

Planning and Development Control Committee

Agenda

Tuesday 14 January 2025 at 7.00 pm

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

Watch the meeting live: youtube.com/hammersmithandfulham

MEMBERSHIP

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

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

Public Notice

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

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

For details on how to register to speak at the meeting, please see overleaf.
Deadline to register to speak is 4pm on Thursday 9th January 2025

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

PUBLIC SPEAKING AT PLANNING AND DEVELOPMENT CONTROL COMMITTEE

Who can speak?

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

Do I need to register to speak?

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

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

How long is provided for speakers?

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

At the meeting

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

What materials can be presented to committee?

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

What happens to my petition or deputation?

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

Planning and Development Control Committee Agenda

14 January 2025

<u>Item</u>	<u>Pages</u>
1. APOLOGIES FOR ABSENCE	
2. DECLARATION OF INTERESTS	
<p>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken.</p> <p>Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.</p> <p>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Standards Committee.</p>	
3. MINUTES	5 - 9
<p>To approve as an accurate record, and the Chair to sign, the minutes of the meeting of the Committee held on 3 December 2024.</p>	
4. GARDEN STUDIOS, 14B HAMMERSMITH BROADWAY, LONDON W6 7AB, HAMMERSMITH BROADWAY, 2022/00362/FUL	10 - 62
5. FIRST FLOOR FLAT, 39 BYAM STREET, LONDON SW6 2RB, SANDS END, 2024/02655/FUL	63 - 73

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|-----------|---|----------------|
| 6. | HIGHWAY OUTSIDE SHEPHERD'S BUSH STATION, PLIMLEY PLACE, LONDON W12 8LP, SHEPHERD'S BUSH GREEN, 2023/00006/FR3 | 74 - 84 |
| 7. | CONFIRMATION OF TREE PRESERVATION ORDER T447/10/24, LAND AT 46 CLANCARTY ROAD, SW6, PARSONS GREEN & SANDFORD | 85 - 91 |

London Borough of Hammersmith & Fulham

Planning and Development Control Committee Minutes



Tuesday 3 December 2024

PRESENT

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

Officers:

Matt Butler (Assistant Director of Development Management)
Adam O'Neill (Principal Urban Design Heritage Officer)
Roy Asagba-Power (Team Leader)
Anisa Aboud (Principal Planning Officer)
Neil Egerton (Team Leader)
Catherine Paterson (Principal Transport Planner)
Mrinalini Rajaratnam (Chief Solicitor Planning and Property)
Charles Francis (Clerk)

1. APOLOGIES FOR ABSENCE

Apologies for absence were provided by Councillors Nicole Trehy, Patrick Walsh and Alex Karmel.

2. DECLARATION OF INTERESTS

Councillor Florian Chevoppe-Verdier declared a non-pecuniary interest in respect of item 4 - HURLINGHAM CLUB, RANELAGH GARDENS, as he had attended two invitational events at the Hurlingham Club. He confirmed that he did not have a pecuniary interest in the matter, and would keep an open mind and, in the circumstances, he participated in the discussion and voted on the item.

3. MINUTES

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

4. HURLINGHAM CLUB RANELAGH GARDENS, LONDON SW6 3PR, PALACE AND HURLINGHAM, 2023/02819/FUL

Councillor Florian Chevoppe-Verdier declared a non-pecuniary interest in respect of item 4 - HURLINGHAM CLUB, RANELAGH GARDENS, as he had attended two invitational events at the Hurlingham Club. He confirmed he did not have a pecuniary interest in the matter, and in the circumstances, he participated in the discussion and voted on the item.

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

Roy Asagba-Power provided a presentation on the application. The Applicant spoke in support of the application.

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

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

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

5. NETHERWOOD PLACE, LAND TO REAR OF 17A NETHERWOOD ROAD, LONDON W14, ADDISON, 2022/02745/FUL

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

Anisa Aboud provided a presentation on the application. The project architect and planning consultant waived their right to speak as there were no objectors.

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

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

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

6. 14 ELLINGHAM ROAD, LONDON W12 9PR, CONINGHAM, 2024/01862/FUL

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

Neil Egerton provided a presentation on the application. Three residents spoke in objection to the application. The Applicant and their Agent spoke in support of the application.

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

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

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

7. PAVEMENT ON CEDARNE ROAD ADJACENT TO 547-551 FULHAM ROAD SW6, WALHAM GREEN, 2024/00650/FR3

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

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

Recommendation 1:

FOR	Unanimous
AGAINST:	0
NOT VOTING:	0

Recommendation 2:

FOR:	Unanimous
AGAINST:	0
NOT VOTING:	0

RESOLVED

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

Addendum

Meeting started: 7.00 pm
Meeting ended: 8.22 pm

Chair

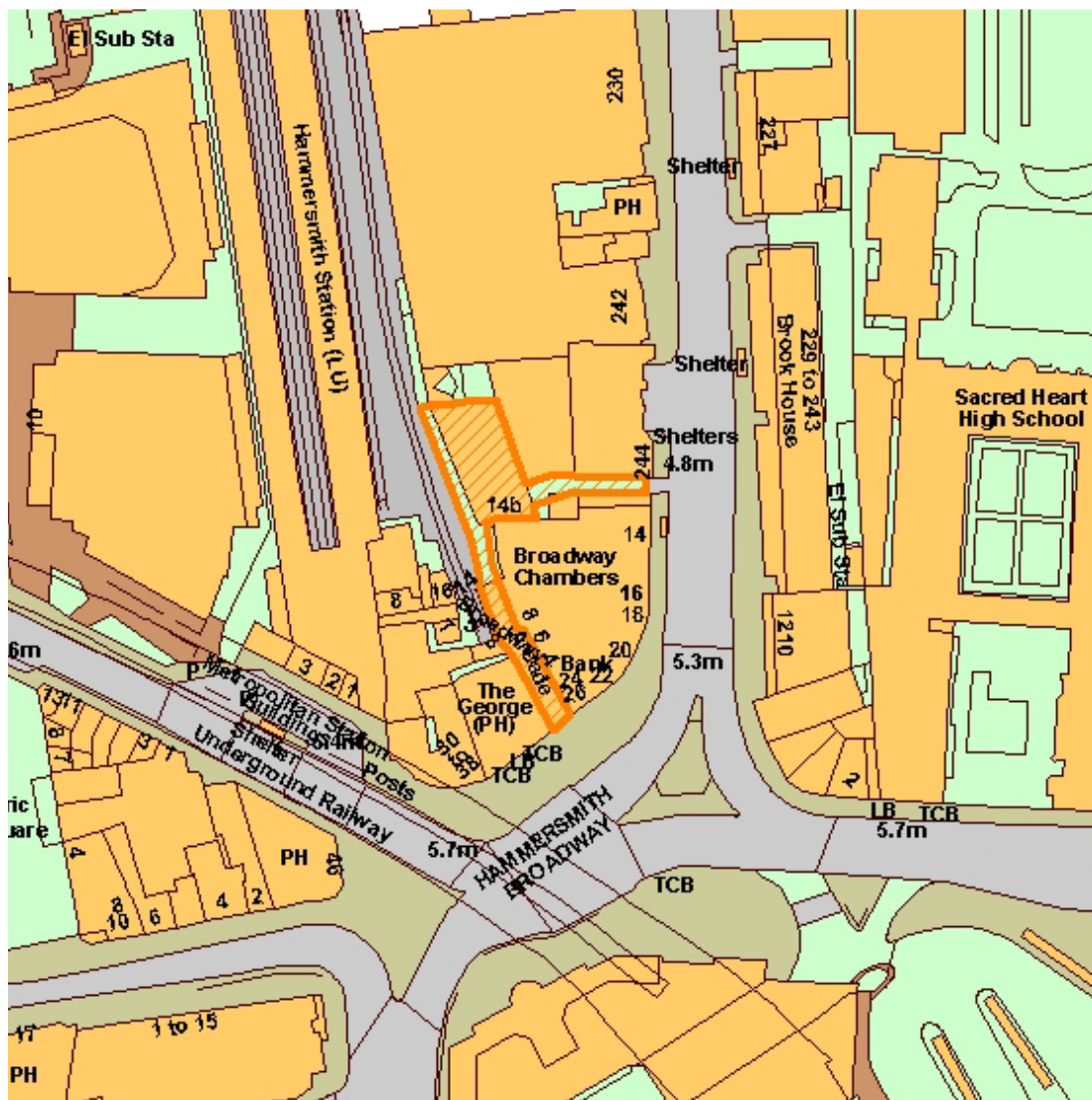
Contact officer: Charles Francis
Committee Co-ordinator
Governance and Scrutiny
Tel 07776 672945
E-mail: charles.francis@lbhf.gov.uk

Agenda Item 4

Ward: Hammersmith Broadway

Site Address:

Garden Studios 14B Hammersmith Broadway London W6 7AB



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For identification purposes only - do not scale.

Reg. No:
2022/00362/FUL

Case Officer:
Richard Kealey

Date Valid:
10.05.2022

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

Committee Date:
14.01.2025

Applicant:

Total Real Estate Ltd
20, Hammersmith Broadway London W6 7AB

Description:

Demolition of existing building and erection of a 6 storey office building (Class E).
(amended site address: Garden Studios, 14B Hammersmith Broadway).
Drg Nos: See condition 2.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

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

Conditions:

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

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

- 2) The development 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:

Demolition Plans rec'd 22 Feb 2022:

- Ground Floor Plan 148-DM-GA00-P1
- First Floor Plan 148-DM-GA01-P1
- Roof Plan 148-DM-GARF-P1
- East Elevation Plan 148-DM-GE01-P1
- Long East Elevation Plan 148-DM-GE02-P1
- Shepherd Bush Road 148-DM-GE03-P1
- Long Shepherd Bush Road 148-DM-GE04-P1
- North elevation 148-DM-GE05-P1

- South Elevation 148-DM-GE06-P1
- West Elevation 148-DM-GE07-P1

Proposed Plans rec'd 08 Feb 2022:

- Second Floor Plan 148-P-GA02-P1
- Third Floor Plan 148-P-GA03-P1
- Fourth Floor Plan 148-P-GA04-P1
- Fifth Floor Plan 148-P-GA05-P1
- Roof Plan 148-P-GARF-P1
- Shepherd Bush Road Elevation 148-P-GE03-P1
- Long Shepherd Bush Road Elevation 148-P-GE04-P1
- Proposed North Elevation 148-P-GE05-P1
- Proposed South Elevation 148-P-GE06-P1
- Proposed West Elevation 148-P-GE07-P1
- Proposed Section A-A 148-P-GS01-P1
- Proposed Long Section A-A 148-P-GS02-P1

Revised Elevations Plans:

- East Elevation 148-P-GE01-P2 rec'd 22 Feb 2022
- Long East Elevation 148-P-GE02-P2 rec'd 22 Feb 2022
- Ground Floor Plan 148-P-GA00-P5 rec'd 02 May 2024
- First Floor Plan 148-P-GA01-P4 rec'd 17 Oct 2023
- Revised Flood Risk Assessment- Sustainability Statement prepared by envision rec'd 08 Feb 2022
- Daylight and sunlight report by waldrams rec'd 08 Feb 2022

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

- 3) Prior to commencement of the development hereby approved, details of all external facing materials (including manufacturer's specifications, photographs and/ or a physical sample) shall be submitted to, and approved in writing by the Council:

- External walls
- Roof coverings
- Window frames
- Surface treatments

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

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

- 4) The development hereby permitted shall not be commenced above ground (excluding site clearance and demolition) until detailed drawings at a scale not less than 1:20 (in plan, section, and elevation) of the bay typologies and entrance features of each elevation shall be submitted to and approved in writing by the Council. The development shall be carried out in accordance with the details as approved and thereafter permanently retained in this form.

To ensure a satisfactory external appearance and to prevent harm to the character and appearance of the Conservation Area and preserve the settings of adjacent listed buildings, in accordance with Policy D4 of the London Plan (2021) and Policies DC1, DC4 and DC8 of the Local Plan (2018).

- 5) The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for each phase of the development, have been submitted to and approved in writing by the local planning authority which:

- provide demolition details - these will have to be reviewed and agreed prior to commencement of works
- provide details for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent) and superstructure-)- There should be full and ongoing consultation with TfL Engineering Infrastructure Protection regarding any structural or civil engineering works to ensure that such works do not impart a risk to London Underground's operational railway
- provide details on the erection and use of scaffolding and tall plant (e.g. tower cranes, mobile cranes and piling rigs) prior to commencement of works
- Site specific Risk Assessments and Method Statements (RAMS) to be agreed with TfL Engineering for any activities (e.g. groundworks, excavations, piling, scaffolding, cladding, craneage etc.) which TfL may deem to be a risk to LU. The RAMS should be issued a minimum of 6 weeks prior to the individual activity commencing
- accommodate the location of the existing London Underground structures- No glare or glint to be shed onto the railway from the construction, structure, or lighting
- No opening windows on the railway facades or on other facades where objects may be thrown onto London Underground infrastructure or assets (incl. track) or railway land. Also no roof terrace /balconies where anything may be thrown onto London Underground infrastructure or assets (incl. track) or railway land
- Demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering our land
- Demonstrate that there will at no time be any potential security risk to our railway, property or structures
- Accommodate ground movement arising from the construction thereof - Details

of any changes in loading to London Underground's infrastructure because of the works or temporary works are to be issued to TfL Engineering Infrastructure Protection for review and approval. Also A ground movement analysis will be required

- Mitigate the effects of noise and vibration arising from the adjoining operations within the structures- No claims to be made against TfL or London Underground by the Local Authority, developer, purchasers, tenants, occupants or lessees of the development for any noise or vibration resulting from London Underground running, operating and maintaining the adjacent railway station, cutting and tracks

There should be full and ongoing consultation with TfL Engineering Infrastructure Protection regarding any structural or civil engineering works to ensure that such works do not impart a risk to London Underground's operational railway

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Condition requested by TfL: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

6) The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) have been submitted to and approved in writing by the local planning authority which:

- provide details on all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent)

- accommodate the location of the existing London Underground structures

- accommodate ground movement arising from the construction thereof

- mitigate the effects of noise and vibration arising from the adjoining operations within the structures

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Condition requested by TfL: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with London Plan 2021, draft London Plan policy T3 and 'Land for Industry and Transport' Supplementary Planning Guidance 2012.

- 7) 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 (in consultation with Transport for London):

(i) A Demolition and 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.

To ensure 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 CC10, CC11, CC12 and CC13 of the Local Plan (2018).

- 8) Prior to occupation of the development hereby permitted, a final Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the management and times of deliveries to avoid peak times, emergency access, collection of waste and recyclables, times and frequencies of deliveries and collections, silent reversing methods, quiet loading/unloading measures, location of loading bays and vehicle movements. The approved details shall be implemented prior to occupation and the DSP hereby permitted shall thereafter operate in accordance with the approved details. The DSP shall be regularly monitored and reviewed and any subsequent modifications or alterations to the DSP should be submitted to and approved in writing by the LPA.

To ensure that satisfactory provision is made for refuse storage and collection and that servicing activities do not adversely impact on the highway, in accordance with Policy T7 of the London Plan (2021), and Policy T2 of the Local Plan (2018).

- 9) Prior to commencement of the demolition phase of the development hereby permitted, a scheme for temporary solid timber hoarded fencing (minimum height 2.5 m) around the perimeter of the site on all site boundaries and/or enclosure of the site shall be submitted to and approved in writing by the Local Planning Authority. The temporary solid timber hoarded fencing and/or enclosure in accordance with BS 5975-2:2024 shall be installed prior to the start of any site clearance/demolition works and thereafter be retained for the duration of the 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. Approved details shall be implemented and retained and maintained until completion of the development.

To ensure a satisfactory appearance and ensure site security during the construction phase, in accordance with Local Plan DC1, DC2 and DC8.

- 10) Prior to the commencement of the demolition phase (excluding installation of hoarding and MCERTS compliant Particulate (PM10) monitors around the perimeter of the site) of the development hereby permitted, details of an Air Quality Dust Management Plan (AQDMP) in accordance with the Councils AQDMP Template 'A' shall be submitted to and approved in writing by the Local Planning Authority. Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM10, PM2.5) and NOx emissions at all times. Approved details shall be fully implemented and permanently retained and maintained during the demolition phases of the development.

To safeguard local air quality in line with Local Plan (2018) Policy CC10.

- 11) Prior to the commencement of the construction phase (excluding installation of hoarding and MCERTS compliant Particulate (PM10) monitors around the perimeter of the site) of the development hereby permitted, details of an Air Quality Dust Management Plan (AQDMP) in accordance with the Councils AQDMP Template 'C' shall be submitted to and approved in writing by the Local Planning Authority. Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM10, PM2.5) and NOx emissions at all times. Approved details shall be fully implemented and permanently retained and maintained during the construction phases of the development.

To safeguard local air quality in line with Local Plan (2018) Policy CC10.

