sunlight Mews London SW6 2LD	06.10.2024
3 Britannia Studios 49a Britannia Road London	06.10.2024
50 Sullivan Road London SW6 3DX	07.10.2024
1 Sunlight Mews London SW6 2LD	07.10.2024
66a Quinton Street, Earlsfield, London	07.10.2024
50 Sullivan Road London SW6 3DX	08.10.2024
24 Gunterstone Road London W14 9BU	08.10.2024

45 Clancarty Road London SW6 3AH	10.10.2024
45 Clancarty Road London SW6 3AH	10.10.2024
45 Clancarty Road London SW6 AH	10.10.2024
67 Clancarty Road London SW6 3BB	11.10.2024
67 Clancarty Road London SW6 3BB	11.10.2024
67 Clancarty Road London SW6 3BB	11.10.2024
62 Clancarty Road London SW6 3AA	12.10.2024
5 Clancarty Road London	14.10.2024
2 Clancarty Road, Fulham SW6 3AB	14.10.2024
23 Ranelagh Avenue London SW6 3PJ (x2)	14.10.2024
24 Napier Avenue London SW6 3PT	16.10.2024
70 Margravine Gardens London W6 8RJ	18.10.2024
24 Napier Avenue London SW6 3PT	16.10.2024
24 Gunterstone Road London W14 9BU	18.10.2024
29 Acfold Road London SW6 2AJ	19.10.2024
26 rivermead Court Ranelagh Gardens	20.10.2024
1 Ewald Road London SW6 3NA	24.10.2024
17 Edenhurst Avenue London SW6 3PD	24.10.2024
20 Ranelagh Avenue London SW6 3PJ	24.10.2024
NAG	25.10.2024
13 Daisy Lane	25.10.2024
21 Daisy Lane London SW63DD	25.10.2024
14 Daisy Lane London SW6 3DD	25.10.2024
16 Daisy Lane London	25.10.2024
22 Daisy Lane London	25.10.2024
17 Edenhurst Avenue London SW6 3PD	25.10.2024
20 Ranelagh Avenue London SW6 3PJ	25.10.2024
20 Ranelagh Avenue London SW6 3PJ	26.10.2024
1 Ranelagh Avenue London SW6 3PJ	25.10.2024
37 Melody Road London	25.10.2024
22 Ranelagh Ave, London SW6 3PJ	26.10.2024
14 Napier Avenue London SW6 3PT	26.10.2024
25 Ranelagh Avenue London	26.10.2024
22 Ranelagh Avenue London SW6 3PJ	26.10.2024
8 Ranelagh Ave London SW6 3PJ	27.10.2024
18 Daisy Lane London SW63DD	27.10.2024
12 Daisy Lane London SW6 3DD	27.10.2024
2 Napier Avenue LONDON SW6 3PT	27.10.2024
16 Daisy Lane London	28.10.2024
6 Fulham Park Road London SW6 4LH	28.10.2024
1 Clancarty Road London SW6 3AH	31.10.2024
26 Rivermead Court Ranelagh Gardens	01.11.2024

## 1.0 SITE DESCRIPTION

- 1.1. The application site relates to the Hurlingham Club which has approximately 13,000 sports and leisure club members and occupies some 17 hectares. The site is bounded by the River Thames to the south, Hurlingham Park to the north, Broomhouse Lane to the east and Napier Avenue/Ranelagh Gardens to the west. There are 357 designated car parking spaces within the grounds with vehicular access from Ranelagh Gardens and Broomhouse Lane.
- 1.2. The main entrance along Ranelagh Gardens is on the western side of the site close to Putney Bridge Station and includes two-way vehicular access. The secondary entrance gate along Broomhouse Lane is on the eastern side of the site is currently only used as one-way entrance-only access from the Wandsworth Bridge Road direction; this entrance includes occasional exit for large vehicles. The site has a PTAL 5 to the west and PTAL 2 to the east.
- 1.3. The site falls within a 'neighbourhood area' that is subject to air quality improvements. There are traffic enforcement cameras in place to the west of Wandsworth Bridge Road which direct traffic towards the main routes and stop out-of-borough traffic using the residential roads as cut-throughs. In practice, this currently means that any vehicles exiting from Broomhouse Lane would be captured on camera and receive a fine of up to £130 for traffic contravention.
- 1.4. Hurlingham House (built in 1760) is in the centre of the club grounds and is a Grade II\* listed building, there are other Grade II listed structures and listed curtilage buildings within the grounds. The site is within the Hurlingham Conservation Area. The club's grounds, together with Hurlingham Park to the north, are designated as Metropolitan Open Land (MOL) and is in Flood Zones 2 and 3. The Grade II listed former Castle Centre is located on the opposite side of Broomhouse Lane.

### Relevant planning history

- 1.5 In 1995 planning permission (Ref: 1995/01029/FUL) was granted for erection of new brick wall with anti-intrusion device (to replace existing timber boarded and corrugated iron fencing) along Broomhouse Lane. Realignment of vehicle access opposite Daisy Lane and removal of vehicular gate closest to Hurlingham Park to be replaced with brick wall. The consent was granted subject to a S106 agreement that ensured:
  - a sign would remain in place to direct vehicles to turn right only upon existing the club onto Broomhouse Lane;
  - the access point be used for access and egress for large vehicles only as and when necessary;
  - cars only use the access on no more than 6 major events per year and that the Club would use best endeavours to prevent cars turning onto Daisy Lane or left onto Broomhouse Lane.
- 1.6 In 2008 planning permission (Ref. 2008/02866/FUL) was granted for the erection of a single storey structure for use as a new security cabin (by the Broomhouse Lane back gate of Hurlingham Club).

## **Current proposal**

- 1.7 The current application seeks planning permission for alterations to include replacement of existing vehicular access gate including widening of private carriageway, replacement of pedestrian access gate, partial demolition of existing wall, and associated highway works. The proposals would enable the Broomhouse Lane gate to be used as a two-way entrance and exit for all vehicles and pedestrians.

## **2.0 PUBLICITY AND CONSULTATIONS**

### **Pre-Application Engagement**

- 2.1 In accordance with the National Planning Policy Framework (NPPF), the Applicant undertook a detailed programme of pre-application engagement with the Council's Planning officers. Pre-application discussions were held between January 2023 and March 2023. While the proposals were considered acceptable in principle, officers made clear that further details would be required including details of the appearance and measures to restrict vehicles to turning right into Broomhouse Lane.

### **Pre-Application Public Engagement**

- 2.2 The applicant has submitted a Statement of Community Consultation which outlines the public engagement undertaken with residents in Broomhouse Lane and Daisy Lane prior to the submission of the application. On the 15<sup>th</sup> of December 2022 and 20<sup>th</sup> April 2023, the applicants hosted consultation events. The initial meeting was attended by four residents; they raised objection to any increase in traffic using Daisy Lane. In response, the applicant confirmed that vehicles will not be permitted to use Daisy Lane when exiting the site, and this will be controlled via the angle of the road and use of clear signage.
- 2.3 The subsequent meeting in April 2023 was held with the residents of Daisy Lane. During the meeting the applicant confirmed that vehicles will not be permitted to use Daisy Lane when exiting the site and shared pre-application drawings to demonstrate this.

### **Application Stage**

- 2.4 In November 2023, the application was advertised by site and press notices and notification letters to 134 neighbouring properties. In response, 46 objections and 19 letters of support were received. The Council's Highways officers advised that the submitted transport assessment was flawed because it underestimated the highways impact; the assessment was based on a survey that coincided with school holidays and the closure of Wandsworth Bridge.
- 2.5 After agreeing a revised methodology with the Council's Highways officers the applicants carried out a further study in May 2024. The applicant conducted two further public consultation events; an in person meeting on 1<sup>st</sup> July 2024 attended by 20 people and an online meeting on 2<sup>nd</sup> of July 2024 attended by 26 people. These events included presentations which demonstrated a reduction of traffic in Napier Avenue, Hurlingham Road, Broomhouse Lane and Daisy Lane. The online



meeting featured representatives from the nursing home (Castle Club) directly opposite the Broomhouse Lane gate, as well as representatives from Wandsworth Bridge Road Residents Association.

2.6 Overall, the residents were in support of applicant's goal to remove vehicles in the surrounding area of the Club and lower carbon emissions and shared the following concerns:

- traffic congestion on surrounding roads
- impact of carbon emissions
- increased traffic resulting from allowing two-way access
- Several residents were positive about the removal of traffic along Napier Avenue and Hurlingham Rd which are close to the Main Gate, but other residents also expressed the need for an investigation into the impact of traffic on other local roads near the gate.

2.7 In October 2024, an updated transport assessment was submitted, and the Council carried out a second round of public consultation. In response, 25 objections and 28 letters of support were received.

2.8 Overall, therefore, the two rounds of consultation carried out by the Council in 71 objections and 47 letters of support. The grounds of objection can be summarised as follows:

- proposals should include enforceable measures to prevent vehicles exiting the Club using Daisy Lane
- increased traffic/ congestion, damage to parked cars and road rage.
- encourages cut through to WBR via South Fulham Clean Air Neighbourhood (SFCAN) and surrounding roads
- against the ideals of active travel, reduced traffic and climate consciousness
- prioritises non-Fulham residents at expense of residents
- Unsafe due to restricted visibility for outbound traffic
- survey not true representation as carried out during August when traffic at its lowest and WBR was closed
- increase nuisance to Daisy Lane residents which should be one way
- Increased air and noise pollution
- negative effects on local health and environment
- Alterations to the boundary wall not necessary and not in keeping with the principles of the conservation area.
- Construction works would add to extra traffic and heavy vehicles
- Proposals allow Club members to avoid traffic charges
- Proposals should allow cyclists to turn left into Broomhouse Road
- increase traffic passing three nearby schools
- Increased hours of use of gate, 24-hour pedestrian access will lead to increased taxi numbers using surrounding area as waiting zone for pick-ups
- potential induced demand (making it easier to drive rather than use active travel)
- the changes will make the east gate more like a main gate.
- application is being submitted at the same time as the Clancarty SFCAN camera is being trialled - no decision should be made until the trial period is over.
- vehicles would be able to turn left existing the Club

2.9 The letters of support included the following points:

- Reduction in the distance travelled by vehicles to and from the Club
- Reduction traffic in roads to the west and north of the Club
- Limits unnecessary detours
- Reduces Council's administrative burden as less visitor permits would be issued
- Reduces air pollution and carbon emissions
- enforcement cameras would prevent cut throughs to roads in SFCAN

2.10 Historic England confirmed that it was not necessary for this application to be notified to Historic England under the relevant statutory provisions.

### **3.0 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 considerations 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 Supplementary Planning Document - 2018 (hereafter referred to as Planning Guidance SPD). Several strategic and local supplementary planning guidance and other documents 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**

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 proposal has been assessed in line with the policies set out in the Plan. The London Plan is supported by guidance, which provides further information about how the London Plan should be implemented in the form of Supplementary Planning Guidance ('SPG') documents which have also been considered in determining this application.

## **The Local Plan**

- 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 Supplementary Planning Document (SPD) (February 2018) is also a material consideration. This provides supplementary detail to the policies and is organised around key principles.
- 3.8 With regard to this application, all planning policies in the National Planning Policy Framework (NPPF), London Plan (2021), Local Plan (2018), and Supplementary Planning Guidance (SPG) / Planning Guidance Supplementary Planning Guidance (SPD) 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) and the Planning Guidance Supplementary Planning Document 2018 (hereafter referred to as Planning Guidance SPD), include:
- the principle of the development in land use terms;
  - design and appearance;
  - existing residential amenities of neighbouring properties;
  - traffic impact on the highway network;
  - environmental sustainability and
  - planning obligations.

## **4.0 LAND USE**

### **Metropolitan Open Land**

- 4.1 The application site is situated within Metropolitan Open Land. Policy G3 of the London Plan (2021) states that in planning decisions "A) Metropolitan Open Land (MOL) is afforded the same status and level of protection as Green Belt:  
1) MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt."
- 4.2 Policy OS2 of the Local Plan (2018) which states that, "The council will seek to reduce open space deficiency and will protect and enhance the quality of, and access to, existing open space by:  
a. refusing development on public open space and other green open space of strategic and borough-wide importance as identified in the council's Open Space Hierarchy (see Appendix 3 and Policies Map) unless it can be demonstrated that such development will not harm its open character, and its function as a sport, leisure or recreational resource, and its contribution to biodiversity and visual amenity".
- 4.3 The proposals would not result in any loss of any open space given the development only includes the removal of a small section of the existing wall and that the security cabin will remain as existing.
- 4.4 In principle, the proposed development is acceptable and in accordance with London Plan Policy G3 and Local Plan Policy OS2.

## 5.0 HERITAGE, DESIGN AND TOWNSCAPE

- 5.1 Local Plan Policy DC1 requires that all development within the borough, should create a high-quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that demonstrates how good design, quality public realm, landscaping, heritage assets and land use can be integrated to help regenerate places.
- 5.2 In considering applications for alterations and extensions Local Plan Policy DC4 requires that the council will take into account the following:
- a. scale, form, height and mass;
  - b. proportion;
  - c. vertical and horizontal emphasis;
  - d. relationship of solid to void;
  - e. materials;
  - f. impact on skyline silhouette (for roof top additions);
  - g. relationship to existing building, spaces between buildings and gardens;
  - h. good neighbourliness in particular the amenities of the neighbouring properties, and other properties most directly affected by the proposal; and
  - i. the principles of accessible and inclusive design.
- 5.3 Local Plan Policy DC8 states that the council will conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets.
- 5.4 The Broomhouse Lane entrance to the Club is in a prominent location with wider public views. In terms of scale, proposed alterations to the existing entrance would appear sympathetic to both the site and street scene. The development would have an acceptable design and make use of high-quality materials. Furthermore, the proposals would retain the existing sense of openness in this area of protected open space.

### **Heritage Impact**

- 5.5 The Planning (Listed Buildings and Conservation areas) Act 1990 sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas. 10.36 It is key to the assessment of these applications that the decision-making process is based on the understanding of specific duties in relation to listed buildings and Conservation areas required by the relevant legislation, particularly the section 66 and section 72 duties of the Planning (Listed Buildings and Conservation areas) Act 1990 and the requirements set out in the NPPF.
- 5.6 Section 72 of the Planning (Listed Buildings and Conservation areas) Act 1990 requires that: With respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

- 5.7 Paragraph 195 of the NPPF states: Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 5.8 Paragraph 201 of the NPPF states: Local Planning Authorities should identify and assess the significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 5.9 Paragraph 203 of the NPPF states: In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.10 Paragraph 205 of the NPPF states: When considering the impact of a Proposed Development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.11 Paragraph 206 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be exceptional.
- 5.12 Paragraph 207 of the NPPF states that where a Proposed Development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use.

- 5.13 Paragraph 208 of the NPPF states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.14 Paragraph 209 of the NPPF states: The effect of an application on the significance of a non-designated heritage asset should be considered in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.15 The NPPF makes a clear distinction between the approach to be taken in decision-making where the Proposed Development would affect the significance of designated heritage assets (listed buildings, conservation areas, Registered Parks and Gardens) and where it would affect the significance of non-designated heritage assets (buildings of local historic and architectural importance).
- 5.16 The NPPF also makes a clear distinction between the approach to be taken in decision-making where the Proposed Development would result in 'substantial' harm and where it would result in 'less than substantial' harm.
- 5.17 Case law indicates that following the approach set out in the NPPF will normally be enough to satisfy the statutory tests. However, when carrying out the balancing exercise in paragraph 208, it is important to recognise that the statutory provisions require the decision maker to give great weight to the desirability of preserving designated heritage assets and/or their setting.
- 5.18 The Planning Practice Guidance notes which accompany the NPPF remind us that it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed.
- 5.19 The site falls within the Hurlingham Conservation Area and is on the opposite side of the road to the recently renovated care home (former Castle Club) which is a Grade II Listed Building on the corner of Daisy Lane and Broomhouse Lane. The existing entrance gates are modern and are not of special architectural or historic interest but are part of the grounds of the main clubhouse, Hurlingham House, which is Grade II\* Listed.
- 5.20 There is no visual relationship between the Broomhouse Lane gates and the Grade II\* listed Hurlingham House or any of the other listed or listed curtilage buildings within the grounds of Hurlingham Club. The existing modern gates to Broomhouse Lane post-date 1948 and are therefore not curtilage listed. No Listed Building Consent application is therefore required for the works.
- 5.21 Officers consider that the proposal's siting, scale and appearance would have no adverse impact on the setting of the adjacent Listed Buildings.
- 5.22 The Hurlingham Conservation Area Character Profile was approved by the Planning Applications and Transport Sub-Committee on 2nd July 1997. The Hurlingham Conservation Area is divided into 4 sub areas for the purposes of the

character assessment to distinguish areas of similar character and similar periods of historic development. The application site falls into Sub-Area B, South Park and is adjacent to Sub Area A, Hurlingham Club Grounds.

- 5.23 Para 5.5 of the Conservation Profile states that the Hurlingham Club Grounds and Hurlingham Park sub-area is characterised by the two major open spaces, one a private Club and the other a public park. The Hurlingham Club provides private leisure and sporting facilities for members. Hurlingham Park provides the public with a bowling green, playground, rugby pitch, football pitch, tennis courts and athletics facilities. These areas of open space are surrounded by residential development along Hurlingham Road, Broomhouse Lane and the backs of development in Napier Avenue.
- 5.24 The proposals would not have any significant impact on the existing sense of openness of the open space and as such it is considered that this would result in no harm to the significance of the Hurlingham Conservation Area.
- 5.25 In conclusion, Officers consider that the proposals would cause no harm to the relevant heritage assets and would be acceptable with regards to the NPPF and Local Plan Policies DC1 and DC8.
- 5.26 Overall, officers consider this to be a well-designed scheme which is in accordance with relevant design policies in the NPPF, Policy D3 of the London Plan, and Policies DC1, DC4 and DC8 of the Local Plan.

### **Trees**

- 5.27 Policy G7 of the London Plan states that if planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed. Policy OS5 of the Local Plan states that the council will seek the retention of existing trees and provision of new trees on development sites.
- 5.28 One tree is proposed to be removed to facilitate the proposed development. This tree is required to be removed due to the new positioning of the wider gate. The tree to be removed is a category B Oak. To mitigate the loss of the existing tree, one replacement tree is proposed to be planted to the west of the gate. This replacement tree would be near the existing tree and will be of a suitably similar species. Subject to a condition securing the planting of the replacement tree, the proposals accord with Policy G7 of the London Plan and Policy OS5 of the Local Plan.

## **6.0 RESIDENTIAL AMENITY**

- 6.1 Policies DC1, DC4, CC11, CC13 and HO11 of the Local Plan require all proposals to be formulated to respect the principles of good neighbourliness. SPD Housing Key Principle 8 seeks to protect the existing amenities of neighbouring residential properties. There are no amenity concerns in terms of privacy, outlook nor daylight and sunlight. Matters relating to noise and disturbance are addressed in the paragraphs below.

- 6.2 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.
- 6.3 The proposal site is bounded on all three sides by residential properties; Broomhouse Lane and Daisy Lane to the east, and Ranelagh Gardens and Napier Avenue to the east.

### **Noise disturbance**

- 6.4 London Plan Policy D14 (Noise) 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'.
- 6.5 The 1995 planning permission (Ref: 1995/01029/FUL) for the erection of the brick wall along Broomhouse Lane was subject to a S106 agreement that restricts vehicles exiting the site to right turn only onto Broomhouse Lane (except for occasional large vehicles when necessary) and notably cars can only use that access on no more than 6 major events per year. These obligations remain in place and do not change because of this application.
- 6.6 The current proposals would include a replacement pedestrian gate along Broomhouse Lane. Some residents have raised concerns that the 24-hour pedestrian access could result in additional taxis and private hire vehicles waiting in the vicinity of the Broomhouse Lane gate at the time of events at the Club. However, the proposals would not include 24 pedestrian access. The current application includes no change to the existing pedestrian access arrangements which would remain between 8am to 8pm for vehicles and 8am to 11:30pm for pedestrians on weekdays and Saturday. On Sundays the pedestrian gate closes at 10pm.
- 6.7 The proposals have been considered by the Councils Highways and Noise Protection officers. Overall, officers are satisfied that post temporary construction works, the proposal would not result in any undue additional noise and disturbance.
- 6.8 Overall, the proposed residential development would accord with London Plan D14 and Local Plan Policies DC1, DC4, CC11, CC13 and HO11.



## **7.0 HIGHWAYS MATTERS**

- 7.1 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.
- 7.2 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.
- 7.3 Local Plan Policy T1 sets out the Council's intention to 'work with strategic partners to improve transport provision, accessibility and air quality in the borough, by improving and increasing the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail'. 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 and T7 relate to opportunities for cycling and walking, vehicle parking standards and construction logistics.

### **Trip generation and congestion/Highways Impact**

- 7.4 The initial Transport Note submitted with the application was reviewed by the Council's Highways Team and they raised concerns about the methodology used to produce the survey data which underestimated vehicular movements. The applicants carried out an updated transport assessment after agreeing a revised methodology with the Council's Highways officers. The revised assessment included the siting and location of cameras and ensuring that the surveys took place outside of school holiday and when Wandsworth Bridge was open.
- 7.5 To help understand the existing use of the Broomhouse Lane gate and the number of vehicles utilising the Club on the surrounding highway network, cameras were placed to count the number of vehicles using the local roads and how many were heading to the Club. During May 2024, Automatic Number Plate Recognition (ANPR) and Automatic Traffic Counts (ATC) were placed around the Club to assess the current traffic flow of movements.
- 7.6 The numbers for the ATC are set out below in Table 1 and the ANPR are set out in Table 2. Together the survey results indicate the number of movements on the local roads around the Hurlingham Club. These figures are consistent with the Council's own evidence collected from existing LBHF traffic monitoring and enforcement cameras.

**Table 1 Average Traffic Counts**

ATC Midweek Average	Movements	
	Eastbound	Westbound
Hurlingham Road	1246	1213
Clancarty Road	1088	404
Studdridge Street	456	501
Daisy Lane	428	358

Table 5.1 – Average Midweek ATC Counts

ATC Midweek Average	Movements	
	Eastbound	Westbound
Hurlingham Road	840	717
Clancarty Road	540	239
Studdridge Street	368	389
Daisy Lane	268	205

Table 5.2 – Average Weekend ATC Counts

**Table 2 Automatic Number Plate Recognition**

ANPR Midweek Average	Movement			
	Northbound	Southbound	Eastbound	Westbound
Linver Road	854	246	-	-
New Kings Road	-	-	(a) 744 (b) 4316	4655
<b>Ranelagh Gardens (Main Gate)</b>	-	-	<b>474</b>	<b>798</b>
Studdridge Street	-	-	614	475
Broomhouse Lane	1284	1537	-	-

Table 5.3 – ANPR Average Midweek Movements

ANPR Weekend Average	Movement			
	Northbound	Southbound	Eastbound	Westbound
Linver Road	518	185	-	-
New Kings Road	-	-	(a) 534 (b) 3483	4386
<b>Ranelagh Gardens (Main Gate)</b>	-	-	<b>387</b>	<b>594</b>
Studdridge Street	-	-	589	272
Broomhouse Lane	713	923	-	-

Table 5.4 – ANPR Average Weekend Movements

## 7.8 The key findings indicate:

- A much larger number of vehicles left the site via this Main gate at the Putney End access than entered – for both the midweek and weekend average.
- a difference of between 200 to 300 vehicles leave the site via the Main Gate compared to those that enter, this is due to those 200-300 vehicles entering via the Back Gate. These movements are largely because vehicles cannot currently leave the site via the Broomhouse Lane Gate, so an additional 119 vehicles are having to add additional mileage onto their routes to egress the site daily.
- Under the current proposals, vehicles exiting the Club via the Back Gate will have the choice of two options to rejoin the A217 and onto Wandsworth Bridge via Broomhouse Lane either by turning left onto Sullivan Road, Peterborough Road, Hugon Road and onto the A217 towards Wandsworth Bridge or onto Carnwarth Road and the A217 to Wandsworth Bridge Road.
- Over a typical day 119 vehicles would be removed from using the Main gate and redirect to the Broomhouse Lane gate. These vehicles are most likely to have already accessed the site via the Back gate so there would be no additional vehicles added to this section of Broomhouse Lane.
- Along Hurlingham Road there would be an average daily decrease of 5.8% of vehicles from the Club between 7am and 7pm, a 8.6% decrease at the Main Gate/ Ranelagh Gardens. Due to the redesign of Broomhouse Lane Gate, Daisy Lane could see a decrease of around 13%.
- Vehicles cannot utilise Daisy Lane when leaving the Club via Broomhouse Lane which could increase vehicles using Sullivan Road, albeit the most convenient route will remain via Carnwarth Road which is the most convenient route to Wandsworth Bridge. At most, there could be a 25% (30 vehicles/ day) using Sullivan Road, Peterborough Road and Hugon Road route which compared to the existing (119/ day) is considered modest.
- The northern section of Broomhouse Lane, particularly near Sullivan School, will experience a reduction in traffic as the expansion of the gate means vehicles will no longer utilise Napier Ave and Hurlingham Road to navigate to Wandsworth Bridge. The rest of Broomhouse Lane is not predicted to experience a change in traffic flow as it is currently being used as part of the return route to Wandsworth Bridge Road and will remain so.

7.13 Officers have reviewed the updated submissions, which are considered sufficiently accurate and representative to make a sound assessment of the impact of the proposals on existing trip numbers in the roads surrounding the Club. Officers concur with the conclusions of the applicant's Transport Report that overall, the proposals would not result in any undue additional trip generation. The proposals would allow vehicles to enter from the east gate leave from that exit rather than incur longer journeys via the west gate which generates more pollution; as this currently involves vehicles having to journey around Hurlingham Park to travel back east. Overall, the traffic would be more evenly distributed with reduced journey times on the borough's roads.

- 7.14 Highways raise no objection to the changes to the proposed vehicular arrangements subject to the installation of an enforcement camera operated by LBHF at the intersection of Broomhouse Lane and Daisy Lane to prevent vehicles exiting left along Broomhouse Lane. This is secured by a S106 legal agreement.
- 7.15 The existing crossover and pavement serving the site would need to be altered to accommodate the enlarged entrance. Under 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 because of new development. The council will undertake the works on the highway to ensure that the works are undertaken to the council's adoptable standards and to ensure the disruption to the road network is minimal. The works would be secured via a legal agreement.
- 7.16 Overall, subject to a condition securing the implementation in accordance with the approved drawings and a s106 legal agreement, officers consider that the effects on the local highway network of the development are acceptable having regard to the Policies T4, T5 and T9 of the London Plan (2021), Policy T1, T2 and T3 of the Local Plan (2018), and Key Principles TR1, TR12, TR15, TR16, TR17, TR23 and TR24 Transport Policy of the Planning Guidance SPD (2018).

## **8.0 ENVIRONMENTAL CONSIDERATIONS**

### **Flood Risk / SUDs**

- 8.1 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.
- 8.2 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 paving should be refused and that drainage should be designed and implemented to address water efficiency, water quality, biodiversity and recreation.
- 8.3 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.
- 8.4 The proposed development is within Flood Zone 3; however the replacement of the existing gates will not increase flood risk elsewhere nor increase risk to users on the site. The proposals are therefore considered to accord with London Plan Policies SI12 and SI13 and Local Plan Policies CC3 and CC4.