- 12) Within a minimum of seven days upon commencement of the enabling works, site clearance or demolition works of the development hereby permitted, details of the Non-Road Mobile Machinery (NRMM) to be used shall be submitted to and approved in writing by the Local Planning Authority. The NRMM shall have CESAR Emissions Compliance Verification (ECV) identification and shall comply with the minimum Stage V NOx and PM10 emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM shall be registered on the London GLA NRMM register GLA-NRMM-Register. Approved details shall be fully implemented and thereafter permanently retained and maintained until occupation of the complete development.

To safeguard local air quality in line with Local Plan (2018) Policy CC10.

- 13) 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 Office Use (Class E) shall be submitted to and approved in writing by the Local Planning Authority. This is applicable to all receptor locations where the Annual Mean Nitrogen Dioxide (NO₂), and Particulate (PM₁₀, PM_{2.5}) concentrations are equal to 30ug/m³, 20ug/m³ and 10 ug/m³ respectively and where current and future predicted pollutant concentrations are within 5 % of these limits. The report shall include the following information:

a.Details and locations of the ventilation intake locations at rear roof level

b.Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes, in order 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 Oxides (NO_x) and Particulate Matter (PM_{2.5}, PM₁₀) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 75% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM_{2.5}, PM₁₀) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.

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

To safeguard local air quality in line with Local Plan (2018) Policy CC10.

- 14) Prior to occupation of the development hereby permitted, details of a post installation compliance report of the approved ventilation strategy as required by condition 13 to mitigate the impact of existing poor air quality shall be submitted to and approved in writing by the Local Planning Authority. The report shall be produced by a accredited Chartered Building Services Engineer (CIBSE). Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To safeguard local air quality in line with Local Plan (2018) Policy CC10.

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

To safeguard local air quality and prevent new gas connections, in line with Local Plan (2018) Policy CC10.

- 16) One month prior to occupation of the development hereby permitted, an Ultra Low Emission Strategy (ULES) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:
- a) Procurement policy and processes for contractors and suppliers that will incentivise and prioritise the use of Zero Exhaust Emission Vehicles in accordance with the emission hierarchy of 1) Walking Freight Trolley 2) Cargo bike (3) Electric Vehicle
 - b) Use of Zero Exhaust Emission Vehicles in accordance with the emissions hierarchy (1) Walking Freight Trolleys (2) Cargo bike (3) Electric Vehicle,
 - c) Reduction and consolidation of deliveries and collections e.g., Waste
 - d) Re-timing of deliveries and collections outside of peak traffic time periods of 07:00-10:00 and 15:00-19:00 hrs

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

To safeguard local air quality in line with Local Plan (2018) Policy CC10.

- 17) At the development hereby permitted no deliveries nor collections/ loading nor unloading shall occur other than between the hours of 10:00 to 15:00 and 19:00 to 21:00 hrs on Monday to Friday, 10:00 to 18:00 on Saturdays and at no time on Sundays and Public/Bank Holidays

To safeguard local air quality in line with Local Plan (2018) Policy CC10.

- 18) Prior to the commencement of the demolition phase of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) in order to mitigate air pollution shall be submitted to and approved in writing by the Council. The AQDMP submitted shall be in accordance with the Councils AQDMP Template '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 NOx Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall Low/Medium Dust Risk Rating of the site and shall be in a table format.

f. Details of Site Dust Monitoring Procedures and Protocols including locations of a minimum of 4 x Dust Deposition monitors on the site boundaries used to prevent dust levels exceeding predetermined Site Dust Action Level (SDAL) as included in paragraph 4.41 of IAQM 'Monitoring in the Vicinity of Demolition and Construction Sites', Version 1.1, October 2018 guidance,

g. Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage IV NOx and PM10 emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM for the first phase of demolition shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of demolition works and thereafter retained and maintained until occupation of the development.

h. Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g., minimum Petrol/Diesel Euro 6 (AIR Index <https://airindex.com/> Urban NOx rating A) and Euro VI

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

To safeguard local air quality during the construction phase in line with Local Plan (2018) Policy CC10.

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

a. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries

b. Demolition Site and Equipment Layout Plan

c. Inventory and Timetable of dust generating activities during construction site activities.

d. Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM10 (human health) impacts for sensitive receptors off-site of the development within 250 m of the site boundaries during the construction phase and is undertaken in compliance with the methodology contained within Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and its subsequent amendments

e. Site Specific Dust, and NOx Emission mitigation and control measures including for on-road and off-road construction traffic as required by the overall Medium Dust Risk Rating of the site and shall be in a table format.

f. Details of Site Dust Monitoring Procedures and Protocols including locations of a minimum of 4 x Dust Deposition monitors on the site boundaries used to prevent dust levels exceeding predetermined Site Dust Action Level (SDAL) as included in paragraph 4.41 of IAQM 'Monitoring in the Vicinity of Demolition and Construction Sites', Version 1.1, October 2018 guidance,

g. Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage IV NOx and PM10 emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM for the first phase of construction shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of construction works and thereafter retained and maintained until occupation of the development.

h. Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g., minimum Petrol/Diesel Euro 6 (AIR Index <https://airindex.com/> Urban NOx rating A) and Euro VI

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

To safeguard local air quality during the construction phase in line with Local Plan (2018) Policy CC10.

- 20) Prior to occupation of the development hereby permitted, details of the installation/commissioning reports including photographic confirmation of the installed Waste Water Heat Recovery System for the office building use (Class E) shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

To safeguard local air quality in line with Local Plan (2018) Policy CC10.

- 21) Prior to occupation of the development hereby permitted, details of the installation including photographic confirmation of a minimum of two cargo bike parking space with cargo bike stands 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 safeguard local air quality in line with Local Plan (2018) Policy CC10 and to encourage zero emission transport movements.

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

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

- 23) Prior to the first occupation of the development hereby approved, details of external artificial lighting shall be submitted to and approved in writing by the Council. Lighting contours shall be submitted to demonstrate that the vertical illumination of neighbouring premises is in accordance with the recommendations of the Institution of Lighting Professionals in the 'Guidance Note 01/20: Guidance Notes for the Reduction of Obtrusive Light'. Details should also be submitted for approval of measures to minimise use of lighting and prevent glare and sky glow by correctly using, locating, aiming and shielding luminaires. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained

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

- 24) Prior to the first occupation of the development hereby approved, a scheme for the control and operation of the proposed lighting during periods of limited or non-occupation, shall be submitted to and approved in writing by the Local Planning Authority. Details shall be implemented prior to the occupation of the relevant floorspace and operated only in accordance with the approved details.

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

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

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

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

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

- 27) Prior to commencement of the development hereby approval, a security strategy shall be submitted to the LPA and shall including the following details, but not limited to:

- A threat and vulnerability risk assessment in line with the JASPAR (Justifiable-Achievable-Sustainable-Practical-Affordable-Reasonable) principles

- Blast Mitigation Impact Assessment, conducted by a suitably qualified Structural Blast Engineer (SBE) from the Register of Security Engineers and Specialists (RSES) (<https://www.rses.org.uk/>).

- Enhanced security rated glazing and doors, uniform external lighting and ability to conduct a dynamic lockdown either by electronic or manual means.

- Details of access control, CCTV, lighting, intruder detection systems should be part of an integrated security system.

The development shall then be managed and constructed in full accordance with the approved details.

Reason: In the interests of community safety, to ensure security by design accreditation and to maximise building resilience and minimise potential physical risks in line with Policy D11 of the London plan.

- 28) The development hereby approved shall not be occupied until the measures set out in the approved Sustainability Statement, have been fully implemented on site and they shall be permanently retained thereafter.

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

- 29) Prior to commencement, a final Energy Strategy shall be submitted to the council for approval which demonstrates in detail the proposed sustainable energy and carbon reduction measures, and associated calculations to show that the London Plan's minimum requirements in terms of energy efficiency and net zero carbon targets have been achieved.

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

- 30) The development shall be carried out and completed in full accordance with the details contained within the approved Flood Risk Assessment. 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).

- 31) Notwithstanding condition 30, prior to commencement of the development hereby approved, a revised Sustainable Urban Drainage Strategy that includes assessment of the feasibility to include rainwater harvesting as part of the strategy shall be submitted to and agreed in writing with the council. The revised Drainage Strategy shall build on the principles established in the approved FRA with regards to the inclusion of blue/green roof and to limit discharges from the site to the greenfield rates. Maintenance information for all SuDS measures should also be provided along with supporting statements and plans. No part of the development shall be used or occupied until all 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).

- 32) No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition or

development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

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

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

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

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

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

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

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

- 34) No development shall commence until a site investigation scheme is submitted to and approved in writing by the Council. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall

provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

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

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

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

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

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

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

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

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

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

- 39) The development hereby approved (6 storey office block) shall only fall within Class E use (c)(i), (ii) and (iii) and (g)(i), (ii), (iii) office use hereby permitted shall only be used as an office and for no other purpose (including any other separate purpose in Class E) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

In granting this permission, the Council has had regard to the special circumstances of the case. Certain other uses within the same use class may be unacceptable due to effect on residential amenity or traffic generation, in accordance with policies CC13 and T3 of the Local Plan (2018).

- 40) The development hereby permitted shall not commence above ground (excluding site clearance and demolition) until a statement of how the principles of Secured by Design in terms of security improvements are to be adequately achieved has been submitted to, and approved in writing by, the Council. Such details shall include, but not be limited to, CCTV coverage, access controls, basement security measures, the approved details shall be carried out prior to occupation of the development hereby approved and permanently retained thereafter.

To ensure a safe and secure environment for users of the development, in accordance with policies DC1 and DC2 of the Local Plan (2018).

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

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

- 42) Other than structures shown on the plans hereby approved, or in details required by condition, no water tanks, water tank enclosures or other structures shall be erected upon the flat roofs of the building hereby permitted.

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

- 43) Other than as shown on the plans hereby approved, or in details required by condition, no plumbing, extract flues or pipes, other than rainwater pipes, may be fixed on the elevations of the building hereby permitted.

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

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

To ensure a satisfactory external appearance and to prevent harm to the amenities of the occupiers of neighbouring residential properties, in accordance with policies DC1, DC4, DC8, CC11 and CC13 of the Local Plan (2018).

- 45) Neither music nor amplified voices emitted from the building hereby permitted shall be audible at any residential/noise sensitive premises.

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

- 46) The use of the development hereby permitted shall not commence until all external doors to the premises have been fitted with self-closing devices, which shall be maintained in an operational condition and at no time shall any external door be fixed in an open position.

To ensure that the amenity of occupiers of neighbouring properties are not adversely affected by noise, in accordance with policies CC11 and CC13 of the Local Plan (2018).

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

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

- 48) The doors hereby approved providing access to the roof at fifth floor level shall only be used for the purposes of maintenance. (drawing: 148-P-GA05-P1). No part of any land within the curtilage of the application site, and no part of any roof of the new building hereby approved shall be used as a roof terrace or other form of open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roof of the new building or within the curtilage of the application site. No railings or other means of enclosure shall be erected on the roof of the new building or within the curtilage of the application site, and no alterations shall be carried out to any elevation of the application building to form access onto the roof of the new building.

The use of the roof as a terrace or the provision of additional amenity space would increase the likelihood of harm to the existing residential amenities of the occupiers of neighbouring properties as a result of overlooking, loss of privacy and noise and disturbance, contrary to Policies HO11, CC11 and DC4 of the Local

Plan (2018), and SPD Policy HS8 of the Planning Guidance Supplementary Planning Document (2018).

- 49) The development hereby permitted shall not be occupied or used until the shower rooms, changing areas and cycle parking at ground floor level shown on the approved plans have been installed, and they shall be permanently retained thereafter for the use of employees. Access shall be universal for both employees and affordable workspace tenants.

In order to ensure satisfactory facilities for all staff and affordable workspace tenants including cyclists, in accordance with policy T3 of the Local Plan (2018).

Justification for Approving the Application:

1. Land Use: The redevelopment of the site for additional and updated office floor space is acceptable in land use terms. The development would have a positive impact on the local economy and create additional employment, including the provision of affordable workspace, which complies with the economy and employment policy context set out within NPPF (2024), London Plan (2021) Policies GG5, E1 and E4 and Local Plan (2018) Policies E1, E2 and E4.
2. Design and Conservation: The proposed new building is of a high-quality of design and materials having regard to the character and appearance of the existing site and surrounding area. The proposals would not result in harm to character and appearance of the Hammersmith Broadway conservation or to the setting of any adjacent designated or non-designated heritage assets. As such the character, appearance and significance of these assets would be preserved overall. The development is considered compliant with s66 and s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF (2024), London Plan (2021) Policies D3 and HC1, Local Plan (2018) Policies DC1, DC2 and DC8.
3. Impact on Neighbouring Residents: The impact of the proposed development upon neighbouring occupiers is considered to be acceptable with regards to noise and impacts on overlooking, sunlight, daylight and outlook. Subject to conditions, the development would respect the principles of good neighbourliness. The development would therefore be acceptable in accordance with London Plan (2021) Policy D14, Policies HO11, CC11, CC12, CC13 and DC4 of the Local Plan (2018) and the relevant Key Principles of the Planning Guidance Supplementary Planning Document (2018).
4. Safety and Access: The development would provide a safe and secure environment for all users in accordance with Policies DC1 and DC2 of the Local Plan (2018). The proposal would provide ease of access for all people, including disabled people, in accordance with London Plan (2021) Policy D5, Policies DC1 and DC2 of the Local Plan (2018) and relevant Key Principles of the Planning Guidance Supplementary Planning Document (2018).

5. Transport: There would be no adverse impact on traffic generation and the scheme would not result in congestion of the road network. Conditions and a legal agreement would secure the provision of cycle storage as well as detailed demolition/construction logistics plans; a delivery and servicing plan; a Travel Plan; and removal of parking permit rights. The development would therefore be acceptable in accordance with the NPPF (2024), London Plan (2021) Policies T1-T7, policies CC7, T1, T2, T3, T4 and T7 of the Local Plan (2018), and relevant Key Principles of the Planning Guidance Supplementary Planning Document (2018).
6. Flood Risk: A Flood Risk Assessment (FRA) has been submitted as required. Detailed drainage matters would be secured by condition. In this respect the proposal is therefore in accordance with the NPPF (2024), London Plan (2021) Policies SI 12 and 13, Policies CC1, CC3, CC4 and CC5 of the Local Plan (2018) and relevant Key Principles of the Planning Guidance Supplementary Planning Document (2018).
7. Energy and Sustainability: A draft Energy Statement has been submitted outlining the energy efficiency and low/zero carbon measures to be implemented as part of the development with the aim of minimising energy use and associated CO2 emissions. A Final Energy Statement will be secured by condition, together with a carbon dioxide emission offset contribution secured by a legal agreement. The proposal therefore accords with the NPPF (2024), London Plan (2021) Policies SI 1 and SI 4, and Local Plan (2018) Policies CC1, DC1 and DC2.
8. Land Contamination: Conditions would ensure that the site would be remediated to an appropriate level for the proposed uses. The proposed development therefore accords with the London Plan (2021), Policies CC9 and CC13 of the Local Plan (2018), and Key principles LC1, LC2, LC4, LC5, LC6 and LC7 of the Planning Guidance Supplementary Planning Document (2018).
9. Air Quality: With regards to air quality considerations, the Council's Environmental Quality Team have reviewed the Air Quality Assessment submitted with the application proposal and consider, subject to additional mitigation, the development would be acceptable and compliant with London Plan (2021) Policy SI 1 and Local Plan (2018) Policy CC10.
10. Planning Obligations: Planning obligations to offset the impact of the development and to make the development acceptable in planning terms are secured. This includes, the provision of affordable workspace; a financial contribution towards Local Employment, Training and Skills Development Initiatives; a carbon dioxide emission offset financial contribution; submission of Air Quality Dust Management Plan plus monitoring fees; car permit free restrictions; submission of a Travel Plan plus monitoring fees; submission of Demolition and Construction Logistics Plans plus monitoring fees; and s278 highways works. The proposed development would therefore mitigate external impacts and would accord with London Plan (2021) Policy DF1 and Local Plan (2018) Policy CF1.