## **Air Quality**

- 8.5 London Plan Policy SI1 requires that development proposals should not lead to a deterioration in existing air quality. Policy T1 of the Local Plan seeks to work with strategic partners to improve transportation provision, accessibility, and air quality in the borough, by improving and increasing the opportunities for cycling and walking, and by improving connections for bus services, underground, national and regional rail. Climate Change SPD Key Principle KPC12 states that all development should prioritise reducing the need to travel. KPC14 states all developments be at least Air Quality Neutral and be designed to avoid increased exposure to existing air pollution and make provision to address local problems of air quality.
- 8.6 The main entrance on the west side of the Club is two-way. The existing vehicular access arrangements do not allow vehicles to exit from Broomhouse Lane. This means that most cars entering leave the club via the west gate and drive all the way around Hurlingham Park to get back to the Broomhouse Lane gate.
- 8.7 The proposed works would widen the private carriageway and vehicular access gate to enable the Broomhouse Lane gate to be used as two-way entrance and exit gate for all vehicles. These proposals would shorten travel distances for vehicles entering the east side of the site and reduce the amount of traffic to the west. Officers estimate that for vehicles entering the Broomhouse Lane gate and then returning to that eastern entrance via the main gate at the 'Putney' entrance adds an extra 1.3 km to their journey.
- 8.8 Based on recent data available from the Department for Transport, the average emissions for a passenger vehicle in the UK is 120 g CO<sub>2</sub>/km. This value is based on the typical emissions for a modern car including petrol and diesel vehicles. In this instance, using the estimated decrease in the total number of vehicles using the main 'Putney' entrance, there would be a reduction of 6776kg (0.156kg x 119 trips x 365 days). This reduction is significant when compared to current arrangements which generate more trips and is equivalent to the average electricity usage for 5 UK households for 1 year.
- 8.9 Overall, the proposals would reduce the number of car journeys and less CO<sub>2</sub> and air pollutants which will improve air quality in this neighbourhood. The proposals would accord with London Plan Policy SI1, Local Plan Policy T1, Climate Change SPD Key Principles KPC12 and KPC14.

## **9.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)/PLANNING OBLIGATIONS**

### **Mayoral and Local CIL**

- 9.1 The Mayor's CIL (Community Infrastructure Levy) came into effect in April 2012 and new fee rates came into effect in April 2019. This would contribute towards the funding of Crossrail. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy DF1. This development would not be subject to a London wide community infrastructure levy.
- 9.2 The Council's Community Infrastructure Levy (CIL) is also a charge levied on the net increase in floorspace arising from development in order to fund

infrastructure that is needed to support development in the area. The CIL Charging Schedule was presented to Council and approved 20 May and has formally taken effect since the 1st September 2015. Given the scale of the proposals, this development is not liable for any local CIL.

### **S106 Heads of Terms**

- 9.3 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'.
- 9.4 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."
- 9.5 Local Plan Policy INFRA1 (Planning Contributions and Infrastructure Planning) advises that the council will seek planning contributions to ensure the necessary infrastructure to support the Local Plan is delivered using two main mechanisms 'Community Infrastructure Levy (CIL) and Section 106 Agreements (s106).
- 9.6 The planning obligations set out in the heads of terms below are considered necessary to make the development acceptable in planning terms, they are related to the development and fairly and reasonable in scale and kind to the development. A Section 106 agreement is therefore required to ensure the proposal is in accordance with the statutory development plan and to secure the necessary infrastructure to mitigate the needs of the Proposed Development.
- 9.7 In view of the fact the Section 106 agreement will be the subject of extended negotiations, officers consider that circumstances may arise which may result in the need to make minor modifications to the conditions and obligations (which may include the variation, addition, or deletion). Accordingly, the second recommendation has been drafted to authorise the Director of Planning and Property, after consultation with the Assistant Director Legal Services and the Chair of the Planning and Development Control Committee, to authorise the changes they consider necessary and appropriate, within the scope of such delegated authority.
- 9.8 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) Contribution of £11,000 towards an APNR enforcement camera at the junction of Daisy Lane and Broomehouse Lane at the club's entrance for enforcement
  - 2) Enter into a S278 Agreement to fund any necessary highway works arising from the development to Broomhouse Lane pavement and junction.
  - 3) A commitment to meet the costs of the Council's associated legal fees.

## **10.0 CONCLUSION**

- 10.1 In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 10.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance.
- 10.3 In summary, the proposals are acceptable in visual terms and is considered to be of a good quality of design which would not adversely impact upon the surroundings, preserving the character and appearance of the Hurlingham Conservation Area and the settings of adjacent listed buildings. Subject to conditions the proposal would not result in unacceptable impacts upon the amenities of neighbouring residential properties. Highways, transportation and environmental matters 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 Supplementary Planning Document (2018).
- 10.4 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report it is considered, having regard to the development plan as a whole and all other material considerations, that planning permission should be granted subject to the conditions listed, and the completion of a s106 agreement.
- 10.5 In line with the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, Officers have consulted the Applicant on the pre-commencement conditions included in the agenda and the Applicant has raised no objections.

## **11.0 RECOMMENDATION**

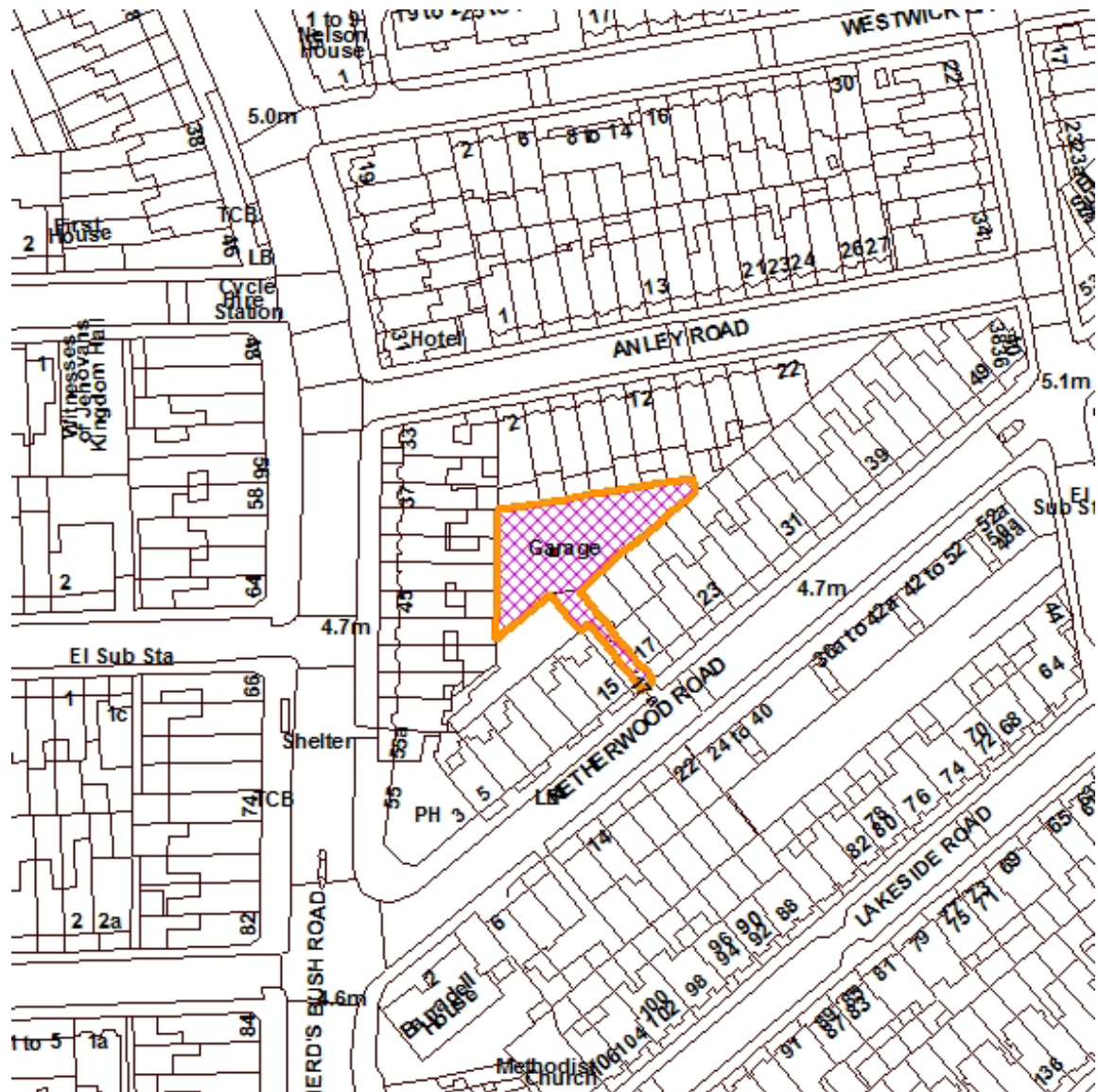
- 11.1 The application is therefore recommended for approval, subject to conditions and the completion of a legal agreement.

# Agenda Item 5

**Ward:** Addison

**Site Address:**

Netherwood Place Land To Rear Of 17A Netherwood Road  
London W14



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

**Reg. No:**  
2022/02745/FUL

**Case Officer:**  
Anisa Aboud

**Date Valid:**  
17.01.2023

**Conservation Area:**

**Committee Date:**  
03.12.2024



**Applicant:**

Maygrove Developments Ltd  
81 Maygrove Road West Hampstead London NW6 2EG  
UK

**Description:**

Demolition of existing autos workshop building (Use Class B2) and erection of a part one, part two storey plus-basement building with a communal terrace at upper ground floor level to provide 6 x 2 bedroom, 2 x 3 bedroom and 1 x 1 bedroom self-contained flats (Class C3); associated landscaping.  
Drg Nos: TBC

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

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

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

**Conditions:**

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

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

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

216019/PA/110 Rev B; 216019/PA/120 Rev B; 216019/PA/121 Rev C;  
216019/PA/122 Rev B; 216019/PA/130 Rev A; 216019/PA/131 Rev A;  
216019/PA/132 Rev A; 216019/PA/133 Rev A; 216019/PA/134 Rev A;  
216019/PA/135 Rev A; 216019/PA/140 Rev A; 216019/PA/200.

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

- 3) 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, DC2 and DC8 of the Local Plan (2018).

- 4) The development shall not commence until detailed drawings, at a scale of no less than 1:20, of typical bays on each elevation of the building in plan, section and elevation have been submitted to, and approved in writing by, the Council. Thereafter the development shall be carried out in full accordance with the approved details and permanently retained as such thereafter.

To ensure a satisfactory external appearance and to prevent harm to the character, appearance and setting of the adjacent conservation area, in accordance with Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 5) Other than the areas explicitly identified as roof terraces/balconies on the approved drawings, no part of any other roof of the approved buildings shall be used as a terrace or other amenity space, and the roof terraces as approved shall not be subsequently enlarged prior to the submission and approval in writing of a further planning application. No other part of any roof of the building shall be used as a roof terrace or other form of open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roofs in connection with their use as a roof terrace or other form of open amenity space. 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.

To safeguard the amenities of the occupiers of neighbouring properties, and to avoid overlooking and loss of privacy and the potential for additional noise and disturbance, in accordance with Policies HO11 and CC11 of the Local Plan (2018).

- 6) 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, DC2 and DC8 of the Local Plan (2018).

- 7) 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).

- 8) 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).

- 9) 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).

- 10) 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).

- 11) The development shall not be used or occupied before a Refuse Management Strategy detailing arrangements for the movement, storage and collection of refuse and recyclables has been submitted to, and approved in writing by the local planning authority. Thereafter the development shall be carried out and implemented only in accordance with the agreed details.

To ensure the satisfactory provision of refuse storage and recycling, in accordance with Policy CC7 of the Local Plan (2018).

- 12) No part of the structure above ground level shall be constructed until full details of any 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, DC2, CC2 and CC3 of the Local Plan (2018).

- 13) 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 and Sustainable Urban Drainage Systems (SuDs) by UK Flood Risk (dated 23/06/2023 Version:1.2) 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).

- 14) 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).

15) 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).

16) Prior to the commencement of the demolition phase (excluding installation of hoarding and Dust Deposition Monitors around the perimeter of the site) 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<sub>x</sub> Emission mitigation and control measures including for on-road and off-road demolition traffic as required by the overall 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/m<sup>2</sup>/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<sub>x</sub> and PM<sub>10</sub> emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NO<sub>x</sub> and PM. An inventory of all NRMM for the first phase of demolition shall be registered on the 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

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

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

- 17) Prior to the commencement of the construction phase (excluding installation of hoarding and Dust Deposition Monitors around the perimeter of the site) 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) Construction Site and Equipment Layout Plan
  - c) Inventory and Timetable of dust generating activities during Construction site activities.
  - d) Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM<sub>10</sub> (human health) impacts for sensitive receptors off-site of the development within 250 m of the site boundaries during the 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<sub>x</sub> Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall Medium Dust Risk Rating of the site and shall be in a table format.
  - f) Details of 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/m<sup>2</sup>/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<sub>x</sub> and PM<sub>10</sub> emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NO<sub>x</sub> and PM. An inventory of all NRMM for the first phase of demolition shall be registered on the 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

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

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

- 18) Prior to occupation of the development, details of the installation of the Air Source Heat Pumps or Electric Boilers to be provided for space heating and hot water 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, Policy SI 1 of the London Plan and Policy CC10 of the Local Plan (2018).

- 19) Prior to commencement of above ground works in the development hereby permitted, a Ventilation Strategy Report to mitigate the impact of existing poor air quality for the nine 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 Council 2030 WHO aligned Annual Mean Air Quality Targets for Nitrogen Dioxide (NO<sub>2</sub>) - 10ug/m<sup>3</sup>, Particulate (PM<sub>10</sub>) -15 ug/m<sup>3</sup> and Particulate (PM<sub>2.5</sub>) - 5 ug/m<sup>3</sup> 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 on the rear elevations of each residential floor.
- 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 (NO<sub>2</sub>) and Particulate Matter (PM<sub>2.5</sub>, PM<sub>10</sub>) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 90% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM<sub>2.5</sub>, PM<sub>10</sub>) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.

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).

- 20) 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 7 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).

- 21) The development shall not be used or occupied until the cycle storage areas, as shown on the approved Dwg No. 216019/PA/121 Rev A 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).

- 22) 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).

- 23) 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).

- 24) 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).

- 25) 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).

- 26) 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).

- 27) 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).

- 28) The development shall be carried out in accordance with the provisions of the Fire Statement prepared by Paul Brown Eng Tech, MIFireE, MIFPO, SIIRSM. Dated 03/10/2023, unless otherwise approved in writing by the Local Planning Authority.

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

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

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

- 30) Any excavation or alteration of surfaces within the Root Protection Area of the tree in the rear garden of No. 19 Netherwood Road should be carried out in accordance with BS5837:2012, and any pruning back of the tree's crown should be in accordance with BS3998:2010.

In order to ensure that no damage occurs to the protected tree close to the boundary of the site, and that by protecting this tree, its positive contribution to the character and appearance of the conservation area is preserved, in accordance with Policy OS5 of the Local Plan (2018).

- 31) Prior to occupation of the buildings hereby approved, details of any proposed external lighting shall be submitted to and approved in writing by the planning authority. Thereafter the lighting shall be installed in accordance with the details so agreed and retained as such thereafter.

To ensure the amenities of surrounding occupiers is not adversely affected through light spillage or light pollution, in accordance with Policy CC13 of the Local Plan (2018).

- 32) The development hereby permitted shall not commence until final details of how Sustainable Urban Drainage Systems (SUDS) will be incorporated into the development and maintained thereafter, have been submitted to and approved in writing by the council. The SUDS scheme shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently retained and maintained in line with the agreed plan.

To ensure that surface water run-off is managed in a sustainable manner, in accordance with Policies CC3 and CC4 of the Local Plan (2018).

- 33) Notwithstanding the details on the drawings hereby approved, the development hereby approved shall not commence until details of how the proposed amenity spaces for Units 3, 6 and 8 will be effectively screened from neighbouring residential properties, including details and samples of the proposed screening materials, have been submitted to, and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the details approved and permanently retained as such thereafter.

In order to ensure the erection of adequate screening to prevent overlooking and any subsequent loss of privacy, in accordance with Policy CC11 of the Local Plan (2018) and Key Principle HS7 of the Planning Guidance Supplementary Planning Document (2018).

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

- 1) 1. Land Use: The proposal would achieve a sustainable form of development by providing much-needed housing on previously developed land which includes buildings in poor condition. The proposal would provide nine additional units of housing and would make efficient use of land by optimising residential use on this backland site. 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). The proposal is considered to be in accordance with Policies HO1, HO4, and HO11 of the Local Plan (2018).
2. Housing Quality: The quality of accommodation, including internal design and layout of the new residential units, is considered to be of high quality having regard to the Mayor's Housing 'Design Standards' LPG (2023), London Plan (2021) Policy D6, 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: 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. 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 the character and appearance of the adjacent conservation area 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. Highways matters: 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. Environment: 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).

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

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

Application form received: 26th September 2022  
Drawing Nos: see above

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

### **Consultation Comments:**

**Comments from:**  
Thames Water - Development Control  
Crime Prevention Design Advisor - Hammersmith

**Dated:**  
20.01.23  
09.02.23

## **Neighbour Comments:**

### **Letters from:**

### **Dated:**

2 Anley Road London W14 0BY	06.02.23
4 Anley Rd London W14 0BY	06.02.23
22 Anley Road London W14 0BY	09.02.23
2 Anley Road London W14 0BY	08.02.23
6 Anley Rd London W14 0BY	13.02.23
6 Anley Rd London W14 0BY	13.02.23
16 Anley Road London W14 0BY	21.02.23
6 Anley rd London W140BY	13.02.23

## OFFICER'S REPORT

### 1.0 BACKGROUND

- 1.1 The application site comprises a triangular-shaped parcel of land located to the rear of properties on Netherwood Road, Anley Road, and Shepherd's Bush Road. The site is currently occupied by an auto repair centre ('Netherwood Autos') and is a fully enclosed, backland plot. Pedestrian and vehicular access is via a narrow access road running between Nos. 15 and 17 Netherwood Road, beneath the undercroft of a residential unit. The access route is ramped as the site itself sits approximately 1m lower than the level of Netherwood Road.
- 1.2 The site is not located within a conservation area, however Nos. 3-15 Netherwood Road fall within the Melrose Conservation Area. None of the existing buildings on the site are subject to statutory listing or any other local heritage designation.
- 1.3 The site falls within the Environment Agency's Flood Zones 2 and 3 and has a Public Transport Accessibility Level (PTAL) rating of 6b, indicating excellent levels of accessibility.
- 1.4 This application seeks permission for demolition of the existing autos workshop building (Use Class B2) and erection of a part two, part three storey building to provide 6 x 2 bedroom, 2 x 3 bedroom and 1 x 1 bedroom self-contained flats (9 in total). Each of the units are positioned along the site boundary, around a communal courtyard on the southern part of the site. This is a similar proposal to the previously approved scheme which was not implemented.
- 1.5 Relevant planning history for the site includes:
  - 1992/01155/CLE - Certificate of lawfulness granted for the repair and servicing of motor vehicles.
  - 1995/01927/CLP - Certificate of lawfulness refused for the installation of a spray booth within the existing vehicle repairs garage and erection of an external ventilation flue.

2017/04360/FUL - Demolition of the existing autos workshop building (Use Class B2) and erection of a part two, part three storey building to provide 7 x 2 bedroom and 2 x 3 bedroom self-contained flats (9 in total). Each of the units are positioned along the site boundary, around a communal courtyard on the southern part of the site. Approved 15th June 2018.

## 2.0 PUBLICITY AND CONSULTATION RESPONSES

2.1 A site notice and press advert were published to advertise the application, and notification letters were sent to the occupants of 201 surrounding properties. A total of 7 responses were received. The reasons for the objection comments can be summarised as follows:

- lack of attention to fire and safety risks and the lack of clarity on the scale of the development;
- security risk of flat roofs on the gardens of Anley Road;
- concerns over asbestos and contamination risk;
- No provision for sustainable power production;
- Privacy from proposed roof terraces and external spaces;
- Noise disturbance as a result of the new residential use;
- Light pollution at night from roof terraces and external spaces;
- Increased sense of enclosure as a result of new built form;
- Impact of demolition and construction;
- Loss of employment and local economic activity;
- Overdevelopment of the site in terms of density of residential use;
- Design of development not in keeping with surrounding area;

The planning issues raised above will be addressed in the report below. Officer comment: 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.

External consultation responses:

2.4 The Environment Agency considers this development to be at low risk of flooding.

2.5 Thames Water - no objection with regards to surface water drainage if the developer follows the sequential approach to the disposal of surface water. No objection with regards to waste water network and sewage treatment works infrastructure capacity.

No objection with regards to water network and water treatment infrastructure capacity.

2.6 The planning issues raised above will be considered in more detail in the body of the report below.

### 3.0 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:
- o The principle of the development in land use terms;
  - o Quality of Accommodation;
  - o The impact of the development on the character appearance of the Melrose Conservation Area;
  - o The impact of the development on neighbours' living conditions;
  - o Transport and highways;
  - o Environmental considerations and
  - o Planning obligations.

#### 4.0 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 The relevant policies for assessing the proposed change of use involving the loss of employment are Local Plan Policies E1 (Providing for a range of employment uses) and E2 (Land and premises for employment uses).
- 4.3 Policy E1 states that the council will support the retention, intensification and enhancement of existing employment uses. Policy E2 states that the council will require the retention of land and premises capable of providing continued accommodation for employment or local services. Permission will only be granted for a change where: 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 purpose.
- 4.4 The application site comprises the workshop buildings and a small yard associated with the existing car repair garage known as Netherwood Autos. The workshops are accessed via a narrow lane between nos. 15 and 17 Netherwood Road. The site area extends to approximately 725 square metres.
- 4.5 Netherwood Autos is a relatively small operation. The application form indicates the site currently employs two full-time employees. A site visit by the Case Officer revealed the internal and limited external spaces to be of relatively poor quality.

- 4.6 A marketing report has been submitted by the applicant which assessed the viability of letting the property against the market supply and demand for Class B2 of this scale 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). The marketing report concludes 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 B2 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 B2 units in the area. Overall, the site has been marketed as available for alternative commercial activities between 2012 - 2022, a period of 10 years without success.
- 4.7 Moreover, Netherwood Road is a secondary location for employment space within the Borough, situated away from highly serviced and high amenity developments and clusters of employment use such as White City and Hammersmith Town Centre. In addition to the marketing report, Officers are concerned about a potential alternative light Industrial use in this constrained site. The site is enclosed on all sides by residential properties and hotel uses (on Shepherd's Bush Road) and sits very close to residential windows. Officers recognise that some disturbance is therefore likely and is a constraint of the site for continued light industrial use, which is not currently controlled by any planning conditions. Although the current site is underused and does not appear to cause any significant problems in terms of noise disturbance, there is no guarantee that a future light industrial occupier would be the same. Therefore, it is considered that the principle of the change of use may be justified by virtue of Criterion (1) of Local Plan Policy E2.
- 4.8 Given the low employment density, poor quality of the existing buildings and constraints imposed by the residential context, Officers consider that the proposed change of use to residential would not have a significant adverse impact on the borough's employment stock in either the short or long term. For these reasons, the application is considered to comply with Local Plan Policies E1 and E2.

#### Residential Land Use

- 4.9 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.
- 4.10 The proposed development would contribute to a net addition of 9 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

- 4.11 Policy HO5 of the Local Plan requires a mix of housing types and sizes in development schemes, especially increasing the proportion of family accommodation.
- 4.12 The proposed development provides the following mix: 6 x 2 bedroom units, 2 x 3 bedroom units and 1 x 1 bedroom unit. As such, two family-sized units would be provided and this is considered to be a good mix of unit sizes and no objections would be raised in terms of Policy HO5, which seeks to ensure that development sites provide a mix of housing types and sizes, and it seeks to increase the proportion of family accommodation (those units with 3 or more bedrooms).

## 5. QUALITY OF ACCOMMODATION

- 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.

### Indoor and outdoor space standards

- 5.2 London Plan (2021) Policy D6 places a significant focus on internal space standards for dwellings. The purpose of the policy is to ensure that all new homes are fit for purpose and offer the potential to be occupied over time by households of all tenures and sets out the minimum Gross Internal Areas (GIA) for new dwellings. All the proposed units would meet or exceed recommended minimum GIA as set out in London Plan Policy 3.1.
- 5.3 The proposals include the following unit sizes:
- Unit 1: 3-Bed/5-Person/1-Storey: 89.2sqm (complies, 86sqm min requirement)
  - Unit 2: 2-Bed/4-Person/1-Storey: 75.6sqm (complies, 70sqm min requirement)
  - Unit 3: 2-Bed/4-Person/2-Storey: 86.9sqm (complies, 79sqm min requirement)
  - Unit 4: 2-Bed/4-Person/2-Storey: 86.2sqm (complies, 79sqm min requirement)
  - Unit 5: 2-Bed/4-Person/2 Storey:83.6sqm (complies, 79sqm min requirement)
  - Unit 6: 2-Bed/4 Person/1 Storey: 79.2sqm (complies, 79sqm min requirement)
  - Unit 7: 1-Bed/2-Person/1 Storey: 62.2sqm (complies, 50sqm min requirement)
  - Unit 8: 3-Bed/6-Person/2 Storey:107sqm (complies, 102sqm min requirement)
  - Unit 9: 2-Bed/4-Person/2 Storey:95.4sqm (complies, 79sqm min requirement)
- 5.4 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.

- 5.5 In addition, all of the proposed units would have private outdoor amenity space of a size that exceeds the requirement of Standard 26 within the Housing SPG, which states that a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm should be provided for each additional occupant. The minimum depth and width for all balconies and other private external spaces should be 1500mm and this would be achieved throughout the development.
- 5.6 For the proposed family-sized (3 bedroom) units, Key Principle HS1 states that each new dwelling should have access to amenity or garden space of no less than 36 sqm, and part of this should form private open space with direct access from the dwelling. In this case, Unit 1 (3b 5p) has a private garden of 30.2sqm at lower ground floor level, and Unit 8 (3b 6p) has a roof terrace of 22.5sqm at first floor level.
- 5.7 In addition to this, the communal courtyard would provide an additional communal amenity space, although it is accepted that this area is unlikely to be as intensively used as the private spaces. Considering the highly constrained and irregular shape of the site, the level of amenity space provision is, on balance, considered to be acceptable and no objections would be raised in terms of Key Principle HS1 on this basis.
- 5.8 Given the site constraints of this backland site, the proposed communal space and the proposed private amenity space provision is considered acceptable in this case.

#### Aspect and Outlook

- 5.9 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. London Plan policy D6 (2021) states that housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Part B in Policy D3 Optimising site capacity through the design-led approach than a dual aspect dwelling, and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating. The Council's preference is therefore for dwellings to be dual aspect. In this development, 8 of the 9 flats would be dual aspect. However, Unit 2 at lower ground floor level, would be single aspect. Nonetheless, this unit would be south-facing towards the communal courtyard with a high degree of glazing, which would provide a good degree of outlook and sense of openness for the bedrooms and living rooms and on balance this is considered to be acceptable in these circumstances.