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

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

Application form received: 8th February 2022
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2024
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:	Dated:
Thames Water - Development Control	30.06.22
Environment Agency - Planning Liaison	30.06.22
Crime Prevention Design Advisor - Hammersmith	07.07.22
Transport For London - Land Use Planning Team	26.07.22
London Underground Limited	26.09.24
Historic England London Region	12.10.22
Network Rail	04.08.22
Crime Prevention Design Advisor - Hammersmith	19.07.22
Thames Water - Development Control	23.05.22
Environment Agency - Planning Liaison	11.05.22
Crime Prevention Design Advisor - Hammersmith	20.05.22
Environment Agency - Planning Liaison	12.07.22
Historic England London Region	22.07.22
London Underground Limited	17.05.22
Transport For London - Land Use Planning Team	07.07.23
Historic England London Region	02.08.24
Health And Safety Executive	25.07.24
Environment Agency - Planning Liaison	07.08.24
Environment Agency - Planning Liaison	07.08.24
Crime Prevention Design Advisor - Hammersmith	14.08.24
Transport For London - Land Use Planning Team	30.05.23

Neighbour Comments:

Letters from:

Dated:

The Shrubbery Shepherds Bush W12 9SL	06.06.22
2C The Old Fire Station London W6 7NN	30.01.23
1A The Old Fire London W6 7NN	17.06.22
1A The Old Fire Station London W6 7NN	30.01.23
1A The Old Fire Station London W6 7NN	28.07.22
Flat 2B The Old Fire Station London W6 7NN	01.06.22
5 Endeavour Square Stratford London E20 1JN	30.05.22
3C The Old Fire Station London W6 7NN	07.06.22
1a The Old Fire Station London W6 7NN	16.06.22
1a The Old Fire Station London W6 7NN	07.06.22
1a The Old Fire Station London W6 7NN	07.06.22
Mulliner House Flanders Road London W4 1NN	06.06.22
Mulliner House Flanders Road London W4 1NN	06.06.22
Flat 3B The Old Fire Station, London W6 7NN	07.06.22
4a Old Fire Station London W6 7NN	10.08.22
Flat 2C The Old Fire Station London W6 7NN	01.06.22
4 The Crossroads Business Park Freckleton Street Kirkham PR4 2SH	12.07.22
4 The Crossroads Business Park Freckleton Street Kirkham PR4 2SH	24.06.22
Flat 2C Hammersmith W6 7 NN	06.08.22
Flat 4C, The Old Fire Station LONDON W6 7NN	07.06.22
NAG	14.02.23
Flat 2A The Old Fire Station London W6 7NN	14.02.23

1.0 BACKGROUND

- 1.1 The site is located between the former Hammersmith Fire Station (which is Grade II Listed) on Shepherd's Bush Road to the east and the London Underground line to the West. The site measures approximately 0.05ha in size.
- 1.2 The principal access is from Broadway Arcade (between Nando's and Belushi's) on Hammersmith Broadway. The service access/fire escape is to the rear of the building via an alleyway off Shepherd's Bush Road. Immediately to the South of the site is Broadway Chambers, an office building. A large student accommodation development lies to the North.
- 1.3 The site is within the Hammersmith Broadway Conservation Area. In addition to the former Fire Station being Grade II Listed, Broadway Chambers and Hammersmith Underground Station is locally-listed Buildings of Merit. The former George Public House (Belushi's) is also Grade II Listed and lies to the South of the site.
- 1.4 The site falls within the designated Hammersmith Town Centre boundary. The site is also located within the Hammersmith Town Centre Regeneration Area and an Archaeological Priority Area as well as a London Underground Zone of Interest.

- 1.5 The site also lies within the Environment Agency's Flood Risk Zone 3, indicating a high risk of flooding from the Thames.
- 1.6 The site benefits from excellent public transport accessibility (TfL PTAL rating of 6b, which is the highest). Both Shepherds Bush Road and the Broadway are designated as London distributor roads maintained by LBHF. Many bus routes operate in the vicinity heading towards Shepherds Bush, Hammersmith bus station and Olympia and beyond to central London towards the east.

EXISTING BUILDING

- 1.7 The existing building is brick-built with a factory-style sawtooth roof. It comprises office accommodation at ground and mezzanine levels. Although its history is not clear, the location suggests it may have been used in connection with the railway line in the past. It is also possible that the building may have been within the demise of the Fire Station at one point and possibly used as a garage for fire engines. In any event, Officers do not consider the building to be subject to curtilage listing in association with the Fire Station to the east.
- 1.8 Owing to its position and low height, the existing building is only minimally visible in glimpsed views from the public realm (particularly from Shepherd's Bush Road). The most significant views of the building are to be had from the platforms at Hammersmith & City line train Station.

Relevant Planning History:

- 1.9 The site has no notable planning history - as outlined above the history is not clear, the location suggests it may have been used in connection with the railway line in the past or within the demise of the old Fire Station. Earlier iterations of the scheme were subject to two pre-application discussions in 2019 and 2020 prior to submission of this full planning application.

Current proposal

- 1.10 The current application proposes the demolition of existing building and erection of a new six storey office (Class E) building. The existing Office space (Class E) provides 480 sqm, with a total uplift of 969sqm (proposed) across new upper levels which would provide for an overall floorspace of 1449sq/m.
- 1.11 During the course of the application process a re-consultation was carried out to reflect an updated site address (from the original "20 Hammersmith Broadway" to "Garden Studios, 14B Hammersmith Broadway") following review of title deed documents provided by the applicants and eGIS information the council hold on this site.
- 1.12 The main entrance and lobby will remain via the covered walkway from Hammersmith Broadway along with additional access via the currently unused Shepherds Bush Road which will allow for the storage of bicycles and other wheeled modes of transport.
- 1.13 During the course of the application, in line with the council's Affordable Workspace SPD (October 2022), officers secured c.20% of the overall floor space

of the development (ground and 1st floor) to be ringfenced for affordable workspace, which will provide discounted rent for small and medium sized businesses. The remaining c.80% of the floorspace will form the headquarters for a local ICT company, Total Coding LTD.

2.0 PUBLICITY and CONSULTATIONS

+ Statutory Consultation

2.1 The current planning application was publicised by way of press and site notices posted in June 2022 and again in July 2022 following updates to the site address (see para.1.11). In addition to site and press notices, notification letters were sent to 123 (One hundred and twenty-three) individual properties in surrounding buildings and streets.

2.2 To date there have been a total of 24 responses from 12 different properties all objecting to the proposals. The objections are summarised as follows:

- Loss of light
- Loss of privacy
- Cumulative impacts of Imperial College student accommodation (Hammersmith Palais) and 14 storey office block along Hammersmith Grove, as well as the re-construction of Brook House exacerbated issues
- Issues with Wagamama's and cooking smells and A/C units
- Impact is acknowledged by the applicants' surveyors
- Noise from street, emergency vehicles and other redevelopment in the vicinity
- Impact on listed buildings and conservation area
- Surplus of offices including vacant offices
- Carbon related impacts during demolition, construction and future use
- Loss of views over railway tracks and Old Fire Station
- Impact on enjoyment of the communal first floor garden
- Construction impact
- Light pollution
- Health impact on nearby residents
- Impact on railway
- Will increase levels of pedestrian traffic
- Inaccuracies of the planning application submission including proximity to habitable areas and outdoor area
- Impact resale value
- Site address is wrong (20 Hammersmith Broadway)
- Concerns about the affordable workspace including:
 - o The ground floor is not usable and circulation space has been included to come to the 19.5% floorspace
 - o No private / quiet working places
 - o Unlikely to be let out to small businesses
 - o No private or suitable meeting places
- No meaningful assessment of harm, public benefits and limited discussion to heritage assets
- Impact to viability of surrounding commercial uses
- Overdevelopment
- Issues with the development description. Class E contains a plethora of uses - specific use as offices should be conditioned

- Increased traffic and congestion
 - Insufficient information to determine the application including land contamination, flooding, heritage, ecology, urban greening
- 2.3 All the material planning considerations raised above are considered in the body of this report. Any planning application for a similar proposal on neighbouring sites would be considered on its merits and against development plan policies at the time any such application was received, any planning permission here would therefore not set a precedent.

+ Technical Consultation

- 2.4 Environmental Agency: No objection.
- 2.5 London Underground: No objection in principle subject to a condition to ensure the adjacent open section of London Underground Hammersmith Station and retaining wall are protected during construction and operation.
- 2.6 Designing out crime (Met Police): No objection, subject to submission of security strategy.
- 2.7 Thames Water: No objection, subject to informatives relating to protect underground wastewater assets and water pressure.
- 2.8 Transport for London: Following discussions with LBHF Highways and TfL, no objection subject to conditions.
- 2.9 Historic England Greater London Archaeologic Advisory Service (GLAA): Requested a desk-based assessment. Following review of this document provided, no objection is raised subject to a condition.
- 2.10 Network Rail: No objections.
- 2.11 Health and Safety Executive (HSE): Planning application does not fall under the remit of planning gateway. No comment.
- 2.12 Historic England: Seek views of LBHF's specialist Conservation team as well as GLAAS archaeological advisers.
- 2.13 No response received from: The Hammersmith Society, The London Fire and Emergency Planning Authority, or Hammersmith and Fulham Historic Buildings Group.
- 2.14 The planning issues raised in all the responses to the planning application outlined above will be considered in the body of the report below.

3.0 POLICY FRAMEWORK

- 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) and the Local Plan (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.

+ National Planning Policy Framework (2024)

3.4 The National Planning Policy Framework (NPPF, 2024) sets out the Government's planning policies for England and how these are expected to be applied in favour of sustainable development. The NPPF is a material consideration in decisions on planning applications.

+ London Plan

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

+ Local Plan

3.6 The adoption of the Council's Local Plan took effect on 28th of February 2018, and the policies within the Local Plan together with the London Plan (2021) make up the statutory development plan for the Borough. The Planning Guidance Supplementary Planning Document (SPD) (2018) is also a material consideration in determining planning applications. This provides supplementary detail to the policies and is organised around Key Principles.

3.7 With regard to this application, all planning policies in the National Planning Policy Framework (NPPF 2024), London Plan (2021), Local Plan (2018), and Planning Guidance Supplementary Planning Guidance (SPD, 2018) which have been referenced where relevant in this report have been considered with regards to equalities impacts through the statutory adoption processes, and in accordance with the Equality Act 2010 and Council's Public Sector Equality Duty (PSED). Therefore, the adopted planning framework which encompasses all planning policies which are relevant in Officers' assessment of the application are considered to acknowledge protected equality groups, in accordance with the Equality Act 2010 and the Council's PSED.

4.0 PLANNING ASSESSMENT

4.1 The main issues for consideration in relation to this application are:

- Whether the proposal is acceptable in land use terms.
- The quantum of the development in terms of its height, scale, massing and alignment.
- The design quality/external appearance including materials of the proposal

- The impact on the character and appearance of nearby heritage assets and the surrounding townscape.
- The impact on the amenities of neighbouring occupiers in terms of outlook, light, privacy and noise/disturbance.
- The potential for traffic generation and the impact on the highway network.
- Environmental Considerations
- Other material considerations

LAND USE

- 4.2 The NPPF (2024) states under paragraph 88 that 'Significant weight should be placed on the need to support economic growth and productivity' and under paragraph 86 that planning policies should 'set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth'.
- 4.3 Presumption in favour of sustainable development is at the heart of the National Planning Policy Framework, which for decision-taking means approving development proposals that accord with the development plan without delay.
- 4.4 London Plan (2021) Policy GG2 'Making the best use of land' encourages developments to proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected. London Plan (2021) Policy GG5 'Growing a good economy' requires that proposals should 'plan for sufficient employment and industrial space in the right locations to support economic development and regeneration'.
- 4.5 London Plan (2021) Policy E1 'Offices' requires 'Improvements to the quality, flexibility and adaptability of office space of different sizes (for micro, small, medium-sized and larger enterprises) should be supported by new office provision, refurbishment and mixed-use development'. It continues, stating that 'The diverse office markets in outer and inner London...should be consolidated and - where viable - extended, focusing new development in town centres and other existing office clusters supported by improvements to walking, cycling and public transport connectivity and capacity'.
- 4.6 The existing business and employment strengths in the borough are outlined within Policy E1 'Providing a Range of Employment Uses' of the LBHF Local Plan (2018), which supports proposals for new employment uses. Likewise, Policy TLC2 seeks to, 'maintain or increase the vitality and viability of the town centre and do not have an adverse impact on the local area'. Strategic Policy HRA of the Local Plan (2018) explains that Hammersmith is an office centre of sub-regional significance (para.5.46).
- 4.7 Policy E11 of the London Plan (2021) 'Skills and opportunities for all' requires development proposals to support employment, skills development, apprenticeships, and other education and training opportunities in both the construction and end-use phases. Policy E4 'Local Employment, Training, and Skills Development' of the Local Plan (2018) echoes this requirement compelling provision for appropriate employment and training initiatives for local people of all

abilities in the construction of major developments.

- 4.8 Local Plan (2018) Policy E1 goes on to say the council will also support the retention, enhancement, and intensification of existing employment uses. It will require flexible and affordable space suitable for small and medium enterprises in large new business developments.
- 4.9 Local Plan (2018) Policy E2 'Land and Premises for Employment Uses' is also relevant and requires land to be retained for providing continued accommodation for employment.
- 4.10 The application site falls within a location which has a PTAL level of 6b which is classed as excellent using Transport for London's methodology. Most public transport modes in London are currently available which include London Underground, London Overground and buses, which are all within walking distance of the application site.
- 4.11 The site already provides an established office development however it is of low quality with low floor to ceiling heights in parts. The enlarged and updated office building would become the HQ for a local ICT company, known as Total Coding LTD as they seek to expand their operations. Strategic Policy HRA of the Local Plan (2018) acknowledges that Hammersmith's role as an office centre, therefore the proposed extension of this existing office building (located just off the Broadway) would be in line with the aims of this strategic policy which would also accord with regional and national policies which seek to encourage new office development in viable locations.
- 4.12 It is therefore considered that there is no planning policy objection to the scheme which would increase the floorspace provided and improve the quality of the office provision on this site. This would be in line with the aims of the abovementioned policies,
- 4.13 Whilst the acceptability of the proposal is also dependent on other factors such as the design of the building and the impact on neighbouring residents and the surrounding area, there is no conflict between the existing lawful office use and the residential area. Accordingly, officers raise no objection in land use terms which is an expansion of the existing Class E offering on site.

AFFORDABLE WORKSPACE

- 4.14 Local Plan (2018) Policy E1 requires flexible and affordable space suitable for small to medium enterprises in new large business development. Policy E4 requires the provision of appropriate employment and training initiatives for local people of all abilities in the construction of major developments including visitor accommodation and facilities.
- 4.15 London Plan (2021) Policy E3, recognises that planning obligations may be used to secure affordable workspace (in the B Use Class) at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose. Furthermore, Local Plan Policy E1 states '...the council will require flexible and affordable space suitable for small and medium enterprises in large new business developments, unless justified by the type and nature of the

proposal and subject to viability'. This is augmented by the recently adopted Affordable Workspace SPD (October 2022).

- 4.16 Following negotiations with officers the applicants have offered to provide 19.5% of the total floor space as affordable workspace with some desks at ground floor and the entire first floor space. This offer has been supported by a draft Affordable Workspace Management Plan (AWMP) which has been scrutinised by officers. The affordable workspace will be high quality (Cat A) and as per the viability review that informed the AWMP, and rents for the affordable workspace will be set at no less than a 40% discount to market rates. Future rental values will also be agreed with LBHF at intervals as set out in the Section 106 legal agreement and/or the final Affordable Workspace Management Plan (AWMP). This will form part of the legal agreement for the development.
- 4.17 The applicant also seeks to work with the borough and local training, employment and education agencies to maximise local take up of positions created as a result of the proposed development. From the proposed outputs of the development the Council will secure 10% of the construction costs which will be offered as local procurement contracts and are secured for the local economy together with delivering by way of a contribution secured by obligation as detailed in para 10.9.
- 4.18 It is considered that the social and economic benefits derived from the development are significant public benefits and represent the delivery of the Council's spatial vision and strategic objectives set out within the Local Plan (2018), as well as representative of the opportunity the development presents. Officers therefore consider that the proposal, subject to a S106 legal agreement, is in accordance with London Plan (2021) Policy E2 and Local Plan (2018) Policies E1 and E4.
- 4.19 For the above reasons, Officers support the principle of the extension of the existing use, which is considered to be appropriate within this location, and is consistent with relevant national, regional and local planning policies.

DESIGN, HERITAGE AND TOWNSCAPE

Design

- 5.1 London Plan (2021) Policy D3 Optimising site capacity through the design led approach advises that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. The design led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity, considering form and layout, experience, alongside consideration of quality and character.
- 5.2 Policy D4 Delivering good design advises that where appropriate, visual, environmental and movement modelling/ assessments should be undertaken to analyse potential design options for an area, site or development proposal.
- 5.3 The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The NPPF also requires that proposals should conserve heritage assets in a manner appropriate to their

significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

5.4 Para 135 of the NPPF states:

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.5 The Council's Local Plan Policies DC1 and DC2 are particularly relevant to the assessment of design. DC1 (Built Environment) states that all development within the borough should create a high-quality urban environment that respects and enhances its townscape context and heritage assets. There should be an approach to accessible and inclusive urban design that considers how good design, quality public realm, landscaping and land use can be integrated to help regenerate places. Policy DC2 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.

Design

5.6 The proposals seek consent to demolish and replace the existing office development occupying the site with a new 6 storey office development. The design of the building has been subject to review and modification throughout earlier pre-application discussions.

5.7 Overall, the development would occupy the back land site to the rear of Broadway Chambers and the former fire station with a similar floorplate to that of the existing office building. the main pedestrian access to the site would be taken from the entrance to Broadway Studios and the servicing access from Shepherds Bush Road.