## Daylight and Sunlight to habitable rooms

- 5.10 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 58 habitable 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.
- 5.11 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.
- + Accessible and inclusive design
- 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 In this case, none of the flats would provide level access from the communal courtyard and therefore would all fail to meet optional requirement M4(2) standards. Unit 1 would have a staircase that is designed to be adaptable for a stairlift in future and would therefore be wheelchair adaptable in accordance with optional requirement M4(3) standard.
- 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 constrained backland site.
- 5.15 The need to exercise flexibility with the accessibility requirements is considered to be especially relevant to this case. The height of the building is significantly constrained by the need to protect the residential amenities of adjoining properties, and this must be balanced against the need to maximise the development potential and number of units that can be accommodated on the site. To fit 9 units on site without increasing the height of the proposed building, the massing and layout of the development sees bottom two floors arranged as upper and lower ground floors. This solution also has the benefit of ensuring the lower ground floor units are not fully below ground, and therefore benefit from adequate daylight and sunlight, outlook, and general amenity. To create level access from the courtyard would require the lower units to become full basement units, and such an arrangement is unlikely to be acceptable in terms of the quality of accommodation

that could be provided.

- 5.16 It is also notable that the flat entrances are at least 25m from the public pavement and there would be no vehicle access. The existing shared access alleyway is ramped. Therefore, by virtue of the access constraints, the site is unlikely to be desirable or practical for those with mobility impairments or wheelchair users even if level access could be provided from the internal courtyard. On balance, it is considered that the circumstances of this particular site are exceptional, and would not reoccur frequently throughout the borough. Therefore, lack of compliance with the optional requirement M4(2) standard is not considered to be justification for refusal of the application in this instance. The minimum Building Regulations M4(1) standard would be required through the Building Regulations process.

#### Noise and Disturbance

- 5.17 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. In this case, the arrangement of the flats within the development is not uniform, and would result in living/ dining/ kitchen areas being located above/ below/ adjacent to bedrooms within adjacent flats. This is addressed by means of a standard condition requiring enhanced sound insulation between the flats, and appropriate isolation of machines to prevent vibration transmission. Subject to these conditions no objections would be raised in terms of Local Plan (2018) Policy CC11 and Key Principle NN3.

#### Secured by Design

- 5.18 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.
- 5.19 In conclusion, the development is considered to be in accordance with the policies and standards set out in the London Plan (2021) Policies D6, D7 and D11 and the relevant baseline standards contained within the Mayor's Housing SPG, as well as Local Plan (2018) Policies DC1, DC2, HO4, HO6, HO11 and CC11.

#### Fire Safety

- 5.20 Policy D12 of the London Plan states that 'all development proposals must achieve the highest standards of fire safety'.

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

## 6.0 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.

#### DEMOLITION AND DESIGN OF NEW BUILDING

- 6.6 The site is adjacent to the Melrose Conservation Area and therefore Local Plan Policy DC8 (Heritage and conservation) is also relevant. The Council will aim to protect, restore and enhance the quality, character and appearance of the borough's conservation areas. In this case, the main consideration would be the impact on the setting of those buildings within the conservation area (Nos. 3-15 Netherwood Road).
- 6.7 In addition, it is key to the assessment of this application that the decision-making process is based on the understanding of specific duties in relation to conservation areas required by the relevant legislation, particularly the Section 16, 66 and 72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 set out below together with the requirements of the NPPF. Section 72 of the above Act states in relation to conservation areas that: 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 6.8 Paragraph 201 of the NPPF requires planning authorities to assess the significance of any heritage assets affected by development proposal, including their effect on their setting. This assessment shall be taken 'into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal' (para 201 of the NPPF). Paragraph 208 of the NPPF states that 'where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'



## Demolition of existing buildings

- 6.9 Almost all of the site is occupied by the existing garage building, which is a large double-height space under a series of pitched roofs supported on external brick walls. The site boundaries are defined by this external brick wall which acts as a boundary to the rear of the gardens of the houses surrounding the site. The proposal seeks to demolish most of the structure of the main garage building including the roof, but with the retention of the brick boundary walls.
- 6.10 The existing building is somewhat dilapidated and in a poor state of repair. Although the structure is relatively low in comparison to the 3-4 storey Victorian houses surrounding it, it is still considered to relate poorly to its context. Whilst the site is scarcely visible from any public viewing points (being seen only from the end of Netherwood Place), it is highly visible from surrounding residential properties. The development therefore represents an opportunity to significantly improve upon the current situation for residents, both visually and in terms of the impact on neighbouring properties.
- 6.11 For these reasons, subject to the replacement buildings being of acceptable quality, Officers would not raise any objections to the proposed demolition.

## Design of proposed new building

- 6.12 The proposal comprises a three-storey building (lower ground, upper ground and first floor level) arranged around the north, east and west site boundaries with the primary outlook from all units directed towards an internal courtyard. The flat roof of the new building would be lower than the ridge of the workshop's pitched roof, and its mass is largely confined to the envelope of the existing buildings. On some parts of the site, the development will be considerably less enclosing for surrounding properties than the existing buildings.
- 6.13 Public views of the new development would be extremely limited, however as noted above the development would be highly visible from surrounding properties on all three sides. The contemporary design and use of high quality materials (including yellow multi-stock brick, render, and standing seam metal roofs to complement the brickwork) would represent a significant improvement on the appearance of the existing buildings. Boundary walls will be retained, and this retention of historic fabric will help the proposed development to blend into its surroundings. The buildings would be set around an open courtyard, enhancing the sense of openness on what is a highly enclosed site. Views from the upper floors of the new properties would be down onto an attractive green sedum roof on the two-storey elements and the landscaping in the open courtyard would also contribute to the visual amenity of the site when viewed by neighbours.
- 6.14 Overall, it is considered that these works are of an appropriate height, scale, and massing and acceptable in terms of design and appearance. Subject to the recommended conditions, the proposed development would preserve and enhance the setting of the adjacent Melrose Conservation Area, in accordance with Paragraph 60 of the National Planning Policy Framework and the relevant policies contained within Chapter 7 of the London Plan (2016), Local Plan Policies DC1 and DC2, as well as s.16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## Basement development

6.15 The proposal includes a new semi-basement/ lower ground floor level to be excavated partially beneath the current ground level. The proposed basement excavation would comply with Criteria A-L of Policy DC11 (Basements and Lightwells). In particular, it would not comprise more than one storey or extend beyond the footprint of the building above ground level, save for the courtyard gardens and lightwells at lower ground floor level, which are considered to be an integral part of the development. The Flood Risk Assessment (FRA) provided with the application confirms that structural waterproofing measures and active drainage devices would be incorporated into the new basement.

## 7.0 IMPACT ON NEIGHBOURS' LIVING CONDITIONS

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 site is bounded by the rear boundaries of residential dwellings to the north on Anley Road (Nos. 2-16) and to the south by residential dwellings on Netherwood Road (Nos. 17-27). The existing commercial building at 1 Netherwood Place, which borders the south-eastern corner of the site, is an office and boutique for a fashion wholesaler. On Shepherd's Bush Road to the east, the use of the neighbouring buildings are as follows:

- o No. 39 residential use on all floors, including lower ground
- o No. 41 and 43 hotel use
- o No. 45 hotel use
- o No. 47 hotel use

## Daylight and Sunlight

7.4 The submitted Daylight and Sunlight Assessment Report also assesses the impact of the proposed development on the light receivable to surrounding properties. The report has considered the impact of the development on the following properties: 2-18 Anley Road, 33-51 Shepherd's Bush Road and 17-31 Netherwood Road.

- 7.5 The results from these assessments demonstrate that the proposed development will have no noticeable effect on the neighbouring buildings or dwellings in terms of daylight and sunlight, with the impact on all windows fully complying with the targets set out in the BRE guide for the Vertical Sky Component Test. In many cases, the levels of daylight to surrounding properties would be improved and this is considered to be a material benefit of the scheme. The results are in line with what may be expected from the site inspection, given the height and bulk of the building would be largely contained within the envelope of the existing structure. On the elevations where the proposed building is slightly higher than the existing structure, it would neighbour Shepherd's Bush Road where the uses are hotels and therefore less sensitive to adverse impacts.

#### Outlook/Sense of Enclosure

- 7.6 For the same reasons, it is considered that outlook and sense of enclosure to neighbouring residential properties would not be adversely impacted, and in many cases would be improved, especially for the dwellings Netherwood Road where they would not back on to either an open courtyard. As it relates to the properties at 4-18 Anley Road, the new building would only slightly infringe the envelope of the existing building. The party wall to the Anley Road properties would be retained, and the bulk of the new storey would be recessed and raked away, so it would follow the angle and project only marginally above the line of the existing pitched roof to the workshop building. On those boundaries of the site where the building is higher than the current workshop building, the site adjoins hotels, and therefore any marginal loss of outlook or increased perception of enclosure is not considered to be a significant constraint in this regard.

#### Privacy

- 7.7 Key Principle HS7 criteria (iii) states that new windows should normally be positioned so that the distance to any residential windows is not less than 18 metres as measured by an arc of 60 degrees taken from the centre of the proposed new window. If this standard cannot be met, then windows should be designed to ensure no loss of privacy will occur.
- 7.8 The proposed buildings are all oriented towards the central courtyard and are at least 18 metres away from the rear windows of Netherwood Place. For the most part the proposed terraces and balconies are at lower ground floor level; for the one that is at first floor level (Unit 8), privacy screening would prevent loss of privacy for future occupiers (it is noted that this part of the site adjoins a hotel and the office building at 1 Netherwood Place).

#### Noise disturbance from terraces

- 7.9 Given the size, location, and relative distribution of amenity areas across the site, Officers consider that the development is not likely to give rise to significant noise disturbance for neighbouring properties, as a result of future occupants using these areas. Whilst the current business does not appear to cause any complaints in terms of noise disturbance, in general residential use would be more compatible and neighbourly than the range of potential Class B2 uses that could move onto this site. In the case of the largest amenity space, this would be at lower ground floor level, and the boundary walls of the site would help to contain noise. The

situation would also be no different to existing rear gardens, and this is a common scenario throughout the borough.

7.10 With regard to noise and disturbance from the construction phase, whilst this is not grounds to withhold planning permission, if the application were to be approved, Officers would recommend a condition requiring a Demolition Management Plan and Construction management plan to be submitted, to ensure that the amenities of local residents were protected as far as possible during the demolition phase, in accordance with Local Plan Policies CC11 and CC13 (Control of potentially polluting uses).

## 8. TRANSPORT

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 The application site has a PTAL rating of 6b, which indicates excellent access to public transport (Shepherd's Bush Underground Station, as well as bus routes on Shepherd's Bush Road). No off-street parking would be provided by the development. On Netherwood Road, there is an existing dropped kerb facilitating vehicular access to the site. This would remain and no additional street parking bays would be created. As such, to ensure the development does not result in an increase in on-street parking stress, and to promote sustainable and active modes of transport in accordance with Policy T3, it is recommended that the future occupants of all of the units are not eligible to apply for residents' street parking permits. 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. The application is therefore considered to be acceptable in this regard.

## 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:
- o 1 space per studio unit or 1-person, 1-bedroom dwelling
  - o 1.5 spaces per 2-person, 1-bedroom dwelling
  - o 2 spaces per all other dwellings.
- 8.8 Therefore, for this development, a minimum of 18 spaces must be provided and these are required to be safe, accessible and retained for the life of the development. The plans indicate one communal store towards the centre of the site, with space for 18 cycles and two short-stay cycle parking spaces will be provided within the courtyard area. A condition is recommended requiring further details regarding the type and dimensions of all spaces to be submitted, to ensure they meet West London Cycle Parking Guidelines (WestTrans) and to ensure full compliance with Local Plan Policy T3.

## 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
- 8.10 A bin storage area is to be provided within the central courtyard. A refuse collection point will be provided within 10 metres of the carriageway along Netherwood Road in accordance with Manual for Streets and LBHF waste guidance. Residents would transfer their bins to the collection point on collection day. Deliveries and servicing for the development are expected to be undertaken in the same way as the existing residential and retail units on Netherwood Road. Delivery and servicing vehicles will identify a permitted location for loading and transport any goods between that location and the site by foot. A condition is recommended requiring a detailed refuse management strategy to be submitted to

ensure compliance with Local Plan (2018) Policy CC7 and Key Principle WM4 and Appendix 5 of the Planning Guidance SPD.

- 8.11 To mitigate the impact of the development on local roads during demolition and construction, a condition requiring a Demolition and Construction Logistics Plan would also be recommended in accordance with Local Plan Policy T7 and Key Principle TR27.

## 9. ENVIRONMENTAL CONSIDERATIONS

### Tree Protection

- 9.1 Local Plan Policy OS5 states that the Council will seek to prevent the removal or mutilation of protected trees, making Tree Preservation Orders where necessary on the grounds of visual amenity. In this case, there are a few small trees in surrounding gardens and one significant tree; a large Sycamore tree in the rear garden of 19 Netherwood Road. This overhangs a proposed communal courtyard so would not be adversely affected by the proposed development. However, any excavation or alteration of surfaces within the tree's Root Protection Area should be carried out in accordance with BS5837:2012, and any pruning back of the tree's crown should be in accordance with BS3998:2010. A condition has been attached with regards to this. Subject to this condition, the Council's Arboricultural Officer is satisfied that the impact on the protected street tree could be satisfactorily managed so that the health of the tree is not adversely impacted, or lost, with resulting impact on the visual amenity of the conservation area, in accordance with Local Plan Policy OS5 (Greening the borough).

### Flood Risk and Sustainable Drainage (SuDs)

- 9.2 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.
- 9.3 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.
- 9.4 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.
- 9.5 This site is located in the Environment Agency's Flood Risk Zone 3. A Flood Risk Assessment (FRA) has been provided. This report confirms the inclusion of structural waterproofing measures and non-return valves, as well as additional flood resilience measures. These measures are considered to be adequate, and the FRA is subject to a condition.

- 9.6 In respect of sustainable drainage, consideration has been given in the FRA to potential surface water management proposals, in line with the requirement of Local Plan Policy CC4 to integrate sustainable drainage systems (SuDS) into new developments. Flood resilience measures are proposed for the new development, including sewer surcharge protection. Specific measures are also proposed to manage surface water to reduce this flood risk. The existing site is mostly occupied by the garage/auto centre building and largely impermeable currently with run-off being directed into the sewer network. The redevelopment of the site allows the introduction of permeable areas such as permeable paving. A condition is recommended requiring a finalised SUDS strategy, to ensure the strategy maximises the use of SuDS on the site and achieves greenfield rates for the final discharge of run-off where possible. An informative has also been attached advising that water-efficient appliances are used throughout the development.
- 9.7 Subject to the recommended conditions and informative, the proposed development is not considered to pose a flood risk and sustainable drainage matters will be adequately addressed. Therefore, the proposed development would accord with London Plan Policies SI12 and SI13 and Local Plan Policies CC3 and CC4.

#### Contaminated Land

- 9.8 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.
- 9.9 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. 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

- 9.10 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.
- 9.11 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.

- 9.12 The development site is within the borough-wide Air Quality Management Area (AQMA). The site is in an area of very poor air quality due to the road traffic vehicle emissions from Shepherd's Bush Road (A219). The development proposal will introduce new residential receptors into an area of poor air quality. As such, further mitigation measures will be required to make the development acceptable in accordance with Local Plan Policy CC10. Mitigation will be required in the form of additional ventilation for the proposed habitable rooms, i.e. bedrooms and living rooms. A condition has been attached requiring details of a mechanical ventilation strategy to be submitted. The fresh air intakes for the system should be located at roof level, and care will also need to be taken to locate the intakes away from any local sources of pollution such as boiler flues and kitchen vents.
- 9.13 After road transport, buildings are the second largest source of air pollution in London, emitting 44% of the total Nitrogen Dioxides, or about 2950 tonnes per year. Buildings are also the second largest anthropogenic source of Particulates after road transport, contributing 18% of London emissions through gas heating, large boilers and Industrial plant. Building emissions arise primarily from combustion to provide space and water heating and some industrial processes. Domestic sources, primarily water heating gas boiler exhausts, are distributed over wide areas, diluting their pollution. While commercial heating plant emissions can be intense, these are required to have tall chimneys and special abatement equipment, to minimise concentrations downwind and the chances of a plume reaching the ground. Thus, buildings do not tend to create pollution exceedance hotspots, but contribute substantially to the urban background pollution concentrations.
- 9.14 The demolition and construction works have the potential to create dust and air quality issues. These impacts should be assessed through an Air Quality Dust Management Plan (AQDMP) to be submitted, and appropriate air quality mitigation measures implemented for nearby residential receptors both on-site and off-site of the development. A condition has been attached with regards to this matter.

## 10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1 Mayoral CIL (Community Infrastructure Levy) came into effect in April 2012 and is a material consideration to which regard must be had when determining this planning application. Under the London wide Mayoral CIL the development according to the figures provided in the applicant's mayor CIL form is estimated to be liable for a £4,160.00 + indexation payment. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy 8.3 (Community Infrastructure Levy).
- 10.2 The borough's own community infrastructure levy came into effect on 1st September 2015. The site is located in the 'Central B' charging zone. The rate for this zone for the creation of residential floorspace is £200/sq.m. The proposed development is estimated to be liable for a payment of £10,400 + indexation under the borough's CIL. This payment would go towards infrastructure projects and needs including health, education, community safety, leisure and parks, waste and street enforcement, community investment, economic development, libraries, environmental health, drainage and flooding, basic transport infrastructure and public realm improvement.



## 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) Car Permit Free - To prohibit any occupiers of the 9 residential units, other than Blue Badge Holders, from obtaining a parking permit, under Section 16 of the Greater London Council (General Powers) Act 1974.
  - 2) Enter into a S278 Agreement to fund any necessary highway works arising from the development to the footway and including the removal of the crossover on Netherwood Road;
  - 3) AQDMP Compliance monitoring of £3000 per annum of the demolition and construction phases of the development;
  - 4) Construction Monitoring obligation £3000 per annum;

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;

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

## 11. CONCLUSIONS

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 summary, Officers consider that the proposed development would be appropriate in terms of land use, design and scale, and that it would not cause demonstrable harm to the amenities of neighbouring residents. The proposals would contribute towards an identified housing need and local housing target on previously developed land and would make efficient use of this previously developed site, by optimising the residential element within a well-designed scheme that is in keeping with the character and appearance of the street scene and the surrounding area. 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.

11.3 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.

11.4 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.

**Ward:** Coningham

**Site Address:**

14 Ellingham Road London W12 9PR



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

**Reg. No:**

2024/01862/FUL

**Case Officer:**

Zhirong Li

**Date Valid:**

31.07.2024

**Conservation Area:**

**Committee Date:**

03.12.2024

**Applicant:**

Charles Keiden & Rebecca Steinfeld  
14 Ellingham Road London Hammersmith And Fulham W12 9PR

**Description:**

Erection of a rear roof extension, involving an increase in the ridge height to match adjoining property at no.12; erection of a rear extension at second floor level, on top of the existing back addition; erection of a single storey rear extension, to the side of existing back addition; and installation of 3no. rooflights in the front roofslope.

Drg Nos: See condition 2

**Application Type:**

Full Detailed Planning Application

**Officer Recommendation:**

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

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

**Conditions:**

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

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

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

- P/22 Rev C, P/23 Rev E, P/24 Rev C, P/26 Rev G, P/28 Rev D, P/29 Rev D, 31 Rev B, P/35, P/36, P/37.

- Flood Risk Assessment (24/07/24).

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

3) The development hereby approved shall be carried out and completed in accordance with the materials details (including colour and finish) specified below:

- Party walls: Yellow London stock brick to match the existing building in terms of brick and mortar colour and bond pattern.
- Second-floor rear extension: Natural or artificial grey slates tiles to match the colour, shape and size of the existing roof.
- Ground-floor side extension: Zinc cladding and yellow London stock brick.
- Dormers face/cheeks: Clad in lead.
- Windows: Timber frames sliding sash window, painted in white.

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

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

4) The raised party walls for the rear roof extension the and the second floor rear extension shall be constructed of London stock brick to match the existing dwelling in terms of brick colour, bond pattern and mortar colour; shall follow the shape of the roof structure; and shall not project more than 250mm above the external face of the roof structure. The party walls shall be permanently retained in this form thereafter.

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

5) The roof of the rear roof extension, second floor rear extension and the ground floor extension shall not be converted into or used as a terrace or other open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roof of the extension and the remainder of the roof of the back addition. No railings or other means of enclosure shall be erected around the roofs and no alterations shall be carried out to the property, including the extension hereby approved, to form an access onto the roofs.

Such a use would be detrimental to the amenities of neighbouring properties by reason of overlooking and loss of privacy and potential noise and disturbance, contrary to Policies CC11 and HO11 of the Local Plan (2018).

6) No water tanks, water tank enclosures or other structures shall be erected upon the roof of the extension hereby permitted or the remainder of the roof of the existing back addition.

It is considered that such structures would seriously detract from the appearance of the building, contrary to Policies DC1 and DC4 of the Local Plan (2018).

- 7) The development shall be carried out and completed in full accordance with the details contained within the approved Flood Risk Assessment (dated (24/07/24)). No part of the development shall be used or occupied until all flood prevention and mitigation measures have been installed in accordance with the submitted details and the development shall be permanently retained in this form and maintained as necessary thereafter.

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

**Justification for Approving the Application:**

- 1) The proposed alterations are considered to be of an acceptable appearance, in keeping with the character and visual appearance of both the application property and the terrace. The proposed development would have an acceptable impact on neighbouring residential amenity and flood risk. In these respects, the proposal would be in accordance with Policies CC3, CC4, DC1, DC4, DC11 and HO11 of the Local Plan (2018) and no objections would be raised in terms of Key Principles FR1, HS4, HS6 and HS7 of the Planning Guidance Supplementary Planning Document (2018).

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

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

Application form received: 24th July 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

## **Consultation Comments:**

**Comments from:**

**Dated:**

## **Neighbour Comments:**

**Letters from:**

**Dated:**

10 Ellingham Road London W12 9PR	26.08.24
12 Ellingham Road London W12 9pr	28.08.24
12 Ellingham Road London W129PR	26.08.24
16 Ellingham Road Shepherds Bush London W12 9PR	30.08.24
22 Ellingham Road London W12 9PR	01.08.24
12 Ellingham Road London W12 9PR	25.08.24
18 Ellingham Road London w12 9pr	25.09.24

### 1.0 SITE DESCRIPTION

- 1.1 The application site comprises a two storey mid-terrace property located on the western side of the Ellingham Road.
- 1.2 The site does not lie within a conservation area.
- 1.3 The site lies within Environmental Agency Flood Risk Zones 2 and 3.

### 2.0 SITE HISTORY

- 2.1 1972/01794/FUL - Conversion into two self-contained flats and the erection of a two storey extension at the rear. Refused 26.03.1973.
- 2.2 2023/01529/FUL - Erection of a rear roof extension, involving an increase in the ridge height to match adjoining property no.12; erection of a rear extension at second floor level, over part of the existing back addition; erection of a single storey rear extension, to the side of existing back addition; installation of 3no. rooflights in the front roofslope; erection of 1.7m high obscure glazed screening over the remaining part of existing first floor back addition, in connection with its use as a roof terrace. Approved 09.11.2023. Not yet implemented.

### 3.0 PROPOSAL

- 3.1 The current application seeks planning consent for the erection of a rear roof extension, involving an increase in the ridge height to match adjoining property at no.12; erection of a rear extension at second floor level, on top of the existing back addition; erection of a single storey rear extension, to the side of existing back addition; and installation of 3no. rooflights in the front roofslope.
- 3.2 This is a revision of the extant permission (2023/01529/FUL), and the main change seeks to provide an enlarged extension on top of the back addition replacing the previously approved extension and roof terrace.

## 4.0 CONSULTATION

4.1 As part of the public consultation process, 22 neighbouring properties were consulted by letter. 9 representations have been received, this included 8 letters of objection (from 4 properties) and 1 letter of support. These comments are summarised below:-

### Objection

- Loss of light, increase in sense of enclosure
- The impact would be detrimental to the career of the neighbouring residents.
- Reduce the light into the neighbouring rear gardens.
- Loss of outlook.
- It is an unneighbourly development.
- None of the neighbours were consulted prior to the submission.
- Ongoing disruption to the road
- Additional strain to an overloaded drainage system.
- Set a precedence for the others in the road.
- Overdevelopment

### Support

- High quality design that benefits the character of the area
- Reasonable spatial extension for a family with children.

### Officer comments:

- Where the above matters constitute a material planning consideration, they are addressed in the relevant section of the officer report. This including the visual impact upon the application site and the surrounding area as well as impact to the neighbouring amenities. The impact of the proposal upon flood risk has also been considered, the flood risk assessment has been reviewed by the relevant consultee and no objection has been raised subject to the implementation of the measures within the FRA.
- In regard to public consultation, officers are satisfied that the application was publicised in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 legislation.

## 5.0 POLICY CONTEXT

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

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



5.3 In this instance, the statutory development plan comprises the London Plan (2021), 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)

5.4 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.

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

#### The London Plan (2021)

5.6 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)

5.7 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.

## 6.0 PLANNING CONSIDERATIONS

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

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

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

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

#### DESIGN AND VISUAL IMPACT

6.3 Policies DC1 and DC4 of the Local Plan (2018) require a high standard of design in all alterations, and that extensions to existing buildings be compatible with the scale and character of existing and neighbouring development and their setting, integrated into the architectural design of the existing building, and subservient in terms of its bulk, scale, materials, and design.

+ Increase in ridge height and rear roof extension

6.4 The proposed rear roof extension would involve an increase of the ridge height to match the ridge height of adjacent property No.12 Ellingham Road; this would be achieved by 'shooting back' the existing ridgeline. The pitch of the front roofslope would be maintained and would not appear out of keeping within the group. It is therefore considered to be acceptable.

6.5 To the rear, the proposed rear roof extension would be angled at 90-degrees to the rear, whilst it is not the traditional 70-degrees mansards, given a large number of the rear roof extensions at the application terrace are all angled at 90-degrees, the proposed design is considered acceptable in this instance which would ensure the uniformity to the rear of the terrace. The proposed extension would be finished with hung tiles to match the main roof. The proposed roof extension would have a small window above the proposed second floor extension and a large three pane window, it is noted that a number of existing rear extensions along the application terrace also have large windows, such as Nos, 14, 16, 26 and 28 Ellingham Road. There is no objection to the proposed large window.

+ Second floor extension ('pod' extension)

6.6 The proposed second floor extension would occupy the entire depth of the back addition, with 70-degrees pitched roof on both the side and rear elevations. The extension would be finished with hung tiles to match the rear roof extension and the main roof and there would be a timber sliding sash window to the rear elevation. Whilst the Council would normally resist full depth extensions on top of back additions, in this context, Officers acknowledge the recent Planning Inspectorate appeal decision at No.20 Ellingham Road (Appeal ref. APP/H5390/W/22/3311179) and the subsequent approval of a similarly scaled extension at No.22 Ellingham Road (Ref. 2023/01624/FUL). In the appeal decision, the Inspector considered that the proposed second floor extension would cover the entirety of the rear outrigger and increase its height and bulk. However, they concluded that the apparent scale would be reduced, due to its sloping sides, and natural slate cladding would differentiate it, visually, from the two storeys below. The lower floor level of the rear outrigger would result in the roof of the mansard being only a little higher than the eaves of the main part of the house. Consequently, it would not be out of proportion, or over dominant.