5.8 The massing of the proposal seeks to respond positively to the local context with the main form of the building having a part 5/6 storey form overall. The upper floor of the development is intended to be setback from the parapet of the lower elements of the building and treated in contrasting materials. This scale is considered to create an appropriate response to the part 5/6 storey massing of the adjacent Broadway Chambers, the 5-storey massing of the historic fire station

development and the more substantive, contemporary 10 storey student accommodation development to the rear of the former Hammersmith Palais, (242 Shepherd's Bush Road).

- 5.9 In terms of architecture and appearance, the proposals would bring forward a high quality of design, which takes a contemporary approach to development, referencing and taking cues from the adjacent historic fire station development. Given its location, the building has a calm but high-quality appearance. At lower levels the base of the development references the curved arcade entrances to the fire station, and details these in complementary stone detailing. The main form of the building takes cues from both the historic fire station and the more recent developments within the local area. Incorporation of fenestration featuring a mix of transparent and translucent glazing, alongside framed facing materials anchors the upper floors to the base of building and the crown of the building includes a recessed upper floor with a more lightweight appearance. Overall, these features give the development a high-quality design and appearance.
- 5.10 Additional details in relation to the 1:20 details of elevations including entrances and bays, alongside materials are suggested to be agreed through conditions.

Heritage and Townscape

Heritage and Townscape

- 5.11 Local Plan Policy DC8 (heritage and conservation) states that the council will conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets. These assets include listed buildings, conservation areas historic parks and gardens, the scheduled monument of Fulham Palace Moated site, unscheduled archaeological remains and buildings and features of local interest. When determining applications affecting heritage assets, the council will apply the following principles:
- a. the presumption will be in favour of the conservation, restoration and enhancement of heritage assets, and proposals should secure the long term future of heritage assets. The more significant the designated heritage asset, the greater the presumption should be in favour of its conservation;
 - b. applications affecting designated heritage assets, including alterations and extensions to buildings will only be permitted if the significance of the heritage asset is conserved or enhanced;
 - c. applications should conserve the setting of, make a positive contribution to, or reveal the significance of the heritage asset. The presence of heritage assets should inform high quality design within their setting;
 - d. applications affecting non-designated heritage assets (buildings and artefacts of local importance and interest) will be determined having regard to the scale and impact of any harm or loss and the significance of the heritage asset in accordance with paragraph 135 of the National planning Policy Framework;
 - e. particular regard will be given to matters of scale, height, massing, alignment, materials and use;
 - f. where changes of use are proposed for heritage assets, the proposed use, and any alterations that are required resulting from the proposed use should be consistent with the aims of conservation of the asset's significance, including securing its optimum viable use;
 - g. applications should include a description of the significance of the asset concerned

and an assessment of the impact of the proposal upon it or its setting which should be carried out with the assistance of a suitably qualified person. The extent of the requirement should be proportionate to the nature and level of the asset's significance. Where archaeological remains of national significance may be affected applications should also be supported by an archaeological field evaluation;

- h. proposals which involve substantial harm, or less than substantial harm to the significance of a heritage asset will be refused unless it can be demonstrated that they meet the criteria specified in paragraph 133 and 134 of the National Planning Policy Framework;
- i. where a heritage asset cannot be retained in its entirety or when a change of use is proposed, the developer should ensure that a suitably qualified person carries out an analysis (including photographic surveys) of its design and significance, in order to record and advance the understanding of heritage in the borough. The extent of the requirement should be proportionate to the nature and level of the asset's significance;
- j. the proposal respects the principles of accessible and inclusive design;
- k. where measures to mitigate the effects of climate change are proposed, the applicants will be required to demonstrate how they have considered the significance of the heritage asset and tailored their proposals accordingly;
- l. expert advice will be required to address the need to evaluate and conserve archaeological remains, and to advise on the appropriate mitigation measures in cases where excavation is justified; and
- m. securing the future of heritage assets at risk identified on Historic England's national register, as part of a positive strategy for the historic environment.

5.12 The Council's Supplementary Planning Guidance SPD (2018) is relevant, in particular Key Principles AH1 (Information Requirements for applications for consent affecting heritage assets); AH2 (Protection of Heritage Assets); CAG2 (Urban Design in Conservation Areas) and CAG3 (New Development in Conservation Areas). These Key Principles provide guidance which seeks to ensure that heritage assets are conserved in a manner appropriate to their significance in accordance with the NPPF.

5.13 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas. It is key to the assessment of these applications that the decision-making process is based on the understanding of specific duties in relation to listed buildings and Conservation Areas required by the relevant legislation, particularly the s.66 and s.72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in the NPPF.

5.14 s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

- 5.15 s72 of the above Act states in relation to Conservation Areas that:
 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
- 5.16 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).
- 5.17 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.
- 5.18 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, it is important to recognise that the statutory provisions require the decision maker to give great weight to the desirability of preserving designated heritage assets and/or their setting.
 The application site is located in the Hammersmith Broadway conservation area and does not include any designated or non-designated heritage assets. The site is however, located in the setting of a several heritage assets including:
- The Grade II Listed Hammersmith Fire Station
 - The Grade II Listed former The George public house, (28 Hammersmith Broadway)
 - The locally listed, (building of merit), Broadway Chambers
 - The locally listed, (building of merit), Hammersmith and City London Underground Station

Hammersmith Broadway conservation area

- 5.19 The Hammersmith Broadway conservation area was designated in 1986 and covers the historic core of the Hammersmith town centre. The character profile for this conservation area was adopted in 1999 and notes that the area had already undergone significant changes across the previous 20 years, including the development of the Broadway Centre. However, as part of the wider conservation area designation, the sub area of Hammersmith Broadway itself has retained its historic character and strong sense of place that provides its historic significance. Buildings along the northern extent of the Broadway include the Underground Station, the former George public house, the adjoining Broadway Chambers building and the historic Hammersmith Fire Station. Together these buildings serve to reinforce the mixed-use commercial character and high-quality architecture of the local area.

+ Assessment of harm

- 5.20 Given the relatively modest contribution of the current office building occupying the site, both in terms of its use and limited architectural character, there are no objections to its demolition as any harm to the character or significance of the conservation area would be negligible. Furthermore, the existing building is not considered to be subject to curtilage listing in association with the adjacent Grade

II listed Fire Station; and is of relatively low historic and aesthetic value.

5.21 Having due consideration for the scale, massing and materiality of the proposals; (which would sit alongside other more modern developments which have taken place within the local area more recently); alongside the limited extent of visibility of the proposals within key townscape views both within and around the conservation area, officers consider that the development would result in negligible impacts upon the conservation area. As such, proposals would not result any harm to the character or significance of the conservation area. The proposals would preserve the character of the conservation area, considering s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

+ Grade II Listed Hammersmith Fire Station

5.22 The historic significance of Hammersmith Fire Station largely relates to its historic function and high quality of civic architecture. Although its use has now changed, the building remains a dominant feature within Shepherds Bush Road; it is a five storey (including mansard) red brick building, above a stone base with a steep, tiled, hipped roof with dormers and significant chimneys, with a significant arcade linking the first and second floors. The architectural style of the building is a classic example of the LCC Architects department designs found across London. To the rear the building has a much calmer appearance, mainly consisting of servicing areas and deck access arrangements to the residential units situated above the fire station itself.

+ Assessment of harm

5.23 The proposal scheme would introduce a building of a more significant scale within the immediate setting of this heritage asset. However, given the intervening land use and presence of larger developments including the historic Broadway Chambers, and the more recent development to the rear of 242 Shepherd's Bush Road, this development would not be out of character within this locality. Considering the impact of the development upon the setting of the historic asset, there would be relatively limited intervisibility between the proposal scheme and the fire station, largely in a single glimpsed view from Shepherds Bush Road. In this view, the historic significance and prominence of the fire station would remain clearly apparent and capable of being appreciated within its historic context. As such, officers consider proposals would not result any harm to the character or significance, by harm to the setting of this historic asset. The proposals would preserve the character and setting of the asset, considering s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

+ Grade II Listed former The George public house, (28 Hammersmith Broadway) and locally listed, (building of merit), Broadway Chambers

5.24 The historic character and significance of both the statutory and non-statutory listed buildings is similar to that of the fire station and relate to their historic use and architectural character. Generally, the frontages of these buildings onto Hammersmith Broadway form the focus of their significance. And to the rear both buildings feature far more simple detailing and include back of house areas which have limited interest.

+ Assessment of harm

5.25 The proposal scheme would not be visible in views of the main frontages of both buildings and instead would directly interface with the calmer and more simple rear elevations/service areas of both buildings. As such, officers consider proposals would not result any harm to the character or significance, by harm to the setting of these historic assets. Furthermore, the proposals would preserve the character and setting of the Grade II listed asset, considering s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

+ Locally listed, (building of merit), Hammersmith and City London Underground Station

5.26 The London Underground Station is a locally listed, (building of merit) designated due to its historic function and its high-quality detailing. It has a symmetrical, single storey street frontage consisting of five bays in red brick; and stone/glazed brickwork facades. The central bay has a brick pediment, slightly curved at its base, and is surmounted by a stone gable with semicircular head, housing a clock. The building itself is largely experienced best in views from Beadon Road and the adjacent Lyric Square.

+ Assessment of harm

5.27 The proposal scheme would have some limited intervisibility within the background of views to the station from views along Beadon Road. Whilst in these views the development would have some additional prominence, (in comparison to the baseline view), the historic features of the station would be clearly visible, and the development would read as a background feature in these views in a similar manner to the more recent development to the rear of 242 Shepherd's Bush Road. Consequently, officers consider that subject to the use of high-quality materials, (which are will be secured by condition), the development would not result in any harm to the setting of the locally listed asset.

+ Design, Heritage and Townscape Conclusion

5.28 The proposal scheme is considered to represent a high quality of design, which takes forward the opportunity to make efficient use of a back land site. Given the location of the proposed development, from a townscape and heritage perspective the proposals are not considered to result in any harmful impact to the Hammersmith Broadway conservation area or to the setting of adjacent designated and non-designated heritage assets. As such it is considered that the development would be compliant with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; Section 12 of the NPPF (2024), London Plan (2021) Policies D3 and HC1, and Policies DC1, DC2 and DC8 of the Local Plan (2018).

+ Accessibility

5.29 Policy GG1 of the London Plan (2021) requires all new development to achieve inclusive design. London Plan (2021) Policy D3 seeks to ensure that new developments are accessible and inclusive for a range of users, including disabled people, by adopting an inclusive design approach. London Plan (2021) Policy D5 seeks to ensure developments achieve the highest standards of accessible

inclusive design and be designed to incorporate safe and dignified emergency evacuation for all building users. Policies DC1, DC4 and DC8 of the Local Plan (2018) require new development to be designed to be accessible and inclusive to all who may use or visit the proposed buildings.

- 5.30 Key Principle DA1 of the Planning Guidance SPD (2018) states that buildings should be accessible and inclusive to all. It states that drawings submitted for planning approval should show external access features for detailed approval, showing how internal facilities will cater for different users and how barriers to access will be overcome, as well as showing circulation routes and explaining how accessibility will be managed when the development has come into use. Key Principle DA6 refers to entrances into a building and states that any entrances to a building which are above or below street level or positioned to be level should be level or the slope should not exceed a gradient of 1 in 20 from the street.
- 5.31 The proposed development would have lift access to all floors of the building and stair core. The main entrance would be via the existing route over the covered canopy which is wide enough for wheelchair users. During the course of the application, officer's secured wider cycle spaces to accommodate for a range of users. Additionally, both the affordable workspace users and main occupiers can use both access points either via the covered walkway or the currently closed off Shepherds Bush Road access point which will be redeveloped and opened up to allow better permeability and access into the site. Ground level lighting will also be installed on the new surface treatment along Shepherd's Bush Road to facilitate safe movement to and from the site - this will ensure safe access and ingress in the hours of darkness.
- 5.32 It is considered that, subject to the conditions, the proposal would provide a high-quality environment for disabled and impaired members of the community. As such the proposal will comply with Policies D5 and D7 of the London Plan (2021) and Policies DC1 and HO6 of the Local Plan (2018).

FIRE SAFETY

- 6.0 Policy D12 in the London Plan requires the applicant to prepare a detailed draft Fire Safety Statement by a suitably qualified third-party assessor, to demonstrate that the proposed development has been designed to offer a safe environment for residents. Policy D5 further seeks to ensure that developments incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum, at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.
- 6.1 The application is supported by fire safety information including access for emergency vehicles which will be via Shepherds Bush Road and the existing crossover which features double yellow lines. Page 50 of the DAS outlines a fire curtain will also be installed to the staircase in the northwestern corner of the site as well as several fire doors. The proposed building has two stair cores.
- 6.2 The application has also been supported by a Planning fire Safety Strategy/Fire Statement prepared by Socotec dated 04/05/2022. This report aims to satisfy London Plan Policy D12. The report outlines the total height of the building is

17.62m and that the total overall capacity of the building is 360 (60 people on each floor). The ground floor will be the 'The Main Evacuation Exit Floor'.

- 6.3 Passive fire safety measures include structural elements of the building will be provided with 60 minutes fire resistance. Active measures including an automatic water fire suppression system for property protection.
- 6.4 The proposal would be subject to a final assessment of compliance, which would be completed when the Building Regulations application is submitted. The building does not fall under the category of a 'relevant building' as defined in Building Regulation 7(4) and the HSE have confirmed they have no comments to make. On this basis, Officers are satisfied that the submitted Fire Statement provides sufficient information for the planning stage and recommends that a condition is imposed to ensure that the strategy is implemented, and the development is carried out in accordance with this document. A condition will also secure details of fire rated lifts prior to occupation. As such the proposal will comply with London Plan (2021) Policies D5 and D12.

CRIME PREVENTION AND COMMUNITY SAFETY

- 6.5 Policy D11 of the London Plan (2021) advises that new development should include measures to design out crime. Local Plan (2018) Policy DC1 advises that developments throughout the borough should be designed to minimise opportunities for crime and anti-social behaviour.
- 6.6 Full details of how the proposed development would incorporate crime prevention measures to provide a safe and secure environment will be secured by condition including details of CCTV coverage and a security strategy to minimise opportunities for crime and anti-social behaviour. Condition's will ensure the scheme meets full secure by design accreditation in conjunction with the Metropolitan Police as well as wider community safety measures to maximise building resilience and minimise potential physical risks in line with Policy D11 of the London plan.

HIGHWAYS AND TRANSPORT

- 7.0 The NPPF requires that developments which generate significant movement are located where the need to travel would be minimised, and the use of sustainable transport modes can be maximised; and that development should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 7.1 In determining this application, consideration has been given to the requirements of Policies T1, T2, T4, T5, T6, T6.2, T6.5 and T7 of the London Plan, as well as TfL's Healthy Streets for London strategy, in assessing the effects on the local highway network along with the proposed car parking, cycling parking and servicing requirements. London Plan Policy T6 sets out the intention to encourage consideration of transport implications as a fundamental element of sustainable

transport, supporting development patterns that reduce the need to travel or that locate development with high trip generation in proximity of public transport services. The policies also provide guidance for the establishment of maximum car parking standards in relation to blue badge parking at Policies T6.4 and T6.5. London Plan Policy T5 sets out the requirements for cycle parking in accordance with the proposed use.

- 7.2 Relevant Local Plan (2018) transport policies are T1 'Transport', T2 'Transport Assessments and Travel Plans', T3 'Increasing and Promoting Opportunities for Cycling and Walking', T4 'Vehicle Parking Standards', T5 'Parking for Blue Badge Holders' and T7 'Construction and Demolition Logistics'.
- 7.3 Policy T1 requires work to be carried out with strategic partners to improve transportation provision, accessibility, and air quality by increasing the opportunities for cycling and walking through support of continued development of initiatives designed to encourage modal shift away from private vehicles, creating safer environments for cyclists and pedestrians and improving access for people with disabilities. Providing adequate levels of electric vehicle charging points; ensuring that traffic generated by new development is minimised so that it does not add to parking pressures on local streets or congestion; and relating the intensity of development to public transport accessibility and highway capacity are also relevant requirements of this policy.
- 7.4 Policy T2 requires all developments to be assessed for their contribution to traffic generation. Transport Assessments, Travel Plans and Delivery and Servicing Plans are required to be secured.
- 7.5 Policy T3 (Increasing and promoting Opportunities for Cycling and Walking) states that the Council will encourage and support the increasing use of bicycles by requiring new developments to include the provision of convenient accessible and safe secure cycle parking within the boundary of the site; the provision of suitable changing and showering facilities and developer contributions for improvements to cycling infrastructure, including contributions to the extension of TfL's Cycle Hire Scheme TfL or other Cycle Hire schemes to mitigate their impact on the existing network. The Council will facilitate walking by requiring larger developments to provide: accessible, inclusive and safe pedestrian routes within and through the larger developments and contributing to improvements in the local highway infrastructure and walking environment.
- 7.6 Policy T4 states that the Council will require development to conform with car parking standards. Policy T5 requires new developments to include provision for accessible, off-street car parking for Blue Badge holders.
- 7.7 Policy T7 requires all construction and major logistics activities to work with the Council in developing the scope and impact of their operations, in order to mitigate the impact of additional traffic or potential disruption to the network.
- 7.8 The development site is surrounded by Shepherds Bush Road (A219) (20mph limit) and Hammersmith Broadway (A315) (20mph limit). LBHF is the highway authority for both roads. The Broadway is extremely busy road, often congested during AM and PM peaks. A number of bus routes also operate across this junction within the town centre given the nearby Hammersmith bus station which

acts as a major terminus for buses in West London and onward rail connections. The site is very well served by public transport and has a Public Transport Accessibility level (PTAL) of 6b, which is excellent in terms of its location to public transport network, service availability and walking time to public transport. There are a variety of services locally, with easy access to central London and links to major transport nodes including both Hammersmith train stations and bus depo.