- 6.7 The application site has a similar character as Nos.20 and 22 Ellingham Road, with their original outrigger lower than the main part of the house. Whilst the proposed second floor extension above the outrigger would project above the eaves slightly more than the approved extensions at Nos.20 and 22, it would still be sufficiently set down from the ridge, and much of the bulk above the eaves would be limited in scale due to the pitched roof design. The proposed extension therefore would not appear overbearing to the host building.
- 6.8 In any case, the proposed extension would not appear out of place in the context of similar development in the area, nor would it stand out negatively in a conspicuous manner. This is especially given the approved extensions at Nos.20 and 22 Ellingham Road, and a large second floor extension at No.32 Ellingham Road that is highly visible from Batson Street. The proposed extension would have limited views from within the public realm due to the mid-terrace location. It is therefore considered that the proposed second floor extension would not result in harm on the aesthetic quality of the host building and the surrounding area.

+ Side infill extension

- 6.9 The proposed side extension would infill the side of the original outrigger only. The extension would have two roof designs. On the boundary shared the existing side infill extension with No.16 Ellingham Road, the proposed extension would have a height that matches the extension at No.16 and rise up to approx.3.1m high. This section of the extension would be finished with zinc cladding with a flat rooflight. Beyond the extension at No.16, the proposed extension would have a 2m height on the boundary measuring from the ground level of No.16 (approx.1.5m height from the application site) and rise up in 45-degrees in accordance with Key Principle HS7(ii) of Planning Guidance SPD (2018). This section of the extension would be finished with London stock bricks to match the main building on the rear elevation and the roof would be finished with zinc cladding. There would be 2no. rooflights and a glazed door to the rear.
- 6.10 In general, this aspect of the proposal is considered to be in accordance with the pattern of development in the street. It would maintain an acceptable form and bulk at the rear ground floor and no objections are raised to this element of the development.

+ Rooflights

- 6.11 The proposal seeks to install rooflights to the front roof slope and to the rear flat roof of the rear roof extension and the second-floor extension. These are minor and largely innocuous additions which would be of modest scale in appearance and would avoid giving rise to visual clutter on the roof due to their neat and in-scale appearance. This element of the proposal is considered to be acceptable.
- 6.12 Overall, the proposed development is considered to be of an acceptable size, scale, form, and design and it would be subservient to the host property and in keeping with the established development patterns within the immediate vicinity. As such, the scheme would not cause any architectural harm the host property and the wider area. In view of this, the proposal is considered to be in accordance with Policies DC1 and DC4 of the Local Plan (2018).

## RESIDENTIAL AMENITY

- 6.13 Policies HO11 and DC4 of the Local Plan (2018) state that extensions and alterations to existing dwellings will be considered acceptable where it can be demonstrated that there is no detrimental impact upon the amenities enjoyed by neighbouring properties to include privacy, daylight and sunlight, and outlook. This approach is reflected in Key Principles HS4, HS6 and HS7 of the Planning Guidance SPD (2018) where provide further guidance on extensions against sense of enclosure, loss of outlook, loss of privacy, loss of daylight and disturbances against neighbouring occupiers.
- 6.14 Key Principle HS4 noted that due to the borough already has a high density of development, with little space between buildings, it is important to limit the size of rear extensions to ensure that they do not result in an unacceptable loss of existing amenity space or adversely affect the existing sense of openness between buildings. The proposed single storey would not project beyond the rear of the original outrigger, it would be more than 4m away from the rear boundary of the application property and more importantly, and it would cover no more than 50% of the open area at the rear property as originally built. On this basis, the proposal would comply with Key Principle HS4 to ensure a neighbourly development.
- 6.15 In consideration of Key Principle HS6, it states that building's proximity can have an overbearing and dominating effect detrimental to the enjoyment of adjoining residential occupiers. To test this, the Council uses a reference line produced at an angle of 45 degrees from a point at ground level on the boundary of the site, or a point of 2m above ground level where rear gardens exceed 9m. If the above does not apply, then on-site judgement will be a determining factor. No.106 Percy Road adjoins the application site to the rear, and it has a rear garden approx. 18m in depth. As shown on the proposed plans, the proposed rear extensions would infringe an angle of 45-degrees line when measuring from the ground level of the rear boundary line, however given the large separation distance between No.106 and the application site, it is therefore considered that there would not be any significant overbearing, enclosure and loss of outlook impacts on No.106 Percy Road.
- 6.16 The proposed rear roof extension would be contained within the rear roofslope and not extend past the eaves line, the rear elevation of the extension would be largely aligned with the existing rear roof extensions at Nos.12 and 16 Ellingham Road, this would mitigate against any harm to the light and outlook to both neighbouring properties.
- 6.17 No.12 Ellingham Road adjoins the application site to the north has an existing 'pod' extension over part of the original outrigger, this extension serves an office, and it has a window to the rear elevation and a window the side flank elevation which is also clear glazed. The proposed 'pod' extension would have a similar height as the existing extension at No.12 and extend the full depth of the along the party wall. When measuring from BRE's 45-degrees line, the proposed extension would infringe 45-degrees line taken from the mid-point of the rear elevation window which would have some impact to the levels of light received by this window. However, this is not the only window to this room, with secondary glazing

to the side elevation, as well as the nearest property to the rear is over 18m away, which means the rear elevation window at No.12 would still benefit from an otherwise open outlook.

- 6.18 No.16 Ellingham Road adjoins the application site to the south. The nearest windows that could be affected by the proposed development are the windows to the main rear elevation and the windows to the side flank elevation of the outrigger. Key Principle HS7(i) states that extensions to either the roof of the back addition or to the rear of the back addition should enable an unobstructed angle of 45 degrees to be achieved to any window to a habitable room on the ground floor of the back addition if that forms the sole window to that room. No.16 has an existing side infill extension, which removed most of the windows to the main rear elevation and side flank elevation on the ground floor that could be affected by the proposed extension. There is, however, a door to the side of the flank elevation on the ground floor to the rearmost of the outrigger, however, it is understood that there is also a door to the rear of the outrigger that serves the same room that provides additional light and outlook to this room.
- 6.19 Key Principle HS7(i) also states that where there is an existing rear addition, the angle of unobstructed visibility for this purpose should not be reduced by more than 15%. Where no rear addition currently exists at the level of the extension then on-site judgement will be a determining factor in assessing the effect which the extension will have on the existing amenities of the neighbouring properties. The proposed second floor extension would be located at a level where there is currently no existing extension, on-site judgment will be the determining factor in assessing the impact to the windows to the main rear elevation. It is noted that due to the application terrace is on a hill, the application site is at a slightly higher position than No.16. On the main rear elevation of No.16, there is a smaller secondary window on the upper-ground level above the existing single storey side infill extension for the sitting room, this room is also served by windows to the front of the property.
- 6.20 At first-floor level, there is a window to a habitable room (bedroom), whilst this window is lower than the first-floor window of the application site by approx.2 brick courses, on shown on the proposed plans, the proposed second floor extension atop of the outrigger still allows an unobstructed angle of 45 degrees to be achieved when measuring from the mid-point of this window. This would mitigate any significant loss of light or overbearing impact upon this window. To the side flank elevation of the outrigger at No.16, there is a window that serves a study/office, this same room is also served by a window to the rear of the outrigger on the first-floor level, as such light and outlook are also available to the west, and this would be unaffected by the proposal. In any case, the proposed plans have demonstrated that the proposed extension would not breach an angle of 45-degrees to the side elevation window. On this basis, it is considered that the proposal would not unacceptably impact upon this neighbour in terms of loss of light or overbearing impact.
- 6.21 Key Principle HS7(ii) relates to any extension at the side of the back addition. It states that the extension should not extend above a height of 2m on the boundary with the adjoining property as measured from the ground level of the adjoining property. The roof of the extension should have a maximum angle of slope not exceeding 45 degrees. The proposed ground floor extension would infill the side of

the outrigger only which would extend along the boundary shared with No.16 Ellingham Road. At the section of the existing side infill extension of No.16, the proposed extension would have a height that match the maximum height of the existing extension at No.16 on the boundary and rise up to approx.3.1m high. Whilst this section of the proposed extension does not comply with Key Principle HS7(ii), given No.16 does not feature any windows to the side flank elevation at this section of the extension, and given the modest height of the proposed extension, it is not considered that there would be undue enclosure or obtrusiveness. Beyond the existing side infill extension of No.16, the proposed extension would have 2m height on the boundary measuring from the ground level of No.16 (approx.1.5m height from the application site) and rise up in 45-degrees in accordance with Key Principle HS7(ii). This would mitigate any significant harm to No.16 with regards to light and outlook.

6.22 Key Principle HS7 (iii) further requires that any new habitable windows are 18m from existing habitable windows. This is measured by an arc of 60 degrees taken from the centre of the proposed new window. As noted above, No.106 Percy Road is over 18m away from the rear of the rear elevation of the application, which would mitigate any potential overlooking and loss of privacy to No.106. There are no windows proposed to the side flank elevation of the extension which would limit any overlooking to Nos.14 and 16 Ellingham Road.

6.23 Overall, it is judged that the scheme would have limited impacts on neighbouring amenity given the context and surrounding built form. It is considered that the proposal would be in line with Policies HO11 and DC4 of the Local Plan (2018) and Key Principles HS4, HS6 and HS7 of the Planning Guidance SPD (2018) aimed promoting good neighbourliness and preserve the amenity and living conditions of neighbouring occupiers.

## FLOOD RISK

6.24 The application site lies within the Environment Agency's Flood Risk Zone 3, and a flood risk assessment (FRA) has been submitted as part of the application. The FRA confirmed that the finished floor levels of the extension will match the existing and flood-proofing measures will be included. On this basis no objections are raised subject to the implementation of the measures as outlined in the FRA. On this basis, the proposal is considered to be in accordance with Policy CC3 of the Local Plan (2018).

## 7.0 RECOMMENDATIONS

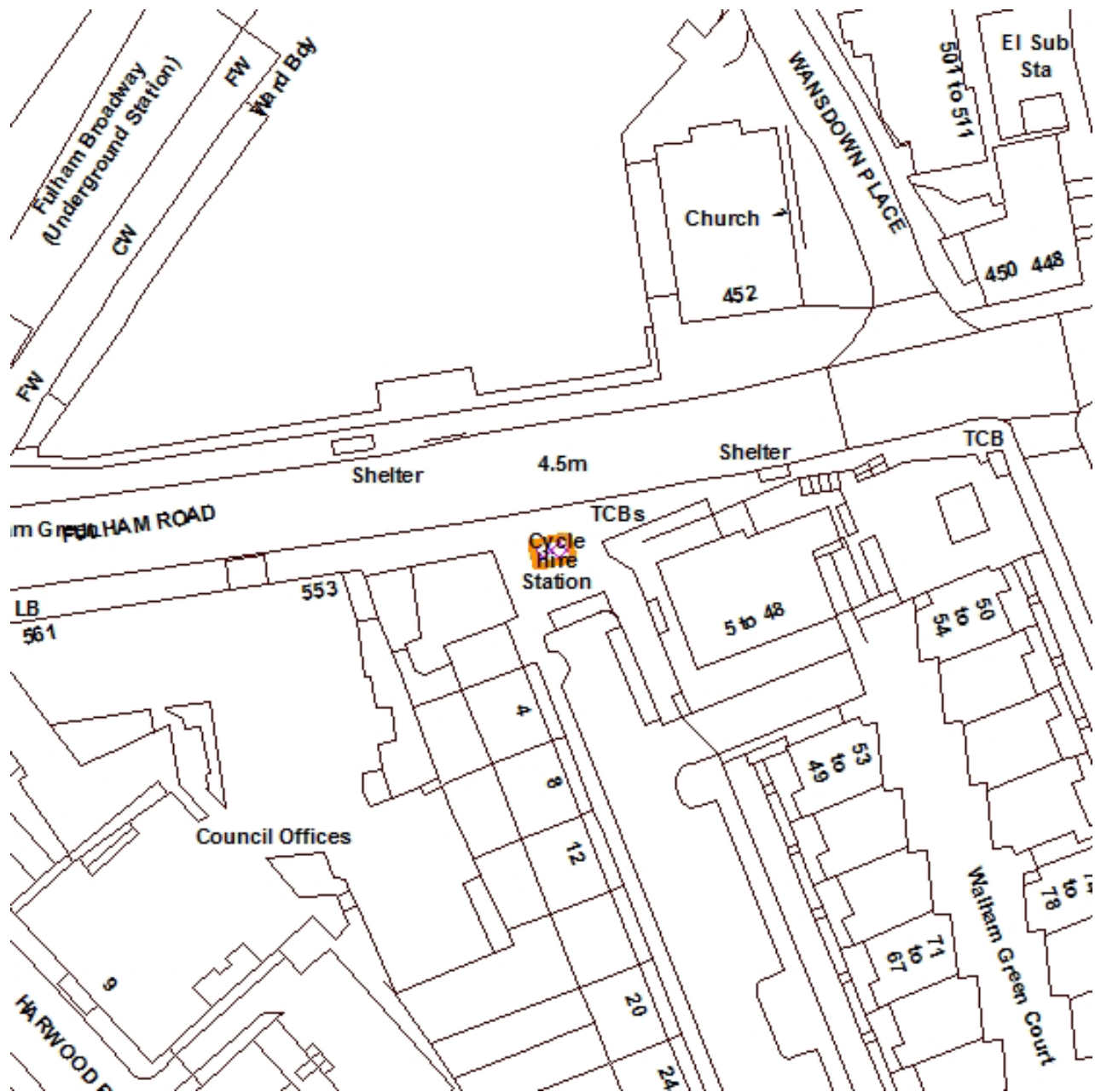
7.1 The proposed development is considered to be acceptable on visual amenity grounds as well as its impact on neighbouring residential amenities. In this regard the proposal is considered to comply with Policies DC1, DC4 and HO11 of the Hammersmith and Fulham Local Plan (2018), and Key Principles HS6 and HS7 of the Hammersmith and Fulham SPD (2018).

7.2 Grant planning permission in line with the recommendations above.

# Agenda Item 7

**Ward:** Walham Green

**Site Address:** Pavement On Cedarne Road Adjacent to 547-551 Fulham Road SW6



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

**Reg. No:**

2024/00650/FR3

**Case Officer:**

Robert Cook

**Date Valid:**

22.03.2024

**Conservation Area:**

Constraint Name: Walham Green Conservation Area - Number 14  
Constraint Name: Moore Park Conservation Area - Number 30

**Committee Date:**

03.12.2024

**Applicant:**

Mrs Kristina Ashenden  
25 Bagleys Lane London W6 9BL United Kingdom

**Description:**

Use of part of the public highway for the placing of a temporary market stall (selling hot food takeaway) measuring 4m x 3m during Chelsea Football Club match days.

**Application type:**

Full Regulation 3 - LBHF is Developer

**Officer Recommendation:**

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

Conditions

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

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

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

001 C;  
65010/28/1;  
Service Delivery Plan (received 20.03.2024).

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



- 3) The use of the premises shall only be permitted while Fulham Road is closed to vehicular traffic, up to 3 hours before the start of a home football matchday event and no more than 2 hours after that event on Chelsea Football Club matchdays.

In the interests of highway safety in accordance with Policy T4 of the London Plan (2021) and 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.

- 4) The stall shall be serviced in line with the submitted Service Delivery Plan (received 20.03.2024) which details the loading and unloading, vehicle movements, and quiet loading/unloading measures. The details within the agreed Service Delivery Plan shall be implemented prior to the stalls being used and thereafter be permanently retained.

To ensure that the amenity of occupiers of the surrounding premises and the development are not adversely affected by noise and that servicing activities do not adversely impact on the highway, in accordance with Policies T2, T4, T5, CC11 and CC13 of the Local Plan 2018.

- 5) No servicing of the stall/s shall occur from the public footway adjacent to, or part of the site.

To avoid vehicles using the public footway for servicing and causing an obstruction on the footway, in accordance with Policies T1 and T6 of the Local Plan (2018) and Key Principle TR25 of the Planning Guidance Supplementary Planning Document (2018).

- 6) 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).

- 7) A maximum of one stall at any one time shall be erected only in the location shown on the approved drawings and no stalls shall be erected in any other area at any time. The market stall shall be dismantled and removed when not trading.

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).

- 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) 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).

**Justification for approving application:**

- 1) The proposal would support the vitality and viability of Fulham Town Centre, would be of an acceptable visual appearance which would not harm the character of the area or the setting of the Conservation Areas or nearby heritage assets, would not have an unacceptable impact on the existing amenities of the occupiers of neighbouring residential properties and surrounding area, and would not have a significant further impact on the highway network or road safety. In these respects, the proposals comply with the relevant policies of the NPPF (2023), the London Plan (2021), the Local Plan (2018) and the relevant Key Principles within the Planning Guidance Supplementary Planning Document (2018) and Climate Change Supplementary Planning Document (2023).

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

- 1) In determining this application, the local planning authority has worked in a proactive 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).

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

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

Application form received: 20th March 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

## **Consultation Comments:**

Transport for London

15.04.2024

## **Neighbour Comments:**

None

Dated:

### **1.0 BACKGROUND AND SITE HISTORY**

#### **Site Description**

- 1.1 The application site comprises an area of public footway, on the corner of Fulham Road and Cedarne Road, and opposite of Fulham Broadway Station.
- 1.2 The application site is located on the boundary of Walham Green and Moore Park Conservation Areas and close to the Grade 2\* Listed Fulham Town Hall and various locally listed Buildings of Merit. It is also located within the Fulham Town Centre and directly opposite the Primary Shopping Area of Fulham Broadway.

#### **Relevant History**

- 1.3 This site was the subject of two previous temporary permissions for the siting and operation of a temporary market stall on this part of the public footpath (ref. 2020/00045/FR3 & 2022/01223/FR3).
- 1.4 The first permission (ref.2020/00045/FR3) was granted by Committee in February 2021 for a period of 24 months, for the operation of a flower stall during the hours of 08:00-18:30, Monday to Sunday. The stall measured 3x2m and was sited adjacent to the side elevation of 547 Fulham Road.
- 1.5 The second permission (ref. 2022/01223/FR3) was granted in January 2023 for a period of 13 months, for the operation of a hot food takeaway, restricted to Chelsea Football Club match days and between the hours of 08:00-18:00, Monday to Sunday. The stall, following revisions, measured 4m x 3m and was sited more centrally within the application site.
- 1.6 These temporary approvals provided an opportunity 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.

#### **Current Application**

- 1.7 This current application follows on from the most recent temporary permission for a hot food takeaway stall on Chelsea Football Club match days, which expired in February 2024 but has continued.

- 1.8 The application seeks to regularise the continued use of part of the public highway for a market stall selling hot food takeaway, the dimensions and siting of which would directly reflect that of the recently expired permission. It also seeks to address discrepancies within the 2022 permission with regard to hours of operation, as Condition 2 stated that 'The use of the premises shall not be permitted outside match days and the hours of 08:00-18:00, Monday to Sunday', whereas the Service Delivery plan conditioned under Condition 3 stated that 'Trading will only take place on CFC match days, 8am to 8pm'. The applicant has confirmed that permission is still only sought for CFC match days, but within the longer hours of 8am to 8pm and restricted to 3 hours before and 2 hours either after the event starts and ends; this is secured by the proposed Condition 3.

## **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 122 neighbouring properties. No representations were received.

### **External Consultation**

- 2.2 Transport for London: Objected on the grounds of pedestrian safety.

Officer Response: A condition has been attached to ensure that the stall only operates when Fulham Road is closed for home matchdays and this would mitigate concerns about pedestrian safety as there would be no conflict with traffic.

## **3.0 PLANNING CONSIDERATIONS**

- 3.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory 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 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.
  - Highways matters, including highway safety and 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. However, the application site is within Fulham Centre and is therefore subject to Local Plan Policies TLC1 (Hierarchy of Town and Local Centres) and TLC2 (Town Centres). Policy TLC1 seeks to enhance the vitality and viability of town centres by various means, including by supporting a mix of shop sizes and types, with independent as well as national traders, that are accessible to local residents, workers and visitors. Policy TLC2 seeks to ensure that uses are complementary to the shopping frontage, whilst maintaining or increasing the vitality and viability of the town centre.
- 4.2 The proposed use would be of a modest and complimentary scale and nature, located opposite the Fulham Broadway underground station and would contribute to the vitality or viability of Fulham Town Centre. The proposals therefore accord with Policies TLC1 and TLC2 and are considered to be acceptable in principle.
- 4.3 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 Areas.

## 5.0 HIGHWAYS MATTERS

- 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 This current application is a resubmission of the previously approved application (2022/01223/FR3) and proposes the same dimensions and siting as previously approved. The proposed market stall would be located on the pedestrian footpath between Cedarne Road and Fulham Road, set back 6.0m from the side of 547-551 Fulham Road. The front elevation of the stall would face Fulham Road and would align with the front elevation of the building along Fulham Road.
- 5.4 The proposed market stall is located on a part of a footway with a high level of footfall, especially on match days. The site is also located within the Fulham Town Centre, meaning that a minimum width of 3.5m clear and unobstructed footway will need to be provided as per Key Principles TR25 and TR29 of the Planning Guidance SPD (2018).

- 5.5 TfL objected on the grounds that the market stall is proposed in an area of footpath which is already constrained by cycle hire bikes, street trees, adjacent steps and the proximity to the crossing. TfL were concerned that the increased pedestrian flows on matchday would exacerbate this constraint and the market stall and associated customer queuing and loitering could have an adverse impact on pedestrian flows and access to the crossing, causing road safety concerns. This would be contrary to London Plan policy T4 part F which states that "proposals should not increase road danger" and may have an adverse impact on the Strategic Road Network (SRN).
- 5.6 The proposals have been considered by the Council's Highways officers. In this instance, the proposed layout plan indicates that the market stall would be located to the side of the pedestrian footway at the corner of Fulham Road and Cedarne Road (no through road for vehicle traffic), leaving an unobstructed footway width of over 3.5m from Fulham Road. As such, even with existing obstructions including bicycle racks and lamp columns taken into consideration, Officers are satisfied that there would be sufficient space remaining to ensure the free flow of pedestrians.
- 5.7 Furthermore, Highways Officers have note that there is an existing Traffic Order in place allowing the closure of Fulham Road on CFC match days, from 3 hours before the event start time, and ending not more than 2 hours after the event finish time or at such time as those prohibitions are no longer considered necessary to ensure the safety of pedestrians. To maintain the safety of pedestrians, Highways raise no objections so long as the stall is only in operation whilst Fulham Road is closed for traffic
- 5.8 Condition 3 would restrict the operation of the stall to the hours of the road traffic closure of Fulham Road. The Council's Highways team have confirmed that this would address TfL's objection regarding road safety and the potential for an adverse impact on the Strategic Road Network.
- 5.9 In terms of servicing, Condition 3 would align with the submitted Servicing Management Plan, which outlines that loading and unloading would occur on Fulham Road, no earlier than 2 hours prior to kick off and loading 2 hours after match end. On this basis, no loading, unloading or operation of the proposed market stall would occur while Fulham Road is open to vehicular traffic.
- 5.10 The submitted Servicing Management Plan provides further details on loading and unloading, which would involve using a transit van approximately 4.5m long and 1.9m high, and vehicles would abide by official traffic and parking restrictions in the area. These details match those of the previous permission, and as outlined, should only occur during hours at which Fulham Road is closed to vehicular traffic. Highways officers consider that the servicing of the stall would not adversely impact on the surrounding highways. Condition 4 would secure these details and Condition 6 requires the submission of further details regarding waste management.
- 5.11 Subject to conditions, it is considered that the proposals would accord with Policies T1 and T6 of the Local Plan and Key Principles TR25 and TR29 of the Planning Guidance SPD.

## 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 units are located above the market stall, at the upper floors of 547-551 Fulham Road. Whilst the market stall would be located a reasonable distance of 6m away from the building, the upper floor residential units may be impacted by hot food odours emitted from the stall. Officers also acknowledge that noise from the development could be generated from vehicles arriving, setting up, and voices etc.
- 6.3 The stall would be in use for limited hours, no earlier than 3 hours prior to kick off and 2 hours after the home football match on match days end. It is not considered that the unloading, loading and operation of the proposed market stall would generate additional noise beyond what has been established by the existing Town Centre activities in the area and the considerable pedestrian and heavy vehicular traffic on Fulham Road and pedestrian movement on Cedarne Road at that time.
- 6.4 A market stall has been in operation in this position during various hours for a period of time since February 2021, and no noise complaints have been received. A market stall providing hot food takeaway has been operating in this location on match days since January 2023, and the Council has received no complaints about odour with regard to the existing use.
- 6.5 Similarly, the Council's Environmental Protection Team have considered the proposals and have raised no objections to the proposals. It is not considered that the continued operation of a market stall providing hot food takeaway during restricted hours, limited to match days, would result in any undue detrimental impact on neighbouring properties with regard to odour.
- 6.6 Consistent with recent approvals for similar market stalls in public locations, a condition is attached 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 would reduce noise and fumes from less acceptable fossil fuelled 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.



6.7 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 on the boundary of Walham Green and Moore Park Conservation Areas and close to the Grade 2\* Listed Fulham Town Hall and various locally listed Buildings of Merit.

7.4 The proposed market stall would be sited within a pedestrianised area of Cedarne Road, positioned over 6m away from the eastern elevation of 547 - 551 Fulham Road.

7.5 The proposed market stall would be in a pedestrianised area. It would comprise of metal structures on wheels with a gazebo-type roof. The stall would occupy a footprint of 4m x 3m. Officers note that the stall would be tantamount to a mobile structure that is not permanent and can be removed upon request to clean or complete highway works. 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.

7.6 Given its temporary nature and modest scale in terms of its footprint, bulk and mass, it is considered that the proposal would not result in any harm to the character and appearance of the Conservation Areas.

7.7 In terms of other heritage assets, the proposal site is situated within the setting of the Grade II\* Listed Fulham Town Hall and 4-48 Cedarne Road, a group of locally listed, Buildings of Merit.

7.8 Given the location, scale and temporary nature of the proposal, the development would have relatively limited intervisibility from views of the Fulham Road frontage of Fulham Town Hall. Owing to the intervening development of 547 – 551 Fulham Road, the market stall would not have any impact upon the appreciation of the architectural and special character/significance of the heritage asset. As such the development would not result in any harm to the setting of this Grade II\* Listed building.

7.9 When considering the setting of 4-48 Cedarne Road, the visibility of the development, would be further limited and would not result in any harm to the character, significance or setting of this group of non-designated heritage assets.

7.10 Overall, officers consider that the proposals are compliant with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance in the NPPF, Policy HC1 of the London Plan (2021) and Policies DC1, DC4, and DC8 of the Local Plan (2018).

## 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 Areas.

8.2 It is recommended that planning permission be granted, subject to conditions.