7.9 Hammersmith and Fulham Council are the Traffic and Highway Authority for nearby roads, classified as London / Borough Distributor Roads. The nearest on-street parking to the site is along Hammersmith Grove and Bute Gardens. The highway in front of the site is double yellow lined.

+ Car Parking and Trip Generation

7.10 The application site is located in Controlled Parking Zone A, which has operating hours of 08:30-18:30 on Monday to Saturday. There are no existing car parking spaces serving the existing office building and the scheme proposes to remain car-permit free which will be secured by a legal agreement (S106). The proposed development is therefore proposed to be car-free, with blue badge parking proposed to take place on the public highway. It is noted that blue badge holders are permitted to park within any parking bay within the borough. There are two Blue Badge spaces located 180m to the south of the site on Black's Road. There is also Blue Badge parking provided 225m to the west of the site on Hammersmith Grove. Whilst London Plan T6.5 requires 5 percent of parking to be disabled parking, given the highly density of the site, not providing any is accepted in this particular-case given existing site arrangements and the provision of large cycle spaces to accommodate all kinds of cycle users.

7.11 During the course of the application a Transport addendum (1st of Feb 2023) was provided with additional information including details on trip generation which shows the existing office use (375m²) is likely to generate a total of 68 person movements per day with 10 movements in the AM peak and nine movements in the PM peak. Vehicle movements are likely to be low, with a total of three vehicle movements throughout the day, which includes deliveries and taxi drop-offs.

7.12 Paragraph 2.3.2 of the addendum statement outlines the proposed development the proposed development could generate a total of 273 person movements per day with 41 movements in the AM peak and 36 in the PM peak. Vehicles would generate 11 daily movements. This was reviewed by the council's Highways Department, and it was agreed no car parking survey was required. A Delivery and Servicing Plan will ensure that the proposed development can be serviced without impacting the public highway and in full consultation with TfL given the busy nature of the nearby highways and bus routes in operation.

7.13 The site is accessed via Broadway Arcade to Hammersmith Broadway through number 20. External access is also provided from Shepherds Bush Road via a pedestrian passageway. Evidence of a right of way was provided to demonstrate access to and from the site was possible.

7.14 During the course of the application improvements were made to the quality of these routes including surface treatment and external lighting along the Shepherds Bush Road access route.

7.15 Given the increase in trips to the site, a S278 highways works obligation is required, to improve the vehicle access point and footway that provides access to the site from Shepherds Bush Road, and improvements are also required to the area of highway in front of the site access on Hammersmith Broadway including tree planting/greening and the provision of cycle parking stands for visitors to the site.

+ Cycle Parking

7.16 London Plan Table 10.2 (Policy T5 Cycling) requires Offices to provide 1 space per 75sq/m in areas with higher cycle requirements which this site falls within. This means 20 spaces are required to meet policy. This has been exceeded and it is proposed to provide 22 standard cycle parking spaces as well as 2 larger accessible parking spaces. Toilets and spaces which could be used for showering/changing are also provided for future cyclists. The facilities are secured by a condition.

+ Service, Deliveries and Waste

7.17 A Draft Delivery and Servicing Plan was submitted with the application, it undertook a review of the existing loading facilities adjacent to the site to determine if the deliveries associated with the proposed development can be accommodated.

All deliveries and servicing associated with the proposed development will be undertaken on-street from the existing goods vehicles loading only bay on the western side of Hammersmith Broadway. The delivery bay can accommodate a maximum of two smaller vehicles (LGVs or cars) or one larger vehicle (OGVs).

7.18 Based on the TRICS database, it is anticipated that there will be up to two delivery and servicing vehicle trips per day, with fewer than one delivery per day undertaken by an ordinary goods vehicle. The survey of occupancy of the loading bay demonstrates that there is spare capacity to accommodate the additional deliveries generated by the proposal.

7.19 A final Delivery and Servicing Plan will be secured by condition and will be discharged in consultation with TfL. The plan will include measures to encourage sustainable modes of freight such as deliveries by cargo bikes.

7.20 Commercial refuse will be stored in bin stores on the ground floor and moved on-street prior to collection. Further details of where bins would be located on collection day will be provided in the updated Delivery and Servicing plan.

+ Travel Plan

7.21 A travel plan will be secured to ensure how a reduction in dependency on the private car will be achieved. The plan will include clear and unambiguous objectives and modal split targets, together with a time-bound programme of implementation, monitoring and regular review and improvement. This will ensure satisfactory provision for sustainable travel arrangements and thereby encourage sustainable and active modes of transport, in accordance with Policy T3 of the

Local Plan (2018). The Travel Plan will be secured by legal agreement, together with associated monitoring fees.

+ Construction Logistics

- 7.22 A draft Demolition and Construction Logistics Plan (DLP/CLP) supports the application and has been considered by both LBHF Officers and TfL. It has been agreed a final detailed DLP/CLP will be secured in line with TfL guidance, and in consultation with TfL. It is noted the proposed pitlane to be placed along Shepherds Bush Road during construction will not be permanent during the construction, and deliveries are only to be accepted within a 10am - 3pm time frame. This is to avoid the network peaks.
- 7.23 The DLP/CLP will provide details to ensure the construction works do not obstruct users of the highway, in particular that it does not impact on the public transport network. In this instance, the DLP/CLP will include swept path analysis which demonstrates that buses can pass without issue. A detailed DLP/CLP will also demonstrate how the applicant will temporarily change the road layout to ensure that northbound traffic/buses can use the southbound taper to manoeuvre around the construction vehicle.
- 7.24 The final DLP/CLP will be secured by a legal agreement including associated monitoring fees, and will remain live a document with ongoing consultation with the Council's Highways Officers.

Conclusion on highways matters

- 7.25 Subject to conditions and a legal agreement, there are no objections to the proposal based on highways, traffic or parking. The scheme has been developed in compliance with relevant London Plan and Local Plan transport policies. It is considered that the capacity of the existing highway network could sufficiently support the development without further detriment, and that public transport capacity is sufficient to serve the additional trips generated. The proposal is considered not to lead to any detrimental impact on on-street parking given the excellent public transport facilities.

ENVIRONMENTAL MATTERS

+ Flood Risk

- 8.0 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future), but where development is necessary in such areas, making it safe for its lifetime without increasing flood risk elsewhere.
- 8.1 London Plan (2021) Policies SI 12 (Flood risk management) and SI 13 (Sustainable drainage) outline strategic objectives in relation to flood risk management and sustainable drainage. Local Plan (2018) Policy CC2 requires major developments to implement sustainable design and construction measures, including making the most efficient use of water. Local Plan Policies CC3 (Minimising Flood Risk and Reducing Water Use) and CC4 Minimising Surface Water Run-Off with Sustainable Drainage Systems) contain similar requirements

designed to assess and mitigate against the risk of flooding and integrate surface water drainage measures into development proposals.

- 8.2 A Flood Risk Assessment (FRA) and Suds Strategy have been submitted with the application. This site is in the Environment Agency's Flood Zones 2 and 3. No basement is proposed in the new building, so groundwater and sewer flood risks will be low. Although the site is in Flood Zone 3, it is well protected from flood risk from the River Thames by the Thames Barrier and local river wall defences. With regards to surface water flood risks, ponding of water outside the building would be expected in the event of a major storm. The main flood risk mitigation measures to be implemented is a drainage strategy to manage surface water run-off.
- 8.3 H&F Local Plan Policy CC4 requires the following:
"All proposals for new development must manage surface water run-off as close to its source as possible and on the surface where practicable, in line with the London Plan drainage hierarchy. Other requirements include: all major developments must implement Sustainable Drainage Systems (SuDS) to enable a reduction in peak run-off to greenfield run off rates for storms up to the 1 in 100 year event (plus climate change allowance); all major developments will be required to provide a sustainable drainage strategy that demonstrates how SuDS will be integrated to reduce peak flow volumes and rates in line with the requirements of this policy; all other developments must maximise attenuation levels, achieving greenfield run off rates where possible, particularly where they are located in surface water flooding hotspots, or increase a sites impermeable area; as well as being designed to minimise flood risk, surface water drainage measures must be designed and implemented where possible to help deliver other Local Plan policies such as those on biodiversity, amenity and recreation, water efficiency and quality and safe environments for pedestrians and cyclists; all new outdoor car parking areas and other hard standing surfaces shall be designed to be rainwater permeable with no run-off being directed into the sewer system, unless there are practical reasons for not doing so; all flat roofs in new developments should be living roofs to help contribute to reducing surface water run-off; and where installed, SuDS measures must be retained and maintained for the lifetime of the development and details of their planned maintenance must be provided to the council.
- 8.4 As outlined under section 2.6 of this report, the Environmental Agency raised no objections to this scheme. The council's Flooding Team did however raise concerns that some SuDS features had been ruled out.
- 8.5 In response, officer's secured further information relating to details on the SuDS Strategy. The updated Strategy considered several options in more detail including permeable paving however it was noted this is not possible due to shared ownership, so proposing any works here are not solely within the gift of the applicant alone. As such, this was excluded as an option. The main SuDS measure currently proposed is a green/blue roof installation which would help store rainwater at roof level for controlled release into the sewer system.
- 8.6 Rainwater harvesting for re-use is preferred on sites where it is feasible to include. To ensure that this option is given further consideration at the detailed design

stage, officer's have agreed to a condition to secure a revised SuDS Strategy that includes an assessment of the feasibility to include rainwater harvesting which should build on the principles established in the approved FRA with regards to the inclusion of blue/green roof and to limit discharges from the site to the greenfield rates.

8.7 Thames Water has no objections to the proposal subject to informatives which have been applied. As such, subject to the submission of a detailed and revised SuDS Strategy as well as full compliance with the approved flood risk assessment no objection would be raised under Local Plan (2018) Policies CC3 and CC4, or London Plan (2021) Policies SI 12 and SI 13 on sustainable drainage and flooding grounds.

+ Land Contamination

8.8 Policy 5.21 of the London Plan and policy CC9 of the Local Plan state that the Council will support the remediation of contaminated land and that it will take measures to minimise the potential harm of contaminated sites and ensure that mitigation measures are put in place. Policy CC9 of the Local Plan requires applicants to carry out site assessment and submit a report of findings on sites where contamination is known to be present, to establish the nature and extent of contamination.

8.9 Potentially contaminative land uses are understood to occur at, or near to, this site. In accordance with the above policies, six planning conditions relating to land contamination are required to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works.

+ Energy and Sustainability

8.10 London Plan Policies SI 2 (Minimising greenhouse gas emissions), SI 3 (Energy infrastructure) and SI 4 (Managing heat risk) require that development proposals should minimise carbon dioxide emissions and exhibit the highest standards of sustainable design and construction, they should provide on-site renewable energy generation and boroughs should seek to create decentralised energy networks.

8.11 Policies SI 2 and SI 3 set out how new development should be sustainable and energy saving. Policy SI 2 seeks to extend the extant requirement on residential development to non-residential development to meet zero carbon targets. It maintains the expectation that a minimum reduction of 35% beyond Building Regulations is to be met on site (15% of which should be achieved through energy efficiency for non-residential development). Where it is clearly demonstrated that the zero-carbon target cannot be met on site, the shortfall should be provided through a cash in lieu contribution to the borough's carbon offset fund, or off-site provided an alternative proposal has been identified and delivery is certain.

8.12 Policy SI 3 states that within Heat Network Priority Areas, which includes the site, major development proposals should have communal low-temperature heating systems in accordance with the following hierarchy:

a). Connect to local existing or planned heat networks

- b). Use zero-emission or local secondary heat sources (in conjunction with heat pump, if required)
- c). Use low-emission combined heat and power (CHP) (only where there is a case for CHP to enable the delivery of an area-wide heat network, meet the development's electricity demand and provide demand response to the local electricity network)
- d). Use ultra-low NOx gas boilers.

8.13 Policy SI 4 requires development proposals to minimise adverse impacts on the urban heat island through design, layout, orientation, materials, and the incorporation of green infrastructure. This should be demonstrated by following the cooling hierarchy along with an assessment using The Chartered Institution of Building Services Engineers (CIBSE) guidance on assessing and mitigating overheating risk in new developments, using TM59 and TM52 for domestic and non-domestic developments, respectively.

8.14 Local Plan Policy CC1 (Reducing Carbon Dioxide Emissions) requires all major developments to implement energy conservation measures with a view to reducing carbon dioxide emissions. The policy, however, refers to the previous version of the London Plan and as such has been partly superseded by the more up to date requirements contained in the new London Plan (2021).

Carbon reduction

8.15 As required by Policy CC2 of the H&F Local Plan, a Sustainability Statement has been provided with the application. In addition to the proposed sustainable energy / carbon reduction measures, details of other sustainable design and construction measures have also been provided. Sustainable materials will be sourced to reduce their environmental impacts, waste reduction and recycling facilities will be integrated, and water efficiency measures are proposed through the inclusion of water efficient fixtures and fittings. The council's Environmental Team have reviewed information provided and raised no objections to this.

8.16 As required, an Energy Assessment has been provided with the application. The proposed energy efficiency measures meet the London Plan target of a minimum of 15% reduction in CO₂ emissions through these measures alone, reaching 16.8%. On site renewable energy is proposed in the form of Heat Pumps and solar PV panels. The overall performance of the scheme in terms of CO₂ emissions reduction is proposed to be 59% which easily meets the minimum requirement of a 35% reduction overall. A basic roof plan is provided showing locations of where the Heat Pumps and PVs would go.

8.17 In order to meet the net zero requirement for major schemes, any remaining CO₂ emissions are required to be offset through a payment in lieu to the council. At present the Energy Strategy has calculated a carbon offset payment of circa £17,940. However, the Energy Strategy notes this may change through the detailed design stage. As such a finalised Energy Strategy shall be secured by a condition together with an updated payment in lieu which will be secured by a legal agreement.

Air Quality

- 8.18 The entire borough was designated as an Air Quality Management Area (AQMA) in 2000 for two pollutants, Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀). The main local sources of these pollutants are road traffic and buildings (gas boiler emissions).
- 8.19 London Plan Policy SI 1 (Improving air quality), supported by the Mayor's Control of Dust and Emissions during Construction and Demolition SPG (July 2014), provides strategic policy guidance on avoiding a further deterioration of existing poor air quality. All developments will be expected to achieve Air Quality Neutral status with larger scale development proposals subject to EIA encouraged to achieve an air quality positive approach.
- 8.20 Local Plan Policy CC10 'Air Quality' states that the Council will seek to reduce levels of local air pollution and improve air quality in line with the national air quality objectives by reducing the potential adverse air quality impacts of new developments, requiring the submission of an air quality assessment and mitigation measures where appropriate.
- 8.21 A range of air quality conditions will ensure the development is acceptable in terms of Air Quality. Conditions include how demolition will not impact air quality, ventilation strategy, zero emission heating and an Ultra Low Emission Strategy (ULES) for the site. Additionally, a payment of £5,000 per year of the demolition and construction phases of the development for the council's compliance monitoring of the AQDMP and to maintain the councils Construction Site Monitoring Register Website will be secured by a legal agreement.

IMPACT ON RESIDENTIAL AMENITY

- 9.0 There are no specific policies about daylight, sunlight or overshadowing in the Local Plan (2018). Policy HO11 of the Local Plan (2018) includes requirements for developments to avoid detrimental impacts on the amenities of residents in the surrounding area. The policy seeks the protection of existing residential amenities, including such issues such as loss of daylight, sunlight, privacy, and outlook. Policies DC1 and DC2 require development to be well designed and compatible with neighbouring properties and their setting, and should respect the amenities of the neighbouring properties, and other properties most directly affected by the proposal. Key Principles HS6 and HS7 of the Planning Guidance SPD seek to protect the existing amenities of neighbouring residential properties, in terms of outlook, light, and privacy.
- 9.1 The BRE guidance recommends that only windows and rooms within residential properties need to be assessed for daylight/sunlight impacts, it notes that the guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops, and some offices. In this instance officers generally consider it unnecessary to assess the non-residential buildings within the vicinity of the site, particularly as offices are routinely lit with electric lights in the daytime given their deep floorplates. Rights to light to the existing neighbouring commercial development would need to be protected in the scheme, but this would be through a process separate from planning.

+ Broadway Chambers

9.2 Broadway Chambers comprises office use on the upper floors with commercial uses on the ground floor. The massing of the proposed building is stepped away from this building which will help to mitigate the impact on the office occupiers in terms of light and outlook.

+ Student Accommodation (244 Shepherds Bush Road)

9.3 Student accommodation is located to the north of the application site. Based on officers site visit and planning records the windows in the South elevation of the student accommodation building are to corridors and as such, the impact on these are not a concern.

+ Office accommodation (across railway tracks, 10 Hammersmith Grove)

9.4 Across the railway tracks contains a large modern office development with commercial uses at ground level. Given the separation distance from the application site and usage of the opposing building, no concerns are raised with regards to amenity.

+ Old Fire Station (244 Shepherds Bush Road)

9.5 Wagamama's is located at the ground floor including a large single storey rear extension of which no concerns are raised as this is non habitable. Based on council tax records, the old fire station contains 12 residential flats at upper levels as approved under planning ref: 2002/02824/FUL. It is these properties which stand to be most affected by the proposed building within this back land site which is underdeveloped. A number of objections have been received from the occupiers of these properties. The following assessment relates to these properties.

Daylight and sunlight

9.6 For all properties assessed an analysis of the daylight (vertical sky component (VSC) and no-sky line (NSL)) that would reach an affected window has been submitted with the application. Figures showing the existing situation compared with the effect of the proposed development have been presented.

9.7 The BRE Guidance sets out the different methods of assessing daylight to or within a room in a neighbouring property; these are the Vertical Sky Component (VSC) method and the plotting of the no-sky-line (NSL) method.

9.8 The VSC method measures the amount of sky that can be seen from the centre of an existing window and compares it to the amount of sky that would still be capable of being seen from that same position following the erection of a new building. The measurements assess the amount of sky that can be seen converting it into a percentage. An unobstructed window will achieve a maximum level of 40% VSC. The BRE guide advises that a good level of daylight is considered to be 27% VSC. Daylight will be noticeably reduced if after a development the VSC is both less than 27% and less than 80% of its former value.

- 9.9 The plotting of the NSL measures the distribution of daylight within a room. It indicates the point in a room from where the sky cannot be seen through the window due to the presence of an obstructing building. The NSL method is a measure of the distribution of daylight at the 'working plane' within a room. In houses, the 'working plane' means a horizontal 'desktop' plane 0.85 metres above floor level. This is approximately the height of a kitchen work surface.
- 9.10 The NSL divides those areas of the working plane in a room which receive direct sky light through the windows from those areas of the working plane which do not. If a significant area of the working plane lies beyond the NSL (i.e. it receives no direct sky light), then the distribution of daylight in the room will be poor and supplementary lighting may be required.
- 9.11 The impact of the distribution of daylight in an existing building can be found by plotting the NSL in each of the main rooms. For dwellings this would include living rooms, dining rooms and kitchens. Bedrooms should also be analysed, although they are considered less significant in terms of receiving direct sky light. Development will affect daylight if the area within a room receiving direct daylight is less than 80% of its former value.
- 9.12 When reviewing the daylight results for each property, the methods would normally be considered sequentially; VSC and NSL. In the first instance, therefore, the VSC results should be considered.
- 9.13 If all the windows in a building meet the VSC criteria, it can be concluded that there will be adequate daylight. If the windows in a building do not meet the VSC criteria, the NSL analysis for the room served by that window needs to be considered.

Daylight Impact - results

- 9.14 The initial report concluded some impact will result to the residential flats within the Old Fire Station and this would be expected given the proximity of the site. However, it is noted the Old Fire Station flats contain enclosed walkways which already reduce daylight and sunlight reaching the windows of the flats. The report provided outlines that 18 of 36 windows are affected as a result of the proposed development. However, as stated above these flats are already affected by walkways, and as the guidance suggests, if an assessment is carried out taking the walkways out, then 34 out of the 36 (94%)_habitable room windows experience less than a 20% reduction in their existing levels of VSC. As such the report concludes that the limited daylight loss that would be experienced is primarily a result of the existing site layout and walkways.
- 9.15 Whilst Officers recognise that there would be a limited impact on daylight as a result of the proposed development, this is in the context of the existing walkways, the urban setting and the large buildings in this area and their relationship in close proximity to neighbouring residential buildings. As such it is considered that, on balance, the scheme complies with the aims of Local Plan policy DC2.
- 9.16 In terms of the no skyline assessment, of the 20 habitable rooms analysed, 17 will meet the levels set out within the BRE Guidelines when analysed with the walkways in place. The 3 rooms that do not meet are a bedroom and kitchen on the first floor and a bedroom on the second floor. When the effects of the

balconies are taken into account these 3 rooms retain 90%, 79% & 92% of their existing daylight distribution respectively. On balance officers raise no objections.

Sunlight

- 9.17 To assess loss of sunlight to an existing building, the BRE guidance suggests that all main windows to dwellings should be checked if they have a window facing within 90 degrees of due south. The guidance states that kitchens and bedrooms are less important, although care should be taken not to block too much sun.
- 9.18 The Annual Probable Sunlight Hours (APSH) predicts the sunlight availability during the summer and winter for the main windows of each habitable room that faces 90 degrees of due south. The summer analysis covers the period 21 March to 21 September, the winter analysis 21 September to 21 March. The BRE Guidance states a window may be adversely affected if the APSH received at a point on the window is less than 25% of the annual probable sunlight hours including at least a 5% of the annual probable sunlight hours during the winter months and the percentage reduction of APSH is 20% or more.
- 9.19 Where a window does not meet the first criteria, retaining at least 25% total APSH with 5% in the winter months but the percentage reduction is less than 20% it will experience a negligible impact, as the area receiving reduced levels of sunlight is comparatively small when considering the baseline sunlight levels.
- 9.20 The BRE Guidelines state that sunlight is of most importance to living rooms and that windows facing within 90 degrees of due south should be analysed. All living rooms within the proposal with south facing windows face away from the development and are unaffected by it. This proposal therefore meets the BRE Guidelines when considering sunlight.
- 9.21 As such it is considered that, on balance, the scheme complies with the aims of Local Plan (2018) policy DC2.

Outlook

- 9.22 The proposed upward extension would represent an increase in four-storeys over and above the existing provision in a back land site which is underdeveloped. As such the proposals would result in an increase in the height of the development when viewed from the opposing properties within the Old Fire Station.
- 9.23 Whilst the proposals would bring the building closer at upper levels, the stepped design of the development would mean that the proposal would not be detrimentally overbearing. Together with the covered walkway, dual aspect and limited habitable rooms within the opposing windows of the flats, and taking into account this urban context it would be difficult to sustain an argument that the new building would be unacceptable due to loss of outlook and increased sense of enclosure.

Privacy

- 9.24 Key Principle HS7 of the Planning Guidance SPD states that new windows should normally be positioned so that they are a minimum of 18 metres away from

existing residential windows as measured by an arc of 60 degrees taken from the centre of the proposed window. There are windows at 1st to 4th floor level above the fire station. The separation distance ranges from c.16.8m to c.19.9m from the closest windows.

9.25 However, as mentioned earlier most of the windows do not serve habitable rooms, and the walkways present serving the rear of the flats will provide some relief from overlooking and privacy concerns. Additionally, as the proposed windows in the development along the eastern elevation would serve an office use rather than another residential use, they are considered to be potentially less intrusive in terms of privacy/overlooking. A condition will prevent the site being redeveloped for residential uses.

+ Noise and disturbance

9.26 London Plan Policy D14 states in order to reduce, manage and mitigate noise to improve health and quality of life, development proposals should manage noise by avoiding significant adverse noise impacts on health and quality of life.

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

9.28 The site is in an area of mixed commercial and residential activity, as well as noise from the adjacent underground services, and is thus in an area with a high level of background noise. The site itself already provides an office building, however the extension would provide a significant uplift in office space with the resulting increase in staff, as well as new plant.

9.29 Given the low risk of noise impact the council's environmental policy team have recommended a NIA be secured by way of a condition. Further conditions will require doors to be self-closing and both music and amplified voices restricted to protect amenity by way of noise and disturbance. Whilst an outdoor area is proposed at the top floor (fifth floor) a condition will ensure this space is only used for maintenance to ensure amenity is not unduly impacted and to avoid noise disturbance to nearby more sensitive receptors.

9.30 In terms of other sources of noise, servicing and deliveries would take place from the adjacent highway as existing. As outlined in the Highways section the development is expected to involve an increase of delivery and servicing vehicle trips in and out of the site a day. A Delivery and Servicing Plan would ensure that the times for servicing and deliveries are restricted to reasonable daytime hours. Due to the proposed level of servicing and the suggested condition it is expected that there would not be significant further noise disturbance associated with servicing and deliveries to the extended building.

+ Light pollution

9.31 A light spillage report was provided and reviewed by the council's Environmental Protection Team, who concluded that lighting impact (from external and internal lighting fittings) has been demonstrated to be acceptable. Nonetheless, a lighting strategy will ensure any potential amenity impact is accounted for and is secured by condition. A further condition will also be used to ensure mitigation of internal lighting (such as auto timers in rooms) so internal light automatically turns off when not in use in efforts to save on energy and to prevent excessive light pollution.

+ Construction works

9.32 The disruption of construction works and the noise and disturbance to nearby residents and businesses is acknowledged to be a key local concern. Whilst it would be unreasonable to refuse planning permission for a development scheme based on the temporary impact of construction works, the Council will take steps to ensure that disruption and noise/disturbance are minimised as far as possible. A demolition and construction logistics plan, a demolition and construction management plan, and an Air Quality Dust Management Plan are required to be submitted for approval, together with associated monitoring fees.

10.0 PLANNING OBLIGATIONS / COMMUNITY INFRASTRUCTURE LEVY (CIL)

+ Community Infrastructure Levy

10.1 This development would be subject to a London wide community infrastructure levy. The Mayor's 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. This contributes towards the funding of Crossrail. The GLA expect the Council, as the Collecting Authority, to secure the levy in accordance with London Plan Policy 8.3.

10.2 It is estimated that the proposed development would generate a Mayoral CIL of £ 77,520.00 + indexation (MCIL 969sqm x £80).

10.3 Additionally, the Council collects its own CIL, and this development would be liable, which would be £193,800.00 + indexation (BCIL 969sqm x £200).

+ S106 Heads of Terms

10.4 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'.

10.5 London Plan Policy DF1 recognises the role of planning obligations in mitigating the effects of development and provides guidance of the priorities for obligations in the context of overall scheme viability.

- 10.6 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).
- 10.7 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.
- 10.8 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.
- 10.9 The Applicant is expected to agree to enter into a legal agreement with the Council to which would include the following site-specific items (i.e. items which are not on the CIL r123 list):
- 1) Provision of Affordable Workspace in perpetuity (c.20% of uplift Affordable Workspace at 40% discount), including submission of Affordable Workspace Management Plan (AWMP).
 - 2) Employment and skills/ local procurement comprising:
 - 10% local labour during construction phase;
 - 2 apprenticeships created during either construction or end-use phase (or a £14,000 payment in lieu)
 - 20% local labour during end-use (which can include apprenticeships and paid work experience placements, latter lasting at least 6 months)
 - £21,000 payment to the Council to support employment/skills initiatives.
 - £3,375 payment to the Council to support small business support activities.
 - 10% of build cost (i.e. £880K) to be spent in H&F.
 - 3) Energy and Sustainability - carbon dioxide emission offset contribution (currently estimated at £17,940, to be reviewed upon submission of revised Energy Strategy)
 - 4) Air Quality - £5,000 per annum for the demolition and construction phases of the development will be required for the Council's compliance monitoring of the AQDMP and to maintain the councils Construction Site Monitoring Register Website.
 - 5) Demolition and Construction Logistics Plans - submission; and a contribution of £5,000 per year until completion of construction towards monitoring.
 - 6) On-street car parking permit-free development
 - 7) Enter into a S278 Agreement to fund: Sheffield and other cycling improvements within the site, greening/planting/trees and improvements to secondary access route via Shepherds Bush Road.
 - 8) Travel Plan - submission and implementation; and a contribution of £3,000 at yr 1, 3 and 5 towards Travel Plan monitoring.

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

11.0 CONCLUSION and RECOMMENDATION

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

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

11.3 In summary, the provision of additional high-grade office space and the improvement of facilities for the existing office space, as well as the provision of affordable workspace, will support the employment opportunities within this established employment cluster.

11.4 The proposed development would achieve a sustainable development, optimising the use of previously developed land which is currently undeveloped and does not optimise the site capacities.

11.5 The proposed building would be of a high quality of design and materials and would be compatible with the scale and character of the surrounding development.

11.6 Other benefits from the proposed development can be summarised as 1) provision of affordable workspace; 2) increased employment opportunities; 3) improved environmental efficiency of the building; and 4) Related air quality improvements.

11.7 Following construction, there would be no adverse impact on traffic generation and the scheme would not result in congestion of the primary road network. The development is considered not to have the potential for contributing significantly towards pressure on on-street parking due to the high accessibility to public transport, subject to satisfactory measures to discourage the use of the private car which would be contained in a Travel Plan. Adequate provision for servicing and the storage and collection of refuse and recyclables would be provided.

11.8 The development would provide lift access to all levels.

11.9 The impact of the proposed development upon neighbouring occupiers is considered to be acceptable. Measures would be secured by condition to minimise light pollution and noise and disturbance to nearby occupiers from the operation of the development.

11.10 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.

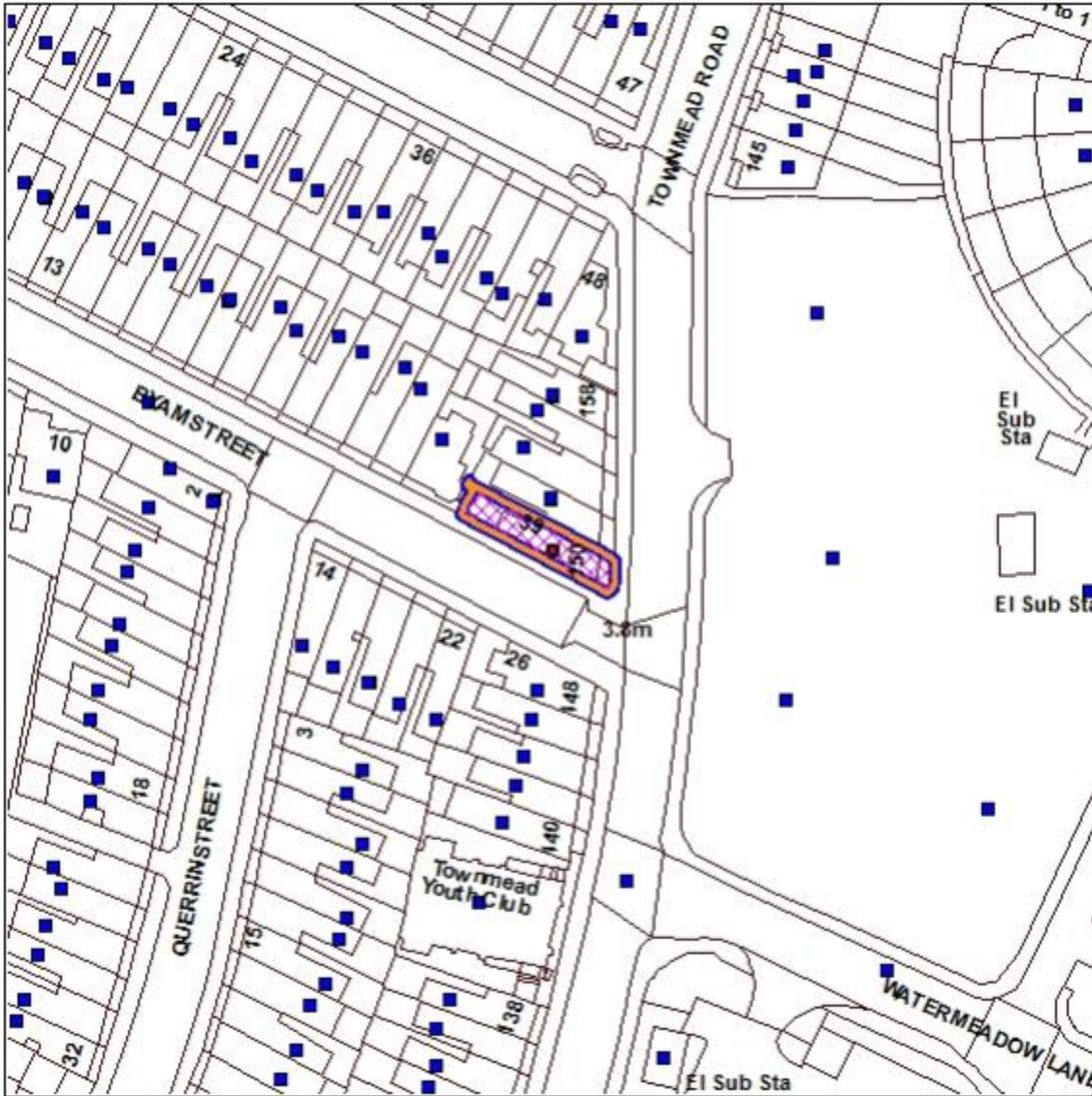
11.11 The application is therefore recommended for approval, subject to the recommendations above.

Agenda Item 5

Ward: Sands End

Site Address:

First Floor Flat 39 Byam Street London SW6 2RB



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For identification purposes only - do not scale.

Reg. No:
2024/02655/FUL
Date valid:
22.10.2024

Committee Date:
14.01.2024

Case Officer:
Mwansa Tembo

Conservation Area:
N/A

Applicant:

Kamdar Properties Ltd.
Suite 5, 3rd Floor Sovereign House
Finchley Central
London
N3 1QB

Description:

Erection of rear roof extension including the formation of a hip to gable roof extension involving an increase in the ridge height by 300mm; alterations to the roof of back addition to incorporate a flat roof, erection of external steps and erection of privacy screens in connection with the formation of a roof terrace at rear second floor level; installation of 2no rooflights in the front roofslope and 1no rooflight above the main flat roof at roof level.

Dwg Nos: P319 / 310 Rev 01; P319 / 311 Rev 01; P319 / 312 Rev 01; P319 / 313 Rev 01; P319 / 314 Rev 01; P319 / 315 Rev 01; P319 / 316 Rev 01; P319 / 317 Rev 01; P319 / 318 Rev 01.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

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

Reason(s) for Refusal:

- 1) Design and Visual Amenity

The proposed development is considered unacceptable on design and visual amenity grounds. More particularly, the proposed hip-to-gable roof extension, raising of the ridge, rear roof extension and terrace by reason of their siting, height, bulk and mass would represent a visually prominent and incongruous development that is overly

dominant, discordant, and out of character with the established form of roof level development along the host terrace. This would fail to appear subordinate to the existing building harmful to its character and the Townmead Road and Byam Street street scenes. In this regard, the proposal is considered to be contrary to Policies DC1 and DC4 of the LBHF Local Plan (2018).

2) Residential Amenity

The proposed roof extension including and terrace screening is considered to be unacceptable in the interests of residential amenity. More particularly, due to its excessive height and position in close proximity to the rear facing window of No.152 Townmead Road, it is considered that the proposal would be unneighbourly and result in an overbearing and dominating form of development. This would cause an increased sense of enclosure, overshadowing and loss of outlook impacts to this neighbour. In this regard, the proposal would fail to comply with Policies DC4 and HO11 of the Local Plan (2018), and Key Principle HS7 'Planning Guidance' Supplementary Planning Document (2018).

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All background papers held by Case Officer named above:

Application form received: 21st October 2024

Drawing Nos: see above

Policy Documents: National Planning Policy Framework (NPPF, 2024)
The London Plan (2021)
LBHF - Local Plan (2018)
LBHF - 'Planning Guidance' Supplementary Planning Document (2018).

Consultation Comments:

Comments from:

Dated:

Urban Design & Conservation

02.12.24

Neighbour Comments:

Letters from:

Dated:

None

1. SITE DESCRIPTION AND HISTORY

- 1.1 This application relates to a top floor flat within a two storey end-of-terrace property located on a corner plot at the northern side of Byam Street, near the junction with Townmead Road. Whilst the entrance to the flat is on Byam Street, the application property is set on the upper floors of No.150 Townmead Road. The surrounding area consists of late Victorian to Early Edwardian architecture and the street is predominantly in residential use.
- 1.2 The site is situated within the Environmental Agency's designated Flood Risk Zone 3. It is directly adjacent to the Sands End Conservation Area, which lies immediately across the road to the east. Therefore, the proposal would be prominent in views from the Conservation Area.

Planning History

- 1.3 The site does not have any relevant planning history.

2. PUBLICITY AND CONSULTATION

Public Consultation

- 2.4 The application was publicised by way of site and press notices. Notification letters were also sent to 40 neighbouring addresses. Subsequently, no responses were received by the Council.

3. POLICY CONTEXT

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

- 3.3 In this instance, the statutory development plan comprises of the London Plan (2021), the Local Plan (2018) and the 'Planning Guidance' (2018) Supplementary Planning Document (hereafter referred to as 'Planning Guidance' SPD). 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 (2024)

- 3.4 The National Planning Policy Framework - NPPF (as updated 2024) 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, 2024), 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), the 'Planning Guidance' Supplementary Planning Document (2018) (hereafter referred to as the 'Planning Guidance' SPD) include:

- design, character and appearance;
- residential/neighbouring amenity.

4. DESIGN, CHARACTER AND APPEARANCE

4.1 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.

4.2 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".

4.3 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. There should be an approach to accessible and inclusive urban design that demonstrates how good design, quality public realm, landscaping and land use can be integrated to help regenerate places.

4.4 Policy DC4 of the Local Plan states that the Council will require a high standard of design in all alterations and extensions to existing buildings. In particular, design in all alterations and extensions should be:

- compatible with the scale and character of existing development, neighbouring properties and their setting;
- successfully integrated into the architectural design of the existing building; and
- subservient and should never dominate the parent building in bulk, scale, materials or design.

- 4.5 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.
- 4.6 As previously mentioned, whilst the site does not fall within a Conservation Area, it is directly adjacent to the Sands End Conservation Area which lies immediately across the road to the east. Therefore, the proposal, given its roof top location, would be visually prominent from views within the Conservation Area. However, owing to the ongoing redevelopment of the Watermeadow Court site, this area of the conservation area has been subject to change; therefore the proposals would not adversely impact the setting of significance of the conservation area.
- 4.7 No.39 Byam Street forms part of a group of 2 terraces, comprised of 5 late Victorian residential properties fronting Townmead Road, 2 storeys with double height front bays. The property sits at the end of the terrace in a highly prominent position and forms an entranceway to Byam Street with the property adjacent at No.26 Byam Street, these buildings are designed to match each other with side doors fronting Byam Street and shallow hipped roofs.
- 4.8 The proposal would involve the erection of a rear roof extension to the main roof of the application property and would include the formation of a side hip-to-gable roof extension, as well as an increase in the ridge height by 300mm and the insertion of 2Nos. rooflights on the front roof slope.
- 4.9 Hipped roofs at the end of terraces are a characteristic feature of the area, designed to ensure the side of the properties do not appear more dominant than the fronts and to provide visual relief to the pedestrian experience in what are tight terraced streets. The host terrace retains this feature, being book-ended by hipped roofs at each end, as well as forming a pair with No.26 Byam Street. The additional end-of-terrace hipped roofs are also located on the junction of Byam Street and Querrin Street and at the corner of Byam Street and Stephandale Road. Furthermore, as with the application site, the end of terrace properties in the surrounding area tend to consist of flats and as such, hip to gable roof extensions cannot be carried out without planning permission. As a result, there remains control over the carrying out of such extensions which is part of the reason why the original character of these end terrace properties has been retained.
- 4.10 The Council attaches significant weight to the corresponding end-of-terrace properties within the locality. In this instance, the end-of-terrace application site's front and side elevation are visible along the junction of Byam Street and Townmead Road. The proposed roof extension would incorporate a 70-degree pitch on the rear roof slope and two large dormers. Whilst in isolation such an

approach can be acceptable, its design is dependent on a hip to gable alteration which is not supported, as well as a ridge height increase of 300mm. The application terrace has an unimpaired ridge line. Therefore, the change in the ridge height would result in an incongruous feature out of character with the existing uniform ridge line. As such, the main roof alterations as designed, would result in an incongruous addition, out of keeping with the predominantly uniform character of the terrace which would be exacerbated by its highly visible prominent corner plot location.

- 4.11 The proposed rooflights on the front roof slope would align with the windows on the floor below and be of an appropriate scale. Although these elements may not be possible if the hip-to-gable element is not completed, the principle of rooflights on the front elevation would be acceptable and in keeping with the appearance of the wider street.
- 4.12 Whilst modest roof additions such as dormer windows could be acceptable as they would not impact on the original roof geometry, the removal of the hipped roof would undermine the symmetry of the host terrace and the relationship between the host building and its pair at No.26 Byam Street and would be contrary to para. 4.21 of the Planning Guidance SPD and para. 12.20 of the Local Plan. The SPD states that “hip-to-gable roof extensions can undermine the symmetry of groups of properties or terraces. Where hipped roofs form part of the pattern of original development in an area their loss will be resisted.” The Local Plan states that “the design of extensions or alterations to buildings is of considerable importance, because they can change the character of individual buildings and that of an area as a whole. This is of particular concern in terraces of uniform appearance. The council recognises that there will be changing needs and requirements of occupiers, but seeks to ensure that extensions and alterations, even the most minor ones, do not affect the inherent qualities of existing properties”.
- 4.13 Within the submitted Design and Access Statement, the applicant refers to 6 properties elsewhere in the surrounding area which had received planning consent for hip to gable alterations. However, it should be noted that these schemes had different site contexts and specific circumstances to the proposal being considered and some were approved prior to the adoption of the current Local Plan. Given, that every application must be considered on its own merits based upon the particular context and assessed against current policy and guidance these other examples are not directly relevant to the current proposal.
- 4.14 By way of example No.25 Kilkie Street (2020/01310/FUL) which is located at the end of a terrace consisting of 15 houses to the south of the application site one street away. Whilst the application site is also opposite a corresponding hipped end terrace on the junction with Townmead Road and Kilkie Street, the other end of the application terrace itself is gable end and has altered ridge lines

due to the rear roof extensions. This differs from the application terrace that is hipped end-to-end with an unaltered ridge line. There are a further five examples given within the Design and Access Statement. However, they all differ from the host terrace and application property, in the sense that they had at least one side of the terrace with a gable end or there was a gable in the subsequent terrace and they also had historically altered ridge heights which meant that there was no real consistency to begin with. This is not the case in the host terrace.

- 4.15 As such, the proposed main roof alterations would create an incongruous addition which fails to appear subservient and in keeping with the existing built form of the application site and would result in the loss of uniformity and balance within the wider terrace group, the roofscape and the street scene. Therefore, the proposal would be contrary to policies DC1 and DC4 of the Local Plan.
- 4.16 Directly in front of the rear roof extension, it is proposed to alter a section of the roof of the back addition to create a flat roof and erect 1.7m high privacy screen on its perimeter for use as a terrace. There are no examples of terraces on the roof of the back addition on the application terrace neither are any visible on adjacent properties in the immediate street scene.
- 4.17 The terrace would cover an area measuring approximately 11.29sqm with access via the double doors on the dormer of the rear roof extension. The Council seeks to restrict any development over the roof of the back addition to no more than 50% of the original depth. This is mainly to avoid a dominant appearance on the roof. The proposed terrace screen would not cover more than 50% of the depth of the back addition.
- 4.18 In this instance due to the design being reliant on the unacceptable hip to gable and the raising of the ridge height, their combined scale and form would appear incongruous and dominant on the host property and the prominent corner location. This is contrary to Policies DC1 and DC4 which require all extensions to be "compatible with the scale and character of existing development, neighbouring properties and their setting" and remain "subservient and should never dominate the parent building in bulk, scale, materials or design". As such the proposal would be contrary to policies DC1 and DC4 of the Local Plan.

5. RESIDENTIAL AMENITY

- 5.1 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.

- 5.2 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.
- 5.3 'Planning Guidance' SPD Key Principle HS6 notes that the proximity of a development can have an overbearing and dominating effect detrimental to the amenities of adjoining residential occupiers. Although it is dependent upon the proximity and scale of the proposed development, a general standard can be adopted by reference to a line produced at an angle of 45 degrees from a point at ground level or at 2m on the rear curtilage. An on-site judgement will be a determining factor if any part of the proposed building extends beyond these lines.
- 5.4 In this instance, the rear boundary abuts the windowless flank wall of a two storey end of terrace No.37 Byam Street. As such, there would be no increase sense of enclosure and overbearing impacts on the amenity of residents at this rear adjoining property.
- 5.5 Key Principle HS7 (i) states that 'Any proposed rear extension should not worsen the outlook from any rear habitable room window located lower than the proposed extension'. The adjoining property at No.152 has two habitable room windows on the side of its back addition at first floor level. The window closest to the main rear wall of this property is already overshadowed by the built form of the back addition of the application property. The rear roof extension, ridge height increase, and terrace screen would have a combined scale and mass that would increase the sense of enclosure, be overbearing and intensify the existing level of overshadowing to this window thus worsening the outlook and day light level. As such, proposed development would be harmful to the amenity of this neighbour and would not accord with Key Principle HS7 (i).
- 5.6 Key Principle HS8 states that 'Planning permission will not be granted for roof terraces or balconies if the use of the terraces or balcony is likely to cause harm to the existing amenities of neighbouring occupiers by reason of noise and disturbance or, if it would result in an additional opportunity for overlooking or result in a significantly greater degree of overlooking and consequent loss of privacy than from the access point onto the proposed roof terrace/balcony. Due to this, the council may seek for balconies and terraces to be no larger than 15sqm to reduce noise and disturbance to neighbours. It goes further to state that 'Balconies and terraces should be designed to receive reasonable levels of sunlight and daylight.'
- 5.7 In this instance, the proposed roof terrace would be limited to approximately 11.2sqm and which would limit the amount of people it could hold at any given time, thus limiting opportunities for noise and disturbance to neighbours. Given

that the terrace would include a 1.7m high obscure glazed screening on its perimeter, it is considered that the terrace would not allow for a significantly greater degree of overlooking than existing and not lead to consequent loss of privacy. The terrace is north facing and would be able to receive reasonable levels of daylight and sunlight. In this regard, the proposal complies with Key Principle HS8.

6. CONCLUSION

- 6.1 The proposed development is considered unacceptable on visual amenity grounds and its impact on neighbouring amenity. More particularly, the proposed hip-to-gable roof extension and the proposed raising of the ridge, by virtue of their siting, height, bulk and mass would be a visually prominent, incongruous development that is unacceptable, and out of character with the established form of roof level development along the host terrace. It is further considered that the proposed development would also cause harm to the amenity of neighbouring residents, particularly at No.152 Townmead Road resulting in an increased sense of enclosure, overbearing, overshadowing and loss of outlook impacts from first floor rear habitable room window. In this regard the proposal would fail to comply with Policies DC1, DC4 and HO11 of the Local Plan (2018), and Key Principle HS7 'Planning Guidance' Supplementary Planning Document (2018).

7. RECOMMENDATION

- 7.1 The application is therefore recommended for refusal.

Agenda Item 6

Ward: Shepherd's Bush Green

Site Address:

Highway Outside Shepherd's Bush Station Plimley Place
London W12 8LP



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Reg. No:
2023/00006/FR3

Case Officer:
Paul Curtis

Date Valid:
12.01.2023

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

Committee Date:
14.01.2025

Applicant:

Mrs Kristina Ashenden
Shepherds Bush Market Underground Station Uxbridge Road London Hammersmith
And Fulham W12 7JD

Description:

Continued use on a permanent basis of part of the public highway for the placing of 3no. traders' market stalls, each measuring 3m in length and 3m in width, from Monday to Sunday from 08:00 to 19.30.

Drg Nos: See Condition 02.

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:

65010/14/2 (received 23.09.2024)

Delivery and Servicing arrangements (received 23.09.2024)

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

- 3) The traders vehicles shall not arrive before 8am and the stalls shall only be set up between the hours of 08:00 to 09:30, and the traders vehicles shall arrive no earlier than 17:30 hours for pack down and this shall only take place between 17:30 and 19:30 hours. These hours cover Monday to Sunday, and at no times on Bank Holidays.

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

- 4) The use of the stalls shall not be permitted outside the hours of 08:00-19:30, Monday to Sunday, and at no times on a Bank Holiday.

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.

- 5) The stalls shall be set up/taken down and serviced in line with the submitted Delivery and Servicing arrangements (received 23.09.2024). The details as agreed shall be permanently implemented.

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 T1 and T7 of the London Plan and Policies T2, T4, T5, CC11 and CC13 of the Local Plan 2018.

- 6) No servicing of the site 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).

- 7) A maximum of three stalls at any one time shall be erected only in the locations shown on the approved drawings and no stalls shall be erected in any other area at any time. The market stalls 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 for heating, lighting and energy supplies for the market stalls.

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

- 9) The approved market stalls must only be used for the purpose of selling flowers/plants and fruit/vegetables and no hot food shall be prepared and sold from the approved market stalls.

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

- 10) The grille, which runs along the glazed station front, must always be kept free from obstructions and blockage caused by the activities of the market stalls.

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

- 11) 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 the Application:

1. Land use: The proposal would achieve a sustainable development by contributing to the vibrancy of the White City Regeneration Area, and would not conflict in any way with the Council's aims for the regeneration of that area. It would also not affect the viability of Shepherd's Bush Town Centre. Therefore the principle of the development is considered to be in accordance with Local Plan Policies WCRA, and TLC2 of the Local Plan (2018).

2. Highways matters: It is considered that the scheme would not have a significant impact on the highway network or local parking conditions and is thus considered to be acceptable. Satisfactory provision would be made for the loading/ unloading of the stalls and an acceptable width of footway would remain unobstructed for pedestrians, including those with mobility impairments. Subject to conditions, the development accords with the NPPF (2024), Policies T1 and T7 of the London Plan (2021), Policies T1 and T6 of the Local Plan (2018) and Key Principles of the Planning Guidance Supplementary Planning Document (2018).

3. Residential Amenity: The impact of the proposed development upon neighbouring residential occupiers is considered acceptable. The proposal would not have an unacceptably harmful impact on neighbouring residential amenity in terms of noise disturbance or other nuisance, such as hot food smells. In this regard, the development would respect the principles of good neighbourliness, and would therefore be acceptable in accordance with Policies CC11 and CC13 of the Local Plan (2018).

4. Appearance: The development is considered to comply with Local Plan (2018) Policies DC1 and DC8 which require a high standard of design in all new build developments and extensions and alterations to existing buildings, compatible with the scale and character of existing development and its setting. The stalls are small in scale and of a neat and tidy appearance and do not feature any large, obtrusive or garish signage or advertisement. The character and appearance of the conservation area would be preserved.

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

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

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

Policy documents: National Planning Policy Framework (NPPF) 2024
The London Plan 2021
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:	Dated:
London Underground Limited	24.01.23
Crime Prevention Design Advisor - Hammersmith	30.01.23
Transport For London - Land Use Planning Team	02.02.23

Neighbour Comments:

Letters from:	Dated:
NAG	09.02.23
1 ShepherdsBush Place London W12 8LX	08.02.23

6 Shepherd's Bush Place London W12 8LX
58 Uxbridge Road London W12 8LP

19.01.23
19.01.23

OFFICER'S REPORT

1.0 SITE BACKGROUND AND DESCRIPTION

- 1.1 The application site comprises an area of public footway in front of Shepherd's Bush Station. It is located to the south of Shepherds Bush Underground Station entrance, adjacent to Plimley Place and No. 54 Uxbridge Road is situated to the west of the site. Uxbridge Road is to the south, and Shepherds Bush Place to the north. The site is located within Shepherd's Bush Town Centre and the Shepherd's Bush Conservation Area and White City Regeneration Area.
- 1.2 Temporary planning permission (24 months from decision notice date) was granted for 3no. market stalls adjacent to 54 Uxbridge Road in February 2019 under reference 2018/03343/FR3. A further temporary permission (24 months from decision notice date) was granted for the continued use of these market stalls in March 2021 under reference 2019/03240/FR3. This application also involved relocating the 3no. market stalls adjacent to the southern side of Shepherd's Bush Underground Station entrance.
- 1.3 This current application seeks a permanent planning permission for the continued use of the market stalls approved under reference 2019/03240/FR3 which have continued to be used since the expiration of the earlier temporary permission, operating from Monday to Sunday (and at no times on a Bank Holiday) from 8am - 7.30pm. The stalls provide flowers/plants as well as fruit/vegetables.

2.0 PUBLICITY AND CONSULTATION RESPONSES

- 2.1 The application was advertised by way of site and press notices. Individual notification letters were also sent to neighbouring properties.
- 2.2 Objections were received from 4 properties which raised the following concerns:
- Objectors state that deliveries are earlier than the permitted 8am causing excessive noise and disturbance to residents. In addition stall holders apparently shout their wares.
 - Delivery vans park in unauthorised areas (by Plimley Place) and on double yellow lines causing noise and interference with other vehicles. It is said that Sterne Street is virtually blocked off by the vehicles.
 - The Council fail to monitor to ensure compliance with the conditions in the previous permission which should prevent the above.
 - The fruit and veg stall is larger than approved causing increased noise and inconvenience to pedestrians. Squashed produce is left on the pavement and crates left for others to collect. Unpleasant to observe and walk through.
- 2.3 Officer response: The material issues raised are addressed in the report below.

External Consultations

Transport for London - No objections subject to conditions.

London Metropolitan Police - Crime Prevention Officer confirms he has no comments to make.

3.0 PLANNING CONSIDERATIONS

3.1 The relevant considerations in this case, to be assessed against the policies in the National Planning Policy Framework [NPPF] (2024), The London Plan (2021) and the Hammersmith and Fulham Local Plan (2018) and the Planning Guidance Supplementary Planning Document [SPD] (2018) are:

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

4.0 THE PRINCIPLE OF THE DEVELOPMENT

4.1 The London Plan recognises street markets in London can play a valuable economic, social and cultural role helping to meet Londoners' varied dietary requirements, extend choice and access to a range of goods, contribute to the vitality and viability of town centres and the character of high streets, and provide opportunities for new businesses to start-up. On this basis London Plan Policy E9 states Council's should support London's markets in their full variety, including street markets, covered markets, specialist and farmers' markets.

4.2 The site is located within White City Regeneration Area (Local Plan Policy WCRA). This policy states that the Council will seek to sustain regeneration in the White City Regeneration Area by locating retail activities within the town centre. It is considered that the proposal would not conflict with the Council's aspirations for regeneration of the area, but may in fact contribute to the vitality and vibrancy of the area. As such, no objections would be raised in terms of Policy WCRA.

4.3 The site falls within Shepherd's Bush Town Centre and is therefore subject to Local Plan Policy TLC2 (Town Centres). It is acknowledged that temporary permission was granted for a period of 24 months for the three market stalls under planning reference 2019/03240/FR3. Due to the location of the market stalls and small scale, catering primarily to commuters and local workers/residents, it is considered that the proposal would not harm the vitality or viability of Shepherd's Bush Town Centre but would add to the local facilities and would therefore not conflict with Policy TLC2 of the Local Plan.

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

5.0 HIGHWAYS

- 5.1 The main Highways issues in respect of the development are (a) ensuring satisfactory arrangements for safe and convenient loading/unloading and deliveries for the market stalls and (b) ensuring that there is still space on the pavement for the safe and convenient passage of pedestrians, including those with mobility impairments.
- 5.2 Local Plan Policy T1 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. Uxbridge Road is a London Distributor Road, and Policy T6 states that development will not be permitted if it would prejudice the effectiveness of these roads to provide links to the strategic route network and access to and between town centres.
- 5.3 The part of the carriageway in front of the proposed market stalls is a "No loading at any time" zone, which means that the traders are required to load and unload their equipment away from the proposed location of the stalls.
- 5.4 Servicing therefore takes place from Sterne Street, which is also used by other commercial premises in the area. The submitted Service Delivery Plan sets out specific details about both traders agreeing to unload their vehicles and set up their stalls between the hours of 08:00 - 09:30 each day, and to stop trading and load their vehicle at the end of business between the hours of 17:30 - 19:30. Both traders are required to vacate the site by 19:30 each day. The pitch sizes (equivalent to 1.5 pitches per stall), ensure that no replenishing of the stall needs to take place during trading hours, all stock will be removed from the vehicle at the above times and stored within the pitch boundaries. Once the vehicles are unloaded they will be removed from the loading and unloading area and parked in a paid for pay and display bay in the local area at the traders' expense.
- 5.5 The applicants have not been able to locate alternative setting up/taking down/servicing space. As such on balance, officers consider that the arrangements as set out above are acceptable subject to the stall holders complying with the service plan.
- 5.6 The location of the market stalls is on a part of footway with a high level of footfall, especially at peak times with commuters moving between White City and Shepherd's Bush underground station and nearby offices. This means that more than the minimum width of 3.5m clear and unobstructed footway will need to be provided as per Key Principle TR25. The distance from the stalls, which are to be in line, to the kerb of Uxbridge Road is approximately 19 metres. Therefore, even when existing obstructions including bicycle stands /e-scooter hiring areas, lighting columns, bollards and traffic lights are taken into consideration, there would be enough space remaining to ensure the free flow of pedestrians.

6.0 NOISE AND NUISANCE

- 6.1 Local Plan Policy CC11 (Noise) 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, in this case, the

nearest residential properties on Shepherd's Bush Place, north of Plimley Place. 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 residential properties on the southern end of Shepherd's Bush Place, the nearest being No.1, is approximately 25 metres away from the position of the market stalls with the station building in between the stalls and the residential properties. Noise from the development could be generated from vehicles arriving, setting up, voices etc. However, the applicants have proposed a start time of 8am for setting up the stalls. Concerns have been raised by residents about noise nuisance from the existing stalls. Following review from the Council's Public Protection Team, a condition has been recommended to ensure that the use of the premises shall not be permitted outside the hours of 08:00-19:30, Monday to Sunday, and at no time on Bank Holidays. If this recommended condition is complied with, it is not considered that the proposed market stalls would generate additional noise beyond what has been established by the existing commercial activities in the area, the considerable pedestrian and vehicular traffic on Uxbridge Road and outside the underground station at that time.
- 6.3 The stalls would not be involved in the preparation and sale of hot food, as such no detrimental impacts from cooking/preparing food would be generated. The stalls allowed to operate would be under the management/control of the councils Market team. Furthermore, given that the stalls can be fully stocked during set up and do not need to be replenished throughout the day, will likewise reduce the noise and disturbance for local residents. Finally, further clarity has been provided on the monitoring and enforcement of the stalls, and officers consider that there are recognised steps that can be taken should the stallholders breach the approved details, up to and including the revocation of their licence.
- 6.4 Consistent with recent approvals for similar market stalls in public locations, a condition is recommended to prevent the use of mobile electrical fuel-based generators (e.g. diesel, petrol shall not be used for heating, lighting and energy supplies for the traders' market stalls), as it is considered that power can be provided by a form of mobile battery pack. This will reduce noise and fumes from less acceptable power generators. Subject to this condition, officers consider that no objections would be raised on these grounds. It is also considered appropriate that a condition is attached that prohibiting amplified music by the stallholder in order to reduce potential noise and disturbance.

7.0 DESIGN AND HERITAGE

- 7.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas. It is key to the assessment of these applications that the decision making process is based on the understanding of specific duties in relation to listed buildings and Conservation Areas required by the relevant legislation, particularly the s.72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements set out in the NPPF. s72 of the above Act states in relation to

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

- 7.2 Paragraph 202 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 be of Outstanding Universal Value⁷³. 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. Paragraph 208 of the NPPF states: Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 7.3 Paragraph 212 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. Paragraph 216 of the NPPF states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.4 Case law indicates that following the approach set out in the NPPF will normally be enough to satisfy the statutory tests. However, when carrying out the balancing exercise in paragraphs 212 and 216, 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. Local Plan policy DC1 requires all development within the borough to create a high quality urban environment that respects and enhances its townscape context and heritage assets. Local Plan policy DC8 states that the council will conserve the significance of the Borough's historic environment by protecting, restoring, or enhancing its heritage assets, including the borough's conservation areas.
- 7.5 Local Plan policy DC1 requires all development within the borough to create a high quality urban environment that respects and enhances its townscape context and heritage assets.
- 7.6 Local Plan policy DC8 states that the council will conserve the significance of the Borough's historic environment by protecting, restoring, or enhancing its heritage assets, including the borough's conservation areas.
- 7.7 Officers have carried out an assessment of the impact of the proposal on visual amenity and of the potential impact on the character and appearance of the

Shepherd's Bush Conservation Area. and the potential impact on the setting of the adjacent listed building (War Memorial) and non-designated heritage assets.

- 7.8 The application site is situated in the Shepherd's Bush Conservation Area. The proposal looks to locate 3 market stalls, each measuring 3m by 3m, within the pedestrianised area in front of Shepherd's Bush station. Given the modest scale, the proposal would not result in any harm to the character and appearance of the Conservation Area.
- 7.9 In terms of other heritage assets, the proposal site is situated close to the Grade II Listed War Memorial and 54-108 Uxbridge Road, a group of locally listed, Buildings of Merit.
- 7.10 Given the location and scale of the proposal, the development 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 the Grade II Listed building.
- 7.11 When considering the setting of 54-108 Uxbridge 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.
- 7.12 Officers have assessed the impact of the proposal on the heritage assets and consider that it is compliant with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is also in line with national guidance in the NPPF, Policies 7.5 and 7.6 of the London Plan and Policies DC1, DC4, and DC8 of the Local Plan (2018).

8.0 CONCLUSIONS

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

**PLANNING AND DEVELOPMENT CONTROL COMMITTEE
14th JANUARY 2025**

SUBJECT:

CONFIRMATION OF TREE PRESERVATION ORDER T447/10/24

LAND AT 46 CLANCARTY ROAD, SW6

WARD/S:

PARSONS GREEN & SANDFORD

OFFICER:

ADAM O'NEILL, PRINCIPAL URBAN DESIGN & HERITAGE OFFICER

RECOMMENDATION:

The Committee resolve that the Tree Preservation Order T447/10/24 be confirmed without modification.

CONFIRMATION OF TREE PRESERVATION ORDER T447/10/24
LAND AT 46 CLANCARTY ROAD, SW6

1 DOCUMENTATION

1.1 TPO location plan. Photograph of the tree taken from Clancarty Road.

2 BACKGROUND

2.1 On 16th October 2024 delegated authority was given to make a Tree Preservation Order (TPO) at 46 Clancarty Road. The TPO includes one Sycamore (T1) in the front garden as shown on the enclosed TPO location plan. The Order was made under Section 201 of the Town and Country Planning Act 1990 and became effective for a period of six months from 17th October 2024.

2.2 The Order was made following the receipt by the Council of Conservation Area tree works notice 2024/02077/TREE to fell the Sycamore tree (T1). The notice was submitted by the owner of the tree.

2.3 The tree is highly visible from the public highway in Clancarty Road.

2.4 Under the Tree Regulations the Council is obliged to consider representations to the Order, made within 28 days of its service before confirming it. Representations have been received from the occupiers of 48 Clancarty Road.

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

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

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

3 CONSULTATION RESPONSES TO THE ORDER

3.1 Emails dated 15th and 18th November 2024 from the occupiers at 48 Clancarty Road This representation raised an objection to the confirmation of the Provisional TPO.

Email 1:

“Thank you for including us in the projected Tree Preservation Order on the sycamore in the adjacent property. We have an intervals discussed the tree with our next door neighbours which, being so close to their house and indeed to ours, we thought it should be replaced with a small tree/large shrub more suited to a front garden.

A sycamore is more suited to a park, field or woodland which can accommodate its height – in maturity around 24 metres, and more importantly its extensive root structure. It is because of the root structure which can impact detrimentally to the foundation of buildings, that it is not advised by buildings insurers to plant one less than 17 metres from the house. The tree is approximately three metres from our party walls – marginally closer to the front bay window of no 46.

I have spoken to our neighbours – voicing my concerns and informed them I would be submitting a note to you.”

Email 2:

“I confirm that I would like you to treat my email of 15 November as an objection to the confirmation of the Provisional Tree Preservation Order.

This is on the grounds that no 46 and ourselves are aware of the problems associated with sycamores (in particular the effect of their roots on a buildings foundation) We would also like to have the option of pollarding the tree as and when we deem it necessary and appropriate, and as has been undertaken in the past. Should the occupants of no. 46 wish to fell the tree and replace it at a future date, we would like them to be free to do so.”

3.3 Officer's comment

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

The tree is one of the largest in the immediate vicinity and is highly visible from the public highway in Clancarty Road. The tree has significant amenity value, provides a green foil to the surrounding development and makes a positive contribution to the character and appearance of the Conservation Area.

No evidence of any damage to property has been submitted by the objector. In densely built up urban areas such as Hammersmith & Fulham where many trees of amenity value exist in close proximity to buildings it is necessary to assess each case on its individual merits in order to avoid the unnecessary removal of valuable tree cover. The growth of the tree could be managed through pruning works.

The owner of the tree has since indicated that they no longer wish to fell it. However as the Conservation Area tree works notice was not withdrawn, there is still a risk that the tree could be felled lawfully in the future in the event that the Provisional TPO is not confirmed.

The confirmation of the Provisional TPO is justified in the interests of amenity and would provide a legal framework by which the Council could control any works to the tree in the longer term.

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

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

If confirmed, the TPO would not prevent works such as pruning or even felling from being carried out to the tree in the future; it only requires that consent be obtained from the Council before such works are carried out. The confirmation of the TPO would enable the Council to control such works so that they are not detrimental to the health or appearance of the tree or in the case of felling, to require the planting of a replacement tree and to specify its size, species and location in order to preserve tree cover and amenity in the local area.

4 OPTIONS

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

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

5 ARGUMENTS FOR THE RECOMMENDED ACTION

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

6 IMPLICATIONS

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

7 CONCLUSION

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

8 RECOMMENDATION

8.1 Confirm the Tree Preservation Order without modification.



Figure 1: TPO location plan.



Figure 2:
Photograph of tree T1 as viewed from the pavement in Clancarty Road.